



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

APR 19 2018

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 2130

Danny Legarreta
Operations Manager
Southwest New Mexico Regional Landfill
318 Ridge Road
Silver City, NM 88061
Re: Administrative Order; Docket Number: CWA-06-2018-1784
NPDES Facility Number: NMU001958

Dear Mr. Legarreta:

Enclosed is an Administrative Order (AO) issued to Southwest New Mexico Regional Landfill for violation of the Clean Water Act (CWA) 33 U.S.C. §§ 1251-1387. The violation was identified during a January 17, 2018 inspection of your industrial facility located in Silver City, New Mexico. The inspection was conducted by the New Mexico Environment Department on behalf of the Environmental Protection Agency, Region 6 (EPA). The violation stems from four rain events of one-half inch or greater at the site, which resulted in a discharge of pollutants from the site into waters of the United States in violation of Section 301 of the CWA.

This 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 specified information. 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-06-2018-1784 and NPDES Facility Number NMU001958 on your response.

If you have any questions, please contact Ms. Stephanie Meyers, of my staff, at (214) 665-6496.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
Southwest New Mexico Regional Landfill

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ec: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

Ms. Sarah Holcomb
Program Manager
Point Source Regulation Section
New Mexico Environment Department
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Ms. Jennifer Foote
Industrial and Storm Water Team Supervisor
New Mexico Environment Department
jennifer.Foote@state.nm.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200, Dallas, TX 75202

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2018-1784; NPDES Facility Number: NMU001958

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 delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Southwest New Mexico Regional Landfill ("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 violation alleged herein, Respondent owned or operated a Landfill Facility at Southwest New Mexico Regional Landfill located at 318 Ridge Road, Silver City, Grant 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 acted as a "point source" of a "discharge" of "pollutants" to the receiving waters of the Graveyard Draw, thence to the San Vincente Arroyo and Mimbres River Closed Basin in segment 20.6.4.98, which is considered a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is considered an industry under 40 C.F.R. § 122.26(b)(14)(iii), operating in Sector L under Standard Industrial Code ("SIC") 4953 Refuse Systems, and is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity issued by EPA on June 4, 2015.

5. On January 17, 2018, the facility was inspected by the New Mexico Environment Department 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. According to the EPA eNOI 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.

7. During the time period of January 17, 2017, to January 17, 2018, there were four rainfall events of one-half inch or greater at the facility resulting in unauthorized discharges of pollutants from the facility. Unauthorized discharges from the facility are 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 orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement a site-specific Storm Water Pollution Prevention Plan ("SWPPP") and apply for NPDES permit coverage, either by filing an individual permit application or an NOI to be covered by an applicable NPDES general permit for discharges from the facility. Respondent shall cease and prevent 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, 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:
<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#overview>.

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

B. Respondent shall simultaneously forward a certified copy of the SWPPP and eNOI application to EPA at the following address:

Ms. Stephanie Meyers
Water Enforcement Branch (6EN-WS)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

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

4/19/2018
Date

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 submit a written certification of compliance to
EPA, Region 6.


Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

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.

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, 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 Act may 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 Respondent of its obligation to comply with all
applicable federal, state, or local laws or regulations.