NEW MEXICO
ENVIRONMENT DEPARTMENT

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RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

Certified Mail - Return Receipt Requested

August 18, 2015

Mr. Arlon Parish, Managing Member
BPS, LLC
PO Box 2338
Las Cruces, NM 88004

Re: Parkhill Estates Subdivision Phase 3B1, Construction Storm Water, SIC 1541, NPDES Compliance Evaluation Inspection, NPDES Permit NMR12B163, August 3, 2015

Dear Mr. Parish:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility 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.

Introduction, treatment scheme, and problems noted during this inspection are discussed in the "Further Explanations" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised 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 inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Sarah Holcomb at 505-827-2798 or at sarah.holcomb@state.nm.us.

Sincerely,

/s/ Bruce Yurdin
Bruce Yurdin
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon (6EN-AS) by email
Everett Spencer, USEPA (6EN-AS) by email
Darlene Whitten-Hill, USEPA (6EN-AS) by email
Racquel Douglas, USEPA (6EN-WM) by email
Mike Kesler, NMED District 3 Manager, by email
Peter Bennett, City of Las Cruces, by email

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

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 2 B 1 6 3 11	12 1 5 0 8 0 3 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)*	Entry Time /Date	Permit Effective Date
Parkhill Estates Subdivision Phase 3B1, Las Cruces, Dona Ana County, NM: From I-25, exit onto US 70 east, then exit onto Del Rey Blvd. Drive to Parkhill Drive, and travel to the end of the road.	0940 hours / 8-3-2015	2-16-2012
	Exit Time/Date 1150 hours / 8-3-2015	Permit Expiration Date 2-16-2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
Mr. Raymond Reynaud, Verde Environmental LLC (575) 496-0868

Name, Address of Responsible Official/Title/Phone and Fax Number
Mr. Arlon Parish, Managing Member, BPS LLC
PO Box 2338, Las Cruces, NM 88004

Contacted: Yes [ ] No [*]

Other Facility Data

GPS:
N. 32° 22' 21.48"
W. -106° 46' 6.69"

SIC 1542

Section C: Areas Evaluated During Inspection

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

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

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

1. **Inspector arrived at the site at 0940 hours on August 3, 2015. An entrance interview was conducted with Mr. Raymond Reynaud of Verde Environmental, Mr. Freddie Torres, Assistant Project Manager with Smith & Aguirre Construction Co., Inc and Mr. Peter Bennett with the City of Las Cruces where she made introductions, presented credentials and explained the purpose of the inspection.**
2. **An exit interview was conducted at the site with the same parties at approximately 1140 hours where the inspector discussed the preliminary findings of the inspection.**
3. **Please see report for further information.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Sarah Holcomb ***/s/ Sarah Holcomb***	**505-827-2798**	**8-18-2015**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Bruce Yurdin ***/s/ Bruce Yurdin***	**505-827-2795**	**8-18-2015**

National Database Information		General	
Inspection Type	CEI	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR12B163/NMR12B162	Telephone	505-827-2798
Inspection Date	August 3, 2015	Entry Time	0940 hours
Inspector Type (circle one)	EPA [State] EPA Oversight	Exit Time	1150 hours
Facility Type (circle one)	Commercial / [Residential] / Municipal / Industrial	Signature	*/s/ Sarah Holcomb*

Facility Location Information				
Name/Location/Mailing Address	Parkhill Estates Subdivision Phase 3B1, near Del Rey Blvd and I-70. Mailing address: BPS LLC – PO Box 2338, Las Cruces, NM 88004 Smith & Aguirre Construction Co., Inc – PO Box 2276, Las Cruces, NM 88004			
Coordinates	Latitude	32° 22’ 21.48” N	Longitude	-106° 46’ 6.69” W
Receiving Waters	Moreno Arroyo (Las Cruces MS4) thence to the Rio Grande in segment 20.6.4.101 NMAC			
Disturbed Area	17.0 acres	Start/Stop Dates	12-4-2014 to 12-31-2015	

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	BPS LLC (BPS) – plans & specs Smith and Aguirre Construction Co., Inc. (SA) – day to day operations	
Facility Contact	Mr. Arlon Parish, Managing Member (BPS) Mr. Freddie Torres, Asst. Project Mgr. (SA)	575-650-4586 575-527-2500
Authorized Official(s)	Mr. Arlon Parish, Managing Member (BPS) Mr. Greg Aguirre, President (SA)	575-650-4586 575-527-2500

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	[N]	SWPPP Implementation Satisfactory?	Y	[N]
NOI Date	11-20-2014		SWPPP Date	11-20-2014	
Is NOI Satisfactory?	Y	[N]			

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	
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	Permittees certified Criterion A. The only documentation included with the plan is a delineation that there is no critical habitat. However, the Permittees must refer to the definition of action area in the permit.
Historic Properties. Does SWPPP include documentation supporting determination? *Part 7.2.14.2, Appendix E*	Y	N	
If applicable, documents contact with agency or office responsible for implementing Safe Drinking Water Act <u>underground injection control well(s)</u>? *Part 7.2.14.3, 40 CFR Parts 144 -147*	Y	N	NA
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	NA
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	
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	
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	
Describes nature of construction activities? ➢ Size of the property Y/N ➢ Total area to be disturbed Y/N ➢ Construction support activity areas Y/N/NA ➢ Maximum area to be disturbed at any one time Y/N *Part 7.2.2*	Y	N	SWPPP does not mention phasing of the project.
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	NA

Identifies (lists) other site operators and areas of site over which each has control? ➢ List and areas of site over which each has control Y/N *Part 7.2.4*	Y	N	NA
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	SWPPP did not discuss what measures would be taken in the event of temporary cessation of the project. Home sites have been roughed in for the project, but have not been stabilized since final grade was achieved about 4-5 months ago. Erosion is evident along the hills separating the homesites. The SWPPP also did not discuss removal of temporary stormwater controls at the site. This may be due to the observation that no BMPs other than a rocked entrance were observed during this inspection.
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/NA ➢ 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/NA *Part 7.2.6.1*	Y	N	The project map indicates that the Moreno Arroyo will be modified as an extension of the current Parkhill Drive. Please see discussion in the further explanations section of this report.
➢ 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	There were no natural buffers indicated along Moreno Arroyo.
➢ Areas of federally-listed critical habitat for endangered or threatened species *Part 7.2.6.4*	Y	N	NA
➢ Topography Y/N	Y	N	The south end of the site was graded and resulted in an approximate 3:1 grade, which was not stabilized.

➢ 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*			
➢ Stormwater and allowable non-stormwater discharge locations Y/N/NA ➢ 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	Drainage will be conveyed through the streets to downstream storm drains (not indicated on the site map)
➢ 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	Site map indicated silt fence, which was not present on the day of this inspection.
➢ Locations polymers, flocculants, or treatment chemicals will be used/stored *Part 7.2.6.9*	Y	N	NA
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 *Parts 7.2.7.2, 2.3.5.1*	Y	N	
Identifies all sources of allowable non-stormwater discharges? *Parts 7.2.8, 1.3.d*	Y	N	
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 demonstrate equivalency Y/N/NA *Parts 7.2.9, 2.1.2, Appendix G*	Y	N	SWPPP did not define Moreno Arroyo as a surface water and did not include buffer requirements for the project.

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	No information on buffers in the SWPPP.
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	
Erosion and Sediment Controls			**Notes:**
Minimizes <u>area of disturbance</u>? *Part 2.1.1.1*	Y	N	All 17 acres was disturbed at the time of this inspection.
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 prediction models (results in sediment yields/flow velocities, that to the	Y	N	SWPPP did document analysis through the use of RUSLE2 that indicated the sediment yield before construction was 4 tons/ac/yr, during with the use of the BMPs was 0.43 tons/ac/yr (silt fence was indicated as the BMP in this analysis and was not present at the time of this inspection), and after construction is complete, the sediment yield is 0.019 tons/ac/yr. However, the flow velocity, as indicated by the C values in the SWPPP, was increasing. Prior to construction, the C value was 0.36, during construction it was 0.42 and after construction it was 0.50. The SWPPP did not give any indication about the reduction of flow velocity to address this issue.

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	The only BMP indicated to be installed prior to construction beginning is the stabilized construction entrance. The SWPPP does not indicate that silt fence or other measures need to be in place. Dirt berms are to be installed during the grading phase.
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	
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	There were no perimeter BMPs located on site. Please see Photo #1
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 stormwater conveyance unless connected to basin, trap, etc. Y/N ➢ Contains and securely protects pile from	Y	N	NA – No stockpiles were observed on site at the time of this inspection.

wind? Y/N *Part 2.1.2.4*			
Minimizes <u>dust</u>? *Part 2.1.2.5*	Y	N	Permittee representative indicates that water is applied to the site once/week unless it is windy, and then the frequency of water application is increased.
Minimizes disturbance of <u>steep slopes</u>? *Part 2.1.2.6*	Y	N	
Preserves <u>topsoil</u>, unless infeasible? *Part 2.1.2.7*	Y	N	NA

Minimizes <u>soil compaction</u> where final vegetative stabilization or infiltration installed? *Part 2.1.2.8*	Y	N	
Protects <u>storm drain inlets</u> 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	No storm drain inlets are located within the phase of the subdivision covered under this permit, but downstream inlets which are affected by sediment from the site were not protected. Please see Photo 5.
Describes <u>constructed conveyance channel</u> controls (if installed)? *Part 2.1.3.1*	Y	N	NA
Describes <u>sediment basin</u> design (if installed) and maintenance (maintain at least ½ of capacity at all times)? *Part 2.1.3.2*	Y	N	
Describes <u>treatment chemical</u> controls (if used)? *Part 2.1.3.3*	Y	N	NA
Includes documentation for use of <u>treatment chemicals</u> (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 requirements and copies of applicable manufacturer's specifications Y/N	Y	N	NA

➢ 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	NA

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	Timeframes for stabilization were not delineated in the SWPPP.
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	

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	
If using, provides effective non-vegetative cover to stabilize? *Parts 7.2.10.3, 2.2.2.2*	Y	N	
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/NA ➢ Toxic or hazardous substances from spill/release Y/N/NA *Part 2.3.1*	Y	N	No concrete washout was observed during this inspection, but from prior inspections conducted by the City of Las Cruces, it appears that concrete washout was not managed in accordance with recommendations by the USEPA during the construction of roads and curb/gutter on this site.
Properly maintains and protects all pollution prevention controls? *Part 2.3.2*	Y	N	The only BMP noted on site was the rocked entrance, which needed replacement. Please see Photo #4.
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	NA

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	Although the SWPPP detailed correct procedures and schedules for inspections and maintenance, it did not appear that this was being implemented effectively on the ground during this inspection.
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	24 hour rain event inspections missing for July 3, 9, 10 (this report was late – on July 14th), and 21. Otherwise, inspections appeared to be conducted every 14 days.
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	NA
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	NA
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/N ➢ 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	Inspection documentation generally indicated that the site was in compliance, until the week prior to this inspection. NMED requested inspection documentation from the City of Las Cruces MS4 related to this site. MS4 inspections indicate that although the Permittee's inspections indicated that there were minimal issues, there were other issues not addressed in the Permittee's inspection reports. These issues include: • Improper concrete washouts • Sediment tracking onto Parkhill Drive • Lack of BMPs indicated in the SWPPP to be present. Please see Attachment A – Permittee and City of Las Cruces inspection reports. Also, it appeared that corrective action should have been initiated for the construction entrance as early as June 26. The photo included with the inspection report clearly indicates that the construction entrance should have been completely replaced. The inspection report indicated that only sweeping was needed.
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	Raymond Reynaud or Richard Reynaud were signing the inspection reports/certification statements. The permit indicates in Appendix I that all signatures on the SWPPP and related reports that require the certification statement must be done in accordance with the signatory requirements in Appendix I.11. Therefore, signatures must be made by a party directly employed by the Permittee. NOI signatures cannot be delegated, but SWPPP and inspection signatures can.

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	
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	
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	

Additional Notes on SWPPP Review *(optional)*
The permittees certified Criterion A for Endangered Species eligibility under the permit. Criterion A specifically says that there will be no impact to endangered species from a discharge from this site, and indicates that the "action area" must be considered. The action area includes the areas downstream of the construction site, including the actual discharge point to the Rio Grande. There was not a critical habitat map included with the SWPPP documentation, and there was not a discussion of pertinent action area in the plan. It may have been more appropriate to indicate Criterion C, which says that the proper BMPs are in place to prevent an effect on threatened or endangered species. BMPs mentioned in the SWPPP as being installed per plan (i.e. silt fence) were not observed on site during this inspection. There was a large amount of silt that was being transported by machinery or wind onto the paved city streets and making its way into the Las Cruces MS4, including the downstream Parkhill Estates pond. (Please see Photo #5.) It did not appear that SWPPP modifications were completed in a timely manner. It was evident from the inspector's observations during this inspection that the current management scheme was not working to keep the disturbed soil and sediment on site. Permittee representatives indicated that as work started on this site in December 2014, most of the individual home lots were roughed in approximately 4-5 months ago. The CGP requires that if work ceases on a portion of the construction site for more than 14 days, the site must be temporarily stabilized. Permittee representatives indicated that they were relying on dirt berms to prevent the migration of sediment, but had not taken measures to complete temporary stabilization. Erosive rills were evident on the berms between each of the individual lots, and on a slope on the south side of the project, which was more than a 15% slope. The project scope for this subdivision includes the extension of the current Parkhill Drive to the east, eventually connecting to Rinconada Blvd. The current extent of Parkhill Drive abuts the Moreno Arroyo. It appears that the current length of Parkhill Drive was built in or on top of the old portion of the arroyo. The end of Parkhill Drive meets the beginning of this phase of the subdivision development, and the arroyo is on the northern border of this phase of this subdivision. The inspector verified with the US Army Corps of Engineers after returning back to the office that this arroyo is a jurisdictional water, and the permittees must obtain 404 permit coverage if they plan to extend Parkhill Drive up the arroyo. The SWPPP did not indicate that buffer requirements noted in Part 2.1.2 of the permit were required. The Moreno Arroyo does qualify as a surface water body, and should be protected with either a 50 foot vegetated buffer, or equivalent BMPs that would provide the same treatment as the original vegetative buffer would have. As observed on site during this inspection, the disturbance extended to (and possibly into) the arroyo, so it was difficult to discern what vegetation was in place prior to the clearing and grading process. The inspection reports were being signed by either Raymond or Richard Reynaud, of Verde Environmental LLC, the contractor obtained to develop the SWPPP and conduct inspections at the site. The permit states in Appendix I.11.2: Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if: I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1; I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of *plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.* (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested. EPA has determined that the person making any signature for a CWA document that requires the certification statement in Appendix I must be made by a representative of the company who obtained the NOI for coverage under the permit. Therefore, a third party, such as Verde Environmental, cannot sign inspection reports on behalf of their clients. The signatory authority can be delegated

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)* No project phasing or disturbance minimization was mentioned in the SWPPP and did not appear to occur on this project.
Buffer compliance:	*(e.g., provide and maintain a 50-foot undisturbed natural buffer)* No buffer was implemented on this project, and there were no BMPs in place along the Moreno Arroyo, other than a rock wall that was built about halfway through the project.
Perimeter controls:	*(e.g., filter berms, silt fences, temporary diversion dikes)* There were no perimeter controls other than dirt berms.
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)* The sediment track out observed on the day of the inspection needed complete replacement. The site operator started work on replacement on the day of this inspection.
Stockpiled sediment or soil:	*(e.g., berms, dikes, fiber rolls, silt fences, sandbag, gravel bags)* No stockpiles were observed on the day of this inspection.
Minimize dust:	*(e.g., application of water or other dust suppression techniques)* Permittee representatives indicated that water application for dust control occurs approximately once per week, unless the wind requires more frequent application.
Steep slopes:	*(e.g., standard erosion and sediment control practices, phasing disturbances, stabilization practices)* The slope on the southern end of the project was more than a 15% grade. There had not been any stabilization implemented on the slope.
Preserve topsoil:	*(e.g., stockpiling or transfer of topsoil to other locations)* NA
Soil compaction:	*(e.g., restrict vehicle / equipment use, soil conditioning techniques)* Vehicle traffic appeared to be restricted to one portion of the subdivision.
Storm drain inlet protection:	*(e.g., fabric filters, sandbags, concrete blocks, gravel barriers)* There were no storm drains observed within the immediate area of the subdivision (curb and gutter were complete). However, sediment was observed traveling down Parkhill Drive to other inlets and the Parkhill Estates pond appeared to have received a lot of sediment and dirt.
Conveyance channels:	*(e.g., erosion controls, and velocity dissipation check dams, sediment traps, riprap, or grouted riprap at outlets)* No conveyance channels were observed within the project. No velocity dissipation was installed at the time of this inspection.
Sediment basin:	*(e.g., outlet structures that withdraw from the surface, stabilization, erosion controls, velocity dissipation, kept at least ½ design capacity)* One sediment basin (of the three proposed in the SWPPP) was installed at the time of this inspection.

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)* NA – Not observed during this inspection.
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)* NA – Not observed during this inspection.
Other erosion and sediment controls or practices:	*(Provide brief description)* NA – Not observed during this inspection.
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)* No stabilization practices were occurring on this site at the time of this inspection, although sites had been roughed in for approximately 4-5 months, and no current work was being performed in these areas.
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. Approximately 4-5 months.
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)* According to permittee representatives, drip pans are used when on-site vehicles are fueled. Maintenance occurs offsite when those procedures are needed.
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)* According to permittee representative, this does not occur onsite.
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)* Although the SWPPP calls for a leak proof pit, it does not appear from documentation obtained from the City of Las Cruces that this practice was implemented on site. Please see Attachment 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):* Not observed on site.
	Pesticides, herbicides, insecticides, fertilizers, and landscape materials: Not observed on site.
	Diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals: Not observed to be stored on site. There was a small amount of drips in the soil that should be picked up ASAP.
	Hazardous or toxic waste (e.g, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids): Not observed to be stored on site.
	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): A very small amount of trash and waste was observed on site.
	Sanitary waste: Port-o-lets were observed on site and appeared to be staked down. They were not observed to be extremely close to the Moreno Arroyo, but should probably be located further away than they were.
Fertilizer application:	*(e.g., avoids applying before heavy rains, never applies to frozen ground, never applies to conveyance channels with flowing water)* NA – not observed on site and not applicable for this phase of the project.
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 non-stormwater discharges were observed at the time of this inspection.
Evidence of sediment deposition to surface waters or MS4?	*(e.g. significant turbidity observed in a receiving water body)* There was a large amount of sediment that was discharged to the MS4 (Parkhill Drive) and to the Parkhill Estates pond.

NMED/SWQB

Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 8-3-2015	Time: 1133 hours
City/County: Las Cruces, Dona Ana County		
Location: Parkhill Estates Subdivision, Phase 3B1		
Subject: General lack of BMPs on site. Facing South. At the far end of the street, there is an unstabilized slope with evident rilling.		

NMED/SWQB

Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 8-3-2015	Time: 1142 hours
City/County: Las Cruces, Dona Ana County		
Location: Parkhill Estates Subdivision, Phase 3B1		
Subject: Stabilized entrance. Note the amount of dirt covering the entrance, which needed replacement.		

NMED/SWQB

Official Photograph Log
Photo # 3

Photographer: Sarah Holcomb	Date: 8-3-2015	Time: 1143 hours
City/County: Las Cruces, Dona Ana County		
Location: Parkhill Estates Subdivision, Phase 3B1		
Subject: Sediment tracked out from the site onto adjacent streets, then flowing down onto Parkhill Drive. Note the amount of sediment in the gutter on the right.		

NMED/SWQB

Official Photograph Log
Photo # 4

Photographer: Sarah Holcomb	Date: 8-3-2015	Time: 1147 hours
City/County: Las Cruces, Dona Ana County		
Location: Parkhill Estates Subdivision, Phase 3B1		
Subject: Area where Parkhill Drive abuts the Moreno Arroyo. There is a small section of rock wall on the right that separates the construction project from the arroyo but does not continue all the way east to the end of the project. The plans specify that Parkhill Drive will be continued east to connect with Rinconada Blvd.		

NMED/SWQB

Official Photograph Log
Photo # 5

Photographer: Peter Bennett	Date: 8-4-2015	Time: 1345 hours
City/County: Las Cruces, Dona Ana County		
Location: Parkhill Estates Subdivision, Phase 3B1		
Subject: Overview of Parkhill Estates Pond, which is approximately 0.5 miles downstream from the construction site. Note the sediment in the road, which also may be from the Moreno Arroyo above.		