NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

October 18, 2012

Ms. Kari Biernacki, Vice President
AUI, Inc.
PO Box 9825
Albuquerque, NM 87119-9825

Re: Construction Stormwater, SIC 1623, NPDES Compliance Evaluation Inspection, Town of Bernalillo, Water Utility Improvements, NPDES Permit NMR12AA33, October 4, 2012

Dear Ms. Biernacki,

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 noted 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. Wayne Giron of AUI, Inc. during this inspection. If you have any questions, please feel free to contact me at sarah.holcomb@state.nm.us or by telephone at (505) 222-9587.

Sincerely,
/s/ Sarah Holcomb
Sarah Holcomb
Surface Water Quality Bureau

Cc: Rashida Bowlin, USEPA (6EN-AS) by email
Carol Peters-Wagnon (6EN-AS) by email
Diana McDonald, USEPA (6EN-AS) by email
Darlene Whitten-Hill, USEPA (6EN-AS) by email
Hannah Branning, USEPA (6EN-AS) by email
Bill Chavez, NMED District 1 Manager, by email

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

1	Transaction Code	2	NPDES	11	12	yr/mo/day	17	18	Inspec. Type	19	Inspector	20	Fac Type
	N	5	NMR12AA33			121004			}		S		2

Remarks

CONSTRUCTION > 1 ACRE

67	Inspection Work Days	69	70	Facility Evaluation Rating	71	BI	72	QA	73	74	75	Reserved	80
			3			N		N					

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
BERNALILLO WATER UTILITY IMPROVEMENTS, BERNALILLO, NM; SANDOVAL COUNTY: FROM I-25, TAKE THE AVENIDA BERNALILLO EXIT AND TRAVEL WEST ON AVE. BERNALILLO PAST HWY 313. CONSTRUCTION SITE IS NEAR THIS INTERSECTION.	0830 HOURS / 10-4-12	2-16-2012
	Exit Time/Date 1035 HOURS / 10-4-12	Permit Expiration Date 2-15-2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
MR. WAYNE GIRON, SITE SUPERINTENDENT, AUI INC.	GPS: N. 35.3071° W. -106.5498° SIC: 1623
Name, Address of Responsible Official/Title/Phone and Fax Number MS. KARI BIERNACKI, VICE PRESIDENT, AUI, INC. (505) 242-4848 PO BOX 9825, ALBUQUERQUE, NM 87119-9825	Contacted Yes [ ] No [*]

Section C: Areas Evaluated During Inspection

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

S	**Permit**	N	**Flow Measurement**	S	**Operations & Maintenance**	N	**CSO/SSO**
M	**Records/Reports**	M	**Self-Monitoring Program**	N	**Sludge Handling/Disposal**	N	**Pollution Prevention**
M	**Facility Site Review**	N	**Compliance Schedules**	N	**Pretreatment**	N	**Multimedia**
S	**Effluent/Receiving Waters**	N	**Laboratory**	M	**Storm Water**	N	**Other:**

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

1. **INSPECTOR ARRIVED ONSITE AT 0830 HOURS ON OCTOBER 4, 2012 AND CONDUCTED AN ENTRANCE INTERVIEW WITH MR. WAYNE GIRON OF AUI, INC., WHERE SHE MADE INTRODUCTIONS, EXPLAINED THE PURPOSE OF THE INSPECTION, AND PRESENTED HER CREDENTIALS. AN EXIT INTERVIEW WAS CONDUCTED AT APPROXIMATELY 1015 HOURS WITH MR. GIRON ON OCTOBER 4, 2012 AT THE SITE.**
2. **PLEASE SEE REPORT FOR FURTHER DETAILS.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Sarah Holcomb ***/s/ Sarah Holcomb***	**505-222-9587**	**10-18-2012**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Richard Powell ***/s/ Richard Powell***	**505-827-2798**	**10-18-2012**

EPA Form 3560-3 (Rev. 9-94) Previous editions are obsolete.

National Database Information		General	
Inspection Type	CEI	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR12AA33 (AUI) NMU001804 (TOB)	Telephone	505-222-9587
Inspection Date	10-4-2012	Entry Time	0830 hours
Inspector Type (circle one)	EPA [State] EPA Oversight	Exit Time	1035 hours
Facility Type (circle one)	Commercial / Residential / [Municipal] / Industrial	Signature	*/s/ Sarah Holcomb*

Facility Location Information				
Name/Location/Mailing Address	Town of Bernalillo Water Utility Improvements, near Hwy 313 and Avenida Bernalillo Mailing: Town of Bernalillo, PO Box 638, Bernalillo, NM 87004			
Coordinates	Latitude	N. 35.3071°	Longitude	W. -106.5498°
Receiving Waters	Bernalillo MS4 thence to the Rio Grande in segment 20.6.4.106 NMAC			
Disturbed Area	1.5 acres	Start/Stop Dates	8-10-2012 to 11-30-2012	

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Town of Bernalillo – owner (TOB) AUI, Inc. – operator (AUI)	
Facility Contact	Mr. Wayne Giron, AUI	
Authorized Official(s)	Ms. Kari Biernacki, VP, AUI Inc. (AUI) Mr. Jack Torres, Mayor, Town of Bernalillo (TOB)	505-242-4848 505-771-7108

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 (Vertical)	Final Grading	[Final Stabilization]	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage	[Y]	N	SWPPP Prepared & Available? *Part 7.1.1, 7.2.1*	[Y]	N
Permit Type	[General]	Individual	SWPPP Contents Satisfactory?	Y	[N]
Notice Posted (visible, font large, NPDES Permit tracking#, contact name & phone #) *Part 1.5*	[Y] AUI	[N] TOB	SWPPP Implementation Satisfactory?	Y	[N]
NOI Date	7-20-2012		SWPPP Date	July 2012	
Is NOI Satisfactory?	Y	[N]			

Additional Facility and Inspection Information *(optional)*
This inspection was conducted in response to an anonymous complaint received by NMED. This project involves replacing old asbestos water pipe, and making approximately 160 new connections to the Town's water system.

SWPPP Review *(can be completed in office)*			
General			**Notes:**
SWPPP Signed/Certified. Did all operators sign/certify the SWPPP? *Part 7.2.15, Appendix I.11*	Y	N	Although signatures were not dated.
SWPPP completed prior to NOI? *Part 7.1.1, Part 1.2.1*	Y	N	
Endangered Species Act. Does SWPPP include documentation supporting determination? *Part 7.2.14.1; Part 1.1.e, Appendix D*	Y	N	
Historic Properties. Does SWPPP include documentation supporting determination? *Part 7.2.14.2, Appendix E*	Y	N	SWPPP states there are no historic properties in the proximity of the project. However, Our Lady of Sorrows historic site is on Avenida Bernalillo. See Exhibit A.
If applicable, documents contact with agency or office responsible for implementing Safe Drinking Water Act underground injection control well(s)? *Part 7.2.14.3, 40 CFR Parts 144 -147*	Y	N	N/A
Post-Authorization Additions. Does SWPPP include: ➢ Copy of acknowledgement letter Y/N ➢ Copy of NOI Y/N ➢ Copy of permit Y/ N *Part 7.2.16.3*	Y	N	
If applicable, SWPPP describes compliance with any case-by-case basis USEPA imposed water quality-based effluent limitation requirements? *Part 3*	Y	N	N/A
If discharge to an impaired water, includes records of all data used to complete NOI: ➢ List of all impaired waters Y/N ➢ Pollutant(s) for which the surface water is impaired Y/N ➢ Whether a TMDL has been approved or established Y/N *Part 3.2.1, Appendix I.15*	Y	N	Documentation in SWPPP states that the Rio Grande is impaired for nutrients. It is currently impaired for *E. coli*, temperature, PCBs in fish tissue and dissolved oxygen. Does not mention *E. coli* TMDL.
Required SWPPP modifications completed? ➢ Completed w/7 days Y/N ➢ Maintains modification records showing dates, name of person authorizing change and summary Y/N ➢ Signed/Certified Y/N ➢ Immediately notified other operators Y/N *Parts 7.4, 5.2.2, Appendix I.11.b*	Y	N	No changes noted to have been needed at the time of this inspection.
Records Retention. Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires or is terminated? *Parts 4.1.7, 5.4.4, Appendix I.10.2, I.15*	Y	N	

Team & Activity Description			Notes:
Identifies stormwater team personnel and responsibilities? ➢ Personnel (by name or position) Y/N ➢ Individual responsibilities Y/N *Part 7.2.1*	[Y]	N	
Is staff training documented? ➢ Training occurs prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first Y/N ➢ Ensures following understand the requirements of this permit and their specific responsibilities: o Personnel responsible for the design, installation, maintenance, and/or repair of controls/measures Y/N o Personnel responsible for the application and storage of treatment chemicals Y/N o Personnel responsible for conducting inspections Y/N o Personnel responsible for taking corrective actions Y/N ➢ At a minimum, training includes: o Location of all stormwater controls on the site required by this permit, and how maintained Y/N o Proper procedures to follow with respect to the permit's pollution prevention requirements Y/N o When and how to conduct inspections, record applicable findings, and take corrective actions Y/N *Parts 7.2.13, 6 and permit notes for emergency-related construction activities*	Y	[N]	Facility representative indicated that he and the site foreman have had training. Not documented in the SWPPP.
Describes nature of construction activities? ➢ Size of the property Y/N ➢ Total area to be disturbed Y/N ➢ Construction support activity areas Y/N ➢ Maximum area to be disturbed at any one time Y/N *Part 7.2.2*	[Y]	N	
If applicable, documents emergency-related projects? ➢ Cause of public emergency (e.g., natural disaster, extreme flooding conditions, etc.) Y/N ➢ Info substantiating occurrence (e.g., state disaster declaration or similar state or local declaration) Y/N ➢ Description of the construction necessary to reestablish effected public services Y/N *Parts 7.2.3, 1.2*	Y	N	N/A
Identifies (lists) other site operators and areas of site over which each has control?	[Y]	N	

➢ List and areas of site over which each has control Y/N *Part 7.2.4*			
Describes sequence, estimated dates (departures) and duration of construction activities? ➢ Installation of control measures when operational Y/N ➢ Commencement/duration clearing & grubbing, mass grading, site preparation (excavating, cutting & filling), final grading, and creation of soil & vegetation stockpiles Y/N ➢ Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of site Y/N ➢ Final/temporary stabilization areas of exposed soil Y/N ➢ Removal of temporary stormwater conveyances/channels and other stormwater control measures Y/N ➢ Removal of construction equipment and vehicles Y/N *Part 7.2.5*	Y	N	Dates were estimated, but not updated to reflect actual occurrences.
Site Map			**Notes:**
Includes legible site map(s)? *Part 7.2.6*	Y	N	
➢ Boundaries of the property Y/N ➢ Locations construction activities will occur Y/N ➢ Locations earth-disturbing activities will occur (note any phasing) Y/N ➢ Approximate slopes before and after major grading (note steep slopes) Y/N ➢ Locations sediment, soil, or materials will be stockpiled Y/N ➢ Locations of crossings of surface waters Y/N ➢ Designated points vehicles exit onto paved roads Y/N ➢ Locations of structures/impervious surfaces upon completion Y/N ➢ Locations of construction support activity areas Y/N *Part 7.2.6.1*	Y	N	
➢ Locations of surface waters/wetlands, within or in immediate vicinity Y/N ➢ Indicates waters listed as impaired, and Tier 2~~, Tier 2.5,~~ or Tier 3 Y/N *Part 7.2.6.2*	Y	N	
➢ Boundary lines of natural buffers *Parts 7.2.6.3, 2.1.2.1a*	Y	N	N/A
➢ Areas of federally-listed critical habitat for endangered or threatened species *Part 7.2.6.4*	Y	N	Only mentions on map that the RG is 2000 ft from the site.

➢ Topography Y/N ➢ Existing vegetative cover Y/N ➢ Drainage pattern of stormwater/authorized non-stormwater flow onto, over, and from site before and after major grading Y/N *Part 7.2.6.5*	Y	N	Some general directional flow lines were marked on map, but before and after not needed.
➢ Stormwater and allowable non-stormwater discharge locations Y/N n/a ➢ Locations of storm drain inlets on site and immediate vicinity Y/N ➢ Locations stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands) on or near site Y/N *Part 7.2.6.6*	Y	N	
➢ Locations of potential pollutant-generating activities *Part 7.2.6.7, Part 7.2.7*	Y	N	
➢ Locations of control measures *Part 7.2.6.8*	Y	N	Construction yard not noted.
➢ Locations polymers, flocculants, or treatment chemicals will be used/stored *Part 7.2.6.9*	Y	N	N/A
Construction Site Pollutants			**Notes:**
Includes pollutant-generating activities list and description? *Part 7.2.7.1*	Y	N	
Includes inventory of pollutants or constituents? ➢ Inventory Y/N ➢ Potential spills/leaks Y/N ➢ Departures from manufacturer's specifications for applying fertilizers containing nitrogen & phosphorus Y/N N/A *Parts 7.2.7.2, 2.3.5.1*	Y	N	No chemical storage was occurring on site that would have contributed to potential spills/leaks.
Identifies all sources of allowable non-stormwater discharges? *Parts 7.2.8, 1.3.d*	Y	N	Dust control, potable water line flushing, indicates vehicle washing (but not occurring according to onsite representative).
If required (surface water wi/50 feet of earth disturbance), documents and describes buffer compliance alternative selected? ➢ Ensures that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls Y/N/NA ➢ Uses velocity dissipation devices, if necessary Y/N/NA ➢ Documents natural buffer width Y/N/NA ➢ Delineates, and clearly marks off, with flags, tape, or other similar marking device all natural buffer areas Y/N/NA ➢ Documents erosion and sediment control(s) used to achieve an equivalent sediment reduction Y/N/NA ➢ Documents any information relied upon to	Y	N	N/A

demonstrate equivalency Y/N/NA *Parts 7.2.9, 2.1.2, Appendix G*			
As applicable, describes and documents <u>buffer exceptions</u>? ➢ Describes rationale/why infeasible to provide and maintain an undisturbed natural buffer of any size Y/N/NA ➢ For linear project, describes buffer width retained and supplemental controls installed Y/N/NA ➢ Small residential lot options Y/N/NA ➢ Documents CWA Section 404 Permit, water-dependent structure/access disturbances Y/N *Parts 7.2.9; 2.1.2.1e, Appendix G*	Y	N	N/A
All Stormwater Control Measures			**Notes:**
Describes each measure? ➢ Type of measure to be installed and maintained, including design information Y/N ➢ Specific sediment controls installed and made operational prior to conducting earth-disturbing activities Y/N ➢ For exit points, stabilization techniques and any additional controls planned to remove sediment prior to vehicle exit Y/N ➢ For linear projects (if applicable), where/why it has been determined that the use of perimeter controls is practicable Y/N *Part 7.2.10.1*	Y	N	General BMP descriptions were contained in the back of the SWPPP, however, no specific discussion detailed why particular BMPs had been chosen. Silt fence containing the construction yard was not documented in the plan.
Erosion and Sediment Controls			**Notes:**
Minimizes <u>area of disturbance</u>? *Part 2.1.1.1*	Y	N	
Describes erosion and sediment control <u>design</u> requirements? ➢ Accounts for expected amount, frequency, intensity, duration of precipitation Y/N ➢ Accounts for nature of run-on and run-off (channelized peak flow rates & total volume at outlet) Y/N ➢ Accounts for range of soil particle sizes (distribution, erosivity and cohesiveness) Y/N ➢ Directs discharge to vegetated areas to increase sediment removal and infiltration unless infeasible Y/N/NA ➢ Uses velocity dissipation, if necessary Y/N ➢ Complies with State of New Mexico except Indian country requirements: o Includes site-specific BMPs/controls designed to prevent to the maximum extent practicable an increase in sediment yield/flow velocity from pre-construction, pre-development conditions both during and after construction Y/N o Selection based on appropriate soil loss	Y	N	No BMP located at one discharge point. BMP selected for main discharge point may not be appropriate for large flows. SWPPP included a rainfall events matrix from NOAA but this was not tied to RUSLE determinations or discussed in the body of the SWPPP document.

prediction models (results in sediment yields/flow velocities, that to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from pre-construction, pre-development conditions) Y/N *Parts 2.1.1.2, 9.4.1.1*			
Describes erosion and sediment control <u>installation</u> requirements? ➢ Completes installation of downgradient stormwater/sediment controls by the time or immediately following earth-disturbance begins unless infeasible Y/N/NA ➢ Installs all other controls and makes operational as soon as conditions allow Y/N ➢ Uses good engineering practices and follows manufacturer's specifications or explain departures Y/N *Part 2.1.1.3*	Y	N	
Describes erosion and sediment control <u>maintenance</u> requirements? ➢ Initiates fix immediately and completed by close of next work day (routine maintenance) Y/N ➢ Installs new measure/significant repair no later than 7 calendar days or document why infeasible Y/N *Part 2.1.1.4*	Y	N	
Installs <u>perimeter controls</u> and describes maintenance (removes sediment before it has accumulated to 1/2 of the above-ground height)? *Part 2.1.2.2*	Y	N	Not practical at this site.
Minimizes <u>sediment track-out</u>? ➢ Restricts vehicle use to properly designated exit points? Y/N ➢ Uses appropriate stabilization techniques at all points that exit onto paved roads? Y/N ➢ Where necessary, uses additional measures to remove sediment prior to exit? Y/N/NA ➢ Removes tracked out sediment prior to the end of the same work day or if occurs on non-work day the next work day? Y/N *Part 2.1.2.3*	Y	N	SWPPP did not call for a stabilized entrance to the area of the maintenance yard, which was located in a sandy area with high potential for trackout issues.
Controls discharges from <u>stockpiled sediment or soil</u>? ➢ Locates piles outside of buffers Y/N ➢ Locates piles separate from stormwater controls Y/N ➢ Uses temporary sediment barrier Y/N ➢ Where practicable, provides cover or temporary stabilization Y/N ➢ Does not hose down or sweep into	Y	N	A large sediment stockpile was located next to the maintenance yard. Onsite representative indicated soil was being actively given away. Extra wattles were kept on hand in the event of a storm. Onsite representative indicated that in the event of wind, standard practice would be to wet down the pile to form a crust.

stormwater conveyance unless connected to basin, trap, etc. Y/N ➢ Contains and securely protects pile from wind? Y/N *Part 2.1.2.4*			
Minimizes dust? *Part 2.1.2.5*	Y	N	Water is applied every other day to actively worked areas.
Minimizes disturbance of steep slopes? *Part 2.1.2.6*	Y	N	N/A
Preserves topsoil, unless infeasible? *Part 2.1.2.7*	Y	N	N/A

Minimizes soil compaction where final vegetative stabilization or infiltration installed? *Part 2.1.2.8*	Y	N	Contractor unsure of final stabilization plan.
Protects storm drain inlets and describes maintenance requirements (removes sediment by the end of the same work day or end of the following work day)? *Part 2.1.2.9*	Y	N	One storm drain inlet area was left unprotected (off of Calle San Lorenzo).
Describes constructed conveyance channel controls (if installed)? *Part 2.1.3.1*	Y	N	N/A
Describes sediment basin design (if installed) and maintenance (maintain at least ½ of capacity at all times)? *Part 2.1.3.2*	Y	N	N/A
Describes treatment chemical controls (if used)? *Part 2.1.3.3*	Y	N	N/A
Includes documentation for use of treatment chemicals (polymers, flocculants, or other treatment chemicals)? ➢ Lists all soil types expected to be exposed and locations where chemicals will be applied. Also include a list of soil types expected to be found in fill material to be used in same areas Y/N ➢ Lists all treatment chemicals and why the selection of these chemicals is suited to the soil characteristics Y/N ➢ If authorized by EPA to use cationic treatment chemicals, includes the specific controls and implementation procedures designed to ensure use of cationic treatment chemicals will not lead to a violation of water quality standards Y/N/NA ➢ Dosage/methodology to determine dosage Y/N ➢ Information from any applicable MSDS Y/N ➢ Schematic drawings of any chemically-enhanced or chemical treatment systems Y/N/NA ➢ Description of how chemicals will be stored Y/N ➢ References to applicable state or local	Y	N	N/A

requirements and copies of applicable manufacturer's specifications Y/N ➢ Description of training that personnel have received or will receive Y/N *Parts 7.2.10.2, 2.1.3.3h*			
Describes <u>dewatering</u> controls (if installed)? *Part 2.1.3.4*	Y	N	N/A

Stabilization Requirements			Notes:
Describes compliance with deadlines for vegetative and/or non-vegetative stabilization practices, including exceptions? <u>Deadline to Initiate</u> ➢ Initiates stabilization immediately (no later than end of next work day following earth-disturbing activities permanently/temporarily ceased) Y/N <u>Deadline to Complete</u> ➢ As soon as practicable, but no later 14 calendar days after initiation, completes stabilization (for vegetative, all activities to initially seed or plant, and/or for non-vegetative, installation or application) Y/N ➢ In arid, semi-arid or drought-stricken areas for permanent stabilization, immediately initiates, and within 14 calendar days completes non-vegetative stabilization measures to prevent erosion; and as soon as practicable completes all activities necessary to initially seed or plant; and documents beginning/ending dates of the seasonally dry period, site conditions, and schedule Y/N/NA ➢ Documents/describes circumstances beyond control that prevent meeting deadlines Y/N/NA ➢ If discharging to sediment or nutrient-impaired waters or Tier 2~~, 2.5~~ or 3 waters, completes stabilization (vegetative or non-vegetative) wi/7 calendar days after temporary or permanent cessation Y/N/NA *Parts 7.2.10.3, 2.2.1, 3, 9.4.1.3*	Y	N	No real mention of stabilization deadlines was made in the SWPPP. Generally spoke of vegetation for stabilization, but didn't indicate that the most of the project would be re-paved (roads).
Describes compliance with vegetative (final) stabilization criteria? ➢ Provides uniform vegetation (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for all unpaved areas / areas not covered by permanent structures Y/N ➢ Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, select, design, and install non-vegetative erosion controls that provide cover while vegetation is becoming established Y/N *Parts 7.2.10.3, 2.2.2.a, 3, 9.4.1.4*	Y	N	No specific stabilization measures are described in the SWPPP.

If applicable, describes compliance with State of New Mexico, except Indian country, arid, semi-arid areas, or drought stricken option for final stabilization: ➢ Area seeded/planted must wi/3 yrs provides established vegetation that achieves 70% of the native background vegetative cover Y/N ➢ Selects, designs, and installs non-vegetative erosion controls that provide cover for at least 3 years without active maintenance Y/N ➢ Complies with notification, inspection maintenance, and reporting) Y/N *Parts 7.2.10.3, 2.2.2.b, 3, 9.4.1.5*	Y	N	N/A
If using, provides effective non-vegetative cover to stabilize? *Parts 7.2.10.3, 2.2.2.2*	Y	N	N/A
Pollution Prevention Procedures			**Notes:**
Describes procedures for <u>spill prevention and response</u>? *Parts 7.2.11.1, 2.3.4*	Y	N	
Describes procedures for <u>waste management</u>? *Part 7.2.11.2, 2.3.3.3*	Y	N	
Eliminates prohibited discharges? ➢ Concrete washout, unless managed by control in Part 2.3.3.4 Y/N ➢ Washout/cleanout of stucco, paint, form release oils, curing compounds and other materials unless managed by control in Part 2.3.3.4 Y/N/na ➢ Fuels, oils or other from vehicle and equipment O&M Y/N ➢ Soaps, solvents, or detergents used in vehicle and equipment washing Y/N ➢ Toxic or hazardous substances from spill/release Y/N *Part 2.3.1*	Y	N	Not conducting vehicle washing or using stucco on this project.
Properly maintains and protects all pollution prevention controls? *Part 2.3.2*	Y	N	
Complies with pollution prevention standards for certain activities? ➢ Fueling/maintenance of equipment or vehicles Y/N/NA ➢ Washing of equipment and vehicles Y/N/NA ➢ Storage, handling, disposal of materials, products and waste Y/N/NA ➢ Washing applicators/containers Y/N/NA *Part 2.3.3*	Y	N	
Minimizes discharge/complies with restrictions of <u>fertilizer application</u>? *Part 2.3.5*	Y	N	N/A

Inspections and Corrective Action			
SWPPP describes procedures for <u>inspection, maintenance, and corrective action</u>? ➢ Personnel conducting inspections [Y]/N ➢ Inspection schedule [Y]/N ➢ Reduction of inspection frequency Y/N/[NA]. As applicable: o location of the rain gauge or the address of weather station to obtain rainfall data Y/[N]/NA o beginning and ending dates of the seasonally-defined arid period for your area or the valid period of drought Y/N/[NA] o beginning and ending dates of frozen conditions Y/N/[NA] ➢ Inspection or maintenance checklists or other forms that will be used [Y]/N *Parts 7.2.12*	[Y]	N	All required components are discussed, except for rain gauge location. Inspection schedule discussed but is incorrect.
Inspections			**Notes:**
Inspections performed by "qualified" person? *Part 4.1.1*	[Y]	N	
Conducts inspections at a minimum of required frequency unless reductions documented? ➢ Every 7 days <u>or</u> 14 days & w/in 24 hrs of a 0.25" rain event Y/N *Part 4.1.2*	Y	[N]	Because the Bernalillo MS4 discharges to the Rio Grande (Tier 2), this is considered a sensitive water and requires 7 day inspections and within 24 hours of a 0.25" rain event. Currently conducting 14 day inspections.
If applicable, conducts increased inspection frequency for sites with discharges to sediment or nutrient-impaired waters or Tier 2~~, 2.5~~ or 3 waters: ➢ Once every 7 days Y/N; <u>and</u> ➢ Within 24 hrs of a ≥ 0.25" rain event Y/N? *Parts 4.1.3, 3.3.2.1, 3.3.2*	Y	[N]	
If allowable (begin/end dates recorded), documents reduced inspection frequency? ➢ Stabilized area - 1/mo in areas where stabilization has been completed Y/N/NA ➢ For arid/semi arid during seasonally dry period or drought-stricken areas - 1/mo and wi/24 hrs of the occurrence of a storm event ≥ 0.25" Y/N/NA ➢ For frozen conditions (runoff unlikely, disturbance suspended, areas stabilized) - suspends until thawing conditions Y/N/NA *Part 4.1.4.1 thru 3*	Y	N	N/A
Inspection areas includes: ➢ All cleared, graded, excavated, and not completed stabilization [Y]/N ➢ All controls/measures [Y]/N ➢ Material/waste/borrow/equipment storage and maintenance areas [Y]/N ➢ All areas stormwater typically flows [Y]/N ➢ All points of discharge [Y]/N	[Y]	N	

➢ All locations stabilization implemented Y/N/NA *Part 4.1.5*			
Inspection includes minimum requirements? ➢ Controls installed/operational Y/N ➢ Determines need to replace, repair, or maintain Y/N ➢ Conditions that could lead to spills, leaks, and accumulations of pollutants Y/NA ➢ Identifies where new or modified controls are necessary Y/N ➢ At points of discharge, checks for visible erosion/sedimentation on banks Y/N/NA ➢ Identifies noncompliance Y/N ➢ If discharge is occurring: o Identifies all points of discharge Y/N o Observes/documents visual quality, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other of pollutants Y/N o Documents whether controls operating effectively, and describes controls not operating as intended or need maintenance Y/N ➢ Based on results of inspection, initiates corrective action under Part 5. *Part 4.1.6*	Y	N	Inspector identified that a storm drainage was not protected with a BMP off of Calle San Lorenzo. Recommended that a measure be installed. This was not identified in inspections from the site.
Inspection reports: ➢ Completed within 24 hrs Y/N ➢ Includes inspection date Y/N ➢ Includes names/titles of personnel Y/N ➢ Includes summary of findings Y/N ➢ Includes applicable rain gauge reading Y/N/NA ➢ Signed and certified in accordance with Appendix I.11 Y/N *Part 4.1.7.1 and 2*	Y	N	An authorization letter was included for Indigo Engineering to sign reports on behalf of AUI, but no authorization was included on behalf of the Town of Bernalillo; however, in Appendix, I.11.2.2: states signatures must be delegated to someone within the company that has authority to make decisions for environmental matters overall. Third party representatives cannot sign the inspection reports.

Corrective Action			Notes:
Corrective action initiated immediately; and permanent solution completed no later than 7 calendar days from the time of discovery or if infeasible as soon as practicable? *Part 5*	Y	N	No corrective actions noted in SWPPP documentation at the time of this inspection.
Within 24 hours of discovering the occurrence, completes a report of the following: ➢ Condition identified Y/N ➢ Nature of the condition identified Y/N ➢ Date and time of the condition identified and how it was identified Y/N *Part 5.4*	Y	N	N/A
Within 7 calendar days of discovering the occurrence, completes a report of the following: ➢ Follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred Y/N ➢ Summary of stormwater control modifications taken or to be taken Y/N ➢ Schedule of activities necessary to implement changes Y/N ➢ Date the modifications are completed or expected to be completed Y/N ➢ Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action Y/N ➢ Signed and certified in accordance with Appendix I.11 Y/N *Parts 5.4.2, 5.4.3*	Y	N	N/A

Additional Notes on SWPPP Review *(optional)*

Although no stormwater controls were installed that required subsurface earth disturbance, and correctly met the requirements for permit coverage in accordance with the Historic Preservation Act, the SWPPP incorrectly noted that there were no historic properties near the construction project. The Our Lady of Sorrows Convent historic site is located on Avenida Bernalillo. The permittee may want to complete a more careful review/documentation on future sites in case the need arises to install controls that require subsurface disturbance.

The data used to determine the impaired waters listing that was used for the NOI submittal for this site was not included in the SWPPP. Appendix I.15 states that all documentation, including data used to complete the NOI, must be retained for three years after permit termination.

The site map for the site must be detailed – a list of all required items that must be on the site map is located in Part 7.2.6 of the permit. There were a few items missing from this site map, including the construction yard, the stockpiled sediment, locations of all stormwater inlets, critical habitat areas, and locations of stormwater control measures.

Although there was a listing of BMP measures in the back of the SWPPP, no specific discussion occurred as to why the BMPs used on site were actually chosen. The BMPs selected were wattles at one storm drain inlet, and silt fence around the construction yard. A RUSLE analysis was completed, but did not detail other BMP choices than the wattle. No stabilized entrance was located at the construction yard area, and there was no rationale given in the SWPPP documentation as to why it was not installed.

Timelines were not noted in the SWPPP. Notably, this should include maintenance requirements (if BMP needs fixing, must be initiated immediately and fixed within 7 days; Part 2.1.1.4), inspection requirements (Tier 2 discharge, requires 7 day inspections; Part 4.1.3), and stabilization requirements (initiate immediately, must be complete within 7 days; Part 2.2.1.3.c).

There was no description of final stabilization measures to be used at this site. A notation was made in the SWPPP about seeding but did not mention asphalt or any temporary stabilization measures, either. The onsite representative indicated that they were finishing up the project the week of this inspection, and did not know what the stabilization plans were. The permit states in Part 2.2.1.1 that stabilization must be initiated immediately upon cessation of construction.

Part 4.1.3 of the permit requires that any construction site discharging to a sensitive water, otherwise known as a Tier 2 waterbody, must conduct 7 day inspections, as well as within 24 hours of a 0.25" storm event. The Town of Bernalillo is considered a Phase 2 MS4, as indicated by the Albuquerque Urbanized Area map located on the US Census Bureau website: http://www.census.gov/geo/www/ua/2010urbanruralclass.html. Since discharge is to the Rio Grande, which is a Tier 2 waterbody (Tier 1 for *E. coli*), this requires both the 7 day/24 hr within 0.25" storm event inspection schedule as well as the accelerated stabilization schedule (stabilization activities must be complete within 7 days).

Appendix I.11.2 describes the requirements for the persons signing documents associated with the SWPPP. All documents must be signed by a responsible corporate officer unless that has been delegated. The delegation must be made to "an individual or position having responsibility for the overall operation of the regulated facility or activity…or an individual or person having overall responsibility for environmental matters for the company." A third party contractor, Indigo Engineering, was delegated signatory authority to sign inspection reports. This was permitted under previous CGPs, but the 2012 permit language has been clarified, above, to indicate that the signatures must come from someone within the company acting as owner or operator.

Implementation *(complete in field)* ***(Narrative Description if Control Measures Installed, Operational, Effective and Maintained)***	
Erosion and Sediment Control Practices *Part 2.1*	
Minimize area of disturbance:	*(Provide brief description)* Linear utility install. Only installing in road cuts & along road.
Buffer compliance:	*(e.g., provide and maintain a 50-foot undisturbed natural buffer)* N/A
Perimeter controls:	*(e.g., filter berms, silt fences, temporary diversion dikes)* None installed except around maintenance yard. In need of repair on the date of this inspection.
Exit point or sediment track out:	*(e.g, aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats, wheel washing, rumble strips, plates, sweeping)* None installed.
Stockpiled sediment or soil:	*(e.g., berms, dikes, fiber rolls, silt fences, sandbag, gravel bags)* Soil stockpiled at the maintenance yard area. Extra wattles are kept onsite in the event of a storm, but no special BMPs were in place at the time of this inspection.
Minimize dust:	*(e.g., application of water or other dust suppression techniques)* Water is applied at the site every other day.
Steep slopes:	*(e.g., standard erosion and sediment control practices, phasing disturbances, stabilization practices)* N/A
Preserve topsoil:	*(e.g., stockpiling or transfer of topsoil to other locations)* N/A
Soil compaction:	*(e.g., restrict vehicle / equipment use, soil conditioning techniques)* N/A
Storm drain inlet protection:	*(e.g., fabric filters, sandbags, concrete blocks, gravel barriers)* Storm drain inlet protection provided at one storm drain inlet in the form of wattles and existing vegetation, but none provided in a second inlet.
Conveyance channels:	*(e.g., erosion controls, and velocity dissipation check dams, sediment traps, riprap, or grouted riprap at outlets)* N/A
Sediment basin:	*(e.g., outlet structures that withdraw from the surface, stabilization, erosion controls, velocity dissipation, kept at least ½ design capacity)* N/A

Erosion and Sediment Control Practices - Continued	
Treatment chemicals:	*(e.g., spill berms, decks, spill containment pallets, storing chemicals in covered area, spill kit available on site)* N/A
Dewatering:	*(e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems (e.g., bag or sand filters) designed to remove sediment)* N/A
Other erosion and sediment controls or practices:	*(Provide brief description)* N/A
Stabilization Practices *Part 2.2*	
Stabilization:	*(e.g., soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, watering, mulch, rolled erosion control products, control blankets, riprap, gabions, geotextiles)* Asphalt was being applied in the street cuts. No other stabilization had been started at the time of this inspection.
Are stabilization measures initiated immediately? Y/N Are they completed within 14 days of construction cessation? Y/N	*(e.g. indicate "yes" or "no"; if not within 14 days of construction cessation, how long without stabilization measures?)* No documentation in SWPPP to show that stabilization was started immediately.
Pollution Prevention Measures *Part 2.3*	
Fueling and maintenance of vehicles:	*(e.g., locating activities away from surface waters and stormwater inlets or conveyances, providing secondary containment (e.g., spill berms, decks, spill containment pallets)and cover where appropriate, and/or having spill kits readily available)* Mobile fueling is conducted onsite and the contractor has a spill kit.
Washing equipment & vehicles:	*(e.g., locating activities away from surface waters, stormwater, inlets, conveyances, sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, plastic sheeting, temporary roofs)* N/A
Washing applicators/containers (e.g., stucco, paint, concrete, form release oils, curing compounds, and other construction materials)	*(e.g., leak-proof container or pit, locate as far away as possible from surface waters, inlets or conveyances, designate areas)* N/A

Pollution Prevention Measures – Continued	
Storage, handling, disposal of construction materials, products and waste:	*Building products (e.g., asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures):* N/A
	Pesticides, herbicides, insecticides, fertilizers, and landscape materials: N/A

	Diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals: Mobile unit for fueling. Maintenance activities not conducted onsite.
	Hazardous or toxic waste (e.g, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids): N/A
	Construction and domestic waste (e.g., packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials): Trash pickup conducted daily.
	Sanitary waste: No portolets noted onsite.
Fertilizer application:	*(e.g., avoids applying before heavy rains, never applies to frozen ground, never applies to conveyance channels with flowing water)* No fertilizer in use at the time of this inspection.
Miscellaneous	
Evidence of not allowable non-storm water discharges or prohibited discharge?	*(Provide brief description and determine whether any non-storm water discharges allowable)* No – water line flushing is directed back into the water truck and then used for dust control after dechlorination.
Evidence of sediment deposition to surface waters or MS4?	*(e.g. significant turbidity observed in a receiving water body)* None observed.

Exhibit A: Historic Properties info

Project work is occurring on Avenida Bernalillo, San Felipe, Calle San Lorenzo and Calle Placitas. Our Lady of Sorrows is located on Avenida Bernalillo.

NMED/SWQB

Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 10-4-2012	Time: 1015 hours
City/County: Bernalillo/Sandoval County		
Location: Bernalillo Water System Improvement Project		
Subject: Maintenance yard with silt fence perimeter.		

NMED/SWQB

Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 10-4-2012	Time: 1016 hours
City/County: Bernalillo/Sandoval County		
Location: Bernalillo Water System Improvements Project		
Subject: Entrance to a storm drain left unprotected. The dirt roadsides were dirt prior to the project starting. The Town does not have any plans to stabilize the roadsides.		

NMED/SWQB

Official Photograph Log
Photo # 3

Photographer: Sarah Holcomb	Date: 10-4-2012	Time: 1017 hours
City/County: Bernalillo/Sandoval County		
Location: Bernalillo Water System Improvements Project		
Subject: Protected storm drain. Culvert can be seen behind the tree. Wattles protecting the inlet needed replacement. Vegetation present in front of the culvert can also be considered protection.