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NEW MEXICO
ENVIRONMENT DEPARTMENT

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Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

May 7, 2012

Mr. George Chappell, President
Southwest Cheese Company, L.L.C.
P.O. Box 1509
Clovis, New Mexico 88102

RE: Industrial Storm Water; SIC 2022; NPDES Compliance Evaluation Inspection; Southwest Cheese Company LLC; NMU001790; April 24, 2012

Dear Mr. George Chappell:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas, for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report and required to correct any problems noted during the inspection and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify, in writing, both USEPA (Diana McDonald, USEPA (6EN-WM), 1445 Ross Ave., Dallas, Texas 75202) and NMED (at above address) regarding modifications and compliance schedules.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP-2008) was reissued on September 29, 2008. The MSGP, fact sheet and other information on the industrial storm water program can be downloaded at <http://cfpub2.epa.gov/npdes/stormwater/msgp.cfm>.

Thank you for your cooperation and assistance during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Surface Water Quality Bureau

CC: Marcia Gail Adams, EPA, Enforcement Section by e-mail
Carol Peters-Wagnon, EPA by e-mail
Diana McDonald, EPA by e-mail
Samual Tates, EPA, by e-mail
Darlene Whitten-Hill, EPA, by e-mail
NMED District I by e-mail



NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES										yr/mo/day					Inspec. Type	Inspector	Fac Type				
1 N	2 5	3 N	M	U	0	0	1	7	9	0	11	12	1	2	0	4	2	4	17	18 ~	19 S	20 2
Remarks																						
D A I R Y P R O D U C T S																						
Inspection Work Days				Facility Evaluation Rating				BI		QA		-----Reserved-----										
67				70 2				71 N		72 N		73 74 75 80										

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Southwest Cheese Company, P.O. Box 1509, 1141 Curry Road 4, Clovis, NM 88102 Curry County	Entry Time /Date 1334 Hours / 4-24-2012	Permit Effective Date 9-29-2008
	Exit Time/Date 1603Hours / 4-24-2012	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Adrienne Coe/ SWC Environmental Manager/575-742-9234/cell 575-749-1931 George Chappell/ SWC President/575-742-9262/cell 575-693-7752/fax575-7691494	Other Facility Data GPS: N. 34° 18' 51.77" W. -103° 13' 19.30" SIC: 2022 Sector U	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. George Chappell / 1141 Curry Road 4, Clovis, New Mexico 88102/Southwest Cheese Company President//575-742-9262/cell 575-693-7752/fax575-7691494	Contacted Yes <input type="checkbox"/> * No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

At the time of this inspection Southwest Cheese LLC did not have permit coverage under the USEPA NPDES industrial stormwater 2008 Multi-Sector General Permit (MSGP).

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 5/7/2012
Signature of Management QA Reviewer Richard Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 5/7/2012

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Further Explanations

Introduction

On April 24, 2012 a Compliance Evaluation Inspection was conducted at Southwest Cheese Company (Standard Industrial Classification 2022, Sector U: Food and Kindred Products Facility) located at 1141 Curry Road 4, Clovis, New Mexico by Daniel Valenta of the State of New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the operator's status regarding the NPDES multi-sector general storm water permit (MSGP) for industrial activities (this facility has industrial activities being conducted on-site that meet the description of industrial activities in Sector U) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

The site may discharge to unclassified surface waters, then to Blackwater Draw in the Brazos Headwaters Sub-basin, Texas-Gulf Basin tributary to the Brazos River in Texas.

Southwest Cheese Company (SWC) is one of the largest block cheese and whey protein producers in the world. The company was established in 2006 through a joint venture between Glanbia pic and Greater Southwest Agency. Glanbia pic is an international solutions and cheese group, headquartered in Ireland. SWC produces premium quality cheeses and whey protein ingredients for markets worldwide.

By the nature of the business, and the required sanitary conditions, require that raw materials through final product be protected from stormwater. As such, the contamination of stormwater from these activities are primarily from the loading and unloading of products and raw materials; spillage and leaks from tanks and containers stored outdoors; waste management practices; and pest control. For example, flour/oil particulate emissions from vents (e.g., from baking operations) may be a significant source of pollutants at some facilities, while material storage may be a primary source at others

An entrance interview was conducted with Adrienne Coe, SWC Environmental Manager, at approximately 1334 hours on April 24, 2012. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. Mr. George Chappell, Company President, arrived shortly afterward. The inspector again made introductions, presented his credentials and discussed the purpose of the inspection. An exit interview to discuss the preliminary findings of this inspection was conducted at approximately 1603 hours on April 24, 2012 at the offices of SWC. Attending were Adrienne Coe, Mr. Chappell, and Debbie Abego, the Environmental Health and Safety Officer on speaker phone. This report is based on a review of the files maintained by the permittee and NMED, on-site observation by NMED personnel and verbal information provided by SWC personnel.

Findings:

Southwest Cheese Company does not have permit coverage and has not prepared the required documents to file for and receive a permit.

Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *“Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

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USEPA's MSGP was re-issued effective September 29, 2008 (Federal Register/Vol. 73, No. 189/Monday, September 29, 2008 pg. 56572) and replaced the 2000 MSGP which expired on October 30, 2005. Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI.

The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site.

These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site. These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary.

The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit go to www.epa.gov/npdes/stormwater and click on "Industrial Activity."

A SWPPP should include the following information:

- A description of potential pollutant sources – includes a site map, an identification of the types of pollutants that are likely to be present in stormwater discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from specific activities at the facility, and identification of specific potential pollutants; and
- A description of appropriate measures and controls – includes the type and location of existing and proposed non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-storm water evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional stormwater management practices, where appropriate.

An industrial stormwater fact sheet for Sector U: Food and Kindred Products Facilities including a summary of typical pollutants associated with activities and types of stormwater control measures (BMPs) used to minimize the discharge of those pollutants is available at USEPA's website:

http://www.epa.gov/npdes/pubs/sector_n_scraprecycling.pdf

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During the inspection the possibility of the site qualifying for a No Exposure Certification was posed. Walking around the outside of the facility it was noted unknown materials had discharged onto the ground from what looked like vents on the west side of the facility, (see photos 2-4). A spill or leak had occurred at the entrance to one of the side building, (see photo 1). These discharges are exposed to stormwater. The site does contain three impoundment areas, (see overview). However it is unknown if the impoundments capture all stormwater discharges.

No Exposure Factsheet

***No exposure** is defined as all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.*

To quantify for a No Exposure Certification each of the following questions has to be answered with a ***NO***. If any of the questions are answered ***YES*** you are not eligible for the No Exposure exclusion. Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future?

- 1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater*
- 2. Materials or residuals on the ground or in stormwater inlets from spills/leaks*
- 3. Materials or products from past industrial activity*
- 4. Material handling equipment (except adequately maintained vehicles)*
- 5. Materials or products during loading/unloading or transporting activities*
- 6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars])*
- 7. where exposure to stormwater does not result in the discharge of pollutants*
- 8. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers*
- 9. Materials or products handled/stored on roads or railways owned or maintained by the discharger*
- 10. Waste material (except waste in covered, non leaking containers [e.g., dumpsters])*
- 11. Application or disposal of process wastewater (unless otherwise permitted)*
- 12. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow*

**NMED/SWQB
Overview of Site**

City/County: Clovis/Curry	
Location: 1141 Curry Road 4, Clovis New Mexico	
Subject: Overview of Southwest Cheese Company, not taken on day of inspection.	



**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 4/24/2012	Time: 1450 hours
City/County: Clovis/Curry County		
Location: 1141 Curry Road 4, Cloves, New Mexico, facing northeast.		
Subject: Discharge of unknown material to street.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 4/24/2012	Time: 1512 hours
City/County: Clovis/Curry County		
Location: 1141 Curry Road 4, Cloves, New Mexico, facing east.		
Subject: Discharge of unknown material from the west side of the facility.		



**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 4/24/2012	Time: 1515 hours
City/County: Clovis/Curry County		
Location: 1141 Curry Road 4, Cloves, New Mexico, facing west.		
Subject: Discharge of unknown material from tanks on the west side of the facility.		



**NMED/SWQB
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: 4/24/2012	Time: 1511 hours
City/County: Clovis/Curry County		
Location: 1141 Curry Road 4, Cloves, New Mexico, facing east.		
Subject: Discharge of unknown material from what appears to be a vent on the west side of the facility.		

