



SUSANA MARTINEZ  
Governor  
JOHN SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

Harold Runnels Building, N2050  
1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502  
Phone (505) 827-0187 Fax (505) 827-0160  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



DAVE MARTIN  
Secretary  
RAJ SOLOMON, P.E.  
Deputy Secretary

---

**Certified Mail – Return Receipt Requested**

May 18, 2011

Mr. Bill Lemon, President  
Brycon Construction  
134 Rio Rancho Blvd. NE  
Rio Rancho, NM 87124

**RE: Construction Stormwater, SIC 1611, NPDES Compliance Evaluation Inspection, Brycon Construction, Enchanted Hills Plaza Construction Project, NPDES Permit NMR10HD05, Rio Rancho, New Mexico, May 10, 2011**

Dear Mr. Lemon:

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



National Database Information			General		
Inspection Type	Compliance Evaluation		Inspector Name	Sarah Holcomb	
NPDES ID Number	NMR10HD05		Telephone	(505) 222-9587	
Inspection Date	5-10-2011		Entry Time	1315 hours, 5-10-2011	
Inspector Type (circle one)	EPA	<input type="checkbox"/> State	EPA Oversight	Exit Time	1445 hours, 5-10-2011
Facility Type (circle one)	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential	<input type="checkbox"/> Municipal	Signature	/s/ Sarah Holcomb

Facility Location Information					
Name/Location/ Mailing Address	Enchanted Hills Plaza Near Enchanted Hills Blvd and Hwy 528 in Rio Rancho, NM Mailing: 134 Rio Rancho Blvd. NE, Rio Rancho, NM 87124				
GPS Coordinates	Latitude	N. 35° 19' 16.85"	Longitude	W. -106° 34' 44.25"	
Receiving Water(s)	Rio Rancho MS4 (Venada Arroyo) to the Rio Grande in segment 20.6.4.106 NMAC				
Disturbed Area	1.1 acres	Start Date	4-21-2011	Stop Date	12-31-2011

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Enchanted 528 Development LLC (528) – owner Brycon Construction (BC) – general contractor	
Facility Contact	Mr. Patrick Boyle, Brycon	505-892-6163
Authorized Official(s)	Mr. Rahul Karanth, Managing Member, Enchanted 528 Development LLC Mr. Bill Lemon, President – Brycon Construction	312-527-3009 505-892-6163

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

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 &amp; 4</i>	<input checked="" type="checkbox"/>	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	4-13-2011 (BC) 11-24-2010 (528)		SWPPP Date	4-12-2011	
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"/> Y	N	Prepared by StormCo LLC
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y	N	
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/> Y	N	
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	<input checked="" type="checkbox"/> Y	N	RUSLE: prior w/o BMPs – 1.8 t/ac/yr, during (wattle/silt fence) – 0.021 t/ac/yr, rock cover – 0.12 t/ac/yr.
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	<input checked="" type="checkbox"/> 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? <i>ESO Element 28</i>	<input checked="" type="checkbox"/> Y	N	
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/> Y	N	
Did all “operators” sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input checked="" type="checkbox"/>	Bill Lemon signed an authorization letter allowing StormCo to sign the SWPPP on his behalf on 4-18-2011. Mr. Karanth did not sign on to the SWPPP at the site.

<u>Site Description</u>		<b>Notes:</b>	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	
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	1.25 acres total/1.25 acres disturbed
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>	Y	<input checked="" type="checkbox"/>	
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>	<input checked="" type="checkbox"/>	N	
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	Y	<input checked="" type="checkbox"/>	<i>Note: Indicate whether receiving water is 303(d) listed.</i> <b>Rio Rancho MS4 (Venada Arroyo) thence to Rio Grande in 20.6.4.106 NMAC.</b>
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	<input checked="" type="checkbox"/>	N	
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	

<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	Interim – soil stabilant/tackifier Permanent – vegetated landscaping, concrete curb/sidewalk
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	Y	<input checked="" type="checkbox"/> 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>	Y	N	N/A
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>	Y	N	N/A
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	All but wash waters, ground water, excavation dewatering. Compost wattles/reinforced silt fence on all non stormwater discharges as BMPs.

<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>	<input checked="" type="checkbox"/> Y    N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input checked="" type="checkbox"/> N	No documentation shows that modifications have been needed to this point.

<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>	<input checked="" type="checkbox"/> Y    N	
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input checked="" type="checkbox"/> Y    N	
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y    N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input checked="" type="checkbox"/> Y    N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	Y <input checked="" type="checkbox"/> N	Not noted on inspection form.
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y    N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	Y <input checked="" type="checkbox"/> N	Mr. Boyle is signing inspection reports, but does not have an authorization letter to do so from Mr. Lemon.

## Notes on SWPPP Review

### **Site Description:**

This inspection was prompted by dust complaints. New Mexico is experiencing a high wind spring and over the season, the region has gone through a number of high wind storms, with gusts up to 50-60 mph.

Brycon Construction is building a pad site for a couple of big box stores with an adjacent parking lot and landscaping. Their site totals about an acre, but is within a larger development site that is owned by Enchanted 528 Development LLC and Sundance Mechanical is the contractor on the rest of the development.

There were a few minor paperwork items that needed to be updated, and the permittee's representative indicated that these would be taken care of the same day of this inspection.

There were no signatures in the document from Enchanted 528 Development (Mr. Karanth). Unless he holds a separate SWPPP, a general SWPPP signature is required, as well as an authorization letter that allows StormCo LLC to sign inspection reports on his behalf, if that is intended.

<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>None at the time of this inspection.</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>N/A</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 this time. This site is located in the middle of a larger 26 acre site that has controls.</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>N/A</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>Dust control – watering is done a couple of times a day to keep dust down. Portolets are located onsite and trash pickup is done 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>Concrete washout is located on Sundance Mechanical’s portion of the site. Looks to be well maintained.</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>Rio Rancho's arroyos are kept in a natural (dirt) state to promote infiltration. Although the BMPs on site were not in prime shape, the inspector did not observe sediment in the Venada Arroyo that appeared to be from the construction site.</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-stormwater discharges were observed during this 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>Documentation does not show that additional or modified BMPs were needed during the time of this inspection.</p>