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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

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DAVE MARKLIN
Secretary

BUTCH TONGATE
Deputy Secretary

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

Certified Mail - Return Receipt Requested

January 2, 2013

Mr. Oscar Rodriguez, City Manager
Town of Taos
400 Camino de la Placita
Taos, New Mexico 87571

RE: Industrial Storm Water; SIC 5093; NPDES Compliance Evaluation Inspection; Taos Recycling Center; NPDES Permit NMU001828; December 13, 2012

Dear Mr. Rodriguez:

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 Finding 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 II by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

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	8	2	8	11	12	1	2	1	2	1	3	17	18 ~	19 S	20 2			
Remarks																									
S C R A P M E T A L R E C Y C L I N G																									
Inspection Work Days				Facility Evaluation Rating				BI		QA		-----Reserved-----													
67				70 2				71 N		72 N		73		74		75		76		77		78		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) Town of Taos Recycling Center, 201 Bertha Street, Taos, New Mexico 87571 Taos County	Entry Time /Date 1110 Hours / 12-13-2012	Permit Effective Date 9-29-2008
	Exit Time/Date 1150 Hours/ 12-13-2012	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Brandon Gutierrez/575-758-9679 fax 575-751-2049	Other Facility Data N. 36° 23' 02.42" W. -105° 35' 27.64"	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Oscar Rodriguez, 400 Camino de la Pacita, Taos, New Mexico/Town Manager/ 575-751-2002 fax 575-751-2026	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	

Section C: Areas Evaluated During Inspection

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

U	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	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)

- Inspector arrived on site at 1110 on 12/13/2012, conducted entrance interview with Mr. Brandon Gutierrez, during which the Inspector made introductions, showed credentials and explained the purpose of the inspection.
- This report is based on a review of the files maintained by the permittee and NMED, on-site observations by NMED personnel, and verbal information provided by the facility's representative.
- An exit interview to discuss the preliminary finding of the inspection was conducted at approximately 1150 on 12/13/2012 with Mr. Francisco Espinoza, Public Works/Utilities Director by phone at the site on 12/13/2012.

Name(s) and Signature(s) of Inspector(s) DANIEL VALENTA /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 1/2/2013
Signature of Management QA Reviewer RICHARD E. POWELL /s/Richard Powell	Agency/Office/Phone and Fax Numbers 505-827-2798	Date 1/2/2013

Town of Taos Recycling Center
NMU001828
December 13, 2012

Further Explanation

Introduction

On December 13, 2012, a Compliance Evaluation Inspection (CEI) was conducted at the Town of Taos Recycling Center, at 201 Bertha Street, Taos, New Mexico in Taos County 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). The Town of Taos Recycling Center 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 1110 hours on December 13, 2012 the inspector made introductions, stated the purpose of the inspection and presented credentials to Mr. Brandon Gutierrez, Operator II. The Inspector briefly toured the facility. Following the tour, an on-site exit interview by phone to discuss preliminary findings was conducted with Mr. Francisco Espinoza, Public Works/Utilities Director. The inspector left the facility at approximately 1150 hours.

This report is based on review of EPA's on-line notice of intent (eNOI) database, files maintained by NMED, and on-site observation by NMED personnel, and verbal information provided by the operator's on-site representative.

Storm water may discharge into the bar ditch running in front of the property which drains downhill to the Rio Fernando de Taos. It is listed as a perennial stream and thence to the Rio Pueblo de Taos thence to the Rio Grande in the Rio Grande Basin. The Rio Fernando de Taos has a TMDL for temperature and specific conductance. The stream is in Segment 20.6.4.123 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). Designated uses are domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Pueblo and Rio Fernando de Taos

The Town of Taos Recycling Center has operated for the past 13 years providing a drop-off recycling center for their 5,500 town resident, as well as residents from the surrounding region of 32,000. The facility processes cardboard, mixed paper, plastic 1 & 2, glass steel and tin cans, along with electronic scraps, white goods, carpet padding, pallets, and compact fluorescent lamps. The center processed more than 1228 tons of recyclable materials in 2011.

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.

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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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Pollutants Associated With Material Stockpiling.

During material stockpiling, including the unloading and loading areas, the potential exists for some types of inbound recyclable materials to deposit residual fluids on the ground. Another concern is associated with deterioration of materials. Metal surfaces that are stockpiled for extended periods may be subject to corrosion. Corrosion is the deterioration of metal surfaces that typically results in the loss of metal to a solution, i.e., water.

The following metals are referred to as the galvanic (or electromotive) series and have a tendency to corrode and become soluble in water; magnesium, aluminum, cadmium, zinc, steel or iron, cast iron, chromium, tin, lead, nickel, soft and silver solder, copper, stainless, steel, silver, gold, platinum, brass and bronze.

For some metals, the extent and rate of corrosion is dependent on whether it occurs in an oxygen-starved or oxygen-abundant atmosphere. Corrosion of stockpiled materials at scrap recycling facilities is a potential source of pollutants given that metals such as copper, lead, nickel, zinc, chromium and cadmium were frequently detected in sampling data. In addition, the majority of these metals are associated with recyclable materials handled by the scrap recycling industry.

Findings

As of the time of the inspection the facility does not have the required MSGP in place. No SWPPP has been prepared and no NOI submitted.

At the site a wide variety of materials are brought in to be recycled. Metal items were sorted into piles depending on the type of material. Sorting the materials involved cutting, crushing, and stacking. The majority of these activities are conducted outside. This small, less than an acre site, is set up for area citizens to drive in one gate unload materials into marked containers and drive away through another gate. The site has three city staff assigned to the facility. The site appeared to be organized (see photo 1) with material sorted and stacked in rows. As the yard fills a wholesale recycler is called who takes the material offsite.

The site appeared to be fairly level with the front side of the property sloping to the northwest. The back side of the property appeared to slope to the northeast. There were no berms to contain runoff or BMP's in place. Mr. Espinoza knows of the need for a MSGP and said they were in the process of working with a consultant to prepare the necessary BMP's and SWPPP.

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 12/13/2012	Time: 1114 hours
City/County: Taos/ Taos County		
Location: 201 Bertha Street, Taos, New Mexico, facing north.		
Subject: Drop off area for recycling.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 12/13/2012	Time: 1128 hours
City/County: Taos/ Taos County		
Location: 201 Bertha Street, Taos, New Mexico, facing north.		
Subject: Back of property where it appeared water drains off site.		

