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Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

*Surface Water Quality Bureau*

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DAVE MARKLIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

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

**Certified Mail – Return Receipt Requested**

September 19, 2012

Mr. Andrew Wright, President  
Bicycle Technologies International  
1216 Mercantile Road  
Santa Fe, New Mexico 87507

RE: Construction Stormwater, SIC 1611, NPDES Compliance Evaluation Inspection, Bicycle Technologies International, NPDES Permit NMU001801, September 5, 2012

Dear Mr. Smtih:

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 the 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. Joe Aguirre, Superintendent, during this inspection. If you have any questions, please feel free to contact me at (505) 827-1041.

Sincerely,  
*/s/ Sandra Gabaldon*

Sandra Gabaldon  
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-AS) by email  
Diana McDonald, USEPA (6EN-AS) by email  
Darlene Whitten-Hill, USEPA (6EN-WC) by email  
Rashida Bowlin, USEPA (6EN) by email  
Hannah Branning, USEPA (6EN-WC) by email  
Robert Italiano, NMED District II, 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 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 0 <input type="text" value="0"/> 1 <input type="text" value="8"/> 0 <input type="text" value="1"/> 11 12 <input type="text" value="1"/> <input type="text" value="2"/> 0 <input type="text" value="9"/> 0 <input type="text" value="5"/> 17 18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>					
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<input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="&gt;"/> <input type="text" value="5"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="S"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	70 <input type="text" value="2"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value=""/> <input type="text" value=""/>	74 75 <input type="text" value=""/> 80

#### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) <b>BICYCLE TECHNOLOGIES INTERNATIONAL CONSTRUCTION SITE</b> Rodeo Road to Richards Avenue, West on 33 Velocity Way  <b>Santa Fe County</b>	Entry Time /Date 1130 Hours / 09-05-2012	Permit Effective Date February 16, 2012
	Exit Time/Date 1300 Hours / 09-05-2012	Permit Expiration Date February 16, 2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Joe Aguirre, Superintendent, Klinger Constructors, LLC (505) 270-6715 / (505) 821-0439	Other Facility Data SIC: 1611	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Andrew Wright, President / (505) 473-1010 / (505) 473-0011 Bicycle Technologies International 1216 Mercantile Road Santa Fe, New Mexico 87507	Contacted Yes <input type="checkbox"/> No <input type="checkbox"/> *	GPS: LAT: 35.60352 LONG: -106.00339

#### Section C: Areas Evaluated During Inspection

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

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

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

Sandra Gabaldon, accompanied by Daniel Valenta, from the New Mexico Environment Department arrived on site at approximately 1130 hours, September 5, 2012. Ms. Gabaldon conducted an entrance interview with Mr. Joe Aguirre, Superintendent for Klinger Constructors, LLC, where the inspector presented her credentials and discussed the purpose of the inspection.

Please see the checklist for further details.

Name(s) and Signature(s) of Inspector(s) Sandra Gabaldón /s/ Sandra Gabaldón	Agency/Office/Telephone/Fax NMED / SWQB / (505) 827-1041 / (505) 827-0610	Date 09-19-2012
Signature of Management QA Reviewer Richard Powell /s/ Richard Powell	Agency/Office/Phone and Fax Numbers NMED / SWQB / (505) 827-2798 / (505) 827-0610	Date 09-19-2012

**Bicycle Technologies International**  
**NPDES Compliance Evaluation Inspection**  
**NPDES Permit NMU001801**  
**September 5, 2012**

**Introduction**

On September 5, 2012, a Compliance Evaluation Inspection was conducted at a  $\geq 1$  acre disturbed area at 33 Velocity Way, Santa Fe, New Mexico, Santa Fe County.

The inspector met with Mr. Joe Aguirre, Superintendent, Klinger Constructors, LLC, at the property, presented her credentials and explained the purpose of the inspection.

The purpose of this inspection was to document the facility's status regarding the NPDES storm water permit program and storm water regulations at **40 Code of Federal Regulations Part 122.26**. This report is based on a review of the EPA on-line notice of intent (NOI) database, on-site observation by NMED personnel, and verbal information provided by the construction site representative, Mr. Aguirre.

**Findings**

Mr. Andrew Wright, President and owner, Bicycle Technologies International, did not obtain permit coverage under the NPDES permitting program for construction. Mr. Wright is required to complete a Stormwater Pollution Prevention Program (SWPPP) and submit an eNOI to USEPA prior to any land disturbance greater than one (1) acre.

*Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."*

*Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b)(14)(x), as follows: "Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more."*

*In addition, beginning on March 10, 2003, storm water discharges associated with small construction activity became regulated according to 40 CFR Part 122.26(b)(15)(i) for "[c]onstruction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a*

*larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre and less than five acres.”*

*40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states “Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

A SWPPP should include the following:

- Site Description
- Effluent limitations applicable to all discharges from construction sites
  1. Erosion and Sediment Control
  2. Site Stabilization
  3. Pollution Prevention
- Description of interim and permanent stabilization practices (e.g., seeding, mulching, etc.)
- Structural Practices (e.g., silt fences, check dams, sediment traps, earth dikes, subsurface drains, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins, etc.)
- Storm Water Management Controls (e.g., detention or retention structures, vegetated swales, etc.) to be installed during the construction process to reduce pollutants in storm water discharged from the site after construction has been completed
- Description of other controls (e.g., waste disposal, procedures to minimize off-site vehicle tracking, dust control, etc.)
- Maintenance and inspection procedures
- Appropriate certifications

Activities at this site have created, and continue to create, significant potential sources of storm water contaminants such as Total Suspended Solids, Total Dissolved Solids, turbidity, and other pollutants. If not properly managed or treated in accordance with an NPDES permit, these activities represent a significant potential threat to water quality through storm water discharges.