NEW MEXICO
ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail – Return Receipt Requested

June 1, 2018

Mr. John Moscato
Sierra Norte Development, Inc
3590 W. Picacho Avenue
Las Cruces NM 88007

Re: Sierra Norte Development, Inc/Metro Verde South 3A and 3B; CGP; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES #NMR1000UF; May 3, 2018

Dear Mr. Moscato:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Mike Kesler, NMED District III by e-mail
Jakob Kidd, City of Las Cruces by email

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3	N M R 1 0 0 0 U F 11 12	1 8 0 5 0 3 17 18	} 19	S 20	2

Remarks

C O N S T R U C T I O N > 5 A C R E S

Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved
67 69	70 3	71 N 72	N 73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date	Permit Effective Date
Metro Verde South 3A and 3B Between Red Hawk Rd and Sonoma, N of Thurmond, Las Cruces, NM 88011 Dona Ana County	May 3, 2018 10:30 am	2/16/2017
	Exit Time/Date May 3, 2018 11:40 am	Permit Expiration Date 2/16/2022

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Raul Sainz/Superintendent/505-590-3505	
Name, Address of Responsible Official/Title/Phone and Fax Number John Moscato/575-496-7115 Sierra Norte Development, Inc 3590 W. Picacho Avenue Las Cruces NM 88007	Contacted Yes [ ] No [x] 32.3898°N, 106.7442°W SIC 1521 General Contractors-Single Family Houses

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	**Permit**	N	**Flow Measurement**	N	**Operations & Maintenance**	N	**CSO/SSO**
M	**Records/Reports**	N	**Self-Monitoring Program**	N	**Sludge Handling/Disposal**	N	**Pollution Prevention**
N	**Facility Site Review**	N	**Compliance Schedules**	N	**Pretreatment**	N	**Multimedia**
N	**Effluent/Receiving Waters**	N	**Laboratory**	S	**Storm Water**	N	**Other:**

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. **Inspector arrived on site at 11/1/17 at 10:30 am and conducted the entrance interview with Mr. Raul Sainz, where she made introductions, presented credentials and explained the purpose of the inspection.**
2. **Exit interview was conducted at approximately 11:30 pm with Mr. Sainz. Preliminary findings of the inspection were discussed with the permittee representative.**
3. **See attached inspection report for further details.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote */s/ Jennifer Foote*	**NMED/SWQB 505-827-0596**	**5/31/18**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Sarah Holcomb, Program Manager */s/ Sarah Holcomb*	**NMED/SWQB 505-827-2798**	**5/31/18**

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	05/03/18	Entry Time Exit Time	10:30am 11:40am
Inspector Name/ Telephone	Jennifer Foote 505-827-0596		
Facility Name/ Physical Location	Metro Verde/Metro Park Between Red Hawk Rd and Sonoma, N of Thurmond Las Cruces, NM 88011		
Facility Type	☐ Commercial ☒ Residential ☐ Municipal ☐ Industrial		
County Location	Dona Ana County		
Latitude/Longitude (Decimal Degrees)	32.3898°N, 106.7442°W		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Sierra Norte Development, Inc 3590 W. Picacho Avenue Las Cruces NM 88007	8/24/2010	John Moscato	575-496-7115	NMR10005U NMR1000UF NMR10016R	4/21/17 10/13/17 3/15/18	11/20/14
Gallardo Construction, LLC 748 West Palms Las Cruces NM 88007	9/25/2008	Fito Gallardo	575-523-1557	NMR100078 NMR1000UH NMR10016Q	4/27/17 10/13/17 3/14/18	11/20/14

Was project covered under a previous permit?		☒ Yes	☐ No
If yes, previous NPDES Tracking Numbers:		NMR12B165, NMR12BP75 Sierra Norte Development Inc NMR12B164, NMR12BP76 Gallardo Construction	
Actual Start Date	Dec 2014	Estimated End Date	10/19/18
Disturbed Area	☒ >5 acre ☐ 1>acre<5 ☐ <1acre and part of larger common plan		
Receiving Water, including information on segment number, impairments, tier	Las Cruces MS4 and thence to Rio Grande in Segment 20.6.4.101 NMAC,impaired for ecoli, Tier 2		

Permittee Representatives Present During Inspection:			
Name	Company/Organizatio	Title	Telephone
Raul Sainz	Gallardo Construction	Superintendent	505-590-3505

Section I – Introduction:

The project is the construction of residential homes in Las Cruces NM. There are multiple phases and builders in the general area (see photo 1 for general locations). Below is a table with the permits associated with the overall SWPP Plan. Metro Verde South Phases 3A, 3B, and 3C have active permits and are listed as active status in the SWPPP. Therefore, those phases were inspected on May 3, 2018. Phase 3C is currently being graded. Phase 3A and 3B have been graded but developers have not taken over the site.

SWPPP	Tracking #	Permittee	Project Name	Permit Status	Work Status
Original SWPPP	NMR12B164	Gallardo Construction, LLC	Metro Park Village Phase A	Terminated	Completed 2016
Original SWPPP	NMR12B165	Sierra Norte Development Inc	Metro Park Village Phase A	Terminated	Completed 2016
Amendment#1	NMR12BP75	Sierra Norte Development Inc	Metro Park Village Phase 2	Expired	Completed 2017
Amendment#1	NMR12BP76	Gallardo Construction	Metro Park Village Phase 2	Expired	Completed 2017
Amendment #1	NMR10005U	Sierra Norte Development Inc	Metro Park Village Phase 2	Active	Completed 2017
Amendment #1	NMR100078	Gallardo Construction	Metro Park Village Phase 2	Active	Completed 2017
Amendment #2	**NMR1000UF**	**Sierra Norte Development Inc**	**Metro Verde South Phases 3A and 3B**	**Active**	**Active**
Amendment #2	**NMR1000UH**	**Gallardo Construction**	**Metro Verde South Phases 3A and 3B**	**Active**	**Active**
Amendment #3	**NMR10016Q**	**Gallardo Construction**	**Metro Verde South Phase 3C**	**Active**	**Active**
Amendment #3	**NMR10016R**	**Sierra Norte Development Inc**	**Metro Verde South Phase 3C**	**Active**	**Active**

Section II – Observations Summary:

Permit:

Amendment #2 states that work in Phase 2 was completed in 2017, but an NOT was not submitted. The NOT cannot be submitted until either permit coverage is transferred to another operator or the site achieves final stabilization. The SWPPP does not describe how permit responsibility is planned to be transferred to the individual homebuilders. There was a posting for the current project located in an area accessible to the public.

SWPPP:

The original SWPPP was developed for Metro Park Village Phase A. One page amendments plus an Erosion Control site map are being used to add subsequent phases. The site maps attached to the amendments were not noted as updated in the main plan as the design progressed, but were available onsite. The original RUSLE calculations and site maps provide the stormwater runoff velocity as greater

than pre development, and do not explain what controls were considered in the calculations. Soil Loss calculations, T&E and historical properties assessment and documentation only covers the original location of Metro Park Village Phase A. The historical properties assessment does not include the required consultation with NMSHPO. The NOI location for 3C appears to be within the 3B area. The SWPPP does not describe how the site will be stabilized, only that it falls under arid area schedules.

Recordkeeping & Inspections:
Inspections are currently being performed for Metro Verde South 3A &3B. Inspections are only being certified by Selena Gallardo, though a space was added to the form in March for the Sierra Norte Development to certify. Only Fito Gallardo and Jackie Jones are listed in the SWPP as authorizing official for Gallardo Construction. There was a training log indicating Fito Gallardo had been trained for all the onsite roles in November 2014. However, the current inspector only listed "previous experience" as inspector qualifications and no records of site specific training in the SWPPP training log. There is no description of required qualifications in the permit requirements, however, inspectors and all other members of the SWPPP Team must have the site specific training documented in the SWPPP training log.

BMPs/Implementation:
An oil leak was noted where the water truck fills up, but otherwise the site had good housekeeping. No stabilization BMPs have been designed for drainage swales and ponds. In general the housing sites will be transferred to builders, but shared areas must be stabilized. No outlet protection was installed at the ponds. Concrete washouts were utilized.

Section III – Inspection Findings:
Findings below are organized by permit section.

Part I: Permit Eligibility
Findings:
- Part 1.1.5 ESA Criteria Process in Appendix D was not followed for areas of the site added to the SWPPP.
- Part 1.1.6 Historic Screening process in Appendix E was not followed for areas of the site added to the SWPPP.

Part 2: Design, Installation and Maintenance Requirements
Findings:
- Part 2.2.10 Storm drain outlets must be protected.
- Part 2.2.14 No documentation of method of stabilization of disturbed areas.
- Part 2.3.1.f Vehicle leaking oil (See Appendix A: cleaned up later that day)

Part 4: Site Inspection Requirements
Findings:
- Part 4.7.2. Inspections were not signed by Sierra Norte Development and the SWPPP needs to be updated to reflect the authorized officials for Gallardo Construction.

Part 6: Staff Training Requirements
Findings:
- Part 6 documentation of current staff training was not provided.

Part 8 : How to Terminate Coverage

Findings:

- Part 8.2.1 and/or 8.2.2 information on meeting stabilization requirements or transfer to another owner not described in plan.

Part 9: Permit Conditions Applicable To Specific States, Indian Country Lands, Or Territories

Findings:

- Part 9.4.1.c SWPPP does not document that site specific practices will result in sediment loads and flow velocities that are not greater than predevelopment conditions

Section IV - List of Appendices:

Appendix A: **Gallardo Construction Inspection response**

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Google Earth	Date: 4-4-17	Time: unknown
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Park Area		
Subject: Aerial image of NOI locations associated with SWPPP (taken in April 2017)		

NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 5/3/18	Time: 9:54 am
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Verde		
Subject: Oil leak from water truck		

NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Jennifer Foote	Date: 5/3/18	Time: 10:30 am
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Verde		
Subject: Detention Pond without outlet protection and NOI posting		

NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 5/3/18	Time: 11:32 am
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Verde		
Subject: discharge channel no stabilization		

Appendix A
Response from Gallardo Construction

Gallardo Development, LLC
2701 W. Picacho, Las Cruces, NM 88007
(575) 652-4011

May 17, 2018

Recipient Name
Attn: Jennifer Foote
Harold Runnels Bldg.
1190 St. Francis Dr.
Santa Fe, New Mexico 87502

REF: Corrective Action

Dear Jennifer,

This letter is in reference to your concerns during your inspection of Metro Verde South Phase 3a and 3b. Your concerns/issues were corrected.

Concerns:
Water truck leaking fluids during obtaining water from water meter.
Corrective Action:
As soon as you left, I notified our equipment supervisor, Chacho Gallardo, and informed him of water truck leaking fluids. Chacho immediately replaced water truck. Fluids on concrete flooring was cleaned.
Concerns:
Drainage pipe on High Plains and Engler Street exposed to City of Las Cruces Drainage.

Corrective Action:
Construction on pond commenced the following day after your visit and we corrected the problem a couple of days later since we had to exposed the pipe first in order to place electrical lines. We had the pipe protected at all times to prevent any dirt being drawn into the City of Las Cruces Drainage.
Concerns:
Updating of SWPP plan book referencing regulation updates.
Corrective Action:
Updating of SWPP plan booklet was updated by our SWPP engineer of record immediately.
If further information is needed, please call me at 575.590.3505.
Thank you,
Raul Saenz

Foote, Jennifer, NMENV

From: ray@verde-environmental.com
Sent: Friday, June 29, 2018 3:54 PM
To: houston.robert@epa.gov; Holcomb, Sarah, NMENV; Foote, Jennifer, NMENV
Cc: gallardoconstruction@yahoo.com; 'John Moscato'; rick@verde-environmental.com
Subject: Response to NPDES Compliance Evaluation Inspection; NPDES #NMR1000UH, NMR10016Q, NMR1000UF, NMR100116R; May 3, 2018.
Attachments: NMR1000UH-20180503.pdf; Authorized SWPP Inspector signed.pdf; Transfer of Lot Ownership 3C.pdf; SWPP Updated Signed June 2018.pdf; SWPP Training Log.pdf

Importance: High

Mr. Houston, Ms. Holcomb, Ms. Foote: This e-mail is the consolidated response for 4 separate Compliance Inspections (listed above) for phases within the same subdivision, which are all covered by one SWPP Plan.
First, to best respond to this inspection, a completely new/updated SWPP Plan was written to cover the active phases, with provisions for adding future phases in an orderly manner.
The re-written/updated SWPP organizes and addresses the bulk of the findings of the Inspections. The signed SWPP Plan is attached.

Here are the findings, and responses to the Inspections (Note: the findings were the same for all inspections):

- Part 1.1.5 ESA Criteria Process in Appendix D was not followed for areas of the site added to the SWPPP. Response: Clarified in para. 15.1 of the SWPP.

- Part 1.1.6 Historic Screening process in Appendix E was not followed for areas of the site added to the SWPPP. Response: SHPO was contacted, response received, and the process was clarified in para. 15.2 of the SWPP.

- Part 2.2.10 Storm drain outlets must be protected. Response: The drain outlets were protected during electrical line placement by Gallardo Const. See Appendix A of the NMR1000UH inspection attached.

- Part 2.2.14 No documentation of method of stabilization of disturbed areas. Response: Clarified in para. 10.2 of the SWPP.

- Part 2.3.1.f Vehicle leaking oil. Response: Cleaned up later that day by Gallardo Const.: See Appendix A of the NMR1000UH inspection attached.

- Part 4.7.2. Inspections were not signed by Sierra Norte Development and the SWPPP needs to be updated to reflect the authorized officials for Gallardo Construction:
  Response: The signed SWPP Authorization letter for the Gallardo Construction Inspector, Mr. Saenz, is attached. Also, the owner has been notified that his signature is required on all future SWPP inspections.

- Part 6 documentation of current staff training was not provided. Response: Clarified, SWPP Training log is attached.

- Part 8.2.1 and/or 8.2.2 information on meeting stabilization requirements or transfer to another owner not described in plan. Response: Stabilization Clarified in para. 10.2 of the SWPP. Transfer of ownership process now described in SWPP, para. 2.1 and a transfer of ownership log was added to the SWPP Plan (attached).

- Part 9.4.1.c SWPPP does not document that site specific practices will result in sediment loads and flow velocities that are not greater than predevelopment conditions. Response: "There will be an increase in flow velocity due to the impervious areas installed. However, the control for the increase is the ponding provided

both during and after construction, which is required by the CLC Design Code." This excerpt is from the SWPP Calculations Summary.

For further information or questions please contact me via e-mail or phone.

Rick Reynaud
Verde Environmental II, LLC
575-312-0439