NEW MEXICO
ENVIRONMENT DEPARTMENT

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.env.nm.gov

BUTCH TONGATE
Cabinet Secretary

BRUCE YURDIN
Acting Deputy Secretary

Certified Mail – Return Receipt Requested

November 21, 2018

Mr. Esmail Haidari
Senemar, LLC.
12008 Gazelle Pl NW,
Albuquerque, NM 87111

Re: Senemar, LLC/ Rohan Subdivision; MINOR; UNPERMITTED DISCHARGE / CONSTRUCTION STORMWATER; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES #NMU001981; October 23, 2018

Dear Mr.Haidari:

Enclosed please find a copy of the report 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.

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, Suite 1200
Dallas, Texas 75202-2733

Program Manager
New Mexico Environment Department
Surface Water Quality Bureau (N2050)
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
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Carol Peters-Wagnon, 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
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
John Rhoderick, NMED District I by e-mail
Curtis Cherne, COA by e-mail

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 0 0 1 9 8 1 11 12	1 8 1 0 2 3 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 1	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
Rohan Subdivision Wyoming and Eagle Rock Ave NE, Albuquerque 87113 Bernalillo County	October 23, 2018 11:10 am	2/16/2017
	Exit Time/Date October 23, 2018 11:25 am	Permit Expiration Date 2/16/2022

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Esmail Haidari/owner/505-250-6088 Senemar, LLC. 12008 Gazelle Pl NW, Albuquerque, NM 87111	Contacted Yes [x] No [ ]	SIC 1521 General Contractors-Single Family Houses GPS: 35 11' 15 ", -106 33'37 "

Section C: Areas Evaluated During Inspection

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

U	**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. **Inspectors arrived on site at 10/23/2018 at approximately 11:10 am. The site was vacant and no contact information was posted.**
2. **Owner and Contractor were contacted by phone around 3pm on the day of the inspection. The purpose and a summary of the inspection was explained. Project drawings were provided by email the next day.**
3. **See attached for further explanations.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote */s/ Jennifer Foote*	**NMED/SWQB 505-827-0596**	**11/20/18**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Sarah Holcomb, Program Manager */s/ Sarah Holcomb*	**NMED/SWQB 505-827-2798**	**11/20/18**

Senemar, LLC
Rohan Subdivision
Compliance Evaluation Inspection
October 23, 2018
NPDES Permit No. NMU0001981
Further Explanations

Introduction:

On October 23, 2018, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote accompanied by Daniel Valenta, both of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB), at the Rohan Subdivision in Albuquerque. The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) Stormwater Construction General Permit (CGP). A complaint had been received by the inspectors that BMPs were not installed and maintained and that the project did not have NPDES coverage. Storm water from this site discharges into the Albuquerque MS4. This site may discharge stormwater to La Cueva Channel and thence to Rio Grande in Segment 20.6.4.106 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC).

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

Observations Summary:

The inspectors arrived onsite at about 11:10am, the site was vacant and no contact information was posted. The project is the construction of residential homes in Albuquerque NM. Senemar LLC owns a 0.7252 acre lot and SBS Construction is the General Contractor for the site. The inspector talked to the owner and operator by phone later that afternoon and the Contractor provided Project drawings by email.

As part of the city permitting process, builders are required to perform infrastructure improvements. For this project, drainage and road improvements work were done, and an adjacent lot was also disturbed as indicated on the Google Earth photo. The project drawings included the area of disturbance of the housing lots as well as the road improvements. The total area disturbed for by this project was 1.6 acres.

During the site visit, the inspectors noted that there was minor tracking, the porta potty was not anchored, construction debris was not in covered containers, and BMPs were not installed on the downhill side to prevent sediment from migrating from the road to the storm drains.

Inspection Findings:

Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

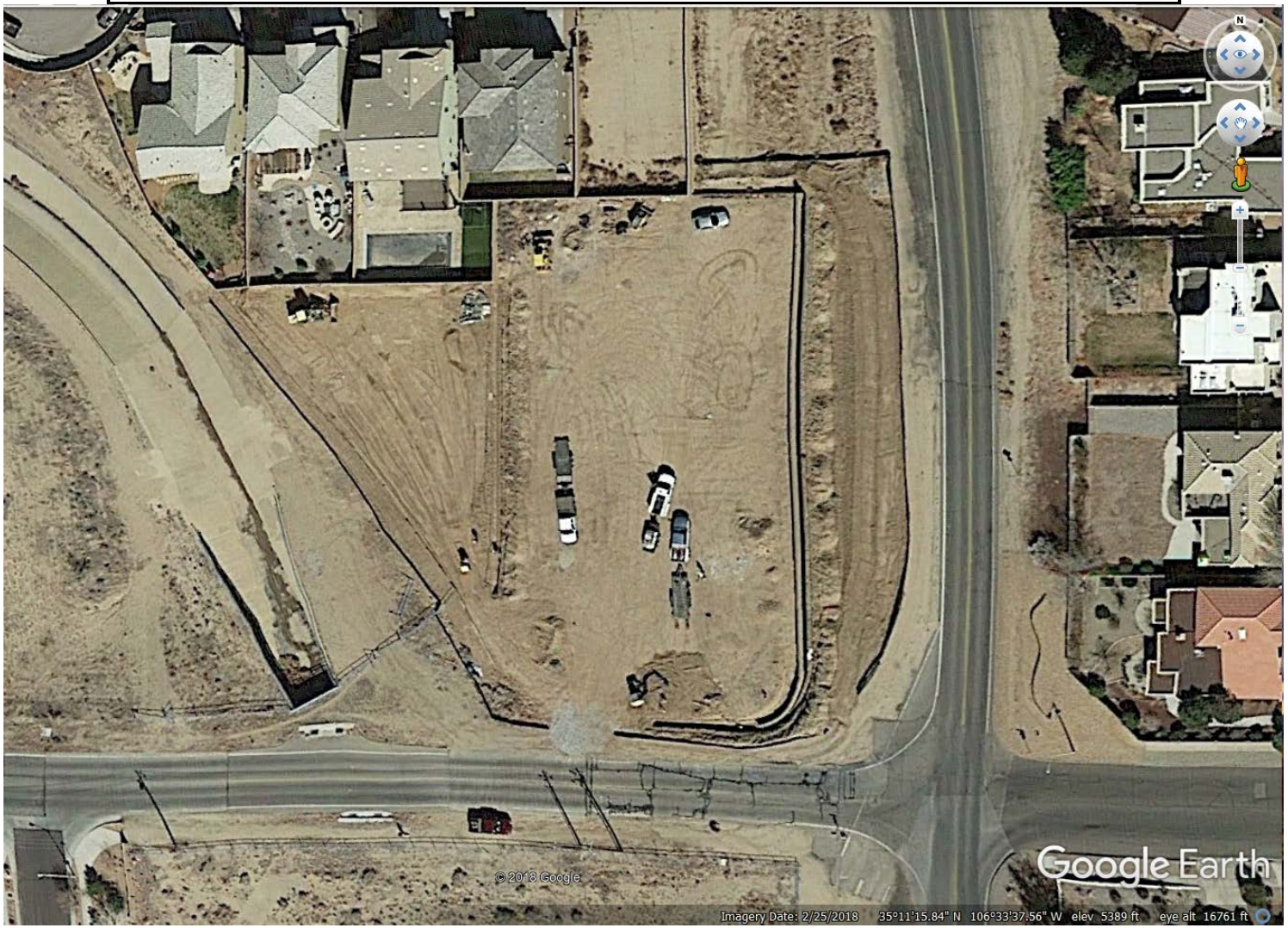
Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b)(14)(x), as follows: "Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more."

In addition, beginning on March 10, 2003, storm water discharges associated with small construction activity became regulated according to 40 CFR Part 122.26(b)(15)(i) for "[c]onstruction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre and less than five acres."

40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states "Any person who discharges or proposes to discharge pollutants …must submit a complete application to the Director in accordance with this section and part 124 of this chapter.".

According to the facility's representative and based on a review of the EPA storm water permit database, it has been determined that neither the owner or operator had NPDES construction general storm water permit coverage on the date of this inspection and BMPs had not been adequately installed to prevent a discharge of pollutants to the adjacent La Cueva Arroyo.

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Google Earth	Date: 02-25-18	Time: n/a
City/County: Albuquerque/Bernalillo County		State: New Mexico
Location: Rohan Subdivision		
Subject: Aerial photo Feb 2018 of Project area, La Cueva Arroyo is drainage channel to west		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 10-23-18	Time: 11:19 am
City/County: Albuquerque/Bernalillo County		State: New Mexico
Location: Rohan Subdivision		
Subject: sediment from the site going towards La Cueva arroyo		

NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Jennifer Foote	Date: 10-23-18	Time: 11:19 am
City/County: Albuquerque/Bernalillo County		State: New Mexico
Location: Rohan Subdivision		
Subject: construction debris on ground		

NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 10-23-18	Time: 11:19 am
City/County: Albuquerque/Bernalillo County		State: New Mexico
Location: Rohan Subdivision		
Subject: minor tracking and sediment from the site going towards La Cueva arroyo		

Attachment 1

City of Albuquerque Drainage Ordinance Inspection
10-12-18

CITY OF ALBUQUERQUE

October 12, 2018

Esmail Haidari, Senemar, LLC, esmailhaidari060@gmail.com
Shawn Biazar, aecllc@aol.com

Site: Rohan Subdivision

Re: Drainage Ordinance (14-5-2-1) Violations for Erosion and Sediment Control

Dear Mr. Haidari,

The following violations were observed at today's inspection:

1. The site was not posted per paragraph 1.5 of the NPDES CGP.
2. No sediment BMP for the buffer area along Eagle Rock Ave.
3. Sediment in gutter of Eagle Rock Ave.
4. No inlet protection.
5. There is a disturbed area uphill from the channel with no sediment BMP.
6. No sediment BMP for graded lots .
7. No sediment BMPs for east and west gutters on site.
8. Construction waste pile with litter near channel.
9. There was no waste receptacle.
10. Concrete wash-out in Wyoming ROW.
11. There was no wash-out facility.
12. No sediment BMP at gutter at the south and north ends of the Wyoming ROW and gap in sediment BMP at the south end of Wyoming Blvd.

Photos of the violations are shown below:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

No sediment BMP.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sediment in gutter and on top of curb.

CITY OF ALBUQUERQUE

No inlet protection.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Disturbed area uphill from channel with no sediment BMP.

CITY OF ALBUQUERQUE

No sediment BMP for graded lots.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

West gutter-No sediment BMP.

CITY OF ALBUQUERQUE

East gutter- No sediment BMP

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Construction waste and litter pile near channel.

CITY OF ALBUQUERQUE

Concrete wash-out.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Wyoming south end- No sediment BMP for gutter and gap next to gutter.

CITY OF ALBUQUERQUE

Wyoming Blvd North end-no sediment BMP.

Required mitigation:

1. Provide a posting per paragraph 1.5 of the NPDES CGP.
2. Provide a sediment BMP for the buffer area along Eagle Rock Ave.
3. Remove sediment from the gutter in Eagle Rock Ave.
4. Provide inlet protection.
5. Provide a sediment BMP or stabilize the area uphill from the channel with no sediment BMP.
6. Provide a sediment BMP for graded lots.
7. Provide a sediment BMPs for east and west gutters on site.
8. Remove the construction waste pile with litter near channel.
9. Provide a waste receptacle.
10. Remove the concrete wash-out in Wyoming ROW.
11. Provide a wash-out facility.
12. Provide a sediment BMP at gutter at the south and north ends of the Wyoming ROW and gap in sediment BMP at the south end of Wyoming Blvd.

If the violations are not mitigated within 7 days, the property owner is subject to a fine of $500/day per the City's Drainage Control Ordinance.

If you have any questions, you can contact me at 924-3420, ccherne@cabq.gov.

Sincerely,

Curtis C Cherne

Curtis Cherne, P.E.
Principal Engineer, Stormwater Quality
Planning Dept.

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov