



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAR 02 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED (7005 1820 0003 7453 8793)

The Honorable Stuart Hamilton
Mayor, Village of Angel Fire
3388 Mountain View Boulevard
Angel Fire, NM 87710

Re: Administrative Order, Docket Number: CWA-06-2012-1759
NPDES Facility Number: NMU001760

Dear Mayor Hamilton:

Enclosed is an Administrative Order (AO) issued to Village of Angel Fire for violation of the Clean Water Act (CWA), 33 U.S.C. § 1251–1387. Violations were identified through an inspection of your Angel Fire Recycling Center, conducted by the New Mexico Environment Department on August 8, 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;

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 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-06-2012-1759 and NPDES Facility Number NMU001760 on your response.

Re: Administrative Order
Village of Angel Fire

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If you have any questions, 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
Docket Number: CWA-06-2012-1759, NPDES Permit Number: NMU001760
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

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 has 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. Village of Angel Fire ("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 Village of Angel Fire Recycling Center, located at 55 Camino Grande, in Angel Fire, Colfax 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 3388 Mountain View Blvd., Angel Fire, NM 87710.

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 Cienguilla Creek, 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, operating under SIC Code 5093, Scrap and Waste Recycling Facilities, is engaged in industrial activity as defined under 40 C.F.R. § 122.26(b)(14)(vi) and is subject to Sector N of the Storm Water Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity ("Permit") issued by the EPA on October 30, 2008.

5. On August 8, 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 an NPDES permit at the relevant times for the relevant activities.

During the time period June 2010, through November 2011, there were two (2) 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 develop and implement a Storm Water Pollution Prevention Plan ("SWPPP") for the facility and submit a Notice of Intent ("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, D.C. 20460
- 2) By overnight/express mail to:
Storm Water Notice Processing Center
U.S. EPA, Room 7420
1201 Constitution Ave., NW
Washington, D.C. 20004
- 3) Via the internet at:
<http://cfpub.epa.gov/npdes/stormwater/enoi.cfm>

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 the EPA a certified copy of the NOI for coverage under the NPDES Permit.

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 Cienguilla Creek.

D. Within thirty (30) days of the effective date of the order the respondent shall also submit a written certification of compliance with this Order to the 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.

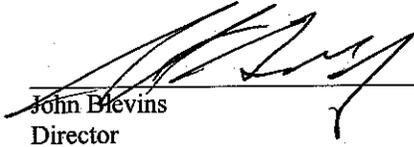
Failure to comply with this Order or the Act can result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

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.

Date

3-2-12



John Blevins
Director
Compliance Assurance and
Enforcement Division