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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

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RAJ SOLOMON, P.E.  
Acting Secretary

**Certified Mail – Return Receipt Requested**

May 19, 2011

Mr. Jerry Lovato, Executive Engineer  
Albuquerque Metropolitan Arroyo Flood Control Authority  
2600 Prospect Ave. NE  
Albuquerque, NM 87107

**RE: Construction Stormwater, SIC 1629, NPDES Compliance Evaluation Inspection, Albuquerque Metropolitan Arroyo Flood Control Authority, West Branch Channel Construction Project, NPDES Permit NMR10H113, Rio Rancho, New Mexico, May 10, 2011**

Dear Mr. Lovato:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at a construction site for which you may be an "operator" (see Appendix A in permit). The NMED conducted this inspection 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 checklist section of the inspection report. You are encouraged to review the inspection report, 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 (Diana McDonald, USEPA (6EN-WT), 1445 Ross Ave, Dallas, Texas, 75202), NMED (at above address) 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) 222-9587.

Sincerely,

/s/ Sarah Holcomb  
Sarah Holcomb  
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) (by e-mail)  
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)  
Samuel Tates, USEPA (6EN-AS) (by e-mail)  
Diana McDonald, USEPA (6EN-AS) (by e-mail)  
Jennifer Ickes, NMED District 1 Manager (by e-mail)



### 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   H   1   1   3   11   12   1   1   0   5   1   0   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) <b>WEST BRANCH CHANNEL CONSTRUCTION PROJECT, RIO RANCHO, SANDOVAL COUNTY, NM; FROM PASEO DEL NORTE, TURN NORTH ON COORS BYPASS, WHICH BECOMES HWY 528. TURN WEST ON WESTSIDE RD. CONSTRUCTION SITE IS PAST GOLF COURSE RD ON THE LEFT.</b>	Entry Time /Date 0830 HOURS / 5-10-2011	Permit Effective Date <b>7-1-2008</b>
	Exit Time/Date 1230 HOURS / 5-10-2011	Permit Expiration Date <b>6-30-2011</b>
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) MR. JOHN HUGHES, MOUNTAIN STATES (505) 292-0108 MR. XAVIER PETTES, CITY OF RIO RANCHO (505) 891-5045 MR. ROB DEMEULE, HUITT ZOLLARS (505) 892-5141	Other Facility Data  <b>GPS:</b> N. 35° 13.070" W. -106° 41.046"	
Name, Address of Responsible Official/Title/Phone and Fax Number MR. JERRY LOVATO, EXECUTIVE ENGINEER, AMAFCA (505) 884-2215 2600 PROSPECT AVE., ALBUQUERQUE, NM 87107	SIC: 1629  Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

- INSPECTOR ARRIVED ON SITE AT 0830 HOURS ON 5-10-2011. THE INSPECTOR CONDUCTED AN ENTRANCE INTERVIEW WITH MR. XAVIER PETTES OF THE CITY OF RIO RANCHO, WHERE SHE PRESENTED HER CREDENTIALS AND EXPLAINED THE PURPOSE OF THE INSPECTION.
- SEE ATTACHED REPORT AND CHECKLIST.
- THIS REPORT IS BASED ON REVIEW OF FILES MAINTAINED BY THE PERMITTEE AND NMED, ON SITE OBSERVATION BY NMED PERSONNEL, AND VERBAL INFORMATION PROVIDED BY THE FACILITY'S REPRESENTATIVE.
- AN EXIT INTERVIEW TO DISCUSS THE PRELIMINARY FINDINGS OF THIS INSPECTION WAS CONDUCTED WITH MR. PETTES, MR. DEMEULE, MR. HUGHES AND MR. MCCORMICK ON 5-10-2011 AT THE SITE.

Name(s) and Signature(s) of Inspector(s) <b>SARAH HOLCOMB /s/ Sarah Holcomb</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB 505-222-9587</b>	Date <b>5-19-2011</b>
Signature of Management QA Reviewer <b>RICHARD POWELL /s/ Richard Powell</b>	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB 505-827-2798</b>	Date <b>5-19-2011</b>

<b>National Database Information</b>		<b>General</b>	
Inspection Type	Compliance Evaluation	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR10H076 (MSC) NMR10H066 (CoRR) NMR10H113 (AMAFCA)	Telephone	(505) 222-9587
Inspection Date	5-10-2011	Entry Time	0830 hours, 5-10-2011
Inspector Type (circle one)	EPA <input type="checkbox"/> State      EPA Oversight	Exit Time	1230 hours, 5-10-2011
Facility Type (circle one)	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial    Residential    Municipal	Signature	/s/ Sarah Holcomb

<b>Facility Location Information</b>					
Name/Location/ Mailing Address	West Branch Channel Near Golf Course and Westside Road in Rio Rancho, NM Mailing: (MSC) P.O. Box 6325, Albuquerque, NM 87197				
GPS Coordinates	Latitude	N. 35° 13.070''	Longitude	W. -106° 41.046''	
Receiving Water(s)	Rio Rancho MS4 (Black Arroyo) to the Rio Grande in segment 20.6.4.106 NMAC				
Disturbed Area	13.85 acres	Start Date	6-29-2010	Stop Date	3-18-2011

<b>Contact Information</b>		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	AMAFCA – owner City of Rio Rancho – owner Mountain States Constructors – general contractor	
Facility Contact	Mr. Xavier Pettes, City of Rio Rancho Mr. Rob Demeule, Huitt Zollars Mr. John Hughes, Mountain States Constructors	505-891-5045 505-892-5141 505-292-0108
Authorized Official(s)	Mr. Steve Benoit, President, Mountain States Constructors, Inc. Mr. Jerry Lovato, Executive Engineer, AMAFCA Mr. Tom Swisstack, Mayor, City of Rio Rancho	505-292-0108 505-884-2215 505-891-5001

<b>Site Information:</b> (circle all that apply)							
Nature of Project	Residential	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial	Roadway	Private	Federal	<input type="checkbox"/> State/ <input checked="" type="checkbox"/> Municipal	Other
Construction Stage	Clearing/ Grubbing	Rough Grading	Infrastructure	Building Const.	<input checked="" type="checkbox"/> Final <input type="checkbox"/> Grading	Final Stabilization	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 &amp; 4</i>	<input checked="" type="checkbox"/> MSC AMAFCA CoRR	N	SWPPP Prepared & Available <i>ESO Element 5 &amp; 30</i>	<input checked="" type="checkbox"/>	N
Permit Type	<input checked="" type="checkbox"/> General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input checked="" type="checkbox"/>
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	<input checked="" type="checkbox"/>	N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/>
NOI Date	<input checked="" type="checkbox"/> 6-22-2010 (MSC) 6-21-2010 (CoRR) 7-1-2010 (AMAFCA)		SWPPP Date	5-25-2010	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

SWPPP Review (can be completed in office)					
General				Notes:	
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/>	N		Prepared by Huitt Zollars.	
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input checked="" type="checkbox"/>			
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input checked="" type="checkbox"/>			
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires? <i>ESO Element 28</i>	<input checked="" type="checkbox"/>	N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/>	N			
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input checked="" type="checkbox"/>		Scott Sensenbaugher, Utilities Engineer, City of Rio Rancho, signed without an authorization letter. Mr. David Otoski (VP) signed for Mountain States on 5-22-2010 . No signature from AMAFCA (Mr. Lovato signed on 5-11-2011).	

<u>Site Description</u>		<b>Notes:</b>	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Clearing/grubbing, grading/excavation, vehicle tracking, topsoil stockpiling, and stabilization.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	N	
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/>	N	
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	<input checked="" type="checkbox"/>	N	
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	<input checked="" type="checkbox"/>	N	13.85 acres disturbed/13.85 acres total
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/>	N	
Is there a site map? <i>ESO Element 9E</i>	<input checked="" type="checkbox"/>	N	
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Area of soil disturbance on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of major structural controls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Needs updating. Shows silt fence where there is none and does not indicate straw crimping that was present at the time of this inspection.
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	N	N/A
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> <b>Rio Rancho MS4 (Black Arroyo) thence to Rio Grande in segment 20.6.4.106 NMAC (yes for <i>E. coli</i>)</b>
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	Y	<input checked="" type="checkbox"/>	No updates/no dates written in. From a jobsite log, the dates of 6-29-2010 for the start date and 3-18-2011 for the end date were obtained.
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	Criterion E

<u>Controls to Reduce Pollutants</u>		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? <i>ESO Element 10 A – C</i>	<input checked="" type="checkbox"/> Y	N
Does the SWPPP include a description of interim and permanent <i>stabilization practices</i> (e.g., seeding, mulching, riprap for the site)? <i>ESO Element 11; 12</i>	<input checked="" type="checkbox"/> Y	N
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	<input checked="" type="checkbox"/> Y	N
Does the SWPPP include a description of <i>structural practices</i> (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? <i>ESO Element 15</i>	<input checked="" type="checkbox"/> Y	N
Does the SWPPP identify the contractor(s) and timing by which <i>structural practices</i> will be implemented? <i>ESO Element 10B - 10C</i>	<input checked="" type="checkbox"/> 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)? <i>ESO Element 16</i>	Y	<input checked="" type="checkbox"/> N
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? <i>ESO Element 17</i>	<input checked="" type="checkbox"/> Y	N
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	N
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	<input checked="" type="checkbox"/> Y	N
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	<input checked="" type="checkbox"/> Y	N
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	Y	<input checked="" type="checkbox"/> N
		Temporary – mulching Permanent – Permanent seeding mix along with straw crimping.
		Vegetated swales are discussed.
		404 Nationwide Permit
		All non stormwater discharges from the permit are listed, but no discussion of BMPs if they should occur.

<b>Controls to Reduce Pollutants (cont'd)</b>		<b>Notes:</b>
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 22</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

<b>Inspections</b>		<b>Notes:</b>
Inspections performed once every 14 days and within 24 hours of a rain event greater 0.5"? <i>ESO Element 32</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	4 inspections were missing (none between 12-17-10 and 1-25-10; none between 2-8-11 and 3-22-11)
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	

## Notes on SWPPP Review

### **Site Description:**

This inspection was prompted by a citizen complaint. A citizen living near the construction area was experiencing asthma and indicated that their children were coughing up blood. Although the NPDES CGP doesn't necessarily regulate dust, there are provisions within the permit to control dust during operations. Aside from this construction site, the city has another project (Wellspring Ave., which was also inspected on this day) and the Presbyterian Rio Rancho Hospital is also under construction in this area.

This construction project is in progress to construct a lined storm drainage channel into AMAFCA's MS4 system. AMAFCA is a property owner, the City of Rio Rancho has control over plans and specifications as a part owner, and Mountain States Constructors Inc. is the general contractor for the project.

AMAFCA applied for coverage on 7-1-2010, however, Mr. Kevin Daggett signed the NOI. Mr. Jerry Lovato, Executive Engineer has the proper authority within AMAFCA to sign the NOI. The City of Rio Rancho submitted their NOI for the project on 6-21-2010, and Mr. Scott Sensenbaugher signed the NOI. Mr. Sensenbaugher is the Utilities Engineer for the city and most likely does not have the proper authority to sign as required in Appendix G.11.3.

Each entity in this project prepared a separate SWPPP. Mountain States Constructors did not have their SWPPP signed. Mr. Sensenbaugher signed the SWPPP for Rio Rancho without a delegation of authority.

There were a few inspections missing. It appears that a rain event inspection was conducted on 12-17-2010 and a regular biweekly inspection was not conducted until two weeks after then. There was also a period between 2-8-2011 and 3-22-2011 where there were no inspections documented.

Currently the site is undergoing permanent stabilization. The construction work was finished on March 18, 2011, but stabilization measures were not initiated until April 8. The permit requires in Part 3.1.H.2 that stabilization is started no later than 14 days after construction work ceases. The permittees utilized native seed, covered with straw crimping. However, the straw crimping was not properly done, and was being blown into the lined channel. This also exposes the seed to the elements so that germination does not take place.

If the permittees still intend to utilize seed/straw crimping as a final stabilization measure, NMED must be notified in accordance with Part 10.D.1.f of the permit. This requires that the entity send a copy of their NOT, contact information for the party responsible for implementing the stabilization measure, and the date that stabilization was initiated. At least yearly inspections are required until the stabilization requirements as defined in Appendix A, Item 3 have been met. An inspection report must be prepared in coordination with these yearly inspections and must be retained with the SWPPP and submitted to NMED SWQB.

<b>SWPPP Implementation</b> <i>(complete in field)</i>	
<b><u>Stabilization Practices</u></b>	
<p><b>List and describe stabilization practices</b> <i>ESO Element 43, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>Straw crimping is applied over native seeding. However, crimping was not done to specifications and the straw is being blown into the AMAFCA channel.</p>
<p><b>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?</b> <i>ESO Element 46</i></p>	<p><i>(e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?)</i></p> <p>No. Construction work ceased on the project on March 18 and stabilization measures were not initiated until April 8.</p>

<b><u>Structural Practices</u></b>	
<p><b>List and describe structural controls</b> <i>ESO Element 42, 43, 47</i></p>	<p><i>(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)</i></p> <p>1. None at the time of the inspection.</p>
<b><u>Non-Structural Practices</u></b>	
<p><b>Street Cleaning</b> <i>ESO Element 44</i></p>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>Has not been done. Westside Road gutters are full of sand.</p>
<p><b>Good Housekeeping &amp; Waste Disposal Practices</b> <i>ESO Element 45</i></p>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>Trash was picked up as needed.</p>
<p><b>Equipment Wash/Maintenance Area</b> <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>N/A</p>
<p><b>Concrete Washout Areas</b> <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>No concrete washout on site at the time of this inspection.</p>

## NPDES Industrial Storm Water Worksheet (Construction)

<u>Miscellaneous</u>	
<p><b>Evidence of Sediment Deposition to Surface Waters</b>  <i>*ESO Eligibility - if "yes," site not eligible for ESO</i></p>	<p><i>(e.g., significant turbidity observed in a receiving water body)</i></p> <p>Yes, sediment and straw were observed in the AMAFCA channel during this inspection. Rio Rancho's MS4 is mainly comprised of natural (dirt) arroyos, so some of the sediment may have simply come from upstream.</p>
<p><b>Pollution prevention measures for non-storm water discharges?</b>  <i>*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO</i></p>	<p><i>(provide brief description and determine whether/if non-storm water discharges allowable)</i></p> <p>No non-storm water discharges were observed during the inspection.</p>
<p><b>Has implementation of additional/modified BMPs been completed before next anticipated storm event?</b>  <i>ESO Element 43.C.1</i></p>	<p><i>(provide brief description)</i></p> <p>There is no documentation that indicates that major BMPs needed to be modified or added.</p>