



GALLUP SEPT 2010

NEW MEXICO   
ENVIRONMENT DEPARTMENT



*Ground Water Quality Bureau*

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RON CURRY  
Secretary  
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Deputy Secretary

**NOTICE OF VIOLATION**  
**Certified Mail - Return Receipt Requested**

September 16, 2010

Jared Garoutte, Manager  
Pilot Travel Centers, LLC  
Pilot Travel Center #305  
PO Box 960  
Jamestown, NM 87347



**RE: Notice of Violation, Pilot Travel Center #305, AI: 7209**

Dear Mr. Garoutte:

The New Mexico Environment Department (NMED) has determined that the above referenced facility is operating in violation of the Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC) and the Water Quality Act (WQA). Please be advised that prompt action is required as described herein. The facility is located north of Interstate 40 at Exit 39, approximately 17.75 miles east of Gallup in Sections 33, Township 15N, Range 15W, McKinley County.

**A summary of the events resulting in the determination of violations at this facility follows.** On August 27, 2010, NMED received a complaint that there was water smelling of raw sewage ponding at the Pilot Travel Center. Although domestic and commercial wastewater generated at the Pilot Travel Center is authorized to be discharged to a lined lagoon on the adjacent property of Giant Refining Company (as regulated by the Oil Conservation Division), a failure of the sewer line on the Pilot Travel Center property that resulted in a release of contaminated water falls under the authority of the WQCC Regulations.

**The requirements of the WQCC Regulations, resultant violations and associated actions necessary to correct the violations are identified below.**

Section 20.6.2.1203 NMAC, in brief, requires verbal and written notification to NMED of the unauthorized discharge of water contaminants and the submission of a report describing corrective actions taken to mitigate the effects of the discharge.

Section 20.6.2.1203 NMAC has been violated because, to date, NMED has not received verbal and written notification of the unauthorized discharge of water contaminants at this facility and a report describing corrective actions in accordance with Section 20.6.2.1203 NMAC.

In order to correct these violations, **submit written notification of the unauthorized discharge and a Corrective Action Plan in accordance with Section 20.6.2.1203 NMAC (copy enclosed) by October 1, 2010.**

Surfacing domestic wastewater contains dangerous pathogens and exposure to these pathogens poses a considerable threat to human health. As a result of this threat, the following actions shall be completed immediately and reported in the written notification required herein.

1. Pump remaining fluids from the ground and dispose of the pumpings at a permitted disposal facility.
2. Cover with soil and restrict access to all areas at the facility where domestic wastewater is exposed.
3. Disinfect all areas contaminated by domestic wastewater with a 10% chlorine bleach solution (i.e., add 1 part household bleach to 9 parts water.)

**Written notification** of the unauthorized discharge shall include, at a minimum, the following information:

- a) the name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.
- b) the name and address of the facility.
- c) the date, time, location, and duration of the unauthorized discharge.
- d) the source and cause of unauthorized discharge.
- e) a description of the unauthorized discharge, including its estimated chemical composition.
- f) the estimated volume of the unauthorized discharge.
- g) any actions taken to mitigate immediate damage from the unauthorized discharge.

The **Corrective Action Plan** shall include, at a minimum, the following information:

- a) proposed actions to mitigate damage from the unauthorized discharge;
- b) proposed actions to prevent future unauthorized discharges of this nature; and
- c) a schedule for implementation of proposed actions.

**Please note that should a failure of your wastewater system result in a release in the future, you are required to report such an incident to NMED in accordance with Section 20.6.2.1203 NMAC.**

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September 15, 2010

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Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA § 74-6-10. Civil penalties may also be assessed for up to \$15,000 per day for each violation of the WQA § 74-6-5, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. Civil penalties may be assessed for up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

Alternatively to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders.

If you have any questions regarding this matter, please contact George Schuman, Program Manager of the Ground Water Pollution Prevention Section, at (505) 827-2945 or Kathie Deal at (505) 827-2713.

Sincerely,

*George Schuman for W. Olson*

William C. Olson, Chief  
Ground Water Quality Bureau

WO:KD

enc: New Mexico WQCC Regulations (in part); Section 20.6.2.1203 NMAC

cc: Joey Cupp, 5508 Lonas Drive, Knoxville, TN 37909  
Jennifer Ickes, District Manager, NMED District I  
NMED Gallup Field Office  
Marcy Leavitt, Director, Water and Waste Management Division, NMED  
Tracy Hughes, General Counsel, NMED  
John, Rhoderick, NMED District I – Grants  
Carl Chavez, OCD Santa Fe  
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