



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

JUL 30 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 8248

Mr. Rudy Guzman, Owner  
Guzman Construction Solutions, LLC  
305 Camino Seis SW  
Albuquerque, NM 87105

Re: Administrative Order, Docket Number: CWA-06-2013-1778  
NPDES Facility Number: NMU001841

Dear Mr. Guzman:

Enclosed is an Administrative Order (AO) issued to Guzman Construction Solutions, LLC, for violation of the Clean Water Act (CWA) (33 U.S.C. § 1251 *et seq.*). The violation was identified during a January 16, 2013, inspection of your ongoing construction project, conducted by the New Mexico Environment Department on behalf of the Environmental Protection Agency (EPA). The violation was brought to your attention on February 15, 2013. The violation alleged is for discharge of pollutants without National Pollutant Discharge Elimination System (NPDES) permit coverage.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of the AO. The AO also contains other compliance deadlines. The EPA is committed to ensuring compliance with the requirements of the NPDES program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2013-1778 and NPDES Facility Number NMU001841 on your response.

Also enclosed is an "Information Sheet" related to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

If you have any questions, please contact Mrs. Linda Smith, of my staff, at (214) 665-6641.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

Re: Administrative Order  
Guzman Construction Solutions, LLC

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cc: Mr. Bruce Yurdin  
Acting Bureau Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502-5469



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
1445 Ross Avenue, Suite 1200, Dallas, TX 75202  
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND  
INFORMATION DEMAND

Docket Number: CWA-06-2013-1778, NPDES Facility Number: NMU001841

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Guzman Construction Solutions, LLC ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violations alleged herein, the Respondent owned or operated the 33 acre construction site, located at 3339 2<sup>nd</sup> Street SW, Albuquerque, Bernalillo County, New Mexico ("facility") and was therefore an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for the Respondent is 305 Camino Seis SW, Albuquerque, NM 87105.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" to the receiving waters of Sector 20.6.4.105 of the Rio Grande, which is considered a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is considered an industry by code, as identified under 40 C.F.R. § 122.26(b)(14)(x) and is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by EPA on February 16, 2012.

5. On January 16, 2013, the facility was inspected by New Mexico Environment Department storm water inspectors. As a result of this inspection, the facility was found to be in violation of Section 301 of the Act, 33 U.S.C. § 1311.

6. According to the EPA database that records all applications for storm water general permit coverage, Respondent did not submit a Notice of Intent ("NOI") for permit coverage for its activities at the facility, and was not covered by a NPDES permit at the relevant times for the relevant activities.

7. Each day of discharge without NPDES permit coverage was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following action(s) upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall apply for NPDES permit coverage, either by filing an individual permit application or by submitting an NOI to be covered by an applicable NPDES general permit for discharges from the facility, or cease and prevent all unpermitted discharges from the facility. The NOI should be submitted by one of the following methods:

- 1) By regular mail to:  
Storm Water Notice Processing Center  
U.S. EPA, MC 4203M  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460
- 2) By overnight/express mail to:  
Storm Water Notice Processing Center  
U.S. EPA, Room 7420  
1201 Constitution Ave., NW  
Washington, DC 20004
- 3) Via the internet at:  
<http://cfpub.epa.gov/npdes/stormwater/enoi>

For a status update on your NOI, call the NOI Center at (866) 352-7755.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a certified copy of the NOI for coverage under the Permit submitted to the EPA NOI Processing Center.

C. Within thirty (30) days of the effective date of this Order, the Respondent shall develop and implement site-specific Best Management Practices ("BMPs") to prevent discharges of pollutants to Sector 20.6.4.105 of the Rio Grande.

D. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement an adequate and complete Storm Water Pollution Prevention Plan ("SWPPP") tailored specifically for the site located at 3339 2<sup>nd</sup> Street SW, Albuquerque, New Mexico. The SWPPP should detail BMPs, inspections, and other measures taken to reduce or eliminate the discharge of pollutants. Guidance in developing the SWPPP may be found via the internet at:

[www.epa.gov/npdes/stormwater/swppp](http://www.epa.gov/npdes/stormwater/swppp).

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance to the EPA, Region 6. All correspondence should be addressed to:

Mrs. Linda Smith  
Water Enforcement Branch (6EN-WM)  
EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

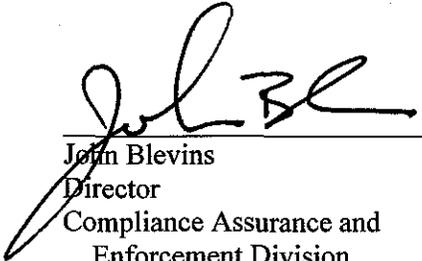
Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative or judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, or the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by the Respondent.

7.30.13  
Date

  
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John Blevins  
Director  
Compliance Assurance and  
Enforcement Division