



OFFICE OF INSPECTOR GENERAL
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REPORT OF INVESTIGATION

FILE NO: 18-0001-I

DATE: February 28, 2018

SUBJECT: MS-1 (Transit Maintenance Supervisor)
Transit Personnel

SCHEME: Illegal Discharge of Contaminated Water into Storm Drainage System (Violation of Clean Water Act, 33 USC 1321)

STATUS: Closed

INVESTIGATORS: Peter Pacheco and JoVonne O'Connell

DAVID T. HARPER, INSPECTOR GENERAL
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Executive Summary

The Office of the Inspector General (OIG), City of Albuquerque (City), NM, conducted an investigation based on information received while conducting an investigation of the Transit Department (TD). The information received alleged that TD employees at the Daytona Transit Facility (DTF) had discharged water contaminated with pollutants (contaminated water) from a steam clean bay and bus wash facility into the storm drainage system instead of the underground oil/water separator tanks.

There is sufficient evidence to substantiate that TD employees improperly discharged contaminated water from the steam clean bay and bus wash facility into the storm drainage system.

There is sufficient evidence to substantiate that the maintenance supervisor improperly used his authority to mislead and train employees to improperly discharge the contaminated water from the steam clean bay and bus wash facility into the storm drainage system. TD employees expressed concerns during the interviews that MS-1 managed employees through intimidation and fear of losing employment.

TD estimated that from 2014 - 2016, there were approximately 64 documented incidences of contaminated water discharged to the storm drainage system and that there were likely more undocumented discharges. Based on the size of the sumps, TD estimates that the minimum discharge is 300,800 gallons that went into the storm drain system.

TD has taken corrective actions which include proper training of employees to ensure proper disposal of contaminated water. The New Mexico Environmental Department (NMED) and the United States Environmental Protection Agency (EPA) have both been notified of the discharges into the storm drainage system. The City has hired an environmental engineering firm to perform a Sampling and Analysis Plan (SAP) which will collect soil samples for analysis. The SAP will be shared with the NMED and EPA.

Introduction:

The Office of Inspector General (OIG) initiated an investigation regarding alleged illegal discharge of contaminated water by the City of Albuquerque (COA), Transit Department (TD), employees. The information received alleged TD employees had discharged water contaminated with pollutants (contaminated water) from a clean steam bay and bus wash facility into the storm drainage system. The OIG initiated this investigation based on information received from another investigation involving TD employees.

Background:

According to the allegation, the maintenance supervisor (MS-1) had TD employees discharge contaminated water from the clean steam bay and bus wash facility into the storm drainage system which led to a detention pond on the south side of the Daytona Transit Facility (DTF) (Exhibit 1 & 2). The contaminated water included oil, brake fluid, transmission fluid and cleaners. TD employees stated that the discharge had occurred for several years and that it was done because equipment did not work. According to the material manager (MM-2), if the equipment had worked correctly, the contaminated water would have gone through oil and water separators. This would have resulted in contaminants being captured in a holding tank and the remaining water entering the sewer system.

Scope and Methodology:

The scope of the investigation focused on the alleged discharged of contaminated water into the storm drainage system and the TD supervisor who allegedly instructed TD employees to permit the discharge. The methodology consisted of reviewing relevant documents and interviewing witnesses who could provide information regarding the allegation.

The following activities were conducted as part of the investigation process:

- Interviews of TD personnel
- Review of Human Resources documents
- Onsite visit of DTF
- Communication with State Environmental Department

DTF Visit:

On November 21, 2017, the OIG met with MM-2 at DTF. The OIG visited the steam clean bay and bus wash facility to view the sumps and storm drains where the contaminated water had been discharged. The OIG viewed the area where the contaminated water should have been processed. MM-2 explained that the system had been broken for a while. The OIG viewed the irrigation pump and hose used by TD personnel. (Exhibit 3)

Interviews of Transit Department Personnel:

MM-1 Interview:

On October 24, 2017, the maintenance manager (MM-1) was interviewed and provided the following information:

MM-1 was stationed at the DTF. MM-1 stated that MM-2 has a big door behind his parts department. MM-2 witnessed a TD employee discharge excess water into the storm drainage system from the steam clean bay. MM-2 contacted MM-1 to determine if he was aware of the practice of discharging contaminated water into the storm drainage system. MM-1 stated he told the TD employee to stop the discharge of contaminated water into the storm drainage system. The TD employee informed MM-1 that the irrigation pump hose was not long enough to reach. MM-1 stated that in July 2016, he ordered a hose that would reach to the oil and water separator, which led to the halting of the illegal discharge of the contaminated water to the storm drainage system. MM-1 stated that last year is the first time he was made aware of the illegal discharge into the storm drainage system.

MM-2 Interview:

On October 27, 2017, MM-2 was interviewed and provided the following information:

MM-2 was stationed at the DTF. MM-2 stated that he made a complaint to MM-1 regarding discharging of contaminated water from the steam clean bay into the storm drainage system. MM-2 said he witnessed TD-6 discharge contaminated water into the storm drain. He stated that cleaning products and automobile fluids such as oil, grease, brake fluid and transmission fluid were discharged into the storm drainage system. MM-2 advised TD-6 that he shouldn't discharge contaminated water into the storm drain and instructed him to turn off the irrigation pump. MM-2 stated that TD-6 responded to him, saying, "I'm stupid, I got caught." MM-2 stated that MS-1 had told TD-6, "to only do it on the weekends when you guys are not here." He said that TD-6 told him that he had been doing it for years and the hose had broken some time ago and that it would only reach to the storm drain. MS-1 had told him to dispose of it on weekends when the managers were not around. MM-2 asked TD-6 why a new hose hadn't been purchased and TD-6 replied that TD-1 had told him MS-1 said "no." MM-2 told TD-6 to purchase a new hose (July 2016) and to discharge the contaminated water correctly. MM-2 stated that the contaminated water was supposed to go into the oil and water separator tanks.

MM-2 stated that TD-1 told him that MS-1 wanted TD-1 to fill 55 gallon drums with sludge from the steam clean bay and dump it at the landfill. TD-1 refused that instruction, but then MS-1 began harassing him as a result.

Transit Department Employee (TD-1) Interview:

On October 31, 2017, TD-1 was interviewed and provided the following information:

TD-1 was stationed at DTF. TD-1 stated that about a year ago MS-1 instructed him on how to use an irrigation pump to drain contaminated water from the tank in the steam clean bay into storm drainage system. TD-1 stated that he only did it once and that MS-1 and TD-6 were present. He explained that AAA Pumping Services (AAA) removed the sludge that settled at the bottom of the wastewater pond; MS-1 wanted the contaminated water removed so that only the sludge remained for removal by AAA. MS-1 wanted the storm drain pumping done to reduce the number of AAA trips. He indicated that AAA would come approximately every two months to drain the steam clean bay and bus wash facility.

TD-1 stated that twice he drained the bus wash facility (which was different from the steam clean bay) into the storm drain. TD-1 stated that MS-1 was a “hard person to work for” and that he frequently states “employees can be replaced.”

He stated that upon returning from an injury, he became aware that contaminated water was discharged into the south side manhole of the steam clean bay, into the oil and water separator tank. TD-1 stated that TD-6 told him that he had been draining the contaminated water into the storm drainage system, but that his supervisor advised him to stop that practice.

TD-1 stated that while working on a Sunday, MS-1 asked him to gather sludge from the steam bay area and put it into 55 gallon containers to take to the landfill. He said he asked MS-1 to provide him a work order for the request, but MS-1 refused to. TD-1 said he did not put the sludge into the containers.

He also brought up another issue regarding oily rags in the mechanics shop; he stated that there was a contract with “Safety Clean” to pick up the used oily rags and replace them with clean ones. For a while the shop started using other rags, possibly from the stock house that were not picked up. According to TD-1, MS-1 told him to pick up the oily rags and put them in a trash bag and take them to the landfill. He stated that he did not take them to the landfill and instead put them in the parts room and labeled them “oily rags” so that they do not get thrown.

Transit Department Employee (TD-2) Interview:

On November 7, 2017, TD-2 was interviewed and provided the following information:

TD-2 was stationed at DTF. TD-2 stated that he had received a call from MM-2, who wanted to know where the storm drain north of the steam clean bay drained. TD-2 told MM-2 that it went to the detention pond and eventually to the Rio Grande River. TD-2 explained how the contaminated water was supposed to get discharged to the south side where there was an underground holding tank with a sand trap. TD-2 stated that irrigation pumps were used to pump the contaminated water into the storm drainage system. TD-2 stated that AAA used to remove the contaminated water and sludge several times per month. TD-2 stated that MM-2 had addressed this matter with MM-1, but no action was ever taken to stop the illegal discharges. TD-2 said that MM-1 and MS-1 were very close.

TD-2 stated that TD-6 informed him that MS-1 was going to terminate his employment because he got caught draining the contaminated water into the storm drainage system. According to TD-2, MS-1 had told TD-6, “That is why I tell you to drain it on Sunday, when no one is around.” TD-2 stated that MS-1 is “rough” to his employees and that TD-6 was just following orders. Employees are afraid of MS-1 and MM-1.

TD-2 stated that Occupational Safety and Health Administration (OSHA) had fined the Transit Department \$55,000, but he did not have any details about the fine. He said if OSHA had known about the discharges of contaminated water into the storm drain, the fines would have been a lot more.

Transit Department Employee (TD-3) Interview:

On October 31, 2017, TD-3 was interviewed and provided the following information:

TD-3 was stationed at DTF. TD-3 stated that AAA used to collect the contaminated water from the steam clean bay and bus wash facility at DTF. AAA came on Fridays to pump out the contaminated water and sludge. He stated that MS-1 bought two irrigation pumps and hoses for DTF. TD-3 stated that MS-1 put the hose in the steam clean bay and discharged the contaminated water into the storm drain. TD-3 stated that he was doing it once a month for about a year. According to TD-3, the illegal discharge of contaminated water into the storm drainage system had occurred for approximately four years. TD-3 stated that custodian TD-5 helped him several times. He also stated that the contaminated water from the bus wash facility was also discharged into the storm drainage system. TD-3 also said that he discharged the contaminated water from both the steam clean bay and the bus wash facility into the storm drainage system.

TD-3 stated that TD-6 shoveled sludge from the steam clean bay and placed it in 55 gallon drums. TD-3 stated that MS-1 had TD-6 “scared,” and would “bully” and “yell” at him.

Transit Department Employee (TD-4) Interview:

On November 6, 2017, TD-4 was interviewed and provided the following information:

TD-4 was stationed at DTF. TD-4 stated that he had witnessed TD-3 and TD-6 discharge contaminated water into the storm drainage system. TD-3 did it years ago at DTF and last year he saw TD-6 do it at DTF. He believed that TD-6 may have done it on weekends as well. TD-4 said he believed the contaminated water from the steam clean bay was not supposed to be discharged into the storm drainage system, and that AAA was supposed to remove the contaminated water. TD-4 stated that about eight years ago the contaminated water was removed about three times per month. He stated that AAA currently removes the contaminated water monthly. He also stated that TD-3 told him that MS-1 said he was not going to pay AAA to remove the water.

TD-4 believed that the irrigation pumps were purchased about six to seven years ago. An employee who retired in 2011 made carts to push around the irrigation pumps and hoses.

TD-4 stated that MS-1 is a “big bully” and treats his employees badly, and tells “everyone” that they are replaceable.

Transit Department Employee (TD-5) Interview:

On November 6, 2017 TD-5 was interviewed and provided the following information:

TD-5 was stationed at DTF. TD-5 stated that TD-3 bought four irrigation pumps, two for the DTF and two for the Yale Transit Facility (YTF). According to TD-5, TD-3 was ordered by MS-1 to put a hose in the oily contaminated water and drain it into the storm drainage system. The hose did not reach the storm drain, so TD-3 asked TD-5 to get the motorized sweeper and clean the area. TD-5 put cat litter on the ground and then used the sweeper. When he was finished, he placed the oily cat litter into a dumpster. TD-5 stated he did not know it was illegal to discharge contaminated water into the storm drainage system, but was instructed to do so.

TD-5 stated that he and MM-2 witnessed TD-6 drain waste from the steam clean bay into the north storm drain. TD-6 informed MM-2 that he was instructed to drain the waste into the storm drain and was trained to do it that way.

TD-5 stated that he used to see AAA visit DTA three times per week to remove the contaminated water. TD-5 recalled that in 2014, temporary employees constantly draining the contaminated water into the storm drainage system. He stated that he does not know how far it went back, but that “everyone” was illegally discharging the contaminated water into the storm drain. MS-1 instructed employees to discharge the contaminated water into the storm drains. He said that MS-1 told him, “I am your boss and I can replace you if you don’t do it.” MS-1 threatened employees’ jobs if they didn’t comply with his instructions on how to discharge the contaminated water. He said that no one ever reported the situation to managers. He said that MS-1 bullied employees.

TD-5 stated that at one time the sludge was placed in barrels, but he does not know what became of them. He stated that they used to drain the contaminated water from the bus wash facility into the storm drainage system as well.

Transit Department Employee (TD-6) Interview:

On November 7, 2017 TD-6 was interviewed and provided the following information.

TD-6 was stationed at DTF. TD-6 stated that MS-1 instructed him to pump out contaminated water and sludge from the steam clean bay using an irrigation pump with a 50 foot hose, into the storm drainage system. The 50 foot hose was about 24 feet short of reaching the storm drain. He believed the department begin using irrigation pumps 2012. TD-6 said, that MS-1 did not want other managers to know that contaminated water was discharged into the storm drainage system, so it was usually done on Saturday’s and Sunday’s. He stated that he sent MS-1 work orders stating that he pumped out the contaminated water. He pumped out the contaminated water because he was instructed to do so by MS-1. TD-6 stated that he pumped out the steam bay twice each week and that TD-3, TD-5, and TD-4 used to do the same.

TD-6 stated that AAA had disposed of the sludge and contaminated water monthly for the last three years. TD-6 stated that MS-1 did not want AAA charging extra money to dispose of the “dirty water”. MS-1 told TD-6 that there would be consequences if he did not pump the contaminated water into the storm drain (“suspended, fired or transferred”). TD-6 felt threatened and that he was treated as the “worst one in the group.”

He stated that after the pumping, he put on a white suit and face mask and shoveled the remaining sludge into two and a half 55 gallon drums. AAA pumping visited later and removed the sludge.

TD-6 stated that on one occasion, the steam clean bay had overflowed and that MS-1 instructed him to pump out contaminated water. MM-2 asked him what he was doing and asked who instructed him to do so, to which he replied MS-1 instructed him.

MM-2 called MM-1 and informed him of what happened. When asked by MM-1, MS-1 informed MM-1 that he had no idea that TD-6 had discharged the contaminated water into the

storm drain. TD-6 stated that MM-1 was not going to do anything because he was “tight” with MS-1.

TD-6 stated that he was afraid to discuss the matter and reiterated that S-1 was a “bully.”

Transit Department Contaminated Water Discharge Analysis:

Information received from the Acting Transit Director, Annette Paez, indicated that COA personnel estimated that from 2014 to 2016, there were approximately 64 documented incidences of illegal discharges to the storm drainage system. COA personnel additionally indicated that there were likely more undocumented discharges. The sumps (pits) were approximately 10 x 7 x 9 feet (capacity of ~4700 gallons). Based on the sump capacity of 4700 gallons, TD estimates that the minimum discharge was 300,800 gallons that went into the storm drainage system

The sumps physically connect to the oil and water separator and sanitary sewer, but have been unavailable for several years because the connection equipment wasn’t working. Therefore, TD employees had been utilizing the irrigation pump and hose to pump the contaminated water from the sumps into the storm drainage system; the hose was not long enough to reach the oil and water separator.

The New Mexico Environmental Department (NMED) and the United States Environmental Protection Agency (EPA) have both been notified of the discharges into the storm drainage system. COA hired an environmental engineering firm to execute a Sampling and Analysis Plan (SAP) to collect soil samples for analysis. The SAP will be shared with the NMED and EPA.

To prevent future discharges into the storm drainage system, TD’s corrective plan includes the following:

- Training for all TD employees and documentation of the training
- Fixing equipment to ensure compliance
- Scheduling cleaning and maintenance of the tank, lines, oil/water separators and ponds at appropriate intervals
- Best Management Practices that Transit will use to prevent future occurrences.
- Amend and update Storm Water Pollution Prevention Plans (SWPPP) to specify a schedule for regular maintenance.
- Transit staff position to ensure proper equipment function and maintenance, adequate record keeping and training of new hires.

Conclusion:

There was sufficient evidence to substantiate that TD employee’s improperly discharged contaminated water into the storm drainage system, a violation of the federal Clean Water Act. From interviews conducted, there was sufficient evidence substantiating that MS-1 misled and trained employees to improperly discharge the contaminated water from the steam clean bay and bus wash facility into the storm drainage system.

TD employees expressed concerns during the interviews that MS-1 managed employees through intimidation and fear of losing employment.

TD indicated they have initiated corrective actions to ensure TD employees receive proper training and equipment to prevent future occurrences and potential violations of law.

The EPA has performed a compliance evaluation inspection at DTF and will be issuing an inspection report which will list any findings of non-compliance by TD.

The OIG intends to provide a copy of this report to the NMED and EPA.

Exhibits:

1. Image of DTF
2. Image of DTF with Detention Pond
3. Irrigation Pump and Hose

City of Albuquerque, Daytona Transit Facility

Exhibit 1



City of Albuquerque, Daytona Transit Facility
Detention Pond

Exhibit 2



Exhibit 3



Irrigation Pump and Hose