



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us



DAVE MARKLIN
Secretary

BUTCH TONGATE
Deputy Secretary

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

Certified Mail - Return Receipt Requested

November 8, 2012

Mr. Gary Sanchez, President
Unicor LLC
1615 Broadway Blvd NE
Albuquerque, NM 87102

RE: Industrial Storm Water; SIC 5093; NPDES Compliance Evaluation Inspection; Unicor LLC; NPDES Permit NMU001813; October 31, 2012

Dear Mr. Sanchez:

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>.

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: Carol Peters-Wagnon, EPA by e-mail
Diana McDonald, EPA by e-mail
Hannah Branning, EPA by e-mail
Rashida Bowlin, EPA by e-mail
Darlene Whitten-Hill, EPA, by e-mail
NMED District I by e-mail

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Further Explanation

Introduction

On October 31, 2012, a Compliance Evaluation Inspection (CEI) was conducted at the Unicor LLC facility at 1615 Broadway Blvd NE, Albuquerque, New Mexico by Daniel Valenta and Sandra Gabaldon of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and the industrial stormwater Multi-Sector General Permit (MSGP). Unicor LLC is a Scrap Recycling and Waste Recycling facility (see Standard Industrial Classification (SIC) code 5093) that meets the description in Category 40 CFR 122.26(b)(14)(vi), and Sector N of the MSGP.

Upon arrival at 1323 hours on October 31, 2012 the inspector made introductions, stated the purpose of the inspection and presented credentials to the Operations Manager, Ms. Cathy Duran. The inspectors briefly toured the facility with the Operation Manager. The inspector left the facility at approximately 1347 hours. A preliminary findings discussion was conducted at the site with Ms. Duran.

Storm water may discharge to the Albuquerque MS4 thence to the Rio Grande in the Rio Grande Basin, Segment 20.6.4.105 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). Designated uses are irrigation, marginal warm water aquatic, livestock watering, public water supply, wildlife habitat, and primary contact.

The Unicor LLC facility is housed in an historic warehouse district. The Operations Manager recalled the facility being 24 thousand square feet. Unicor LLC recycles a number of different materials, including white office paper, cardboard, chipboard, phone books, metal, aluminum cans, water bottles, and manufactured product waste. Part of their operation is engaged in secure information destruction and disposal services. Trucks pick up presorted material from various business and buildings and bring it to the warehouse. There the trucks are unloaded and the various materials are stored until shipped out to be processed, (see photo 1&2). The operation employs 12 people. No material is sorted or stored outdoors

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."*

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.

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Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby waterbodies or indirectly via storm sewer systems, thereby degrading water quality.

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, with a copy of the SWPPP kept on-site.

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 N: Scrap Recycling and Waste Recycling 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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Findings

Unicor does not have permit coverage for the industrial activities associated with a recycling facility. You are encouraged to review the permit, complete your SWPPP and apply for coverage under the eNOI system.

The facility may qualify for a No Exposure Certification. Submission of a No Exposure Certification constitutes notice that the facility does not require permit authorization for its stormwater discharges associated with industrial activity under EPA's Stormwater Multi Sector General Permit due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when 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. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the No Exposure exclusion. By signing and submitting a No Exposure Certification form, the facility is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g).

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 10/31/2012	Time: 1338 hours
City/County: Albuquerque/Bernalillo		
Location: 1615 Broadway Blvd NE, Albuquerque, New Mexico, facing east.		
Subject: Recyclable materials collected and stored in warehouse.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 10/31/2012	Time: 1335 hours
City/County: Albuquerque/Bernalillo		
Location: 1615 Broadway Blvd NE, Albuquerque, New Mexico, facing east.		
Subject: Recyclable materials collected and stored in warehouse.		

