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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

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DAVE MARTIN  
Secretary

BUTCH TONGATE  
Acting Deputy Secretary

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September 30, 2011

Mr. Martin Montoya  
Advantage Asphalt and Seal Coating, LLC  
PO Box 28700  
Santa Fe, NM 87592

**RE: Construction Stormwater, SIC 1521, NPDES Compliance Evaluation Inspection, Advantage Asphalt and Seal Coating LLC, Vista Bonitas Subdivision, NPDES Permit NMR10HH23, Santa Fe, New Mexico, September 27, 2011**

Dear Mr. Montoya:

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.

I want to thank you for the assistance of Mr. Herson Montoya and Mr. Ricardo Ordonez during this inspection. 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)  
Darlene Whitten-Hill, USEPA (6EN-AS) (by e-mail)  
Bill Chavez, NMED District 1 Acting 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   H   2   3   11   12   1   1   0   9   2   7   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   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) <b>VISTA BONITAS SUBDIVISION, SANTA FE, NM; SANTA FE COUNTY: FROM I-25, TAKE THE CERRILLOS EXIT. TURN LEFT ON AIRPORT RD. TURN RIGHT ON ZEPOL AND LEFT ON CALLE NUEVA VISTA. YOU WILL DRIVE INTO THE MIDDLE OF THE CONSTRUCTION SITE.</b>	Entry Time /Date <b>0900 hours / 9-27-2011</b>	Permit Effective Date 8-1-2008
	Exit Time/Date <b>1130 hours / 9-27-2011</b>	Permit Expiration Date 2-15-2012
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) <b>MR. HERSON MONTOYA, SUPERINTENDENT MR. RICARDO ORDONES, ASST. SUPERINTENDENT</b>	Other Facility Data SIC 1521 GPS: N. 35° 38.613" W. -106° 01.782"	
Name, Address of Responsible Official/Title/Phone and Fax Number <b>MR. MARTIN MONTOYA, VICE PRESIDENT (505) 473-0402 PO BOX 28700, SANTA FE, NM 87592</b>	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

**Section C: Areas Evaluated During Inspection**

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

U	Permit	N	Flow Measurement	M	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	S	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	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)**

- INSPECTION WAS PROMPTED BY AN ANONYMOUS COMPLAINT.
- INSPECTOR ARRIVED ON SITE AND CONDUCTED AN ENTRANCE INTERVIEW WITH MR. RICARDO ORDONES, ASSISTANT SUPERINTENDENT. THE INSPECTOR MADE INTRODUCTIONS, PRESENTED CREDENTIALS AND EXPLAINED THE PURPOSE OF THE INSPECTION.
- INSPECTOR CONDUCTED AN EXIT INTERVIEW WITH MR. ORDONES AND MR. HERSON MONTOYA, SUPERINTENDENT, AT THE SITE AT APPROXIMATELY 1115 HOURS ON 9-27-2011.

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>9-30-2011</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>9-30-2011</b>

<b>National Database Information</b>			<b>General</b>			
Inspection Type	Compliance Evaluation		Inspector Name	Sarah Holcomb		
NPDES ID Number	NMR10HH23		Telephone	(505) 222-9587		
Inspection Date	9-27-2011		Entry Time	0900/9-27-2011		
Inspector Type <i>(circle one)</i>	EPA	<input type="checkbox"/> State	EPA Oversight	Exit Time	1130/9-27-2011	
Facility Type <i>(circle one)</i>	Commercial	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Residential	Municipal	Signature	/s/ Sarah Holcomb

<b>Facility Location Information</b>					
Name/Location/ Mailing Address	Vista Bonitas Subdivision Near intersection of Airport Rd. and Zepol in Santa Fe Mailing address: PO Box 28700, Santa Fe, NM 87592				
GPS Coordinates	Latitude	35° 38.613'	Longitude	-106° 01.782'	
Receiving Water(s)	Santa Fe MS4 thence to the Santa Fe River in segment 20.6.4.113 NMAC				
Disturbed Area	11.75 acres	Start Date	8-3-2011	Stop Date	8-31-2013

<b>Contact Information</b>		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Infinite Ambitions, LLC – owner (IA) Advantage Asphalt and Seal Coatings LLC – GC (AA)	505-473-0402
Facility Contact	Mr. Herson Montoya, Superintendent (AA)	505-473-0402
Authorized Official(s)	Mr. Martin Montoya, VP (AA)	505-473-0402

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

<b>Basic Permit Information</b>			<b>Basic SWPPP Information</b>		
Permit Coverage <i>ESO Element 3 &amp; 4</i>	Y	<input type="checkbox"/> N	SWPPP Prepared & Available <i>ESO Element 5 &amp; 30</i>	<input checked="" type="checkbox"/> Y	N
Permit Type	<input checked="" type="checkbox"/> General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input type="checkbox"/> N
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	Y	<input type="checkbox"/> N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input type="checkbox"/> N
NOI Date	7-28-2011		SWPPP Date	7-26-2011	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

<b>SWPPP Review (can be completed in office)</b>					
<b>General</b>			<b>Notes:</b>		
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	SWPPP was drafted by StormCo LLC.		
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input type="checkbox"/> N			
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input type="checkbox"/> 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	<input type="checkbox"/> N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	SWPPP was kept on site in the operator's trailer.		
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input type="checkbox"/> N	SWPPP was signed by Kelley Fetter of StormCo LLC (Without authorization). No officer of AA signed the SWPPP or an authorization letter allowing Mr. Fetter to do so.		

<u>Site Description</u>		<b>Notes:</b>	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Soil erosion, high velocity runoff, access roads, shipping/receiving areas, equipment storage, refuse sites, vehicle maintenance/cleaning, human/animal waste.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	Y	<input checked="" type="checkbox"/>	Infinite Ambitions LLC is not listed as the owner. AA is listed as the owner and operator, while StormCo is listed as the NPDES Compliance Team.
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>	Y	<input checked="" type="checkbox"/>	Development of egress, infrastructure, underground utilities, and permanent drainage. Does not address home construction.
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	<input checked="" type="checkbox"/>	N	12.5 acres total/11.75 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>	Y	<input checked="" type="checkbox"/>	Numerous stabilized entrances were no longer in use or had never been installed. Map needs to reflect current BMPs.
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>	Y	<input checked="" type="checkbox"/>	
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>Santa Fe MS4 thence to Santa Fe River in segment 20.6.4.113 NMAC (Yes, for nutrients, turbidity, DO, and sedimentation/siltation)</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"/>	
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	Certified 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>	Y	<input type="checkbox"/> N	BMPs are listed, with AA being the responsible party for BMP implementation. No sequence.
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>	Y	<input 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 type="checkbox"/> N	SWPPP references Walker Engineering plans – flow channelization, detention, and general drainage layout. No mention of storm water quality features for post-construction.
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	Once/week watering of exposed areas Sweeping as needed.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y	<input type="checkbox"/> N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	N	N/A – no non-construction activities on site.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	Yes, all are noted except pavement wash water, ground water, excavation dewatering, foundation drains.

<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"/>	All of the same BMPs are indicated for all possible non stormwater discharges – compost wattles, earth berms, silt fence. Not all of these BMPs may be appropriate for these types of discharges.
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"/>	No new BMPs have been added/modified.

<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 <input type="checkbox"/> N	Inspections occurred on 8-31-11 and 9-13-11. An inspection was due on the date of this inspection but had not yet been conducted.
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>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Storage area not addressed in inspection report.
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 contain all required items and certified? <i>ESO Element 39; 40</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Gary Nelson of StormCo LLC signed the inspection reports. Authorization letter was not signed to allow Mr. Nelson to sign. Also, electronic signature was used. This is not permitted. Inspections for this site were located in another SWPPP.

## Notes on SWPPP Review

### **Site Description:**

There are numerous parties involved with the construction at this site. There are actually two subdivisions being constructed, Vista Bonitas and Tierra Vista. Vista Bonitas is owned by Infinite Ambitions LLC and Tierra Vista is owned by Tierra Vista Investments LLC. Advantage Asphalt obtained permit coverage as the operator for both sites. During the inspection, the facility representative indicated that Advantage Home Construction LLC is actually building the homes within the subdivisions. The inspector informed the facility representative that if Advantage Home Construction is acting as the general contractor on either site, then they need to obtain permit coverage as well. Neither Infinite Ambitions LLC nor Tierra Vista Investments had permit coverage on the date of this inspection, according to the EPA NOI Database.

On the date of this inspection, prior to arrival at the site, the inspector noted that the signatory on the NOI in the NOI Database was a Mr. Steve V. Davis. When the inspector questioned Mr. Martin Montoya in a phone call on the afternoon of 9-27-2011 whether Mr. Davis worked for Advantage Asphalt, he stated there was no one by that name that worked for the company. On previous visits to the NOI Database, the signatory on this particular NOI had also been Mr. John V. Ellis and Mr. Bob V. Degroff (8-16-2011). Please see Exhibit #1, as well as Exhibit #2 and Exhibit #3.

The paper NOI in the SWPPP showed a signature by Mr. Martin Montoya on 8-27-2011. However, upon closer inspection of the document, it appeared that part of the signature was "whited out" with correction tape. (Please see Photo #3) The inspector referred back to the EPA NOI Database and the PDF file showed a signature of "Martin V. Montoya". The "V" had been whited out on the paper copy of the NOI in the SWPPP on site.

A FOIA request to EPA for records from the NOI Database was sent on 8-29-2011. The records (from January 2008-August, 2011) show that 50+ CDX accounts were set up by StormCo (Mr. Kelley V. Fetter) under each client company's certifying official, but tied to one of three email addresses, either [info@stormconm.com](mailto:info@stormconm.com), [kfetter@stormconm.com](mailto:kfetter@stormconm.com) or [kchavez@stormconm.com](mailto:kchavez@stormconm.com). The records from the NOI Processing Center show that someone from StormCo is then logging into the account and certifying the NOI on behalf of the certifying official. The email address of the certifying official remains constant, as does the middle initial ("V") of the certifying official. Specifically, between the CGP, MSGP and LEW records, there were 733 (seven hundred and thirty three) NOIs queried that were associated with a stormconm.com email address. Of those records, 213 were signed with the [info@stormconm.com](mailto:info@stormconm.com) email address, 476 were signed with the [kchavez@stormconm.com](mailto:kchavez@stormconm.com) email address and the remaining 44 clients signed their own NOIs with varying email addresses. These records are in the possession of the EPA Enforcement staff in Dallas, Texas.

The permit specifically states in Appendix G.11.A:

*All applications, including NOIs, must be signed as follows:*

- 1. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.*

Mr. Fetter, or anyone from StormCo LLC, does NOT appear to meet this definition for the companies that hire them to prepare SWPPPs and conduct inspections on their behalf.

Also, in the permit, it states in Appendix G.11. D:

*Any person signing documents required under the terms of this permit must include the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

## Notes on SWPPP Review

### **Site Description:**

Also, in the permit, it states in Appendix G.11. E:

*The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.*

Mr. Fetter has been warned multiple times by NMED and EPA Region 6 Enforcement that he cannot sign NOIs on behalf of his clients. This not only results in his clients not having proper permit coverage, which thereby exposes them to the possibility of enforcement and fines, but also results in a falsified document. StormCo prepares a contract stating that the client company authorizes StormCo LLC to “act and certify on your behalf and have full access to the CDX account for NOIs and NOTs to be filed as necessary.” The contract further says, “By my signature, StormCo LLC is delegated and authorized to act and to certify on our behalf through our CDX web account.” This is not in accordance with the federal regulations. Please see Exhibit #4.

The Clean Water Act states in 33 U.S.C. §1251 Section 309 (a)(6)(c)(a):

*Any person who knowingly violates section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State... shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.*

The SWPPP for this site was not signed by an officer of Advantage Asphalt. It was signed by Mr. Kelley Fetter of StormCo LLC (stormwater consultant). An authorization letter was contained in the SWPPP to allow Mr. Fetter to sign the SWPPP and inspection reports, but it was not signed by an officer of Advantage Asphalt. Mr. Fetter also signed the certification statement (noted above) that an official of the company should sign.

There were no modeling calculations to show that BMPs chosen for the site were appropriate (i.e. RUSLE, SEDCAD, etc.). A soils report from the NRCS was included in the SWPPP.

The site map was not current with the conditions on site. There were BMPs listed on the map that did not exist. Drainage patterns and outfalls were not noted, as well as a receiving water in the event of a discharge. The storage area behind the trailers was also not addressed on the site map.

Major dates of grading activities were not filled out in the SWPPP. This is required in Part 5.3.C.1 of the permit.

There is no discussion of implementation of stabilization practices and which party is responsible for implementation.

The SWPPP allocated the same BMPs (silt fence, compost wattles or earth berms) for all of the possible non-stormwater discharges that may occur from the site. These three BMPs may not be appropriate for each non-stormwater discharge.

Two inspections were conducted at this site thus far. The storage area was not addressed in the inspections. Gary Nelson of StormCo LLC was not authorized to sign inspection reports but he signed both of them. Also, the inspections were signed with an electronic signature. Currently, EPA accepts electronic signatures on NOIs and NOTs, but until the CROMERR rule is modified, electronic signatures on SWPPPs and inspection reports are not valid. The signatures must be “in-person”. The inspection reports were located in the SWPPP for the other subdivision.

**SWPPP Implementation** *(complete in field)*

**Stabilization Practices**

**List and describe stabilization practices**  
*ESO Element 43, 48*

*(e.g., seeding, mulching, geotextiles, sod stabilization)*

1. None were being implemented at the time of this inspection. Construction had just started within the past few weeks.

**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?)*

Construction has been continuous as of the time of this inspection.

**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)*

1. Silt fence. Borders the south side of the site and is in need of repair. The southwest end of the fence was not toed in to the ground.
2. Curbing – curb and gutter is installed on most of the subdivision along the road and is being used in place of silt fence and erosion control socks.
3. Concrete washout located in the southwest corner of the Tierra Vista subdivision. Looked to be well maintained and is lined with black plastic.
4. Storage yard located behind the construction trailer. Storage area is fenced and enclosed. Two enclosed containers contain construction materials.
5. Three portopotties located on the Vista Bonitas subdivision where the houses are currently being constructed.

## NPDES Industrial Storm Water Worksheet (Construction)

<u>Non-Structural Practices</u>	
<b>Street Cleaning</b> <i>ESO Element 44</i>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>Did not appear that street cleaning had been done recently. Silt and sand were located on the streets throughout the subdivisions.</p>
<b>Good Housekeeping &amp; Waste Disposal Practices</b> <i>ESO Element 45</i>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>Trash pick ups are done daily, and trash collected is taken to the Caja del Rio Landfill. A dumpster was on order at the time of the inspection but had not arrived at the site yet.</p>
<b>Equipment Wash/Maintenance Area</b> <i>ESO Elements 43</i>	<p><i>(provide brief description)</i></p> <p>Equipment washing and/or maintenance is not performed at the site. If there is a need for maintenance, the equipment is taken off site to the company's shop. There was no spill kit on site at the time of the inspection, and the facility representative indicated that this would be remedied soon.</p>
<b>Concrete Washout Areas</b> <i>ESO Elements 43</i>	<p><i>(provide brief description)</i></p> <p>Concrete wash out was lined with black plastic and looked to be well maintained, although it was not indicated with a sign. The facility representative indicated that the waste concrete (old curb and gutter) is hauled away about once monthly.</p>
<u>Miscellaneous</u>	
<b>Evidence of Sediment Deposition to Surface Waters</b> <i>*ESO Eligibility - if "yes," site not eligible for ESO</i>	<p><i>(e.g., significant turbidity observed in a receiving water body)</i></p> <p>None observed at the time of this inspection.</p>

## NPDES Industrial Storm Water Worksheet (Construction)

<b>Miscellaneous</b>	
<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 occurring at the time of 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>There was no indication in the inspections that new or modified BMPs were needed at the time of this inspection.</p>

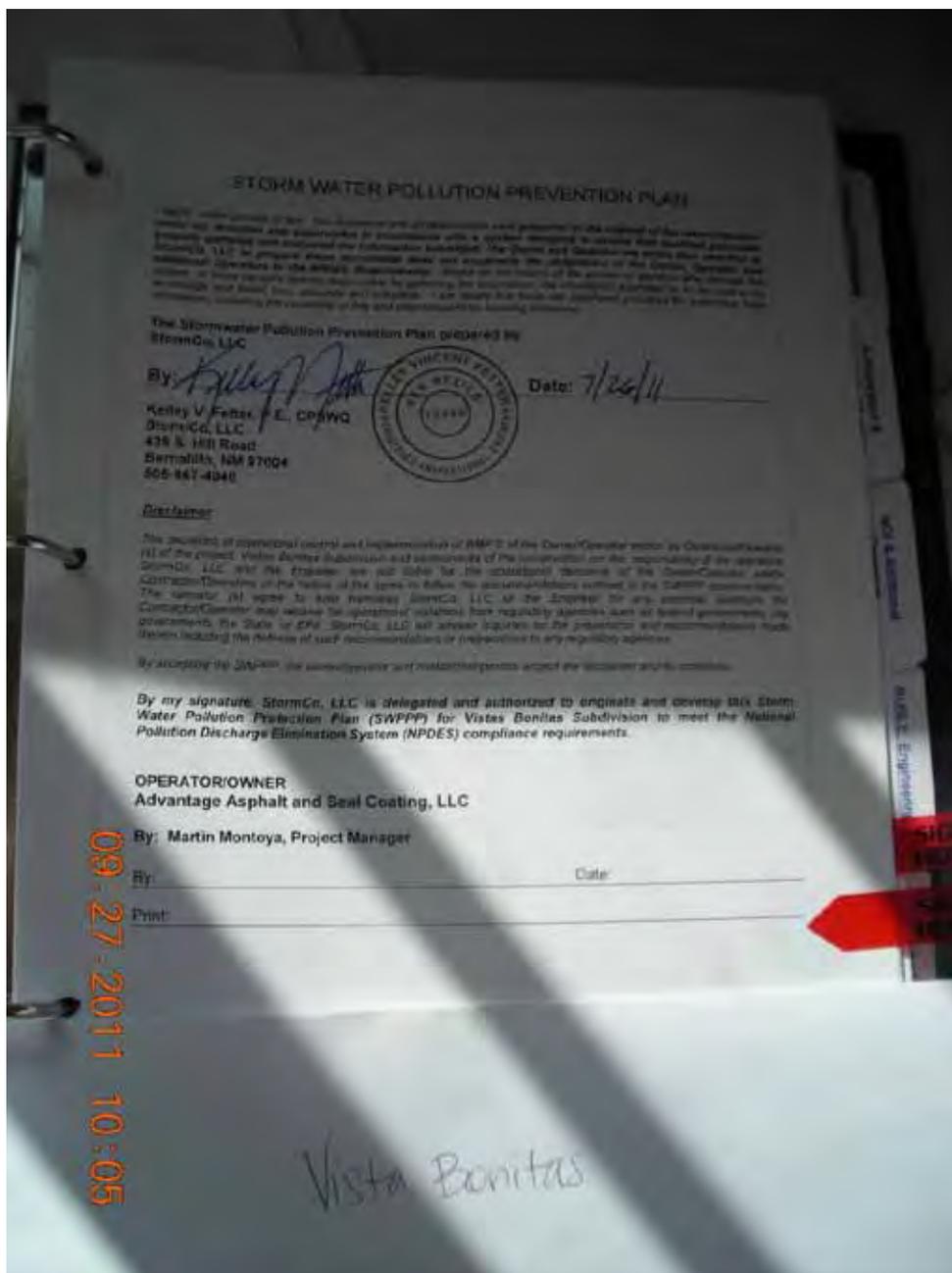
# NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB

## Official Photograph Log

Photo # 1

Photographer: Sarah Holcomb	Date: 9-27-2011	Time: 1005 hours
City/County: Santa Fe/Santa Fe County		
Location: Vista Bonitas/Tierra Vista Subdivisions, near intersection of Zepol/Airport Rd., in Santa Fe		
Subject: Consultant signature on modified certification statement in Vista Bonitas SWPPP. Unsigned by a corporate officer of Advantage Asphalt. Nowhere on this page is the correct certification statement included.		



# **NPDES Industrial Storm Water Worksheet (Construction)**

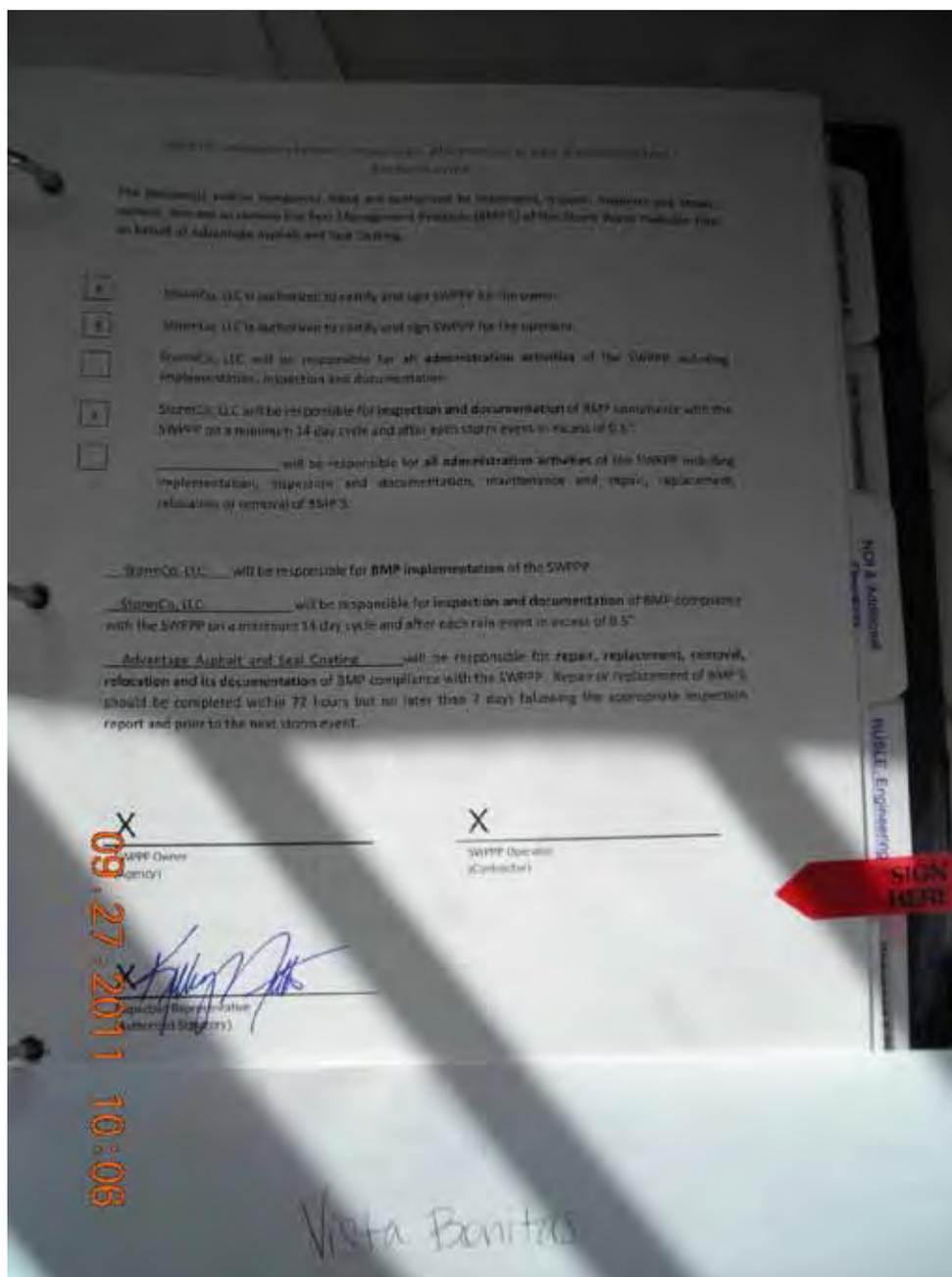
# NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB

## Official Photograph Log

Photo # 2

Photographer: Sarah Holcomb	Date: 9-27-2011	Time: 1006 hours
City/County: Santa Fe/Santa Fe County		
Location: Vista Bonitas/Tierra Vista Subdivisions, near intersection of Zepol/Airport Rd., in Santa Fe		
Subject: Unsigned authorization letter allowing StormCo LLC to sign the SWPPP and inspection reports on behalf of the owner/operator in Vista Bonitas SWPPP.		



# **NPDES Industrial Storm Water Worksheet (Construction)**

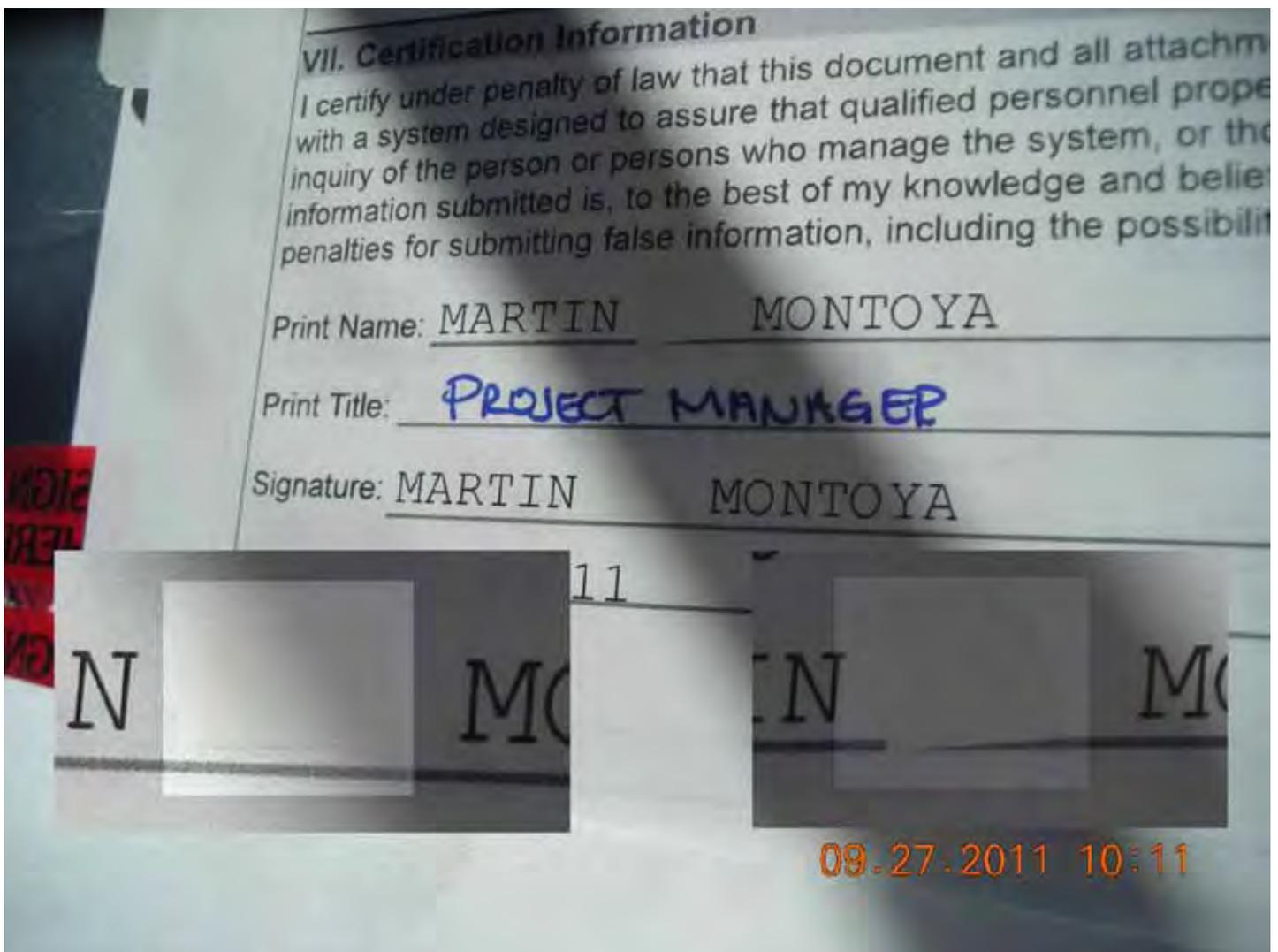
# NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB

## Official Photograph Log

Photo # 3

Photographer: Sarah Holcomb	Date: 9-27-2011	Time: 1011 hours
City/County: Santa Fe/Santa Fe County		
Location: Vista Bonitas/Tierra Vista Subdivisions, near intersection of Zepol/Airport Rd., in Santa Fe		
Subject: Copy of NOI in Vista Bonitas SWPPP incorrectly listing Martin Montoya as Project Manager (He is the Vice President). The middle initial V is covered up with correction tape. (Picture has been modified to better call out the correction tape.)		





# **NPDES Industrial Storm Water Worksheet (Construction)**

## **NPDES Industrial Storm Water Worksheet (Construction)**

Exhibit #1:

Morning view of eNOI (tracking number NMR10HH23) on 8-16-2011.

# NPDES Industrial Storm Water Worksheet (Construction)

8-16-2011

U.S. ENVIRONMENTAL PROTECTION AGENCY  
**National Pollutant Discharge Elimination System (NPDES)**

NOI Application Detail

Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity Under the NPDES General Permit 00010000

Tracking Number for this Project	Submitted Date: July 28, 2011	Status: Active
<b>Operator Information</b>		
Name: Advantage Asphalt	State: MS	Zip Code: 39209
Street: P O Box 2970		
City: Santa Fe		
Phone: 662-471-0427		
<b>Project/Facility Information</b>		
Project Site Name: Victor Shulas Substation	State: MS	Zip Code: 39207-9700
Project Street Location: Cade Street Vista		
City: Santa Fe		
Latitude / Longitude Type: Degree/Minute/Second	Latitude / Longitude Source: Other: Google Earth	
Latitude: 31.26.30	Longitude: 90.67.44	
Is this project located on Indian Land, or is this a Federal Acquisition? (S)	Reasonable Name: Not Applicable	
<b>Certification</b>		
Submitted By: John V. Egan	Date Certified: 07/29/2011	
<b>MS Correspondence and Status</b>		
MS Correspondence & Status (Click to open file)	Submitted By: John Egan	Submitted Date: 07/29/2011 11:20:56
MS Correspondence & Status (Click to open file)	Submitted By: John Egan	Submitted Date: 07/29/2011 11:20:56

8-16-2011

U.S. ENVIRONMENTAL PROTECTION AGENCY  
**National Pollutant Discharge Elimination System (NPDES)**

NOI Application Detail

Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity Under the NPDES General Permit 00010000

Tracking Number for this Project	Submitted Date: July 28, 2011	Status: Active
<b>Operator Information</b>		
Name: Advantage Asphalt	State: MS	Zip Code: 39209
Street: P O Box 2970		
City: Santa Fe		
Phone: 662-471-0427		
<b>Project/Facility Information</b>		
Project Site Name: Victor Shulas Substation	State: MS	Zip Code: 39207-9700
Project Street Location: Cade Street Vista		
City: Santa Fe		
Latitude / Longitude Type: Degree/Minute/Second	Latitude / Longitude Source: Other: Google Earth	
Latitude: 31.26.30	Longitude: 90.67.44	
Is this project located on Indian Land, or is this a Federal Acquisition? (S)	Reasonable Name: Not Applicable	
<b>Certification</b>		
Submitted By: Greg V. Degraf	Date Certified: 07/29/2011	
<b>MS Correspondence and Status</b>		
MS Correspondence & Status (Click to open file)	Submitted By: Greg Degraf	Submitted Date: 07/29/2011 11:22:56
MS Correspondence & Status (Click to open file)	Submitted By: Greg Degraf	Submitted Date: 07/29/2011 11:22:56

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8-27-2011

U.S. ENVIRONMENTAL PROTECTION AGENCY  
**National Pollutant Discharge Elimination System (NPDES)**

NOI Application Detail

Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity Under the NPDES General Permit 00010000

Tracking Number for this Project	Submitted Date: July 28, 2011	Status: Active
<b>Operator Information</b>		
Name: Advantage Asphalt	State: MS	Zip Code: 39209
Street: P O Box 2970		
City: Santa Fe		
Phone: 662-471-0427		
<b>Project/Facility Information</b>		
Project Site Name: Victor Shulas Substation	State: MS	Zip Code: 39207-9700
Project Street Location: Cade Street Vista		
City: Santa Fe		
Latitude / Longitude Type: Degree/Minute/Second	Latitude / Longitude Source: Other: Google Earth	
Latitude: 31.26.30	Longitude: 90.67.44	
Is this project located on Indian Land, or is this a Federal Acquisition? (S)	Reasonable Name: Not Applicable	
<b>Certification</b>		
Submitted By: Greg V. Egan	Date Certified: 07/29/2011	
<b>MS Correspondence and Status</b>		
MS Correspondence & Status (Click to open file)	Submitted By: Greg Egan	Submitted Date: 07/29/2011 11:22:56
MS Correspondence & Status (Click to open file)	Submitted By: Greg Egan	Submitted Date: 07/29/2011 11:22:56

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# NPDES Industrial Storm Water Worksheet (Construction)

Exhibit #2:

Morning view of eNOI (tracking number NMR10HH23) on 8-18-2011.

NPDES On-line Stormwater Permit Application Windows Internet Explorer

US EPA NPDES On-line Stormwater Permit Application

### Stormwater Pollution Prevention Plan Information

**SWPPP Contact Name:** Kelley V. Fetter  
**How can the SWPPP Contact be Reached?**  
**Telephone Number:** 505-867-4040  
**Fax Number:** 505-867-4044  
**SWPPP E-mail:** kfetter@stormconm.com  
**Address of location for viewing the SWPPP:** Same as Facility's Address

### Discharge of Stormwater

**Name(s) of waterbodies to which you discharge:** Santa Fe River  
**Is this discharge consistent with assumptions and requirements of applicable TPA approved or established TMDL?** Yes

### Endangered Species Protection

**ESA Criterion:**  
Criterion E.  
Storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect any federally-listed threatened or endangered species or result in the destruction or adverse modification of federally-designated critical habitats.

### Certifying Official Information

**Certifying Official Name:** John V. Ellis  
**Certifying Official Email:** info@stormconm.com

[Previous](#)

EPA U.S. Environmental Protection Agency

Exhibit #3:

Afternoon view of eNOI (tracking number NMR10HH23) on 8-18-2011.

### Endangered Species Protection

**ESA Criterion:**  
Criterion E.  
Storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect any federally-listed threatened or endangered species or result in the destruction or adverse modification of federally-designated critical habitat.

### Certifying Official Information

**Certifying Official Name:** Roddy V. Leeder  
**Certifying Official Email:** info@stormconm.com

[Previous](#)

## **NPDES Industrial Storm Water Worksheet (Construction)**

Exhibit #4: StormCo LLC Contract with Advantage Asphalt.

# NPDES Industrial Storm Water Worksheet (Construction)



November 6, 2010

Advantage Asphalt and Seal Coating  
Martin Montoya  
Project Manager  
55 Canada Del Rancho #D  
Santa Fe, NM 87508-1537

RE: Advantage Asphalt Stormwater Compliance Work

Dear Martin,

Thank you for choosing StormCo, LLC, as your EPA Stormwater Compliance service provider! We take NPDES compliance seriously. We can assure you we will do everything possible to keep your work successful, profitable and on the right side of EPA requirements.

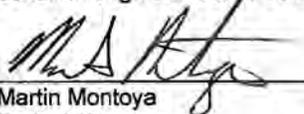
You have contracted with us to perform the following for you:

	<b>Compliance Activity</b>	<b>Billing Terms and Payment Requirements</b>
<input checked="" type="checkbox"/>	<b>Stormwater Plan (SWPPP)</b>	<b>Full Amount Invoiced on Delivery</b> Paid in 30 Days from Invoice Date <b>Not prorated for project life(Purchase via Quote!)</b>
<input checked="" type="checkbox"/>	<b>Compliance Inspections</b>	Invoiced Monthly in Advance over the life of the project (rain events are included) Paid in 30 Days from Invoice Date

**Advantage Asphalt and Seal Coating performs the Implementation, Maintenance and Stabilization.**

StormCo, LLC, will act and certify on your behalf and have full access to the CDX account for NOI's and NOT's to be filed as necessary.

By my signature, StormCo, LLC is delegated and authorized to act and to certify on our behalf through our CDX web account.

  
Martin Montoya  
Project Manager

Thank You,  
Kenya Chavez  
Operations Manager

439 S. Hill Road  
Bernalillo, NM 87004

[www.stormconm.com](http://www.stormconm.com)

505-867-4040 t  
505-867-4044 f