



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAR 23 2018

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 4234

Mr. Michael Zimmer, Owner
Stone Forest, Inc.
P.O. Box 2840
Santa Fe, NM 87504

Re: Administrative Order; Docket Number: CWA-06-2018-1734
NPDES Facility Number: NMU001946

Dear Mr. Zimmer:

Enclosed is an Administrative Order (AO) issued to Stone Forest, Inc. for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1387. The violation was identified during a September 26, 2017 inspection of your facility located in Santa Fe, 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 six 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-06-2018-1734 and NPDES Facility Number NMU001946 on your response.

If you have any questions, please contact Ms. Linda Smith, of my staff, at (214) 665-6641.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over the typed name.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
Stone Forest, Inc.

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cc: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department

Ms. Sarah Holcomb
Program Manager
Point Source Regulation Section
New Mexico Environment Department

Ms. Jennifer Foote
Industrial and Storm Water Team Supervisor
New Mexico Environment Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200, Dallas, TX 75202

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2018-1734; NPDES Facility Number: NMU001946

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. Stone Forest, Inc. ("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 Stone Forest, an industrial facility located at 4525 Agua Fria, Santa Fe, Santa Fe 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," as defined by Section 502(12) & (14), 33 U.S.C. § 1362(12) & (14), into the receiving waters of the Santa Fe River, 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 by code, identified under 40 C.F.R. § 122.26(b)(14)(ii), operating in Sector E, Cut Stone and Stone Products, Standard Industrial Classification ("SIC") Code 3281, and as such, is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity issued by EPA on June 4, 2015.

5. On September 26, 2017, 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 facility's website, Respondent has been in operation since 1989 and continued to operate throughout the time period relevant to this action.

7. 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.

8. During the time period of January 1, 2017 to September 26, 2017, there were six 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 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, or 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, N.W.
Washington, D.C. 20460
- 2) By overnight/express mail to:
Storm Water Notice Processing Center
U.S. EPA, Room 7420
1201 Constitution Ave., N.W.
Washington, D.C. 20004
- 3) Via the internet at: <https://www.epa.gov/npdes/electronic-notice-intent-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:

Ms. Linda Smith
Water Enforcement Branch (6EN-WS)
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 4525 Agua Fria, Santa Fe, Santa Fe County, New Mexico.

E. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance with this Order to EPA, Region 6. All correspondence should be addressed to:

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

GENERAL PROVISIONS

Issuance of this Section 309(a)(3) Compliance Order 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.

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

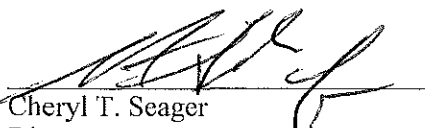
Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

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.

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

MAR 23 2019

Date


Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division