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**NEW MEXICO
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Secretary

BUTCH TONGATE
Deputy Secretary

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

Certified Mail - Return Receipt Requested

January 2, 2013

Mr. Russell Casados, Owner
Russell Sand & Gravel Co. Inc.
P.O. Box 13124
Las Cruces, New Mexico 88013

Re: Minor Non-Municipal, SIC 1442, NPDES Compliance Evaluation Inspection, Russell Sand & Gravel, Company, Inc., Permit NMU001831, December 6, 2012

Dear Mrs. Casados,

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 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
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Allied Bank Tower
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

If you have any questions about this inspection report, please contact me at (505) 827-2575 or daniel.valenta@state.nm.us.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Environmental Scientist/Specialist
Surface Water Quality Bureau

Cc: Hannah Branning, EPA (6EN) by e-mail
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail
Diana McDonald, EPA (6EN-WM) by e-mail
Larry Giglio, EPA (6WQ-PP) by e-mail
Rashida Bowlin, EPA (6EN) by e-mail
Robert Italiano, NMED District II (Santa Fe) by e-mail

**Compliance Evaluation Inspection
Russell Sand & Gravel Company, Inc.
NPDES Permit No. NMU001831
December 6, 2012**

Introduction

On December 6, 2012 a Compliance Evaluation Inspection was conducted at the Russell Sand & Gravel Facility (Standard Industrial Classification 1442) located near Los Ojos, New Mexico by Daniel Valenta accompanied Sandra Gabaldon and Chuck Dentino of the NMED. The purpose of this inspection was to document both the facility's status regarding the process wastewater and storm water program under regulation **40 Code of Federal Regulations Part 122**. Finding of the inspection are detailed on the attached EPA form 3560-3 and in the narrative finding section of the report. A report that documents the NPDES stormwater inspection finding will be sent under a separate cover.

Russell Sand & Gravel is a New Mexico Corporation, a family-owned and operated company since 1994 whose main office is in Los Ojos, located in the Chama Valley and Rio Arriba County in Northern New Mexico. Their second location is in Las Cruces, located in Dona Ana County in Southern New Mexico. They specialize in the production of sand and gravel, concrete and asphalt. Their services include custom crushing, road construction, driveway construction, site development, earthwork, excavation, curb and gutter, bridge construction and paving. At the Rio Chama site, approximately 50 acres, the facility has a hot asphalt plant, rock crusher, processes and stores construction sand and gravel and has 4 to 5 employees.

Mr. Casados described the fixed sand wash process as follows; sand has to be washed before it can be used in concrete; it is processed and then stored until needed. Irrigation water is used in the processing of sand. The water and fines, carried by the water is discharged into a ditch which flows into a pond. The pond discharges to a channel which leads to the river. The discharge first flow alongside the river in a side channel then enters the stream. The operator said the sand washing area only needs to operate 2 to 3 times a year and only for 4 to 5 hours at a time. The operator said the activity is stopped when he can see the silt discoloration in the retention pond spreading across the pond.

This process water may discharge from the facility into the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin. Segment 20.6.4.119 designated uses are: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Brazos and Rio Chama.

This report is based on on-site observation by NMED personnel and verbal information provided by the facility's representative. Arriving at the site at approximately 1020 hours, the inspector made introductions, presented his credentials and discussed the purpose of the inspection with Mr. Russell Casados. A brief exit interview to discuss the findings of this inspection was conducted at the facility at 1427 hours.

Federal Clean Water Act and NPDES Requirements

Section 301 of the Federal Clean Water Act states: *“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.”*

**Compliance Evaluation Inspection
Russell Sand & Gravel Company, Inc.
NPDES Permit No. NMU001831
December 6, 2012**

40 CFR Part 122.1 (b) Scope of the NPDES permit requirement states (1) states, *“The NPDES program requires permits for the discharge of ‘pollutants’ from any ‘point source’ into ‘waters of the United States.’ The terms ‘pollutant’, ‘point source’ and ‘waters of the United States’ are defined at § 122.2.”*

Per 40 CFR Part 122.21(a) Duty to apply states (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.”*

Findings

This facility does not have NPDES permit coverage for the discharge of process water from the fixed screening and washing mechanism on the date of this inspection.

The process water discharge channel has filled up and needs to be cleaned out. The holding pond retention berms appeared to be breached. The majority of flow into the channel leading to the river appeared to be from the retention pond and ground water, see photos.

The USEPA Region 6 NPDES Permit Coordinator can be contacted for more information on how to submit an application for discharges of pollutants under the federal Clean Water Act. Process waters are not eligible for coverage under the NPDES Multi-Sector General Permit and require the facility to submit an application for individual coverage under the NPDES program. Discharges of these types of non-stormwater or process wastewater would not be allowable under the existing NPDES General Permit.

NMED/SWQB

Site Overview

City/County: Los Ojos/Rio Arriba County	
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM	
Subject: Overview of the facility.	



Sand wash area, pond to contain process water, channel joins discharge stream.

Discharge enters Rio Chama

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1252
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing west.		
Subject: Fixed sand wash unit, discharge pipe of process water into channel to retention pond.		



NMED/SWQB

Official Photograph Log

Photo # 2

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1252
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southeast.		
Subject: Channel to pond.		



NMED/SWQB

Official Photograph Log

Photo # 3

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1255
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southeast.		
Subject: Discharge from channel to pond		



NMED/SWQB

Official Photograph Log

Photo # 4

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1255
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southwest.		
Subject: Sediment pond is alongside discharge channel to river.		

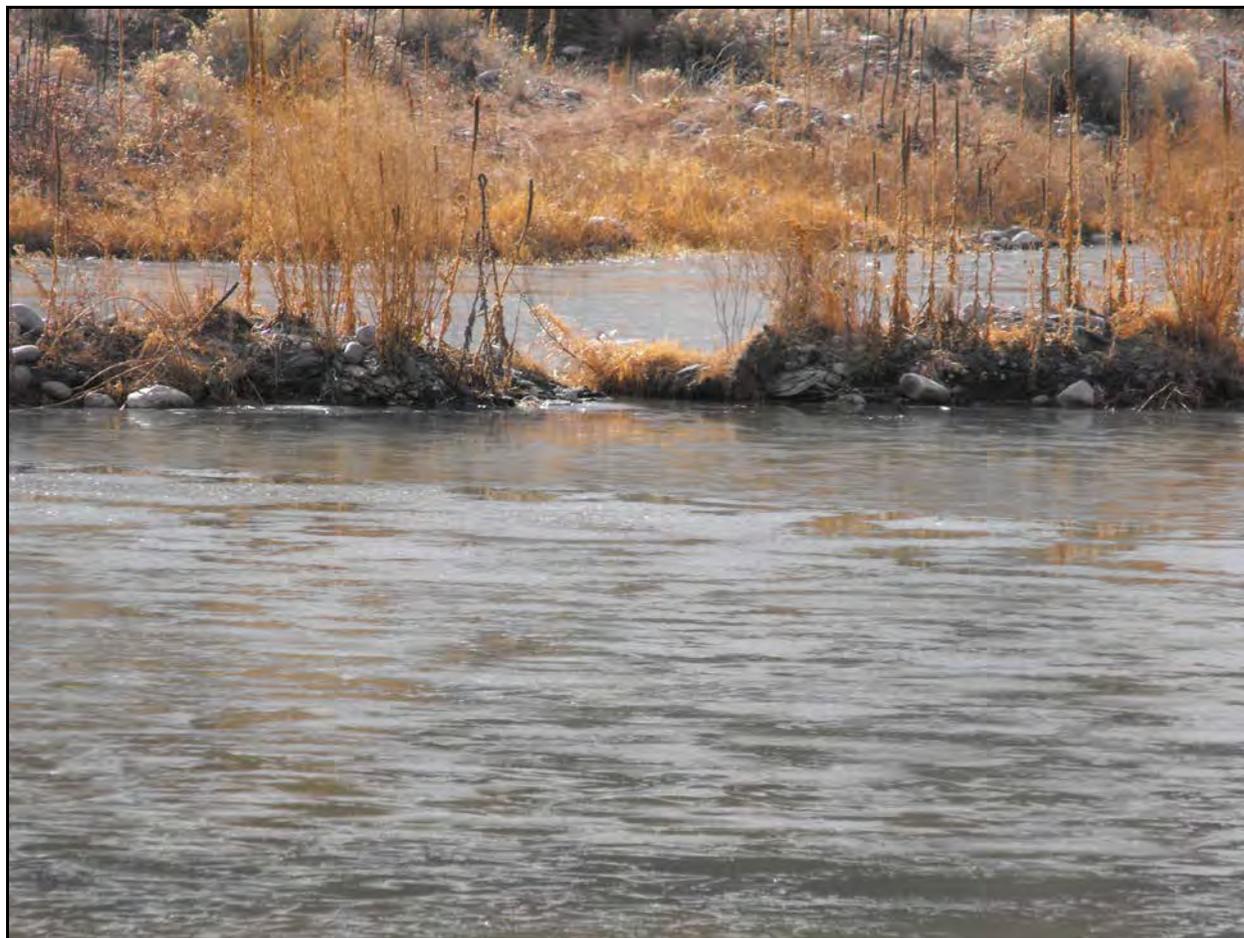


NMED/SWQB

Official Photograph Log

Photo # 5

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1256
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southwest.		
Subject: Sediment pond appeared to be flowing into the discharge channel.		

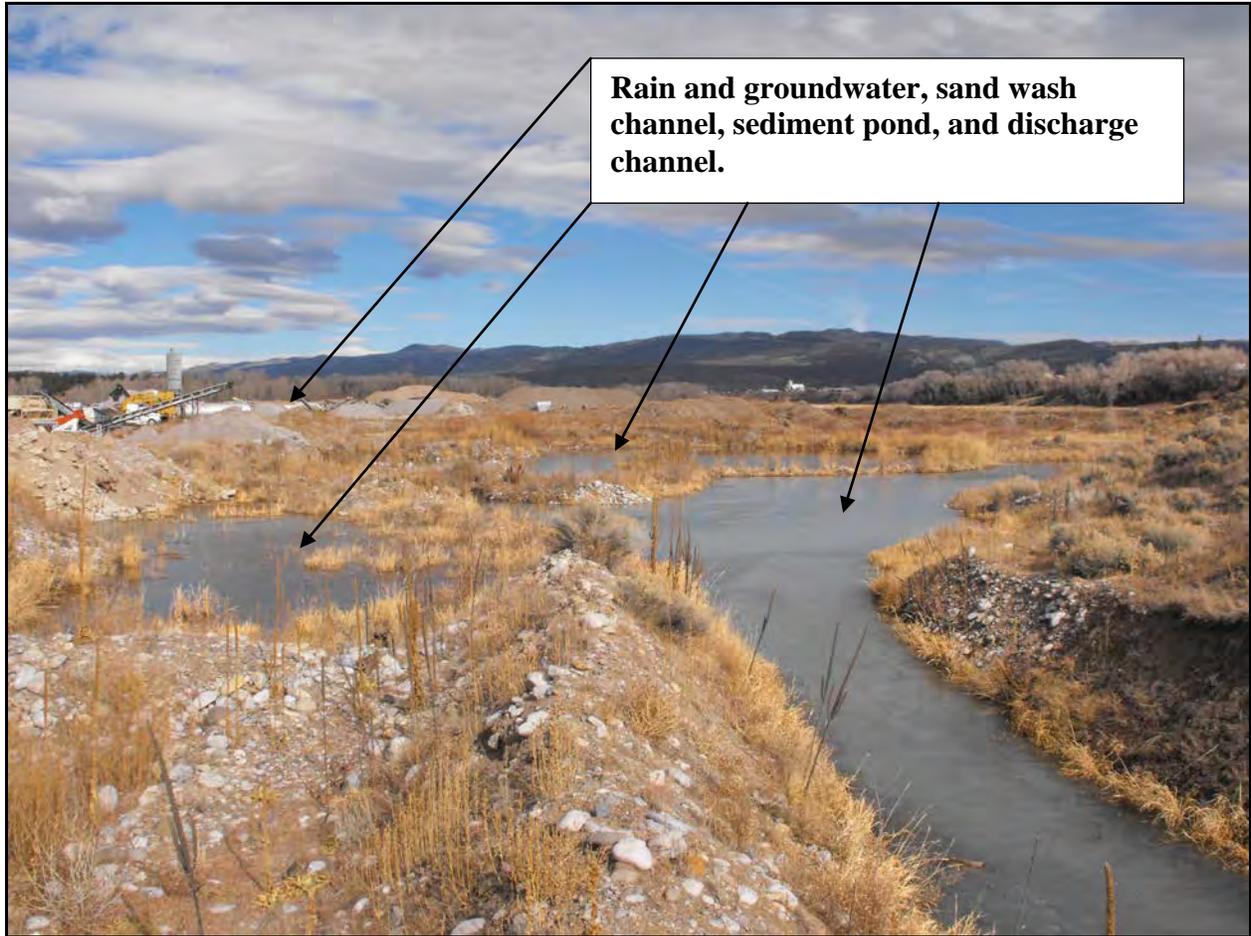


NMED/SWQB

Official Photograph Log

Photo # 6

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1231
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southeast.		
Subject: View of area before flowing to discharge point.		



NMED/SWQB

Official Photograph Log

Photo # 7

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1228
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing southeast.		
Subject: The irrigation bypass channel joins the channel that drains the above working area.		



Irrigation water channel

Discharge from working area.

NMED/SWQB

Official Photograph Log

Photo # 8

Photographer: Daniel Valenta	Date: 12/6/2012	Time: 1217
City/County: Los Ojos/Rio Arriba County		
Location: Russell Sand & Gravel, Company, 150 County Rd. 340, Los Ojos, NM, facing west.		
Subject: Channel discharges to the Rio Chama, see overview.		

