



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 28 2013

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9816

Mr. Jerold Schmider, President
Albuquerque Metal Recycling, Inc.
P.O. Box 3903
Albuquerque, NM 87190

Re: Administrative Order, Docket Number: CWA-06-2013-1777
NPDES Facility Number: NMR05G982

Dear Mr. Schmider:

Enclosed is an Administrative Order (AO) issued to Albuquerque Metal Recycling, Inc. for violation of the Clean Water Act (CWA) 33 U.S.C. §§ 1251–1387. Violations were identified during a January 16, 2013, inspection of your Albuquerque, New Mexico, recycling facility, conducted by the New Mexico Environment Department on behalf of the Environmental Protection Agency (EPA). The violations were discussed with you at the time of the inspection. The violations alleged include, but are not limited to, the following:

- a) Failure to conduct and document in the Storm Water Pollution Prevention Plan (SWPPP) routine facility inspections, quarterly visual inspections, and comprehensive site inspections; and
- b) SWPPP failed to document areas at the facility where industrial materials and/or activities are exposed to storm water and from which allowable non-storm water discharges are released.

In addition, between January 1, 2011, and January 1, 2013, there were four (4) rain events of one-half inch or greater at the facility, which resulted in a discharge of pollutants from the site into waters of the United States.

The 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 this AO. The AO also contains other compliance deadlines and information demands. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2013-1777 and NPDES Facility Number NMR05G982 on your response.

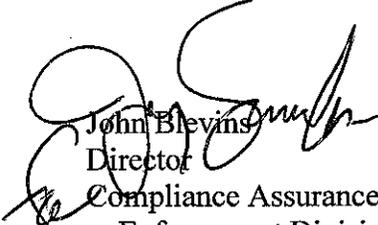
Also enclosed is an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

Re: Administrative Order
Albuquerque Metal Recycling, Inc.

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

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. James Hogan
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

Docket Number: CWA-06-2013-1777, NPDES Facility Number: NMR05G982

**FINDINGS OF VIOLATION, COMPLIANCE ORDER, AND
INFORMATION DEMAND**

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 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. Albuquerque Metal Recycling, Inc. ("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, Respondent owned or operated the metals recycling facility located at 3339 2nd Street SW, Albuquerque, Bernalillo County, New Mexico ("facility") and was, therefore, an "owner or operator." The mailing address for the Respondent is P.O. Box 3903, Albuquerque, NM 87190.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) & (14), 33 U.S.C. § 1362(12) & (14) into Sector 20.6.4.105 of the receiving waters 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 facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is an industry identified under 40 C.F.R. § 122.26(b)(14)(vi) operating under Standard Industrial Classification (SIC) Code 5093 (Sector N) and is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity issued by the EPA on September 29, 2008.

5. The facility began operations defined as industrial activity in 2008, which continued throughout the time period relevant to this action.

6. On January 16, 2013, the facility was inspected by New Mexico Environment Department storm water inspectors on behalf of EPA. 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.

7. According to the EPA Storm Water Processing Center database that records all applications for storm water general permit coverage, Respondent submitted a Notice of Intent ("NOI") for permit coverage for its activities at the facility and was covered by NPDES Permit No. NMR05G982 at the relevant times for the relevant activities. During the time period of January 1, 2011, through January 1, 2013, there were four (4) rain events of one-half (½) inch or greater at the facility.

8. Parts 4.1, 4.2, and 4.3 of the permit were violated in that the Respondent failed to conduct and document routine facility inspections, quarterly visual assessments, and comprehensive site inspections.

9. Part 5.1.3 of the permit was violated in that the Storm Water Pollution Prevention Plan ("SWPPP") failed to document areas at the facility where industrial materials and/or activities are exposed to storm water and from which allowable non-storm water discharges are released.

10. Each day of discharge of pollutants and each violation of the NPDES permit is 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 hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall develop or revise their SWPPP and standard operating procedures (SOPs) in order to comply with the deficiencies noted in paragraphs 8-9 (above). The SWPPP should detail best management practices, inspections, benchmark sampling and analysis, 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.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a copy of the revised or new SWPPP and SOPs to EPA for review. The SWPPP

should be submitted electronically to Mrs. Linda Smith, of my staff, at smith.lindak@epa.gov for review.

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, the Respondent shall submit a written certification of compliance with this Order to EPA, Region 6. All correspondence should be addressed to:

Mrs. Linda Smith
Water Enforcement Branch (6EN-WM)
U.S. 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.

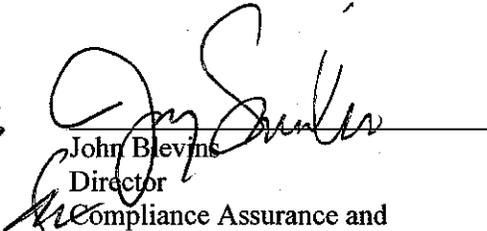
Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative or judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations 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 U.S. Department of Justice.

Compliance with the terms and conditions of this Order does not relieve the 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.

6/18/2013
Date


John Blevins
Director
Compliance Assurance and
Enforcement Division