



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 13 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: (7005 1820 0003 7453 9677)

Mr. Rick Ramirez, Manager  
STS of New Mexico/First Student Inc.  
533 N. 17<sup>th</sup> Street  
Las Cruces, NM 88005

Re: Administrative Order, Docket Number: CWA-06-2012-1729  
NPDES Facility Number: NMU001754

Dear Mr. Ramirez:

Enclosed is an Administrative Order (AO) issued to STS of New Mexico/First Student Inc. for violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Violations were identified during a storm water inspection of your school bus transportation and warehousing facility, conducted by the New Mexico Environment Department on July 26, 2011. The results were discussed with your representative at the time of the inspection. The violations alleged include, but are not limited to, the following:

1. Failure to apply for and obtain permit coverage under the Storm Water Multi-Sector General Permit - EPA National Pollutant Discharge Elimination System (NPDES) General Permit;
2. failure to develop and implement a Storm Water Pollution Prevention Plan; and
3. failure to select, install and maintain Best Management Practices at the site to control storm water from discharging offsite.

In addition, between July 2010 and August 2011, there were two (2) rainfall events of one-half inch or greater that resulted in discharges of pollutant-laden storm water from the site into waters of the United States.

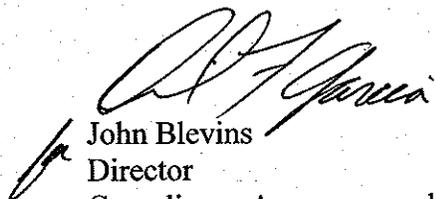
The AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days of receipt of this AO. The EPA is committed to ensuring compliance with the requirements of the NPDES program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2012-1729 and Facility Number NMU001754 on your response.

Re: Administrative Order  
STS of New Mexico/First Student Inc.

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If you have any questions, or wish to discuss this matter, please contact  
Mr. Everett H. Spencer, of my staff, at (214) 665-8060.

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Mr. James Bearzi  
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

Docket Number: CWA-06-2012-1729, NPDES Facility Number: NMU001754

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 Section 309(a) of the Clean Water Act ("Act"), 33 U.S.C. § 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. STS of New Mexico/First Student Inc. ("Respondent") is a corporation (bus company) conducting business pursuant to the laws of the State of New Mexico, and as such, is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.

2. At all times relevant to this Order ("all times relevant"), Respondent owned or operated a school bus transportation and warehousing facility, located at 533 North 17<sup>th</sup> Street, in Las Cruces, Dona Ana County, New Mexico ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant, the facility acted as a "point source" of a "discharge" of "pollutant[s]" into the receiving waters of the Rio Grande in Segment 20.6.4.101 of the Lower Rio Grande Basin, which is considered a "water of the United States" as defined by Section 502 of the Act, 33 U.S.C. § 1362 and 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 Rio Grande Basin, from the main stem of the Rio Grande, from the international border with Mexico, and upstream to one mile below Percha Dam, is an impaired stream and includes the designated uses of irrigation, marginal warm water aquatic life, livestock watering, wildlife habitat, and secondary contact. The probable sources of impairment include drought related impacts, flow alterations from water diversions, urban and commercial development, and municipal point source discharges.

5. Since July 2010, and through the time period relevant to this Order, the facility has conducted activities that would deem it an industry as identified under 40 C.F.R. § 122.26(b)(14)(viii), which operates under Sector P, Standard Industrial Classification (SIC) Code 4151. The

facility is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity ("permit") issued by the EPA on September 16, 2008.

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. During the time period from July 2010 to August 2011, there were two (2) rain events of one-half (1/2) inch or greater that resulted in unauthorized discharges from the facility.

7. On July 26, 2011, 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 for each discharge of pollutants into waters of the United States without the authorization of a NPDES permit.

ORDER

Based on these findings and pursuant to the authority of Section 309(a) of the Act, EPA hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit an NOI to the EPA NOI processing center for coverage of the facility under the NPDES permit. 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 Region 6, a certified copy of the NOI for coverage under the NPDES permit submitted to the EPA NOI Processing Center.

C. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement a Storm Water Pollution Prevention Plan ("SWPPP") tailored specifically for the facility. The SWPPP should detail best management practices, inspections, benchmark sampling and analysis, and other measures taken to reduce or eliminate the discharge of pollutants to the Rio Grande. Respondent shall also submit a copy of the SWPPP to EPA for review. Guidance in developing the SWPPP may be found via the internet: [www.epa.gov/npdes/stormwater/swppp](http://www.epa.gov/npdes/stormwater/swppp).

D. 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:

Mr. Everett H. Spencer  
Water Enforcement Branch (6EN-WM)  
EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

GENERAL PROVISIONS

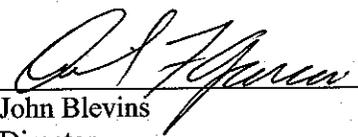
Issuance of this Order shall not be deemed an election by EPA to waive any administrative or judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy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

Failure to comply with this Order 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 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.

12/13/11  
Date

  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division