



**NEW MEXICO  
ENVIRONMENT DEPARTMENT**



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**Certified Mail - Return Receipt Requested**

June 30, 2015

Mr. Brent Nagen, Project Manager  
Federal Highway Administration  
12300 W. Dakota Ave.  
Lakewood, CO 80228

**Re:** Gila River Bridge FLAP 15-2(1); Minor; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation; NPDES Permit NMR12AZ68; May 28, 2015

Dear Mr. Nagen:

Enclosed please find a copy of the report for the referenced file review that the New Mexico Environment Department (NMED) conducted at a construction site for which you may be an "operator" (see Appendix A in permit). This 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 the site visit are listed in the finding section of the report. You are encouraged to review the report, required to correct any problems noted during the site visit, and to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED report, please contact us (see the address above) in writing within 30 days from the date of this letter. Further, notify in writing both USEPA (Racquel Douglas, USEPA (6EN), 1445 Ross Ave., Dallas, Texas, 75202), NMED (at the above address) regarding modifications and compliance schedules.

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at [daniel.valenta@state.nm.us](mailto:daniel.valenta@state.nm.us).

Sincerely,

*/s/Bruce Yurdin*

Bruce J. Yurdin  
Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail  
Carol Peters, USEPA (6EN-WM) by e-mail  
Brent Larsen, USEPA (6WQ) by e-mail  
Racquel Douglas, USEPA (6EN-WM) by e-mail  
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail  
NMED District III, Robert Italiano by e-mail  
Ted Walker, J-Star Enterprises by E-mail  
Melinda Benavidez, New Mexico Fish and Wildlife by e-mail  
John Money, NMENV by e-mail



**Gila River Bridge FLAP 15-2(1)**  
**NPDES No NMR12AZ33**  
**May 28, 2015**

**Further Explanations**

The writer of this CEI Daniel Valenta of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) did not visit the site and his federal credentials were not presented to operators at the site. Calls were placed to various parties in order to verify events and facts. This report was initiated by a complaint of a hydraulic oil release to the Gila River, see attached report dated May 28, 2015. The construction project has a dredge and fill permit issued by the ACOE, SPA-2009-00544-ABQ. This 404 permit covers the construction activities in the river and on the banks. Under the 404 permit are conditions the Permittee's are required to operate under. Compliance enforcement of these conditions is overseen by the US Army Corps of Engineers and is not reviewed by this report. The construction project as of the writing of this report is finished and the project complete.

On May 28, 2015 John Moeny of the New Mexico Environment Department (NMED), Watershed Protection Section (WPS) conducted a Site Visit (SV) at the Gila River Bridge FLAP 15-2(1) construction site at SH 15 Gila River Highway, Silver City, NM 88061, Catron County New Mexico. Mr. Moeny does not have federal credentials issued by USEPA to perform inspections.

Operators on this project submitted NOIs and were assigned NPDES permit numbers NM0012AZ68/NMR12AZ33.

The construction project crosses over the Gila River in segment 20.6.4.503 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC)* of the Gila River Basin. This segment of Gila River includes the designated uses of domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

**Treatment Scheme and Compliance Monitoring:**

The construction site was located on the West Fork Gila River (River) near the Gila Cliff Dwellings National Monument in Catron County, New Mexico. The project area is on New Mexico State Highway 15 in the Gila National Forest (Forest) and Heart Bar Wildlife Area, about 70.8 km (44.0 mi) north of Silver City, New Mexico. The Gila Cliff Dwellings National Monument is also accessed via this route.

**Requirements:**

Section 2.3.3.1 of the Construction General Permit: Pollution Prevention Requirements

*Storage, Handling, and Disposal of Construction Products, Materials, and Wastes. You must minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at your site by complying with the requirements in this Part.*

- A. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other Chemicals:*

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1. *To comply with the prohibition in Part 2.3.1.3, store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and*
2. *Clean up spills immediately, using dry clean-up methods where possible, and **dispose of used materials properly**. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.*

Section 20.6.2.2201 of the New Mexico Water Quality Control Commission Regulations

1. Disposal of Refuse: *“No person shall dispose of any refuse in a natural watercourse or in a location and manner where there is a reasonable probability that the refuse will be moved into a natural watercourse by leaching or otherwise. Solids diverted from the stream and returned thereto are not subject to abatement under this Section.”*

Section 2.3.3.2 of the Construction General Permit: Pollution Prevention Requirements

*Washing of Applicators and Containers used for Paint, Concrete, or Other Materials.*

*To comply with the prohibition in Parts 2.3.1.1 and 2.3.1.2, you must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:*

1. ***Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;***

**Finding:**

1. The site contractors Messer’s Robert Layne and Ted Walker of J-Star Enterprises were contacted and notified of the complaint and the ongoing inspection. Due to a broken hydraulic line fitting on a Volvo EC220DL hydraulic fluid was released. The exact quantity is in dispute. The amount reported at the time of the site visit by Mr. Money was 165 gallons (see Attachment A). After the break a mechanic from Bluelines Rental was contacted for repairs. Repairs were made on site. The Inspector contacted Mr. Dominguez to discuss his observations. He estimated it took approximately 10 gallons to refill the hydraulic system. This is not to imply the 10 gallons were spilled at the site only the total amount of lost hydraulic fluid.

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2. Soil that came in contact with the hydraulic fluid was reported to be buried on site in the May 28, 2015 site visit report. Due to the small amount of spilled fluid this could have been easily taken care of as reported in the June 23, 2015 e-mail by Ted Walker, (see Attachment C).
3. Photos taken of the site on a site visit by Mr. Money on March 4, 2015, (see Photo 3). Appears to show an unlined cement clean out pit. A photo submitted June 23, 2015 via e-mail by Ted Walker shows the pit was lined. Dirt and concrete covered the liner giving the appearance of not being lined, (see Attachment D).

**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Unknown	Date: 3/4/2015	Time: 1329 hours
City/County: Approximately 44 miles north of Silver City New Mexico/Catron		
Location: New Mexico State Highway 15 in the Gila National Forest (Forest) and Heart Bar Wildlife Area,		
Subject: New bridge construction over the Gila River.		



**NMED/SWQB  
Official Photograph Log**

Photo # 2

Photographer: Unknown	Date: 1/23/2015	Time: 1339 hours
City/County: Approximately 44 miles north of Silver City New Mexico/Catron		
Location: New Mexico State Highway 15 in the Gila National Forest (Forest) and Heart Bar Wildlife Area,		
Subject: New bridge construction over the Gila River.		



**NMED/SWQB  
Official Photograph Log**

Photo # 3

Photographer: Unknown	Date: 3/4/2015	Time: 1400 hours
City/County: Approximately 44 miles north of Silver City New Mexico/Catron		
Location: New Mexico State Highway 15 in the Gila National Forest (Forest) and Heart Bar Wildlife Area,		
Subject: Cement wash out, disposal area		



## Attachment A

### Site Visit Report for West Fork Gila Project

Site visit report for West Fork Gila Bridge project.

Day and time of visit: May 28, 2015 12- 1pm.

Prior to visiting the site I attempted to call the FWHA project manager Steve Short, but instead spoke with a temporary contract employee named Mike. When asked about the spill he said he knew nothing about it but would ask around. I then phoned the original reporting party, Jessie Miller. Jessie gave me additional information including a refined site location and description of the equipment involved. He said that it was a backhoe that was being used to clear the old bridge foundations that was leaking oil into the river. He said the spill would be very obvious to see on the south side of the river near the former bridge abutments.

Once on site, I stopped first at the FWHA office trailer to introduce myself where I met Mike and additional FWHA contract employee, Melody. We all briefly conferred with the J-Star project manager who initially said there was no spill, but corrected himself to say they did have a small leak from a backhoe but had removed the contaminated soil and fixed the equipment, noting that 'we didn't have time to stop the work'. I asked if they minded if I had a look around and they said it would be no problem.

The area that Jessie Miller described is about 200 yards from equipment staging area and offices and lies within the floodplain of the West Fork of the Gila. I noted initially a set of pickup truck tracks that had recently been to the site and also the imprints left from a tracked vehicle like an excavator. Near the area Jessie described I did see several spots that had been discolored by oil. One of the construction employees said I was in the correct location, but the material had been buried approximately 10 feet deep. Another employee said she had pictures on the office computer and could send them via email. She estimated the spill at 165 gallons (described as three 55 gallon drums) I did not see oil slicks or pools on the soil, nor did the river's edge closest to the spill show any sheen from oil.

I returned to the J-Star office trailer to talk briefly the managers on site. I asked to see their SWPP plan and they had it readily available. They mentioned that the project is wrapping up and they will be removing the silt fencing and other stormwater BMPs in the next week or two.

As I was leaving I briefly talked to Mike, the FHWA representative, and he said that, yes, he did remember the spill, but had initially forgot.

My take away impression: I believe there was definitely hydraulic oil spill and possibly a large one. I do not believe the soil was transported off-site due to the relatively long haul distance to the nearest landfill and the eye witness account of the soil being buried in-situ.

Photos on next page.

Signed: John (Mog) June 29, 2015



Oil contaminated soil (above) and general area of spill (below)





Spill area relative to the river (above) and BMPs with fill material placed in the river (below).



## Attachment B

NM FLAP 15-2(1) Hydraulic Spill

April 29, 2015



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

June 12, 2015

Rick Gatewood, PMP, CFM, PWS, CPESC, DAWIA FE II  
US Army Corps of Engineers  
Regulatory Manager for Southern NM and West TX  
505 S. Main St. Suite 142 Las Cruces, NM 88001

Subject: NM FLAP 15-2(1) Hydraulic Spill – April 29, 2015

Rick,

On April 29, 2015 a hydraulic spill occurred on the project. This letter is in response to your request for information, dated June 10, 2015, regarding this spill.

While demolishing the old bridge spanning the W. Fork of the Gila River at approximately MP 42.8 on NM-15, the Volvo EC220DL Excavator that was being used to remove the pier wall via hoe-ram, broke a hydraulic line fitting. The spill occurred at approximately STA 9+60, 45' Rt. of Centerline, under the South span of the old bridge. The spill occurred after the south span of the old bridge had been removed, during pier removal and over the temporary fill that had been placed in this location earlier in the project. The spill location was approximately 10' from the edge of the existing channel, but occurred while the pier wall was still in place, preventing contamination of the adjacent channel. **The spill was completely contained in the fill and none went into the water.** Based on the amount of hydraulic fluid that was required when the Excavator was fixed and refilled, less than 5 gallons of hydraulic fluid spilled.

Oil Absorbent Pads were placed under the Excavator at drip locations. The fill under which the spill occurred was immediately dug up using a Volvo BL-60 Back Hoe, and was disposed of off-site. Approximately 1 CUYD of fill material was removed at/around the spill location to ensure that the entirety of the spill was removed from the fill.

Feel free to contact me at any time with questions or concerns.

Respectfully,

Steve J. Short  
Project Engineer  
Central Federal Lands  
Federal Highway Administration  
Cell: 303-656-8066  
[Steve.short@dot.gov](mailto:Steve.short@dot.gov)

## Attachment C

Gila River Bridge FLAP 15-2(1) Oil Spill & Concrete  
Wash Out

**From:** [Ted Walker](#)  
**To:** [Valenta, Daniel, NMENV](#)  
**Cc:** [brent.nagen@dot.gov](#); [Steve.Short@dot.gov](#); [Dan.Onisko@dot.gov](#); [msick](#); [Robert Layne](#); [clint@gojstar.com](#)  
**Subject:** RE: Gila River Bridge FLAP 15-2(1) Oil Spill & Concrete Wash Out  
**Date:** Tuesday, June 23, 2015 1:19:48 PM

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**RE: Gila River Bridge FLAP 15-2(1); Minor; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation; NPDES Permit NMR12AZ33; May 28, 2015**

Daniel,

Thank you for your call yesterday to inquire, and apprise J-Star of the status of the spill and the concrete clean out pit. I have talked to Mike Sick, Robert Layne, Steve Short, Benny Dominguez, and Danny Leggareta at Southwest Landfill in Silver City and am confident about the information I have received from them, as documented below.

**Note:**

We went into this project understanding the sensitivity of the work area due to the endangered species. I am a native of southeastern Arizona. I have land in Sonoita, AZ and have dedicated my 1 acre pond to the "Frog Project" in Santa Cruz county, headed up in part by Dennis Caldwell with AZ Game and Fish, and aimed at restoring the Leopard Frog population in our area, so as to demonstrate my sentiment on the issues.

**Oil Spill Reported on 4-22-15**

We were disappointed to learn that one of our subcontractors, C&C Road Construction delivered an excavator with a pre-existing hydraulic leak to our project. According to Mike Sick our Superintendent and Mike Ortiz the FHWA inspector, the leak was not noticeable when the machine arrived, since it had been thoroughly washed prior to delivery so as to eliminate any invasive plant species per the project specification.

Additionally, Blue Line rented the Hoe Ram to C&C. The machine was delivered from Las Cruces, NM. C&C noticed a pre-existing leak the hydraulic line leading to the breaker. The leak looked bad, and J-Star superintendent Mike Sick immediately stopped C&C from operating the machine until it was fixed. Bennie Dominguez from Blue Line came out and fixed it.

Bennie remembers putting 10 gallons in the hydraulic tank. The leak was pre-existing so the tank could have been low when it was delivered. Some of the spill absorbed onto the old concrete deck and south abutment which was subsequently hauled to the landfill. The oil that didn't absorb into the existing concrete was quickly covered with cat litter and sand for absorption.

Mike remembers less than 5 gallons was slurried into cat litter and sand, and then it was scooped up and put in a 5 gallon container then placed in the dumpster. The dumpster was from Griffin Propane Company and was delivered to Southwest landfill in Silver City, NM. The Landfill Manager's name is Danny. His cell number is 575-574-7923.

Danny at Southwest Landfill in Silver City indicated that if we had free oil it should be separated and

put into containers so they can receive it to a dedicated area at the landfill for free oils and fuels. If the amount of oil is 5 to 10 gallons slurried into soil for absorption it is typically dumped with the rest of the refuse according to him.

Mike Sick understood that the slurried material should be dumped directly into the dumpster without a separate manifest. He further understood that if we are dumping free oil, such as an oil change it should be identified by a separate manifest so it could be put in a separate hazmat area at the dump, or it can be captured into waste oil container and dealt with by the mechanic. (Oil changes were done onsite several times during the course of the project by the Blue Line Mechanics in this manner)

Mike Sick and Robert Layne with J-Star, and Mike Ortiz with FHWA all concur that absolutely no oil was buried onsite. All of the hydraulic oil due to mechanical failure was recovered in a slurry of cat litter and sand, scooped up and place in the dumpster to be delivered to Southwest Landfill in Silver City. All concur that the spill occurred about 50' away from the running water, and no oil got anywhere near the water.

We take this issue with the utmost seriousness and hope our understanding of the process is correct. If not, please advise us of the correct protocol to follow so we can adjust our procedures and handle things in an acceptable manner moving forward.

### **Concrete Wash Out Pit**

The visqueen was very definitely installed in the only two concrete wash out pits on the project. According to Mike Sick (Superintendent) and Robert Layne (CQC) for J-Star and Steve Short (FHWA) the pits were lined with visqueen and soil was place on top for ballast. The visqueen was buried to ballast the visqueen, so the visqueen was in place below the ballast soil.

Concrete latents and soils are cover the plastic in the picture you forwarded making the visqueen hard to identify. The onsite managers and inspectors are adamant that the visqueen was absolutely in place at both wash pits as shown in our picture attached. The attached picture seems to have been taken earlier in the progress of the project at a point prior to latents topping the visqueen.

Even in your picture you can see an uncharacteristic evenness of concrete as it splashed onto the plastic and adhered. Also, in your picture, you can even see some of the white color of visqueen where the concrete latents seem to have broken away from the visqueen lining where it was rolled on top of the pit. (See our Attached Picture)

Please add this information to your report and let us know what we measures we should take going forward to provide better coverage of the items in question.

Thanks,  
Ted



**J-Star Enterprises**

Ted Walker  
Project Manager  
Cell: 520.400.1088  
Office: 520.455.4740  
[twalker@ciazrizona.com](mailto:twalker@ciazrizona.com)

Attachment D

Concrete Wash Out

