



NEW MEXICO
 ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau



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

June 5, 2012

Dr. Blake Stamper, Manager/Member
 Tri-State Care Flight, LLC
 2000 Highway 95 Suite 210
 Bullhead City, AZ 86442

RE: Industrial Storm Water, SIC 4522, NPDES Compliance Evaluation Inspection, Tri-State Care Flight, LLC / T or C
 Municipal Airport, NMU001793, April 25, 2012

Dear Dr. Stamper:

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 explanation section of the inspection report. You are encouraged to review the inspection report, 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 the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald, USEPA (6EN-WM)
 U.S. Environmental Protection Agency
 Allied Bank Tower
 Region VI Enforcement Branch (6EN-WM)
 1445 Ross Avenue
 Dallas, Texas 75202-2733

Program Manager
 New Mexico Environment Department
 Surface Water Quality Bureau
 Point Source Regulation Section
 P.O. Box 5469
 Santa Fe, New Mexico 87502

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>.

If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/Erin S. Trujillo

Erin S. Trujillo
 Surface Water Quality Bureau

cc: Marcia Gail Adams, USEPA (6EN-AS) by e-mail
 Samuel Bates, EPA (6EN-AS) by e-mail
 Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
 Diana McDonald, USEPA (6EN-WM) by e-mail
 Darlene Whitten-Hill, USEPA (6EN-AS) by e-mail
 Mike Kesler, NMED District III Acting Manager by e-mail
 Ed Williams, Acting Airport Manager, T or C Municipal Airport by e-mail
 Sid Essex, Director of Maintenance, Tri-State Care Flight, LLC by e-mail

Tri-State Care Flight, LLC
Truth or Consequences Municipal Airport
Compliance Evaluation Inspection – Industrial Stormwater
NPDES Tracking No. NMU001713
April 25, 2012

Further Explanations

Introduction

On April 25, 2012, a Compliance Evaluation Inspection (CEI) was conducted at the Truth or Consequences Municipal Airport by Erin S. Trujillo, New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document operator status regarding the NPDES permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26(b)(14) and the industrial stormwater Multi-Sector General Permit (MSGP).

Stormwater discharges are to unnamed tributaries, thence approximately 3.5 miles to Elephant Butte Reservoir (20.6.4.104 NMAC *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*); and unnamed tributaries to Yaple Canyon, thence approximately 6 miles to Cuchillo Negro Creek, thence approximately 1.5 miles to Rio Grande (Caballo Reservoir to Elephant Butte Reservoir) 20.6.5.103 NMAC.

Upon arrival at approximately 1300 hours on the day of this inspection, the inspector made introductions, stated the purpose of the inspection and presented credentials to Mr. Vaughn Huron, Airport Attendant and upon his arrival, Mr. Ed Williams, Acting Airport Manager/Safety Coordinator, Truth or Consequences Municipal Airport. The inspector, Mr. Huron and Mr. Williams toured the facility. The tour included a City of Truth or Consequences hanger, of which a portion was leased by Tri-State Care Flight, LLC according to operator on-site representatives. A representative of Tri-State Care Flight, LLC was not on site during the tour. An on-site exit interview to discuss preliminary findings was conducted with Mr. Williams. The inspector left the facility at approximately 1545 hours on the day of the inspection. Preliminary findings were discussed by phone with Mr. Sid Essex, Director of Maintenance, Tri-State Care Flight, LLC on May 1, 2012. Additional information on the 2008 MSGP and sector requirements was provided to Mr. Essex and Mr. Williams by e-mail on May 1, 2012.

This report is based on review of EPA's on-line notice of intent (eNOI) database, files maintained by the City of Truth or Consequences (airport authority/operator) and NMED, and on-site observation by NMED personnel, and verbal information provided by the airport authority on-site representatives.

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.”*

Regulations in 40 Code of Federal Regulations (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.”* In 40 CFR 122.26(b)(14)(i)-(xi), eleven categories of stormwater discharges associated with industrial activity are identified that require coverage under an NPDES permit. Category Eight (viii) are transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations. Storm water discharges can be regulated by either an individual or a general USEPA NPDES permit. USEPA's Storm Water Multi-Sector General Permit (MSGP) for industrial activities re-issued effective September 29, 2008 authorizes stormwater discharges from 29 sectors of industrial activity. The 29 sectors are defined by either the facility's Standard Industrial Classification (SIC) code and/or a general

description of the facility's industrial activities. Establishments primarily engaged in furnishing nonscheduled air transportation, including air ambulance services, are described in Standard Industrial Classification (SIC) 4522 (see Sector S, Appendix D of the 2008 MSGP). Part 8.S.2.1 (Limitations on Coverage) of the 2008 MSGP states, *"This permit authorizes stormwater discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations." ... "Deicing" will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities."*

The 2008 MSGP specifies steps that facility operators must take prior to becoming eligible for permit coverage, including submitting a Notice of Intent (NOI), installing stormwater control measures to minimize pollutants in stormwater runoff, and developing a stormwater pollution prevention plan (SWPPP). If eligible, operators may also submit a No Exposure Certification to USEPA once every five years. New dischargers, start discharging after January 5, 2009, are to submit a NOI a minimum of 60 days prior to commencing discharge, or a minimum of 30 days if the SWPPP is posted on the internet during this period.

USEPA's MSGP is available at http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet. Also, USEPA's industrial fact sheet series at <http://cfpub1.epa.gov/npdes/stormwater/swsectors.cfm> provides a brief summary of the NPDES industrial stormwater permitting program, the types of facilities included in that sector, a summary of typical pollutants associated with each sector, and types of stormwater control measures (best management practices or BMPs) used to minimize the discharge of those pollutants for each industrial sector.

On-site Industrial Activity Description

Light aircraft maintenance is done in hangars according to the airport authority on-site representatives and information in the City of Truth or Consequences SWPPP dated May 2002. Tri-State Care Flight, LLC has been a tenant at the airport since approximately January of 2012 according to the airport attendant. A signed lease agreement was not available on site during this inspection.

Two drums, one labeled with an 1863 placard (Turbine Engine Aviation Fuel) and cleaning products were stored in the Truth or Consequences owned hanger of which a portion was leased by Tri-State Care Flight, LLC. Tri-State Care Flight, LLC maintains a mobile fuel tank and conducts their own fueling according to the airport authority on-site representatives. The fuel tank was stored outside and was not sheltered from exposure from stormwater run on and runoff on the day of this inspection.

Findings

Tri-State Care Flight, LLC had vehicle maintenance, including fueling activities on site that meet the description of transportation industrial activity in 40 CFR 122.26(b)(14)(xiii) and Sector S of the MSGP.

Tenant industrial activities described in the on-site May 2002 SWPPP were not updated for Tri-State Care Flight, LLC and a separate Tri-State Care Flight, LLC SWPPP was not provided for review. SWPPP (Section III.C) states, *"...tenant and other registered owners have been notified of SWPPP development activities and invited to participate."* There was no documentation that Tri-State Care Flight, LLC had been notified as described in the City of Truth or Consequences SWPPP. Part 8.S.4 (Additional SWPPP Requirements) of the 2008 MSGP states, *"An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from his own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport."*

Tri-State Care Flight, LLC did not submit a Notice of Intent (NOI) to obtain permit coverage under the 2008 MSGP by the date of this inspection. Sid Essex, Director of Maintenance, Tri-State Care Flight, LLC indicated that he was not aware of industrial stormwater MSGP requirements.

Based on a review of readily available on-line precipitation data at <http://www.wunderground.com>, measurable and trace rain or snow events at the Truth or Consequences Municipal Airport have been recorded after January 2012 and prior to the date of this inspection:

<u>Date</u>	<u>Precipitation</u>	
02/12/2012	0.04 inches	Rain , Snow
02/14/2012	Trace	Rain
02/16/2012	Trace	Rain
02/17/2012	0.08	Rain
03/10/2012	0.18 inches	Fog, Rain, Snow
03/18/2012	0.00 inches	Rain
03/19/2012	0.02 inches	Snow
04/02/2012	0.01 inches	
04/10/2012	Trace	

NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Erin S. Trujillo

Date: 04/25/2012

Time: 1442 hours

City/County: North of Truth or Consequences / Sierra County

State: New Mexico

Location: Truth or Consequences Municipal Airport

Subject: Mobile fuel tank stored outside City of Truth or Consequences hanger leased by air ambulance tenant. Staining was observed on pavement. Although located against the building on one side, the mobile fuel tank was not otherwise protected (e.g., barriers or other measure) from vehicle traffic.

Example of
Staining

