NEW MEXICO
ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

January 23, 2018

Kurt Browning
Santa Monica Place Development LLC
6300 Riverside Plaza Lane NE Suite 200
Albuquerque, NM 87120

Re: **Santa Monica Place Development LLC, Titan Development LLC/Santa Monica Estates; CGP; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES # NMR100105 and NMU001954; December 20, 2017**

Dear Mr.Browning:

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
John Rhoderick, NMED District II by e-mail
Brian Patterson, Titan Development, 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 U 1 0 1 9 9 D 11 12	1 7 1 2 2 0 17 18	} 19	S 20	2

Remarks

C O N S T R U C T I O N > 1 A C R E

Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved
67 69	70 2	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
Santa Monica Estates San Vicente Ave and Brentwood Blvd NE, Albuquerque, NM 87109	1:10 pm 12/20/17	2/16/2017
	Exit Time/Date 2:15 pm 12/20/17	Permit Expiration Date 2/16/2022

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
	SIC CODE: 1521: Residential Construction
Name, Address of Responsible Official/Title/Phone and Fax Number Kurt Browning/505-980-1650 Santa Monica Place Development LLC/Titan Development 6300 Riverside Plaza Lane NE Suite 200 Albuquerque, NM 87120	Contacted Yes [ ] No [x]

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**
U	**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**	M	**Storm Water**	N	**Other:**

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

1. **Inspector arrived on site at 1:10PM on December 20, 2017 and conducted entrance interview with Abrazo Homes sales staff where she made introductions, presented credentials and explained the purpose of the inspection.**
2. **The Inspection Company representing Abrazo/TQM/Santa Monica Development, returned phone calls and were given a summary on the inspection..**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote */s/ Jennifer Foote*	**NMED/SWQB 505-827-0596**	**1/23/17**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Sarah Holcomb, Program Manager */s/ Sarah Holcomb*	**NMED/SWQB 505-827-2798**	**1/23/17**

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	12/20/2017	Entry Time Exit Time	1:10pm 2:15 pm
Inspector Name/ Telephone	Jennifer Foote 505-827-0596		
Facility Name/ Physical Location	Santa Monica Estates San Vicente Ave and Brentwood Blvd NE, Albuquerque, NM 87109		
Facility Type	☐ Commercial ☒ Residential ☐ Municipal ☐ Industrial		
County Location	Bernalillo		
Latitude/Longitude (Decimal Degrees)	35.9161°N, 106.5723°E		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Abrazo Homes LLC	7/12/2007	Mackenzie Bishop	505-796-6119	NMR10009D	5/3/17	3/3/2017
TQM	1/20/2010	Mackenzie Bishop	505-796-6119	NMR10009C	5/3/17	3/3/2017
Titan Development/ Santa Monica Development	1/17/1999	Kurt Browning	505-998-0163	NMU001954		
Santa Monica Development	6/9/2015	Kurt Browning	505-998-0163	NMR100105	12/22/17	
Stillbrooke Homes	5/12/1997	Chris Kelsey	505-858-1800	NMU001955		

Was project covered under a previous permit?		☒ Yes	☐ No
If yes, previous NPDES Tracking Numbers:		Abrazo-NMR12BP99 TQM- NMR12BQ00 Santa Monica Development -NMR12BE43 Stillbrooke- NMR12BM97	
Actual Start Date	2/22/17	Estimated End Date	12/28/18
Disturbed Area	☒ >5 acre ☐ 1>acre<5 ☐ <1acre and part of larger common plan		
Receiving Water, including information on segment number, impairments, tier	Rio Grande segment 20.6.4.105; Impaired for e. coli, PCB, Temperature; Tier 2		

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
none			

Section I – Introduction:
The Santa Monica Estates Project consists of two phases and multiple residential home developers within a greater 60 acre development. Titan Development is the original developer for the overall property which was broken into different developments including Santa Monica Estates Project. The Santa Monica Estates Project area has been brought to grade and BMPs were installed during previous projects. It is currently in Phase 1, with Phase 2 (the last southern portion) to begin development soon. Explanations of current permits and operators are covered under Permit Coverage in the Observations Summary below.

The inspector first visited the Abrazo Homes sales office, the salesperson there attempted to contact company representatives and the inspection company, Inspections Plus (calls were returned later and documents provided). The Stillbrooke Homes sales office was also visited by the inspector, but staff had no knowledge of NPDES permit requirements. A phone number for Chris Kelsey with Stillbrooke was obtained, but the call was not returned. Brian Patterson with Santa Monica Place Development/Titan Development was contacted by phone on Jan 22 to clarify the ownership of the currently undeveloped Phase 2 of Santa Monica Estates Project on the south side as being under the Santa Monica Place Development ownership.

Section II – Observations Summary:
Permit Coverage:
Abrazo Homes LLC (2017 CGP Tracking number NMR10009D) and TQM LLC (2017 CGP Tracking number NMR10009C) had permit coverage under the 2012 CGP and reapplied for coverage under the 2017 CGP within the required time for reapplication.

Titan Development has not filed for a NOI for the overall project as ownership was transferred at the time of development of the projects within the greater plan. Santa Monica Place Development LLC had coverage under the 2012 CGP (tracking # NMR12BE43) but did not reapply for coverage by May 17, 2017. A new NOI (certified 12/22/2017) for Santa Monica Place Development LLC was obtained after the inspection which will cover Phase 1 and 2 of this Project. Sundance Mechanical had a 2012 permit for the site (tracking # NMR12BE44) that the 2012 CGP eNOI webpage states was terminated “Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.” Sundance Mechanical is expected to return as an operator for Phase 2 of Santa Monica Estates, but is not currently an operator at the Project.

Stillbrooke Homes has an expired 2012 CGP permit tracking number NMR12BM97. A 2017 CGP NOI was not found for this operator.

A NOI posting for Abrazo and TQM was located near the sales office, but it contained information from the 2012 permit. No other NOI postings were found at the time of the inspection.

SWPPP:
A SWPPP for Abrazo and TQM for Santa Monica Estates Subdivision certified March 2017 was available at the sales office onsite, but it did not contain updated maps or completed inspections. Inspections were sent by email later that day.

Inspections Plus later emailed an electronic copy of a SWPPP (no certification signature or site map) for Santa Monica Estates dated 12/1/2015 that listed Sundance Mechanical and Santa Monica Place Development LLC as Operators for the 15 acre site.

No SWPPP was provided that included Stillbrooke Homes as Operator.

Recordkeeping & Inspections:
Two sets of inspections were provided by email by Inspections Plus: one for TQM for dates between 2/9/17 and 12/14/17, and for Santa Monica Estates/Sundance Mechanical for dates between 1/12/17 and 12/14/17 with corrective actions noted for dates starting March 2016, many corrective actions did not include dates that the required work was completed. Inspections were only signed by the inspector and not by an owner representative.

No records were provided by Stillbrooke Homes.

BMPs/Implementation:
BMPs such as silt fence are not all maintained, the plan describes a low point behind the curb as the primary BMP (photos 3,4, 5, 6). There is no documentation of the date that temporary stabilization occurred or specifications that describe how long the soil tackifier is effective. Minor tracking was occurring at some of the homes (photo 5). Concrete and stucco washout was occurring around the site directly on the ground (photo 7).

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

Part I: Permit Eligibility
Findings:

- Part 1.4.3. Failure for Stillbrooke Homes and Santa Monica Place Development LLC to reapply for coverage under 2017 permit by May 17, 2017. Note: Santa Monica Place Development LLC has since applied for coverage.
- Part 1.5 SWPPP Public posting for Abrazo Homes LLC and TQM, LLC was not current and did not include the language required under the new permit. No posting for Santa Monica Place Development LLC and Stillbrooke Homes.

Part 2: Design, Installation and Maintenance Requirements
Findings:

- Part 2.1.4 Stormwater controls not maintained (Abrazo Homes, TQM, Santa Monica Place Development LLC, Stillbrook Homes)
- Part 2.2.14 No record of expected longevity and date of application of temporary stabilization of soil tackifier at inactive areas (Santa Monica Place Development)
- Part 2.3.4 Leak proof or lined washout not used. (Abrazo Homes, TQM, Santa Monica Place Development LLC, Stillbrook Homes)

Part 4: Site Inspection Requirements
Findings:

- Part 4.7.2. Inspections were not signed by the Operator ((Abrazo Homes, TQM, Santa Monica Place Development LLC, Stillbrook Homes). The responsibility of the authorized representative cannot be delegated to an outside consultant with no financial responsibility for the Owner.

Part 5: Corrective Actions
Findings:

- Part 5 Documentation of all corrective actions within 24 hours was not available.

Part 6: Staff Training Requirements
Findings:

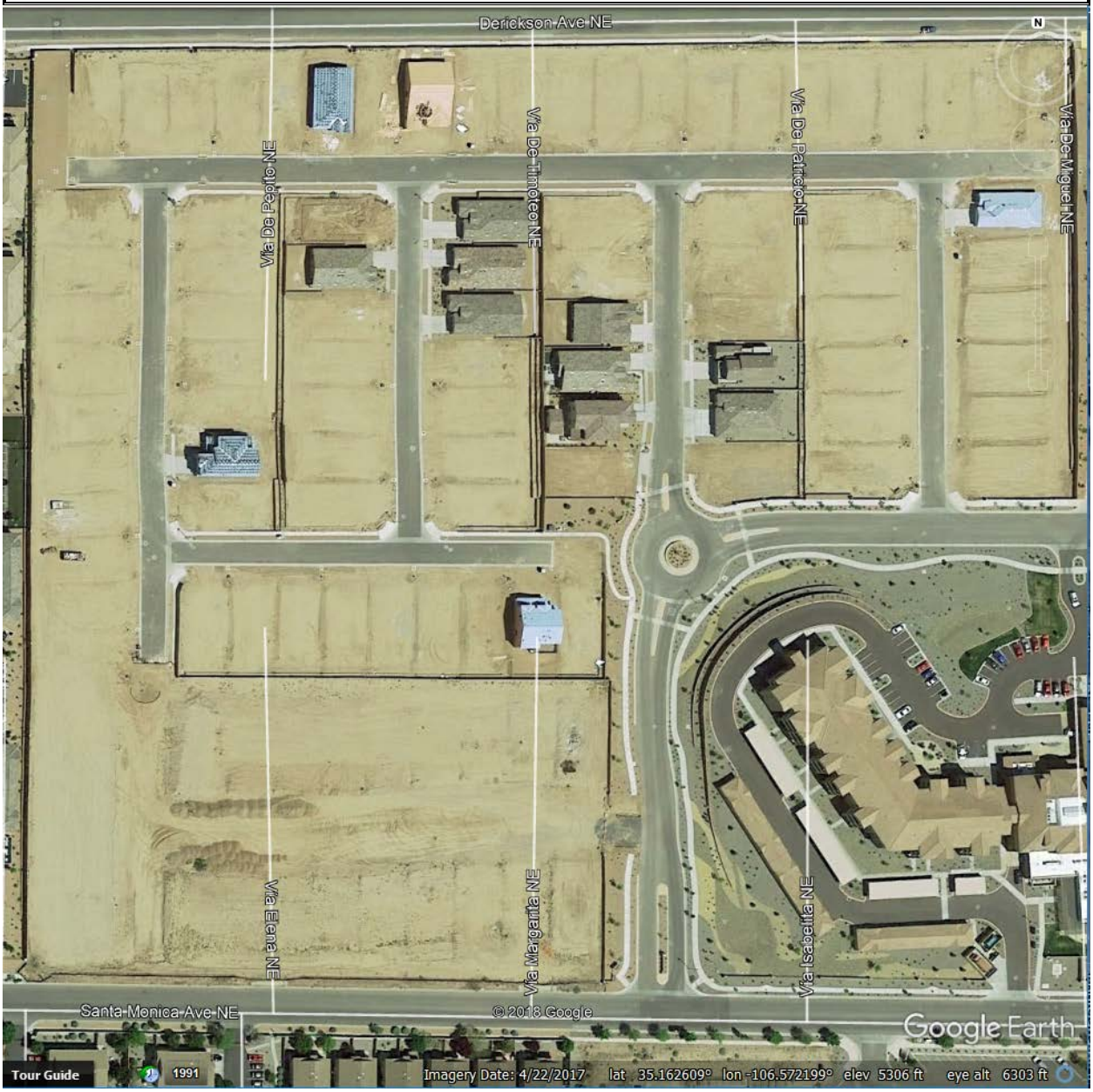
- Part 6 No documentation of staff training was provided.

Part 7: Stormwater Pollution Prevention Plan (SWPPP)
Findings:

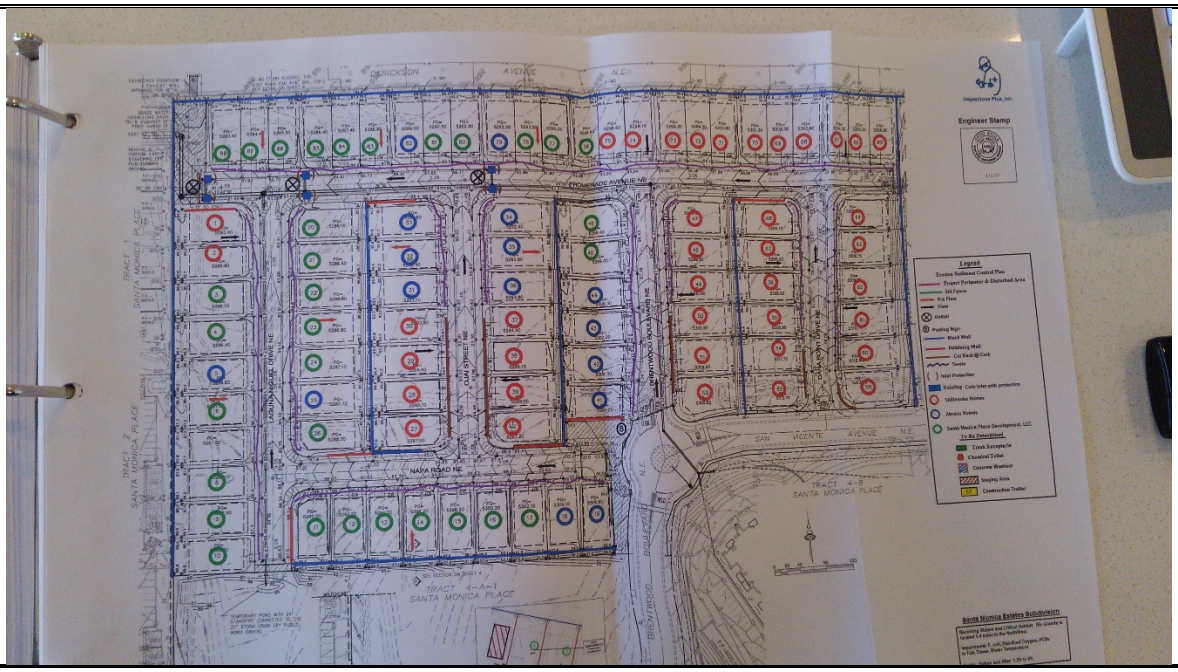
- Part 7.1 The SWPPPs for Abrazo Homes/TQM and Santa Monica Place Development LLC including dates of disturbance, site maps, and BMP installation tables were not updated with actual locations and types of pollutants.
- Part 7.2 Stillbrooke Homes did not provide a SWPPP.

Section IV - List of Appendices:
Appendix A: Photos

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Google Earth	Date: 4/22/17	Time: n/a
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: Aerial photo taken in April 2017, of disturbed areas included in greater plan of development for Santa Monica Estates		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 1:35 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: Abrazo/TQM SWPPP site map showing parcel ownership for the three owners.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 2:13 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: Undeveloped southwest corner of site, silt fence is falling down (Operator:Santa Monica Place Development)		

NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 2:10 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: abandoned construction entrance, unstabilized area at undeveloped portion of site (Operator: Santa Monica Place Development)		

NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 1:12 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: tracking and BMPs in disrepair (Operator:Stillbrooke)		

NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 1:46 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: sediment going under silt fence (Operator:Stillbrooke)		

NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Jennifer Foote	Date: 12/20/17	Time: 1:35 pm
City/County: Albuquerque, Bernalillo		State: New Mexico
Location: Santa Monica Estates		
Subject: concrete washout on ground BMPs in disrepair (Operator:Stillbrooke)		