



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

July 6, 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7001 0360 0003 6675 0769

Mr. Amado, Owner
Amado Recycling
2522 Coors Blvd.
Albuquerque, NM 87121

Re: Administrative Order Docket Number: CWA-06-2012-1824
NPDES Facility Number: NMU001783

Dear Mr. Amado:

Enclosed is an Administrative Order (AO) issued to Amado Recycling for violation of the Clean Water Act (CWA), 33 U.S.C. § 1251–1387. The violations alleged were identified during a January 4, 2012, inspection of your scrap and waste recycling facility, conducted by the New Mexico Environment Department. 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 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, from December 2010 through December 2011, there were three (3) rain events of one-half inch or greater at the facility that resulted, or likely resulted, in discharges 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. The first compliance deadline is within thirty (30) days of receipt of this 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-06-2012-1824 and NPDES Facility Number NMU001783 on your response.

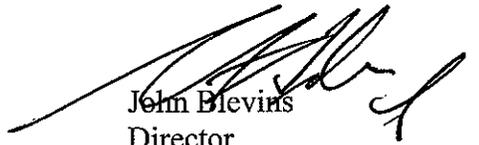
Re: Administrative Order
Amado Recycling

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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, that you may find useful.

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

Enclosures

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-06-2012-1824, NPDES Facility Number: NMU001783

**FINDINGS OF VIOLATION AND 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. Amado Recycling ("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 violations alleged herein, Respondent owned or operated Amado Recycling, a scrap and waste materials recycling facility, located at 2522 Coors Boulevard, in Albuquerque, Bernalillo County, New Mexico ("facility") and was, therefore, an "owner or operator."

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutants" as defined by Section 502(12) and (14), 33 U.S.C. §§ 1362(12), (14), into the receiving waters of the Arenal Main Canal then 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 identified under 40 C.F.R. § 122.26(b)(14)(vi) operating in Sector N under Standard Industrial Classification (SIC) Code 5093 and is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity issued by the EPA on September 29, 2008.

5. On January 4, 2012, the facility was inspected by the New Mexico Environment Department. 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 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 December 2010 through December 2011, there were three (3) rain events of one-half (½) inch or greater at the facility. Each day of operation 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 hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall apply for NPDES permit coverage, either by: a) filing an individual permit application or an NOI to be covered by an applicable NPDES general permit for discharges from the facility; or b) cease and desist 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. A certified copy of any permit application shall be simultaneously forwarded to EPA at the following address:

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

C. Any other information or correspondence submitted by Respondent to EPA under this Order shall also be forwarded to the above address.

D. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement a Storm Water Pollution Prevention Plan tailored specifically for the site located at 2522 Coors Boulevard in Albuquerque, New Mexico.

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 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

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.

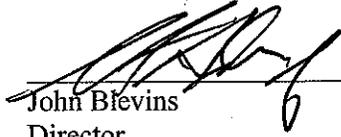
Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

You have the right to seek immediate 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>, provides the grounds for such review.

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

JUL 06 2012

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division