NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

Certified Mail - Return Receipt Requested

October 13, 2010

Mr. Sayeed Afsar
Vice President, A. S. Horner Inc.
5801 Bobby Foster Rd.
P.O. Box 9105
Albuquerque, NM 87119

RE: Construction Stormwater; SIC 1611; NPDES Compliance Evaluation; A. S. Horner Inc.; NMR10GX07; October 6, 2010

Dear Mr. Afsar:

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.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report; and required to correct any problems noted during the inspection and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both USEPA and NMED regarding modifications and compliance schedules.

If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-2575.

Sincerely,
/s/Daniel Valenta

Daniel Valenta
Surface Water Quality Bureau

CC: Carol Peters-Wagnon, USEPA by email
Marcia Adams, USEPA by email
Diana McDonald, USEPA by email
Samuel Tates, USEPA by email
NMED, District II Santa Fe 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 G X 0 7 11	12 1 0 1 0 0 6 17	18 }	19 S 20	1

Remarks

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

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
Diamond Drive Phase 4/ Diamond Dr. & Canyon Rd./ Enter Los Alamos on 502 from Santa Fe, continue until intersection with Diamond Drive. Pueblo Canyon Rim Site, travel north on Diamond, estimated 2,000 ft, before Diamond Drive bridge over Pueblo Canyon, turn right on gravel road.	1350/10-6-10	6-30-08
	Exit Time/Date 1715/10-6-10	Permit Expiration Date 6-30-11

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)

Rey Gonzales/ Engineering Project Manager/ 505-662-8122 cell 505-670-1458
John Hale/ Site Superintendent/505-873-1577 cell 505-975-6738
David Morris/ A. S. Horner Representative/ 505-975-6527

Name, Address of Responsible Official/Title/Phone and Fax Number

Mr. Sayeed Afsar, Vice President, A. S. Horner Inc., 5801 Bobby Foster Rd.
P.O. Box 9105, Albuquerque, NM 87119/ 505-270-1437 cell 505-259-3422

Contacted: Yes [ ] No [*]

Other Facility Data

Construction Site
LAT 35° 53' 01.17" N
LONG –106° 19' 07.56"W

SIC CODE – 1611

Pueblo Canyon Rim Site
LAT 35° 53' 28.70" N
LONG –106° 19' 01.23"W

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
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

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

1. Inspectors arrived on site at 1350 hours on 10/6/2010, the inspector conducted an entrance interview with Messrs Rey Gonzales and David Morris where he presented his credentials and explained the purpose of the inspection. An exit interview to discuss the preliminary finding on the inspection was conducted with Messrs Rey Gonzales and John Hale at approximately 1715 hours on 10/6/2010 at the construction site.

2. This report is based on review of files maintained by the permittee and NMED, on site observation by NMED personal and verbal information provided by the facility's representative.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
DANIEL VALENTA *(/s/Daniel Valenta)*	NMED/SWQB 505-827-2575	*10/13/2010*
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
RICHARD POWELL *(/s/Richard Powell)*	NMED/SWQB 505-827-2798	*10/13/2010*

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Daniel Valenta
NPDES ID Number	NMR10GX70/NMR10GX07	Telephone	(505) 827-2575
Inspection Date	10/6/2010	Entry Time	1350
Inspector Type *(circle one)*	EPA [State] EPA Oversight	Exit Time	1715
Facility Type *(circle one)*	Commercial /Industrial Residential [Municipal]	Signature	

Facility Location Information					
Name/Location/ Mailing Address	Diamond Drive Phase 4/ Diamond Drive and Canyon Road, Los Alamos, NM 87544				
GPS Coordinates	Latitude	35° 53' 01.17" 35° 53' 28.70"	Longitude	-106° 19' 07.56" -106° 19' 01.23"	
Receiving Water(s)	Los Alamos Canyon and Pueblo Canyon				
Disturbed Area	6.25	Start Date	4/19/2010	Stop Date	9/30/2011

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Owner/Developer: Los Alamos County, NM General Contractor: A.S Horner Incorporated	(505) 662-8122 (505) 873-1577
Facility Contact	A.S Horner Supervisor – John Hale Los Alamos County – Rey Gonzales	(505) 873-1577 (505) 662-8122
Authorized Official(s)	Los Alamos County – .Anthony Mortillaro A.S. Horner – Sayeed Afsar	(505) 663-1750 (505) 270-1437

Site Information: *(circle all that apply)*							
Nature of Project	Residential	Commercial/ Industrial	[Roadway]	Private	Federal	State/ [Municipal]	Other
Construction Stage	Clearing/ Grubbing	Rough Grading	Infrastructure	Building Const.	[Final Grading]	Final Stabilization	

Basic Permit Information		
Permit Coverage *ESO Element 3 & 4*	Y	N
Permit Type	General	Individual
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP *ESO Element 41*	Y	N
NOI Date	6/4/2010 Horner 4/16/2010 County	
If applicable, is waiver certification & approval on file?	Y	N

Basic SWPPP Information		
SWPPP Prepared & Available *ESO Element 5 & 30*	Y	N
SWPPP Contents Satisfactory *ESO Elements 5 - 31*	Y	N
SWPPP Implementation Satisfactory *ESO Elements 32 - 48*	Y	N
SWPPP Date	4/6/2010	
Intentionally left blank		

SWPPP Review *(can be completed in office)*

General			Notes:
Is there a SWPPP? *ESO Element 5*	Y	N	
SWPPP completed prior to NOI submission? *ESO Element 6*	Y	N	
Copy of permit language? *ESO Element 25*	Y	N	
Is SWPPP consistent with state/tribal/local regulations and permits? *ESO Element 26*	Y	N	Part 10 of the permit requires site specific BMPs that are designed to prevent to the maximum extent practicable an increase in the sediment yield from pre-construction, pre-development conditions to assure that applicable standards of 20.6.4. NMAC are met. The permittee has pre-construction runoff coefficient of 0.45, during construction loss at 0.65, and a post-construction of 0.75.
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? *ESO Element 27*	Y	N	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires? *ESO Element 28*	Y	N	
Is a copy of the SWPPP on site or made available? *ESO Element 30*	Y	N	
Did all "operators" sign/certify the SWPPP? *ESO Element 31*	Y	N	All SWPPP's must be signed by a person defined in Appendix G.11. Mr. Rey Gonzales identified himself as the Project Engineer and stated a letter of authorization was contained in the SWPPP. No letter was found authorizing Mr. Gonzales to sign on behalf of County of Los Alamos.

Site Description			**Notes:**
SWPPP identifies potential sources of pollution? *ESO Element 7*	Y	[N]	No potential sources of pollution have been identified in the SWPPP.
SWPPP identifies all operators and their areas of control? *ESO Element 8*	Y	[N]	SWPPP identifies operators but fails to identify their responsibilities.
Is there a site description? *ESO Element 9*	[Y]	N	Nature of activity provided states, "Road rehabilitation, reconstruction, drainage structures and utilities.
Nature/sequence of construction activity? *ESO Element 9A - 9B*	[Y]	N	Sequence of construction is provided as stage A, B, C, D, E, F, G, and H.
Total area of site and total area to be disturbed? *ESO Element 9C*	[Y]	N	
Is there a general location map? *ESO Element 9D*	[Y]	N	
Is there a site map? *ESO Element 9E*	Y	[N]	Site map does not include the Pueblo Canyon Rim storage area.
Drainage patterns/outfalls on site map? *ESO Element 9F*	Y	[N]	Map does not include the Pueblo Canyon Rim storage area.
Area of soil disturbance on site map? *ESO Element 9F*	Y	[N]	Area of soil disturbance is not provided on the site map.
Location of major structural controls on site map? *ESO Element 9F*	Y	[N]	Site map does not identify the berms located in Pueblo Canyon Rim storage area.
Location of storm water discharges to a surface water on site map? *ESO Element 9F*	[Y]	N	
Location of materials or equipment storage on site map (on-site or off-site)? *ESO Element 9F*	Y	[N]	Site map fails to identify Pueblo Canyon Rim as an off-site storage area.
Location/description industrial activities? *ESO Element 9G*	Y	[N]	N/A
Name of Receiving water(s) or MS4 listed?	Y	[N]	*Note: Indicate whether receiving water is 303(d) listed.* Receiving waters not indicated on maps
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? *ESO Element 14*	[Y]	N	
Endangered Species Documentation? *ESO Element 23*	[Y]	N	The permittee checked A; however, documentation on the SWPPP indicates endangered species in this county and a biological opinion by an independent contractor indicating that no adverse effect was found.

Controls to Reduce Pollutants			**Notes:**
Does the SWPPP include a description of all pollution control measures (BMPs) that will be implemented to control pollutants in storm water discharges, including sequence and which operator responsible for implementation? *ESO Element 10 A – C*	Y	N	The SWPPP includes a description of numerous BMPs. The site inspection revealed only wattles used as drop inlet protection. All other BMPs listed were not found on site. No description of BMP's used at the Pueblo canyon Rim site.
Does the SWPPP include a description of interim and permanent *stabilization practices* (e.g., seeding, mulching, riprap for the site)? *ESO Element 11; 12*	Y	N	Temporary soil stabilization, permanent seeding, erosion control mats, and slope roughening are listed as stabilization practices.
Does the SWPPP identify the contractor(s) and timing by which *stabilization practices* will be implemented? *ESO Element 13*	Y	N	There is no contractor identified, nor the timing by which stabilization practices will be implemented.
Does the SWPPP include a description of *structural practices* (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? *ESO Element 15*	Y	N	The SWPPP provides a generic list of many structural practices, including silt fences, check dams, ditches/dikes, berms, slope drains, drop inlet protection, sediment traps, wattles, graveled entrances.
Does the SWPPP identify the contractor(s) and timing by which *structural practices* will be implemented? *ESO Element 10B - 10C*	Y	N	
Does the SWPPP identify storm water management measures to address storm water runoff once the construction is completed (e.g., retention ponds, velocity dissipation controls)? *ESO Element 16*	Y	N	Stormwater runoff was not addressed once construction was completed on the roadway. Stormwater management was not addressed at the Pueblo Canyon Rim site.
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? *ESO Element 17*	Y	N	N/A
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? *ESO Element 18*	Y	N	The SWPPP identifies a graveled entrance. However, millings from asphalt were used instead of the graveled entrance. There is no explanation in the SWPPP why this was used in place of the gravel. No control in place at storage site.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? *ESO Element 19*	Y	N	Runoff from asphalt piles stored at Pueblo Canyon Rim site not addressed. Smell of hydrocarbons off gassing present around asphalt storage piles.
Does the SWPPP describe controls for pollutants from non-construction activities? *ESO Element 20*	Y	N	
Does SWPPP identify allowable non-storm water discharges? *ESO Element 21*	Y	N	

Controls to Reduce Pollutants (cont'd)			**Notes:**
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? *ESO Element 22*	Y	N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? *ESO Element 29*	Y	N	Inspection revealed berms had failed at Pueblo Canyon Rim site but no changes were made to the SWPPP to address failures.

Inspections			**Notes:**
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? *ESO Element 32*	Y	N	Construction began on April 16, 2010. A total of 15 inspections have been conducted since construction began. On August 23, 2010, it is noted that a rain event occurred of 1.15". No inspection followed this rain event within 24-hrs. There was a lapse of 19 days between an inspection of 8/17/2010 and 9/7/2010.
Inspections performed by qualified personnel? *ESO Element 33*	Y	N	
All disturbed areas and/or used for storage and exposed to rain inspected? *ESO Element 34*	Y	N	The Pueblo Canyon Rim storage site was not inspected during the first five inspections.
All pollution control measures inspected to ensure proper operation? *ESO Element 35*	Y	N	The Pueblo Canyon Rim site had berms around piles of recycled asphalt, dirt and concrete. However, these berms failed as noted in the pictures provided. The lower berm was not repaired after failure.
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? *ESO Element 36; 37*	Y	N	Failure of lower containment berm at Pueblo Canyon Rim area not noted or corrected prior to this inspection.
Entrance/exit inspected for off-site tracking? *ESO Element 38*	Y	N	No documentation or off-site tracking BMP in place at Pueblo Canyon Rim site.
Inspection report contain all required items and certified? *ESO Element 39; 40*	Y	N	

Notes on SWPPP Review

Site Description:

The County of Los Alamos is in the process of making improvements to Diamond Drive in Los Alamos, New Mexico. The project area begins at the north end of Omega Road and terminates at the junction of San Ildefonso Road for a distance of 2.7 miles. This roadway services as a primary connecting route through the Townsite of Los Alamos. The improvements would include pavement rehabilitation and reconstruction, roadway widening, construction of bicycle and pedestrian trails, a pedestrian underpass and construction of a new pedestrian bridge, rehabilitation of existing pedestrian bridges and culvert improvements.

SWPPP Implementation (*complete in field)*	
Stabilization Practices	
List and describe stabilization practices *ESO Element 43, 48*	*(e.g., seeding, mulching, geotextiles, sod stabilization)* SWPPP describes the use of: Temporary Soil Stabilant Permanent Seeding Erosion Control Mats Slope Roughening No stabilization practices were observed at the Pueblo Canyon Rim staging area. The top staging area is being actively used; however the sides of the containment berms showed no signs of any stabilization or erosion controls.
Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? *ESO Element 46*	(*e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?*) Disturbances around the Diamond Drive construction area appear to be stabilized. No documentation in SWPPP noting who or when events occurred or will occur.

Structural Practices	
List and describe structural controls *ESO Element 42, 43, 47*	*(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)* SWPPP describes the use of: Silts fences (see photo 2) Check Dams Ditches & Dikes Berms Slope Drains Drop Inlet Protections Inlet & Outlet Protections Sediment Traps Site map documents the use of wattles along Diamond Drive, other BMPs not used. SWPPP silent on the use of Pueblo Canyon Rim staging area and BMP's in use at the site.

Non-Structural Practices	
Street Cleaning *ESO Element 44*	*(e.g., describe measures taken to remove offsite accumulation of sediment)* Diamond Drive is cleaned as needed.

Non-Structural Practices	
Good Housekeeping & Waste Disposal Practices *ESO Element 45*	*(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)* Construction site appeared orderly, waste containers emptied when needed.
Equipment Wash/ Maintenance Area *ESO Elements 43*	*(provide brief description)* Equipment is serviced by mobile service truck when needed. Spill prevention plan in place.
Concrete Washout Areas *ESO Elements 43*	*(provide brief description)* Concrete wash out waste was present on the ground at the Pueblo Canyon Rim storage area.

Miscellaneous	
Evidence of Sediment Deposition to Surface Waters **ESO Eligibility - if "yes," site not eligible for ESO*	*(e.g., significant turbidity observed in a receiving water body)* Yes It appears that due to a heavy rain event the upper berm was breached at the Pueblo Canyon Rim staging area. The amount of water released carried all the soil and rocks downhill through the lower containment berm to the Pueblo Canyon stream. The berm breach was reported on inspection report 8/15/2010 and 8/16/2010. No documentation found in SWPPP when repairs were made. At the time of this inspection the upper berm was repaired but not the lower berm next to the Pueblo Canyon stream. This would allow stormwater to carry pollutants into the stream from the sides and top of the staging area.

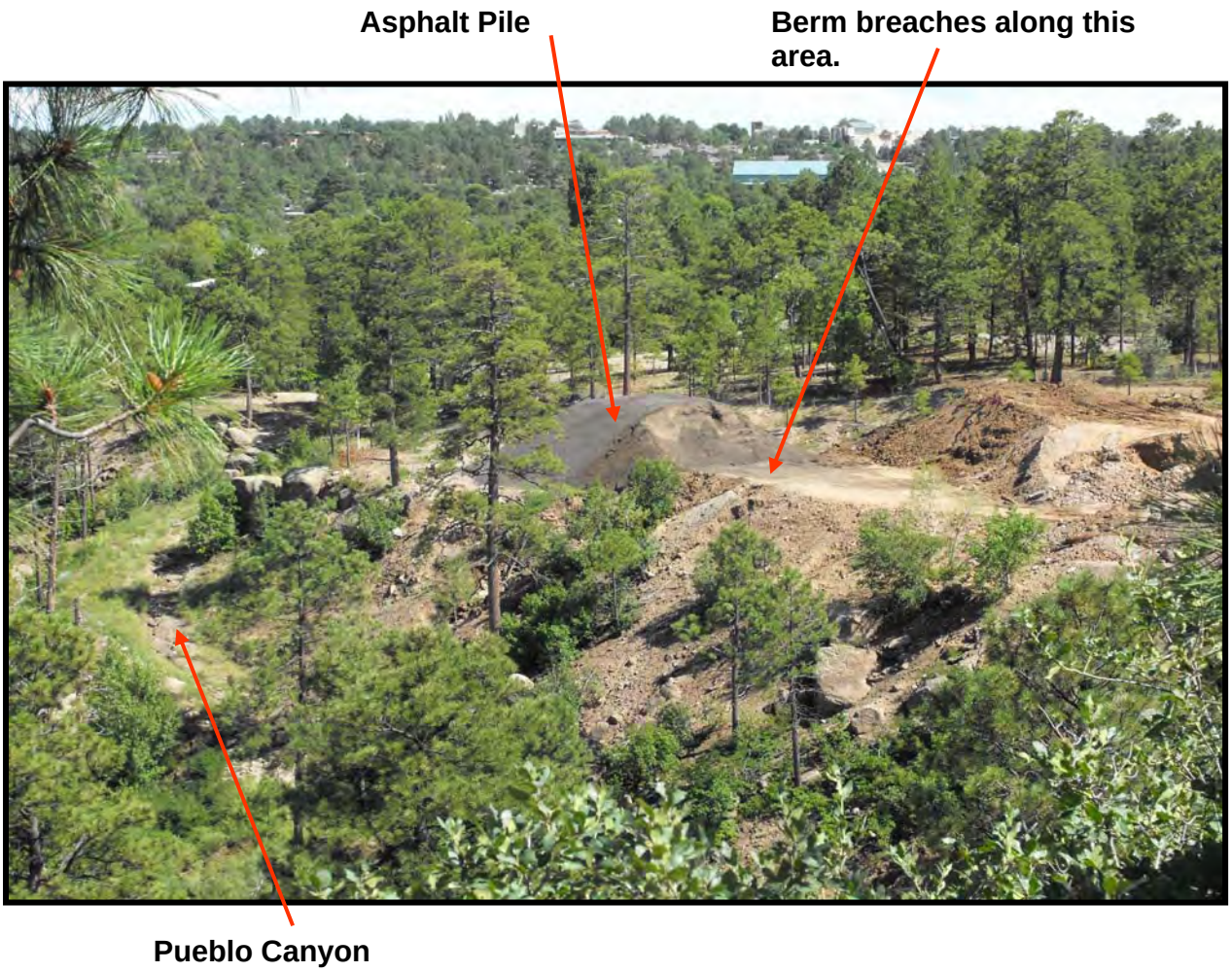
Miscellaneous	
Pollution prevention measures for non-storm water discharges? **ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO*	(*provide brief description and determine whether/if non-storm water discharges allowable)* Per the SWPPP, water will be used for dust control and care will be taken not to create runoff and resulting erosion. No visual evidence was found during the inspection of non-stormwater discharges.
Has implementation of additional/modified BMPs been completed before next anticipated storm event? *ESO Element 43.C.1*	*(provide brief description)* The SWPPP does not contain any reference or maps of the Pueblo Canyon Rim staging area. After the berm breaches, no changes or reviews of BMP in the area were documented.

Notes on SWPPP Implementation

NMED/SWQB
Official Photograph Log

Photo # 1

Photographer: Daniel Valenta	Date: 8/18/2010	Time: 1519
City/County: Los Alamos/Los Alamos County		
Location: 1900 Diamond Drive, Los Alamos, NM, picture taken from in back of the Los Alamo's Schools Credit Union Building, facing southeast.		
Subject: Pueblo Canyon Rim storage site, photographed from north side of canyon. The site was first noticed from Diamond Drive on 8/18/2010.		



NMED/SWQB
Official Photograph Log

Photo # 2

Photographer: Daniel Valenta	Date: 10/6/2010	Time: 1546
City/County: Los Alamos/Los Alamos County		
Location: Entrance road from Diamond Road to the Pueblo Canyon Rim storage area. Approximately 1900 Diamond Drive, Los Alamos, NM.		
Subject: Unmaintained BMP's along the entrance road.		

NMED/SWQB
Official Photograph Log

Photo # 3

Photographer: Daniel Valenta	Date: 5/6/2010	Time: 1603
City/County: Los Alamos/Los Alamos County		
Location: Below Pueblo Canyon Rim staging area. Approximately 1900 Diamond Drive, Los Alamos, NM, facing southeast.		
Subject: Site breaches along north side in various places. Discharge knocks down trees and carries rocks and material down Pueblo Canyon.		

NMED/SWQB
Official Photograph Log

Photo # 4

Photographer: Daniel Valenta	Date: 5/6/2010	Time: 1603
City/County: Los Alamos/Los Alamos County		
Location: Below Pueblo Canyon Rim staging area. Approximately 1900 Diamond Drive, Los Alamos, NM, facing southeast.		
Subject: Discharge down cuts through sediment to bedrock.		

NMED/SWQB
Official Photograph Log

Photo # 5

Photographer: Daniel Valenta	Date: 10/6/2010	Time: 1558
City/County: Los Alamos/Los Alamos County		
Location: Pueblo Canyon Rim staging area. Approximately 1900 Diamond Drive, Los Alamos, NM, facing northwest .		
Subject: Breach in upper containment berm discharges to breach lower berm and discharge to Pueblo Canyon stream.		

Pueblo Canyon

Containment berms fail at top and bottom at this location.