



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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

FEB 17 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7453 8885

Mr. Carlos Omar Diaz, Owner
Omar's Recycling
2930 2nd Street NW
Albuquerque, NM 87107

Re: Administrative Order, Docket Number: CWA-06-2012-1781
NPDES Facility Number: NMU001781

Dear Mr. Diaz:

Enclosed is an Administrative Order (AO) issued to Omar's Recycling, for violation of Section 301(a) of the Clean Water Act (33 U.S.C. § 1311(a)). Violations were identified during an inspection of your recycling facility, conducted by the New Mexico Environment Department on December 28, 2011. The violations were discussed with your representative at the time of the inspection. The violations alleged include, but are not limited to, the following:

- a) Failure to submit a Notice of Intent for coverage under the Storm Water Industrial General Permit;
- b) failure to develop and implement a Storm Water Pollution Prevention Plan; and
- c) failure to install and properly maintain Best Management Practices to control off-site discharges.

In addition, between January 2010, and November 2011, there were five (5) rainfall events of one-half (½) inch or greater which resulted in a discharge of pollutants from the site into waters of the United States.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations within thirty (30) days of its receipt. The first compliance deadline is within thirty (30) days of receipt of the AO. The Environmental Protection Agency 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-06-2012-1781 and NPDES Facility Number NMU001781 on your response.

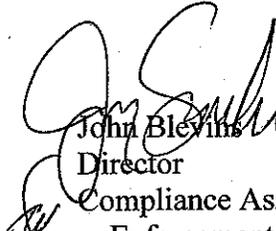
Also enclosed is an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission, that you may find useful.

Re: Administrative Order
Omar's Recycling

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If you have any questions, please contact Mr. Everett H. Spencer, of my staff,
at (214) 665-8060.

Sincerely,



John Blewins
Director
Compliance Assurance and
Enforcement Division

Enclosures

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



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DALLAS, TEXAS 75202-2733

Docket No. CWA-06-2012-1781, Facility No. NMU001781

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 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. Omar's Recycling ("Respondent") is a company conducting business under 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 the violations alleged herein, Respondent owned or operated Omar's Recycling, a scrap and waste recycling facility, located at 2930 2nd Street NW, in Albuquerque, Bernalillo 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 to this Order, the facility was a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) and (14), 33 U.S.C. § 1362(12), (14), into the receiving waters of the Albuquerque Municipal Separate Storm Sewer System ("MS4"), thence to 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, operating in Sector N under Standard Industrial Classification (SIC) Code 5093, Scrap and Waste Recycling Facilities, identified under 40 C.F.R. § 122.26(b)(14)(vi), and subject to the General Permit for Storm Water Discharges Associated with Industrial Activity ("Permit") issued by the EPA on September 29, 2008.

5. On December 28, 2011, the facility was inspected by New Mexico 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.

6. The facility began operations defined as industrial activity in 2010, which continued throughout the time period relevant to this action.

7. According to the EPA Processing Center 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 January 2010 through December 2011, there were five (5) rain events of one-half (½) inch or greater at the facility. Each day of discharge without NPDES permit coverage was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

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 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, D.C. 20460
- 2) By overnight/express mail to:
Storm Water Notice Processing Center
U.S. EPA, Room 7420
1201 Constitution Avenue, NW
Washington, D.C. 20004
- 3) Via the internet at:
<http://cfpub.epa.gov/npdes/stormwater/enoi>

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

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to the EPA Region 6, 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 to prevent additional discharges of pollutants to the Albuquerque MS4 and thence to the Rio Grande.

D. 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 MS4 and thence 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 at:

www.epa.gov/npdes/stormwater/swppp.

E. 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.

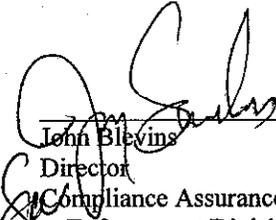
Failure to comply with this Order or the Act can result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

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.

FEB 17 2012

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division