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Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

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RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

ERIKA SCHWENDER
Director
Resource Protection Division

April 17, 2014

Mr. Terry L Gould, Agent/Organizer
Teton Development, Limited Liability Company
4690 Old North Butler Avenue
Farmington, NM 87401

Re: Lots 4A & 8, Block 2, Sunrise Subdivision No. 12, Farmington; Construction Stormwater; SIC 6552; NPDES Compliance Evaluation Inspection; NMU001876; March 18, 2014

Dear Mr. Gould:

Enclosed please find a copy of the report for the referenced inspection at construction sites that the New Mexico Environment Department (NMED) conducted 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 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, MS, ET
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 (PSRS)
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Erin Trujillo of PSRS staff at 505-827-0418 or at erin.trujillo@state.nm.us.

Sincerely,

/s/Bruce J. Yurdin

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

cc: Rashida Bowlin, USEPA (6EN-W) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Robert Italiano, NMED District II by e-mail

**Teton Development, Limited Liability Company
Lots 4A & 8, Block 2, Sunrise Subdivision No. 12
NPDES Tracking No. NM001876
Compliance Evaluation Inspection
March 18, 2014**

Further Explanations

Introduction

On March 18, 2014, Erin Trujillo, accompanied by Sarah Holcomb, both of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) of single-family residential construction activities on Lots 4A thru 8 in Block 2, Sunrise Subdivision No. 12, Farmington in San Juan County, New Mexico. This inspection followed receipt of information of possible unpermitted construction activity at 4421 Calle Mio Avenue (Lot 6) and adjacent lots by Ryan Gladden, P.E. CFM, Project Engineer, Municipal Separate Storm Sewer Systems (MS4s) Coordinator, City of Farmington (e-mails with attachments on February 19 and 20, 2014). The purpose of this inspection was to document the facility or sites' status regarding the National Pollutant Discharge Elimination System (NPDES) storm water permit program and storm water regulations found at 40 Code of Federal Regulations (CFR) Part 122.26.

Storm water runoff from these sites would flow on surface street and gutters, then east toward storm water sewer system drop inlets on Rayos Del Sol in the City of Farmington small MS4, thence to unnamed and unclassified tributaries, including Civitan Pond, thence to Glade Arroyo, thence to the San Juan River in Segment 20.6.4.401 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*.

Upon arrival at approximately 1545 hours on the day of this inspection, the inspector attempted to contact Tommy Ray King by telephone. Mr. King could not be contacted on the day of this inspection. An on-site representative of Mr. King and/or King's Primo Quality Construction, Inc. could not be confirmed and alternative contact information could not be obtained by the inspector from construction workers on site. The inspectors toured the sites from public right of ways and left at approximately 1630 on the day of this inspection. Following this inspection, the inspector made introductions, explained the purpose of the inspection, obtained additional information and provided preliminary findings by telephone to Terry L. Gould, Agent/Organizer, Teton Development, Limited Liability Company (Teton Development), Farmington, New Mexico on March 24, 25 and 31, 2014 and Tommy Ray King, President, King's Primo Quality Construction, Inc. on March 27, 2014. Additional information was also provided by Paul Martin, Sakura Engineering, Farmington, New Mexico by telephone (505-564-2139) on March 31, 2014.

This report is based on a review of the USEPA online notice of intent (eNOI) database query and available on-line information; review of files maintained by NMED; on-site observation by NMED personnel; and verbal information provided by the owner/operator or owner/operator's representative by telephone.

Federal Clean Water Act and NPDES Requirements

Section 301 (a) of the Federal Water Pollution Control Act states "*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.*"

40 CFR 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.*"

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 “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 a 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.”

The need to obtain permit coverage for projects that disturb less than one acre, but may be part of a larger common plan of development or sale is further described in the 2003 CGP Fact Sheet as follows:

In many cases, a common plan of development or sale consists of many small construction projects. For example, a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale. If your smaller project is part of a larger common plan of development or sale that collectively will disturb one or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a 3/4 acre pad that is part of a 20 acre retail center) you need permit coverage. “Common plan” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

USEPA Construction General Permit

USEPA Construction General Permit (CGP) was re-issued effective February 16, 2012 (Federal Register/Vol. 77, No. 40/Wednesday, February 29, 2012, pg. 12286) and replaced the 2008 CGP which expired on February 15, 2012 which replaced the 2003 CGP. Construction operators intending to seek coverage under USEPA CGP must submit a Notice of Intent (NOI) certifying that they have met the permit’s eligibility conditions and that they will comply with the permit’s effluent limits and other requirements. Permit coverage is required from the “commencement of earth-disturbing activities” until “final stabilization” (see Appendix A and Part 2.2 of the 2012 CGP).

Part 1.4 of the 2012 CGP states, “...if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.” For a new operator of a new or existing project – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction project – “You must submit your NOI at least 14 calendar days before the date the transfer to the new operator will take place (see Part 1.4.2 of the 2012 CGP).

A site-specific storm water pollution prevention plan (SWPPP) is required to be completed prior to submitting a NOI. Among other things, the 2012 CGP requires compliance with effluent limits and other permit requirements, such as the development of a SWPPP, inspection, maintenance, and corrective action. Part 2 of the 2012 CGP (effluent limitations applicable to all discharges from construction sites and/or from construction support activities) includes the following types of requirements: erosion and sediment control requirements (Part 2.1), stabilization requirements (Part 2.2), and pollution prevention requirements (Part 2.3).

Appendix A (Definitions) of the 2012 CGP states:

“Operator” – for the purpose of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria: 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

“Construction Site” – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

“Construction Support Activities” – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

More information and fact sheets on the CGP, electronic NOI system and SWPPP guidance is available at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm#final2012cgp>.

Site Background/Description

Below is a summary of site background and description information for Teton Development, Tommy Ray King and/or King’s Primo Quality Construction, Inc., Sunrise Subdivision No. 12 and Lots 4A thru 8 in Block 2:

- March 3, 2006: Amended Plat, Sunrise Subdivision Number 12 recorded on March 3, 2006 indicates that Teton Development, a New Mexico Limited Liability Company, as being sole owners and proprietor of the subdivision. Sheet 4 of 4 of the Amended Plat states *“The developer, each individual lot owner and every contractor doing work within this development shall be responsible for compliance with EPA’s construction general permit (CGP).”*
- March 24, 2006 thru January 20, 2009: *“Teton Development LTD, LLC”* signed/certified/submitted a Notice of Intent (NOI) to obtain permit coverage for Sunrise Heights Subdivision No. 12 under the 2003 CGP (68 FR 39087, July 1, 2003) on March 24, 2006 (NPDES Tracking No. NMR15EV58). A notice of termination (NOT) of permit coverage was submitted/signed/certified on January 20, 2009. Based on information from Mr. Gould and Mr. Martin, the 2003 CGP NOI and NOT may have been intended for Sunrise Subdivision No. 12, not Sunrise Heights, which is another subdivision in Farmington, New Mexico.

Note: An on-line New Mexico Office of the Secretary of State, Business Services Division (BSD) corporation information query at <https://portal.sos.state.nm.us/corps/> did not list *“Teton Development LTD, LLC.”* Teton Development, Limited Liability Company is listed in the query as of the date of this report.

- August 2, 2011: Google™ Earth image dated August 2, 2011 shows constructed subdivision streets, including Calle Mio. Disturbance shown on Lots 4A thru 8 appears to be unimproved trails.
- November 17, 2013: Google™ Earth image dated November 17, 2013 shows substantially more disturbance with a few trees and some vegetation remaining on Lots 4A thru 8.
- December 2013: Available on-line City of Farmington Building Permits December 2013 Monthly Report Ledger at <http://www.fmtn.org/index.aspx?NID=265> indicates the following single family residence construction permit information for Lots 7 and 6:

<u>Date</u>	<u>Contractor</u>	<u>Owner</u>	<u>Address</u>
12/18/2013	King's Primo Quality	King's Primo Const	4409 Calle Mio Ave
12/20/2013	King's Primo Quality	King's Primo Quality	4421 Calle Mio Ave

Note: BSD on-line corporation information listed Tommy Ray King as President of King's Primo Quality Construction, Inc. King's Primo Quality Construction, Inc. is indicated as not in Good Standing as of the date of this report.

- Before or on February 19, 2013: Images of stockpile on Lots 4A and 5A was forwarded to NMED by City of Farmington MS4 staff in an e-mail on February 19, 2014.
- Lot Ownership as of March 24, 2014: On-line San Juan County Assessor's Office property information and parcel maps available at <http://www.sjassessor.net/Disclaimer.html>, reviewed on March 24, 2014, indicated the following ownership for Lots 4A thru 8 in Block 2 of Sunrise Subdivision No. 12:

<u>Lot</u>	<u>Address</u>	<u>Property Owner(s)</u>
Lot 4A	4439 Calle Mio Ave	Teton Development
Lot 5A	4431 Calle Mio Ave	Teton Development LLC C/O King, Tommy Ray
Lot 6	4421 Calle Mio Ave	Teton Development LLC C/O Richardson, Bryan D.
Lot 7	4409 Calle Mio Ave	Tommy Ray King
Lot 8	4401 Calle Mio Ave	Teton Development

Mr. Gould indicated that Tommy Ray King recently paid off a real estate contract for Lot 6 (4421 Calle Mio Ave). Bryan D. Richardson is the current owner of Lot 6 according to Mr. King, but was not contacted on the day of this inspection or as of the date of this report.

Available On-Line Precipitation Information

Precipitation 0.25 inches or greater was recorded at KNMFARMII weather station at Butler and 23rd Street, Farmington, New Mexico [Latitude N36°45'3" (36.751°), Longitude W108°11'50" (-108.197°), Elevation of 5500 feet] on the following dates (Source: Weather Underground at <http://www.wunderground.com>):

11/22/2014	0.44 inches
03/01/2014	0.53 inches
03/02/2014	0.51 inches

Findings

Teton Development may have met one or both of the definitions of "Operator" prior to or by November 17, 2013 (a date based on on-line photographic images showing that Lots 4A and 8 were disturbed (i.e., cleared, grubbed and/or excavated). Additional owners/operators may have had operational control of construction activities in the subdivision and/or on Lots 4A thru 8 according to Mr. Gould. Mr. Gould indicated that he provided some requirements for earth disturbance on lots owned by Teton Development; however, Mr. Gould indicated that he did not supervisor or direct staff of other contractors. According to Mr. King, Tommy Ray King and/or King's Primo Quality Construction, Inc., was a subcontractor to another general contractor (not Teton Development), for earth disturbance (excavation or grubbing) conducted on Lots 4A thru 8 prior to single-family residence construction on Lots 6 and 7 in December in 2013. Before or on February 19, 2013, Teton Development, and Tommy Ray King and/or King's Primo Quality Construction, Inc. may have been co-owners and operators of construction and support activities on Lot 4A.

On the day of this inspection, Teton Development may have met one or both of the definitions of “Operator” for the following lots:

- Lot 4A: Lot 4A was owned by Teton Development on the day of this inspection. Tommy Ray King and/or King’s Primo Quality Construction, Inc. appeared to have been serving as general contractor of construction and/or construction support activities on Lot 4A on the day of this inspection. Mr. Gould indicated that he did not have operational control of activities being conducted by Tommy Ray King and/or King’s Primo Quality Construction, Inc. or sub-contractors on the day of this inspection.
- Lot 8: Teton Development was owner of Lot 8 on the day of this inspection.

On the day of the inspection, construction and construction-related activities of various phases including earth disturbance and construction material storage (stockpiling) was occurring on Lots 4A and 8. Controls and potential pollutant sources observed on each lot included:

- Lots 4A: Lots 4A was cleared, grubbed and/or excavated. Some vegetation remained along site boundaries and street curb provided some sediment control. Dust controls (watering) of active earth work and pollution prevention controls (trash container and portable toilet) was observed. There was no substantial windblown dust generated from construction activities on the day of this inspection. Staked fabric had a gap between the fabric and disturbed soil. No sediment trackout measures were observed at the time of this inspection. Tracking existed at the observed vehicle entrance to these lots.
- Lot 8: Lot 8 was partially cleared, grubbed and/or excavated. Some trees were on site and vegetation remained along site boundaries. Street curb provided some sediment control. A rock and finer unconsolidated material stockpile existed on site. No erosion control measures, sediment trackout measures, or temporary stabilization measures were observed at the time of this inspection. There was sediment in the street at the curb cut entrance at the southeast corner of the site. Sediment was also observed in the gutter in a cleared area near the southwest corner of the site. At the curb cut entrance, there was no structural controls to prevent vehicle tracking and/or sediment control on the day of this inspection.

On the day of this inspection, Teton Development had not completed/prepared a SWPPP in written form and had not submitted a NOI to obtain permit coverage for stormwater discharges under the USEPA 2012 CGP. Mr. Gould described that he was not aware that Teton Development was an operator requiring permit coverage for construction activities on Lots 4A and 8 observed on the day of this inspection

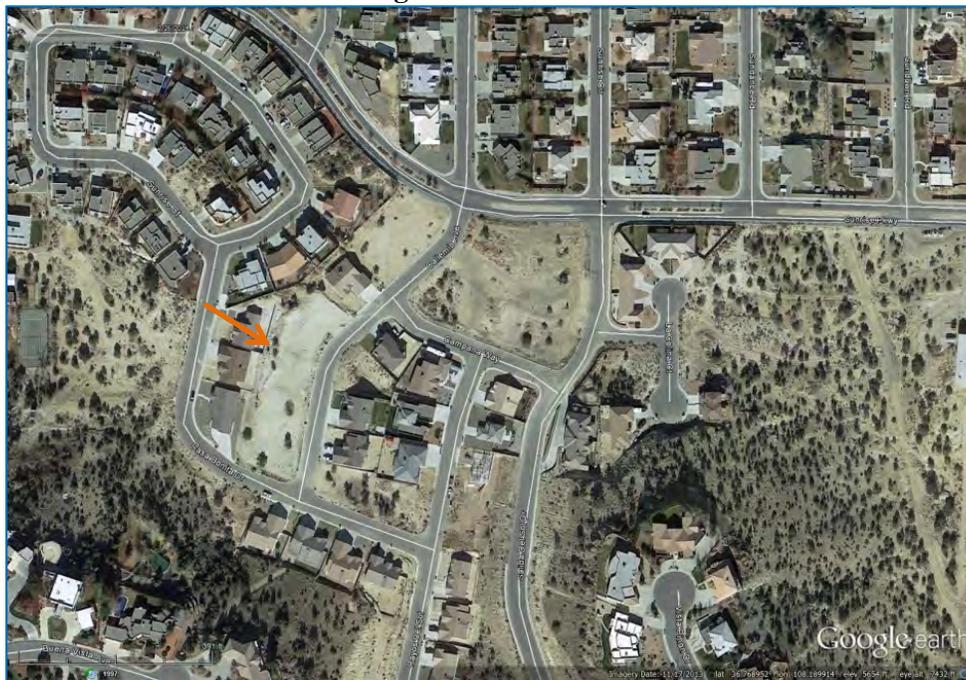
Aerial Images

Images Reviewed by: Erin S. Trujillo	Image Dates: 08/02/2011 and 11/17/2013	Source: Google™ earth
City/County: Farmington / San Juan County	State: New Mexico	
Location: Lots 4A thru 8, Block 2, Sunrise Subdivision No. 12		
Subject: Image dated 08/02/2011 shows constructed subdivision streets, including Calle Mio, with some disturbance on Lots 4A thru 8 that appear to be dirt trails/roads. Image dated 11/17/2013 shows more disturbance with a few trees and some vegetation remaining on Lots 4A thru 8.		

Image dated 08/02/2011

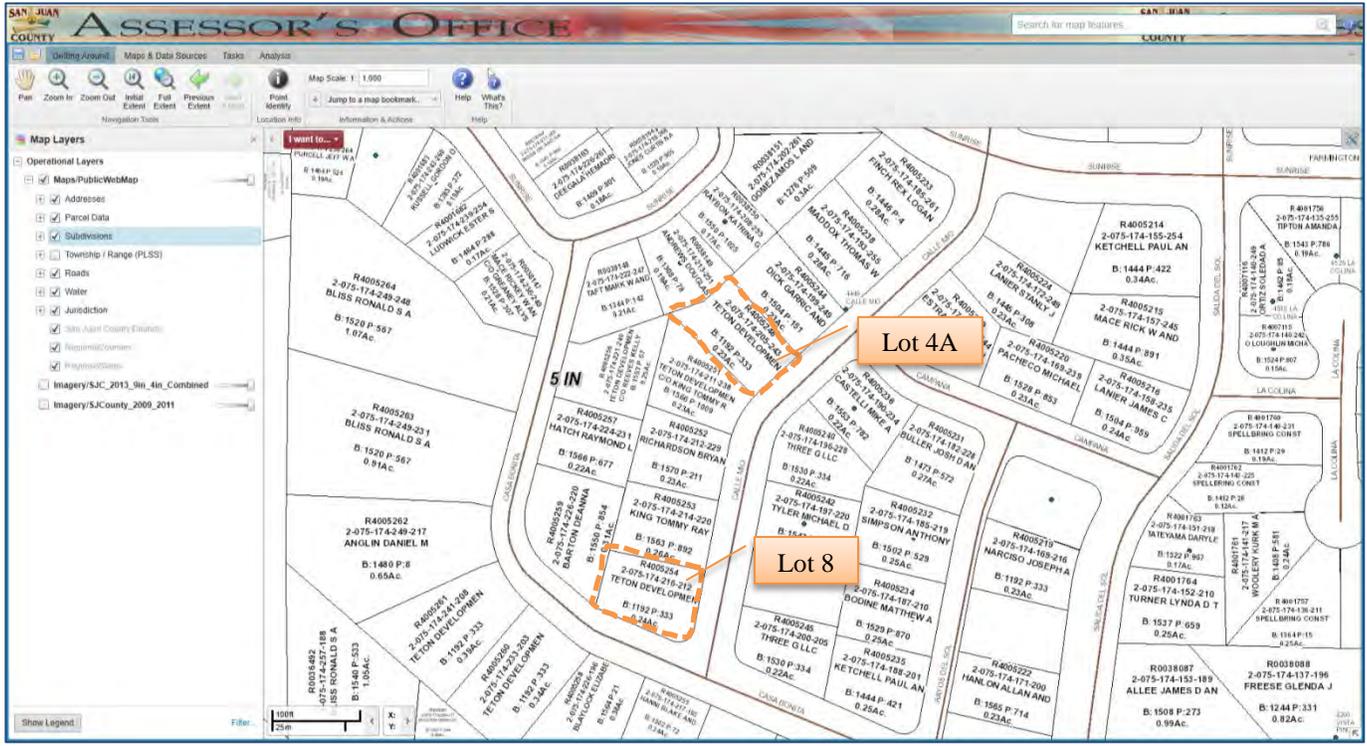


Image dated 11/17/2013



Site Map

Images Reviewed by: Erin S. Trujillo	Source: San Juan County Assessor
City/County: Farmington / San Juan County	State: New Mexico
Location: Lots 4A & 8, Block 2, Sunrise Subdivision No. 12	



**City of Farmington
E-mailed Photograph
Photo # 1**

Photographer: Not Documented	Date: Not Documented (file info below)	Time: Not Documented (file info below)
City/County: Farmington / San Juan County		State: New Mexico
Location: Portion of Lot 4A, Block 2, Sunrise Subdivision No. 12		
Subject: Photograph of stockpile appears to be on portion of Lot 4A. Photographic image was provided by City of Farmington MS4 staff e-mail to NMED on 02/19/2014		

File Information: P1270026.jpg, Date 1/27/2014, 4:21 pm



**NMED/SWQB
Official Photograph Log
Photo # 1**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1552 hours (incorrect time displayed on photo)
City/County: Farmington / San Juan County		State: New Mexico
Location: Lot 4A, Block 2, Sunrise Subdivision No. 12		
Subject: Looking southwest at portion of Lot 4A and Lot 5A, heavy equipment was in use on day of this inspection. Staked fabric along site boundaries and disturbed areas is not trenched into the soil. Arrows points to a gap between fabric and soil.		



**NMED/SWQB
Official Photograph Log
Photo # 2**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1553 hours (incorrect time displayed on photo)
City/County: Farmington / San Juan County		State: New Mexico
Location: Lots 4A and 5A, Block 2, Sunrise Subdivision No. 12		
Subject: Looking at Lots 4A and 5A, water was applied by on-site worker to disturbance from track hoe activities. Arrow points to dirt observed on Calle Mio.		



**NMED/SWQB
Official Photograph Log
Photo # 3**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1454 hours (incorrect time displayed on photo)
City/County: Farmington / San Juan County		State: New Mexico
Location: Lots 4A and 5A, Block 2, Sunrise Subdivision No. 12		
Subject: Looking north on Calle Mio, dirt was in gutter at area where heavy equipment was observed entering construction site on day of this inspection. Arrow points to tracking that continues north on Calle Mio.		



**NMED/SWQB
Official Photograph Log
Photo # 4**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1557 hours (incorrect time displayed on photo)
City/County: Farmington / San Juan County		State: New Mexico
Location: Lots 4A and 5A, Block 2, Sunrise Subdivision No. 12		
Subject: Trash bin and sanitary toilet was located near construction activities on Lot 4A & 5A.		



NMED/SWQB
Official Photograph Log
Photo # 5

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1615 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Lot 8, Block 2, Sunrise Subdivision No. 12		
Subject: Earth disturbance on Lot 8.		



NMED/SWQB
Official Photograph Log
Photo # 6

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1615 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Lot 8, Block 2, Sunrise Subdivision No. 12		
Subject: Vegetation remained along some site borders, except at curb cut entrance at Lot 8. Arrows point to dirt in gutter at this entrance.		



**NMED/SWQB
Official Photograph Log
Photo # 7**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1616 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Lot 8, Block 2, Sunrise Subdivision No. 12		
Subject: Looking north from southwest corner of Lot 8, stockpile with rock and finer unconsolidated material was on Lot 8.		



**NMED/SWQB
Official Photograph Log
Photo # 8**

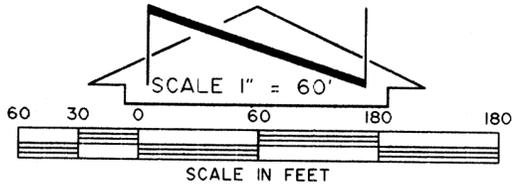
Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1616 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Lot 8, Block 2, Sunrise Subdivision No. 12		
Subject: Looking east from southwest corner of Lot 8, arrow points to dirt in gutter. Tracking was on street near this area of Lot 8 that did not have vegetation along curb.		



**NMED/SWQB
Official Photograph Log
Photo # 9**

Photographer: Erin S. Trujillo	Date: 03/18/2014	Time: 1620 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Lot 8, Block 2, Sunrise Subdivision No. 12		
Subject: Looking northwest at remaining vegetation and trailer on Lot 8.		





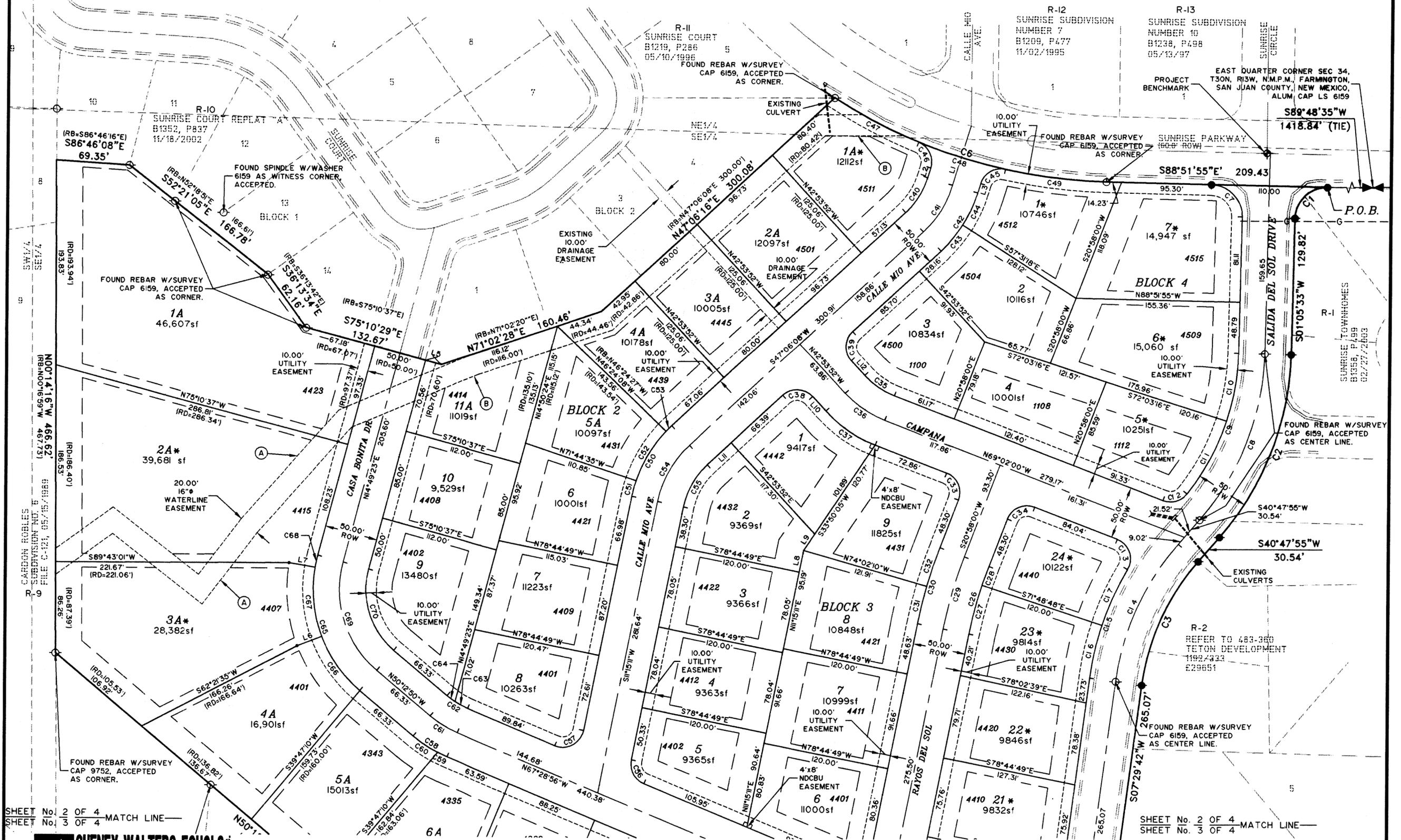
KEYED NOTES:

- (A) 16"Ø WATER LINE EASEMENT SHALL BE A NON-TYPICAL BUILDING SETBACK ON LOTS 2 AND 3, BLOCK 1.
- (B) 16"Ø WATER LINE EASEMENT SHALL BE A NON-TYPICAL BUILDING SETBACK ON LOTS 1 AND 11 BLOCK 2.

*SEE SHEET No. 1 OF 4 PLAT NOTES:

THE REASON FOR THIS AMENDED PLAT IS TO CORRECT THE WEST AND SOUTH LINES OF SUNRISE SUBDIVISION NUMBER 12 TO CONFORM TO THE EXISTING SUBDIVISION BOUNDARIES OF RECORD.

**AMENDED PLAT OF
SUNRISE SUBDIVISION NUMBER 12
AS RECORDED ON 03/03/2006
IN B1428 P715
LYING IN THE
SW1/4 NE1/4, AND NW1/4 SE1/4,
SECTION 34, T30N, R13W, N.M.P.M.
FARMINGTON, SAN JUAN COUNTY,
NEW MEXICO**



SHEET No. 2 OF 4 MATCH LINE
SHEET No. 3 OF 4

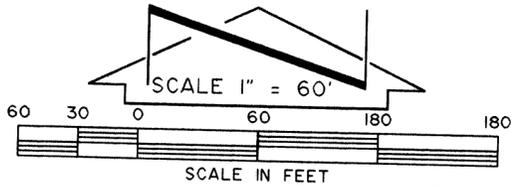
SHEET No. 2 OF 4 MATCH LINE
SHEET No. 3 OF 4

CHENEY-WALTERS-ECHOLS
ENGINEERS - SURVEYORS
909 W. APACHE - FARMINGTON, NEW MEXICO 87401 (505)327-3303

ISSUE DATE: 02/09/2006 HWS
PRINTED: April 19, 2006
FILE: \\Harold\harold1.d\DWG-HWS\99023\9023FNL CORR.dwg

AMENDED PLAT OF
 SUNRISE SUBDIVISION NUMBER 12
 AS RECORDED ON 03/03/2006
 IN B1428 P715
 LYING IN THE
 SW1/4 NE1/4, AND NW1/4 SE1/4,
 SECTION 34, T30N, R13W, N.M.P.M.
 FARMINGTON, SAN JUAN COUNTY,
 NEW MEXICO

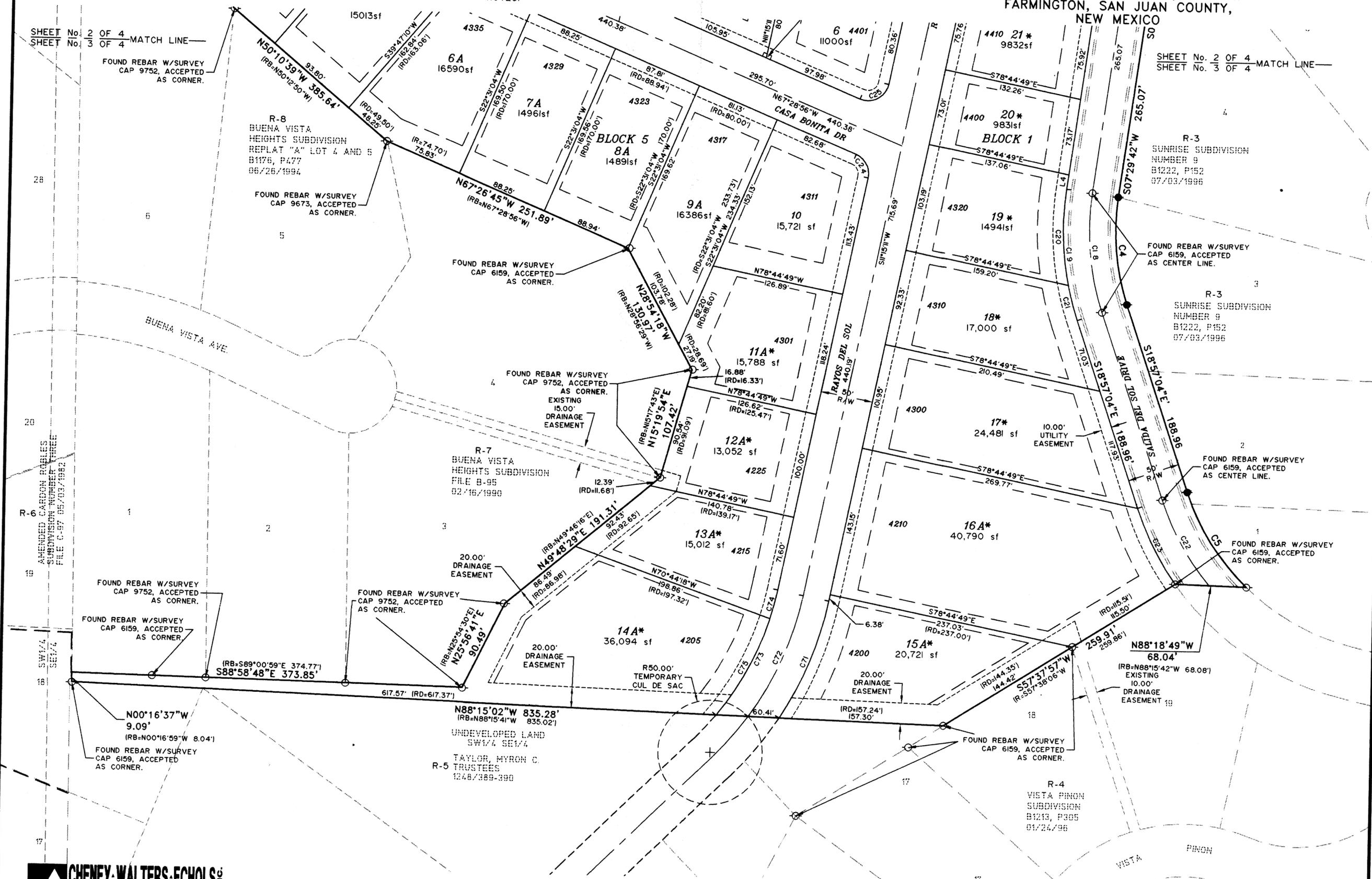
THE REASON FOR THIS AMENDED PLAT IS
 TO CORRECT THE WEST AND SOUTH LINES
 OF SUNRISE SUBDIVISION NUMBER 12 TO
 CONFORM TO THE EXISTING SUBDIVISION
 BOUNDARIES OF RECORD.



* SEE SHEET No. 1 OF 4 PLAT NOTES:

SHEET No. 2 OF 4
 SHEET No. 3 OF 4

SHEET No. 2 OF 4
 SHEET No. 3 OF 4



CHENEY-WALTERS-ECHOLS
 ENGINEERS - SURVEYORS
 909 W. APACHE - FARMINGTON, NEW MEXICO 87401 - (505)327-3303

ISSUE DATE: 02/09/2006 HWS
 PRINTED: April 19, 2006
 FILE: \\Harold\harold d\DWG-HWS\99023\9023FNL CORR.dwg

MONUMENT NOTE:

ALL INTERIOR MONUMENTS SHALL BE SET ACCORDING TO THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, TITLE 12 CHAPTER 8 PART 2.16.

TELEPHONE AND ELECTRICAL NOTE:

CHENEY-WALTERS-ECHOLS INC. ASSUMES NO RESPONSIBILITY FOR THE INSTALLATION OF TELEPHONE AND ELECTRICAL SERVICES.

GAS LINE DISCLAIMER

CHENEY-WALTERS-ECHOLS INC. DOES NOT GUARANTEE THAT THE GAS LINES SHOWN ARE ALL LINES ON THE PROPERTY AND THOSE SHOWN ARE LOCATED FROM EXISTING MARKERS ASSUMED TO BE CENTERLINE OF THE PIPELINE AND FROM EASEMENT DESCRIPTIONS FURNISHED BY THE PROPERTY OWNER.

SETBACK DISCLAIMER

BUILDING SETBACKS FROM GAS WELLS AND GAS LINES MUST BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION.

DATE OF FIELD SURVEY

APRIL 29, 1999.

SOILS NOTE:

CHENEY-WALTERS-ECHOLS INC. HAS MADE NO DETERMINATION AS TO THE STRUCTURAL STABILITY OF THE SOILS WITHIN THE SUBDIVISION AND MAKES NO RECOMMENDATION AS TO THE TYPES OF FOUNDATION OR FOOTINGS SUITABLE FOR BUILDING CONSTRUCTION WITHIN THE SUBDIVISION.

LINE	BEARING	LENGTH
L1	N17°08'28"E	27.55
L2	N17°08'28"E	9.49
L3	N17°08'28"E	9.49
L4	S07°29'42"W	13.87
L5	S75°10'29"E	15.49
L6	S68°50'30"W	25.00
L7	N80°34'40"W	25.00
L8	N11°15'11"E	20.95
L9	N33°50'05"E	18.88
L10	S42°53'52"E	18.86
L11	S47°06'08"W	30.67
L12	S42°53'52"E	18.86

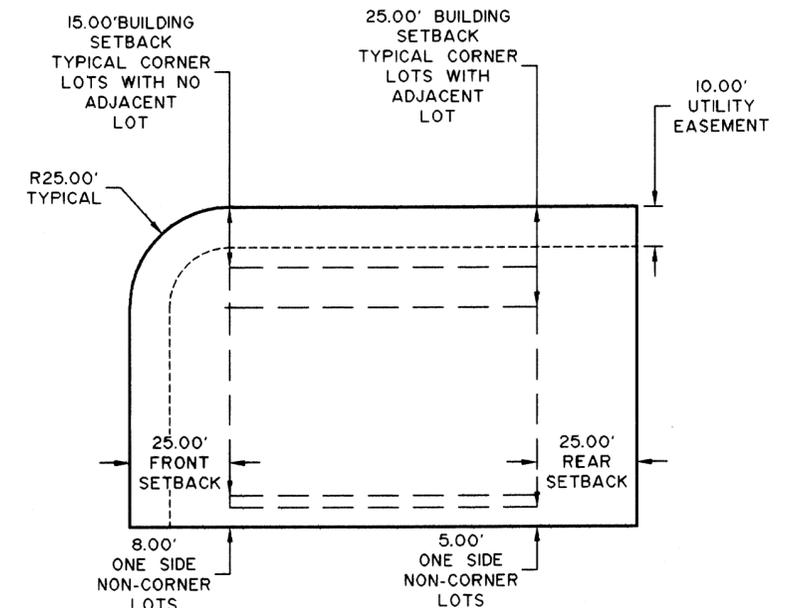
BASIS OF BEARING

BASIS OF BEARING IS FARMINGTON GPS CONTROL POINT 28 (N=103688.72 E=120550.47) B.C. IN CONCRETE DURO BWH 1973 TO CONTROL POINT 41 (N=97622.93 E=121886.97) A.C. IN CONCRETE MONUMENT 41 1996 (6 GRAVES) RECORD BEARINGS BASED ON: STATE PLANE WEST ZONE, FOUND GLO BRASS CAPS EAST AND WEST QUARTER CORNERS FOR SECTION 19, T30N, R12W, N.M.P.M. = S89°54'39"W.

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC L.	TAN	CHORD	CH L.
C1	30.00	90°02'13"	47.14	30.02	S46°06'40"W	42.44
C2	275.00	39°39'49"	190.37	99.18	S20°58'00"W	186.59
C3	225.00	33°18'12"	130.78	67.30	S24°08'49"W	128.95
C4	225.00	26°26'46"	103.85	52.87	S05°43'41"E	102.93
C5	225.00	27°39'07"	108.59	55.37	S32°46'37"E	107.54
C6	501.48	31°14'21"	273.42	140.20	S73°14'53"E	270.05
C7	30.00	89°57'27"	47.10	29.98	N43°53'11"W	42.41
C8	250.00	39°42'22"	173.25	90.27	N20°56'44"E	169.80
C9	225.00	36°52'07"	144.78	75.00	N19°34'09"E	142.30
C10	225.00	16°48'38"	66.02	33.25	N09°32'25"E	65.78
C11	225.00	20°03'29"	78.77	39.79	N27°58'28"E	78.37
C12	20.00	72°54'49"	25.45	14.78	N74°27'37"E	23.77
C13	20.00	99°25'22"	34.71	23.59	N19°19'19"W	30.51
C14	250.00	33°18'12"	145.31	74.77	S24°08'49"W	143.28
C15	275.00	22°53'40"	109.89	55.69	S18°56'32"W	109.16
C16	275.00	10°41'30"	51.32	25.73	S12°50'27"W	51.24
C17	275.00	12°12'10"	58.57	29.40	S24°17'17"W	58.46
C18	250.00	26°26'46"	115.39	58.74	S05°43'41"E	114.37
C19	275.00	26°26'47"	126.93	64.62	S05°43'40"E	125.81
C20	275.00	19°13'30"	92.27	46.57	S02°07'01"E	91.84
C21	275.00	7°13'18"	34.66	17.35	S15°20'25"E	34.64
C22	250.00	21°34'25"	94.13	47.63	S29°44'16"E	93.58
C23	275.00	17°00'32"	81.64	41.12	S27°27'20"E	81.34
C24	20.00	78°44'07"	27.48	16.41	N28°06'52"W	25.37
C25	20.00	101°15'53"	35.35	24.38	N61°53'08"E	30.92
C26	395.00	9°42'49"	66.97	33.56	S16°06'36"W	66.89
C27	395.00	6°56'01"	47.80	23.93	S14°43'12"W	47.77
C28	395.00	2°46'48"	19.17	9.58	S19°34'36"W	19.16
C29	420.00	9°42'49"	71.20	35.69	S16°06'36"W	71.12
C30	445.00	9°42'49"	75.44	37.81	S16°06'36"W	75.35
C31	445.00	4°42'38"	36.59	18.30	S13°36'31"W	36.58
C32	445.00	5°00'11"	38.86	19.44	S18°27'55"W	38.84
C33	20.00	90°00'00"	31.42	20.00	N24°02'00"W	28.28
C34	20.00	90°00'00"	31.42	20.00	S65°58'00"W	28.28
C35	75.00	26°08'07"	34.21	17.41	S55°57'56"E	33.92
C36	100.00	26°08'07"	45.61	23.21	S55°57'56"E	45.22
C37	125.00	26°08'07"	57.02	29.01	S55°57'56"E	56.53
C38	20.00	90°00'00"	31.42	20.00	N87°53'52"W	28.28
C39	20.00	90°00'00"	31.42	20.00	S02°06'08"W	28.28
C40	75.00	29°57'40"	39.22	20.07	N32°07'18"E	38.77
C41	100.00	29°57'40"	52.29	26.76	N32°07'18"E	51.70
C42	125.00	29°57'40"	65.36	33.45	N32°07'18"E	64.62
C43	125.00	14°37'25"	31.90	16.04	N39°47'25"E	31.82
C44	125.00	15°20'15"	33.46	16.83	N24°48'35"E	33.36
C45	20.00	85°02'59"	29.69	18.34	S59°39'57"W	27.04
C46	20.00	85°02'59"	29.69	18.34	N25°23'02"W	27.04
C47	501.48	10°16'48"	89.98	45.11	S62°46'07"E	89.86
C48	501.48	9°54'02"	86.66	43.44	S72°51'32"E	86.55
C49	501.48	11°03'30"	96.79	48.54	S83°20'19"E	96.64
C50	125.00	35°50'56"	78.21	40.43	S29°10'39"W	76.94
C51	125.00	7°00'13"	15.28	7.65	S14°45'18"W	15.27
C52	125.00	25°20'28"	55.29	28.10	S30°55'39"W	54.84
C53	125.00	3°30'15"	7.64	3.82	S45°21'00"W	7.64
C53	125.00	3°30'15"	7.64	3.82	S45°21'00"W	7.64
C54	100.00	35°50'56"	62.57	32.35	S29°10'39"W	61.55
C55	75.00	35°50'56"	46.93	24.26	S29°10'39"W	46.16
C56	20.00	78°44'07"	27.48	16.41	S28°06'52"E	25.37
C57	20.00	101°15'53"	35.35	24.38	N61°53'08"E	30.92
C58	125.00	17°16'06"	37.67	18.98	S58°50'53"E	37.53
C59	125.00	4°34'28"	9.98	4.99	S65°11'41"E	9.98
C60	125.00	12°41'38"	27.69	13.90	S56°33'38"E	27.64
C61	100.00	17°16'06"	30.14	15.18	S58°50'53"E	30.02
C62	75.00	17°16'06"	22.60	11.39	S58°50'53"E	22.52
C63	75.00	10°16'21"	13.45	6.74	S62°20'45"E	13.43
C64	75.00	6°59'45"	9.16	4.58	S53°42'42"E	9.15
C65	125.00	65°02'13"	141.89	79.69	S17°41'43"E	134.39
C66	125.00	29°03'20"	63.39	32.39	S35°41'10"E	62.71
C67	125.00	30°34'50"	66.72	34.17	S05°52'05"E	65.93
C68	125.00	5°24'03"	11.78	5.90	S12°07'22"W	11.78
C69	100.00	65°02'13"	113.51	63.75	S17°41'43"E	107.51
C70	75.00	65°02'13"	85.13	47.81	S17°41'43"E	80.64
C71	325.00	21°31'17"	122.08	61.77	N22°00'50"E	121.36
C72	300.00	24°26'20"	127.96	64.97	N23°28'22"E	126.99
C73	275.00	28°01'21"	134.50	68.62	N25°15'52"E	133.16
C74	275.00	5°55'28"	28.44	14.23	N14°12'55"E	28.42
C75	275.00	22°05'53"	106.06	53.70	N28°13'36"E	105.41

**AMENDED PLAT OF
SUNRISE SUBDIVISION NUMBER 12**
AS RECORDED ON 03/03/2006
IN B1428 P715
LYING IN THE
SW1/4 NE1/4, AND NW1/4 SE1/4,
SECTION 34, T30N, R13W, N.M.P.M.
FARMINGTON, SAN JUAN COUNTY,
NEW MEXICO

THE REASON FOR THIS AMENDED PLAT IS TO CORRECT THE WEST AND SOUTH LINES OF SUNRISE SUBDIVISION NUMBER 12 TO CONFORM TO THE EXISTING SUBDIVISION BOUNDARIES OF RECORD.



LOT BUILDING SETBACK AND EASEMENT DETAIL
SCALE 1" = 30'

EPA CONSTRUCTION GENERAL PERMIT

THE DEVELOPER, EACH INDIVIDUAL LOT OWNER AND EVERY CONTRACTOR DOING WORK WITHIN THIS DEVELOPMENT SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE EPA'S CONSTRUCTION GENERAL PERMIT (CGP), EFFECTIVE JULY 1, 2003, WHICH WILL INCLUDE PREPARING, IMPLEMENTING, AND UPDATING AS NECESSARY A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). CHENEY-WALTERS-ECHOLS, INC. ASSUMES NO RESPONSIBILITY FOR THE COMPLIANCE WITH THESE REGULATIONS.

- LEGEND**
- ⊕ = PROJECT BENCH MARK
 - = GIN SPINDLE No. 6159 C/L MONUMENT
N = 100388.62
E = 119752.68, EL = 5663.23 (NAVD-88)
 - = FOUND REBAR AS NOTED
 - = SET REBAR No. 6159
 - ⊠ = QUARTER SECTION AS MARKED ON PLAT
 - ⊠ = NEIGHBORHOOD DROP & COLLECTION BOX UNIT
 - (RB) = RECORD BEARING

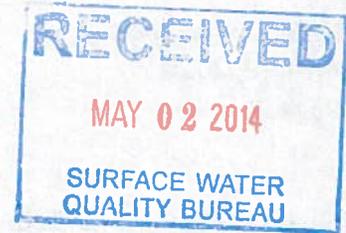
NMU001876 response dated 04/28/2014



Sakura 775
Engineering &
Surveying

Erin

April 28, 2014



Racquel Douglas, MS, ET
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 (PSRS)
P.O. Box 5469
Santa Fe, New Mexico 87502

RE: Lots 4A & 8, Block 2, Sunrise Subdivision No. 12, Farmington, NM; Construction Stormwater; SIC 6552; NPDS Compliance Evaluation Inspection; NMU001876; March 18, 2014.

Dear Sir or Madam:

Sakura Engineering has been retained to resolve the above noted issue for Mr. Terry Gould. We may require the assistance of legal council if necessary or required depending how this situation proceeds. We have attached a letter from Mr. Gould stating that Sakura has the authority to act on his behalf for the above noted Compliance Evaluation Inspection; NMU001876; March 18, 2014.

We are in receipt of the letter and inspection report to Mr. Terry L. Gould, Agent/Organizer for Teton Development, LLC and have initial comments to the inspection report. The reference to Teton Development, LLC hereafter shall be noted as Teton.

The report under "Site Background/ Description" states the chain of event that deal with the NOI process. In March of 2006 the Amended Plat States "The developer, each individual lot owner and every contractor doing work within this development shall be responsible for compliance with EPA's construction general permit (CGP). This note on the plat clearly indicates Teton knowledge of the regulation involved with the CGP process. However, it also points out and puts on notice that other persons buying a lot or having any involvement in a lot in the Sunrise No. 12 development must comply with the CGP process.

The Site background/Description section states that on or prior to November 17, 2013 disturbances took place on portions of lot 4A through 8. A contractor inquired with Teton for earthen material which Teton agreed too. The Contractor was a licensed contractor and knew

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Sakura 桜工務 Engineering & Surveying

NPDS Compliance
April 29, 2014
Page 2

what regulations had to be complied with and it is postulated that Teton informed the contractor they would have to get any required permits to remove earthen material from the lots. Teton in good faith knowing the contractor assumed they would comply with the CGP process. In the event they did not comply it is not Teton responsibility or ability to ensure they complied. Your intense investigation should give you the ability to at least put on notice the persons or company that violated the regulation and not the organization that owned the property. Please do not go after the easiest mark, do a competent investigation and pursue the persons that violate your regulation. Such as the ones that actually disturbed or moved the earthen material and not Teton who does not own a piece of equipment or leased any equipment over the past year that would/could cause a violation.

The next issue is the earthwork and issues by Tommy Ray King's company on December 2013. A reasonable person who has an involvement or intent to purchase a lot in any subdivision would read/review the subdivision plat and the convenience to determine costs associated with that purchase or real estate contract for the lot or lots in question for purchase. The review of the plat is also important to one who buys or excavates and removes vegetation from a property in that they do not cross onto or over other people's property to keep themselves from civil action and monetary costs to replace damaged property. Mr. King assumed to be a reasonable person would have reviewed the plat to determine what boundaries he was under to construct a home on the lots he was involved in. Thus he knew he was to abide by the CGP process. It was apparent that Mr. King did not care if he trespassed onto other lots owned by Teton. This was shown by the ED inspection report photographs. We have attached a letter that was served to Mr. King informing him of his actions of trespass. Along with that we have attached the Affidavit of service to Mr. King.

Teton is not associated with Mr. King or his companies other than selling them lots to construct residences. Therefore, he does not know their schedule or have any manner of knowing what they do or when and if they are complying with the CGP process. In the case of the lots in question 4A through 8 Teton did not know what was being done on those lots until they were notified by the NMED. Due to the note on the plat Teton would assume Mr. King would be complying with the CGP process even though they trespassed onto lots 4A and 8. Mr. King would acquire the necessary permits for the entire area he planned to disturb with his excavation operation. Apparently Mr. King decided to act in a manner that put Teton in jeopardy and possible violation due to no action by Teton. Teton is requesting that EPA and NMED take these facts into account again as stated "Teton did not cause the violation, were not party to the violation, and had no means of causing the violation on lots they owned 4A and 8".

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April 29, 2014

Page 3

We assume that the persons who prepared the backup information that was included in the letter of April 17, 2014 may not have the training in criminal or civil investigation process to find out who was truly at fault and violated the CGP process. It is our request that the government pursue the persons or company that violated the regulation and not the property owner that had no means of committing the offence.

Teton may need to comply with the CGP process for violations not committed by Teton and we request that your office inform us so we can prepare the appropriate documents for compliance and engage a licensed contractor in the State of New Mexico to carry out those tasks associated with the CGP process .

Sincerely,

Paul F. Martin, P.E.
Principal

PFM/sb

File:2014-220

CC: Terry Gould



Sakura (775)
Engineering &
Surveying

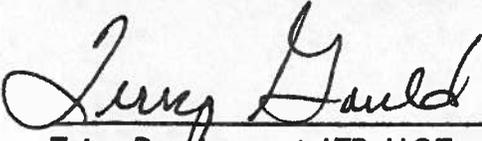
April 28, 2014

**RE: lots 4A & 8, Block 2, Sunrise Subdivision No. 12, Farmington; Construction Stormwater;
SIC 6552;NPDS Compliance Evaluation Inspection; NMU001876; March 18,2014**

To Whom It May Concern:

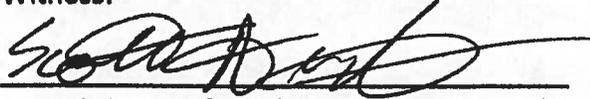
By signing the line provided you are authorizing Sakura Engineering and Surveying Inc. located at 125 West Main Farmington, New Mexico 87401 to act as you representative for the above noted item.

This letter is to officially recognize Sakura Engineering's Involvement with Teton Development, a New Mexico Limit Liability Company,



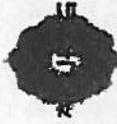
Teton Development, LTD, LLC Terry Gould

Witness:



Scott A. Martin for Sakura Engineering and Surveying Inc.

File:2014-220



Sakura (775)
Engineering &
Surveying

April 24, 2014

Tommy Ray King
Kings Primo Quality Construction, Inc.
Farmington, New Mexico 87401

RE: Notice of Violation by EPA/NMED in Regards to Lots 4A and 8, Block 2 of the Sunrise Subd. No. 12

Mr. King:

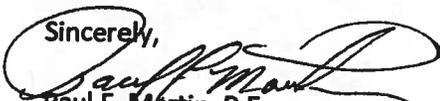
Our firm has been contracted to address the issue of the violation at the above referenced locations, currently owned by Teton Development LLC. Reference is made to a certified letter dated April 17, 2014 from the New Mexico Environmental Department, Surface Water Quality Bureau to Mr. Gould who is the representative of Teton Development LLC. The letter addresses specific actions that must be done to mitigate Teton Developments LLC possible liability. In the report it states that sections of the Federal Clean Water Act have been violated and it is up to the owners or operators of the noted lots to comply with the state's regulations.

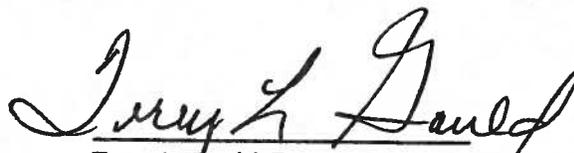
On March 31, 2014 our firm visited the site with Mr. Gould and he informed Sakura that earth work had been done on the two lots. This work was performed by a licensed contractor that was responsible to obtain permits from EPA/NMED to do the work agreed upon by both parties in that action. However on March 18, 2014, just prior to the inspection by the NMED your company trespassed and/or encroached onto the subject lots and disturbed vegetation and moved soil and/or dirt onto and around the subject lots and into the public right-of-way. In addition, your excavation equipment was left on Teton Developments LLC property for an unknown period of time. Prior to being contacted by NMED Mr. Gould had no knowledge of your activity on his property. If he had any knowledge of your actions Mr. Gould would have asked your company if they had prepared a Storm Water Pollution Prevention Plan (SWPPP) and were complying with said regulations under that permit for lots owned by Teton Development LLC.

At this time we are putting you on notice to cease activity on Teton Development LLC's property. You are expected return that property to its original condition prior to your trespass. This must be done under proper permit and at your expense and in a timely manner.

In the event Teton Development LLC or Terry Gould is cited and/or assessed fines or penalties due to your actions they will expect compensation to include but not limited to engineering, legal, and all other costs associated with pending civil action brought forth by Mr. Gould.

Sincerely,


Paul F. Martin, P.E.
Principal


Terry L. Gould, Teton Development LLC

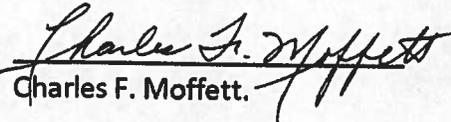
Cc: NMED
PFM/sb
File:2014-220



Sakura 775
Engineering &
Surveying

AFFIDAVIT OF SERVICE

I, Charles F. Moffett, on April 25, 2014, at 3:45 pm served Tommy Ray King/ Kings Primo Quality Construction, Inc. a letter dated April 24, 2014 from Sakura Engineering concerning Notice of Violation by EPA/NMED in Regards to Lots 4A and 8, Block 2 of the Sunrise Subdivision No.12.


Charles F. Moffett.

STATE OF NEW MEXICO

COUNTY OF SAN JUAN

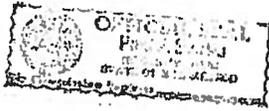
The foregoing Affidavit of Service was acknowledged before me by Charles F. Moffett, the 25 day of April, 2014.

My Commission Expires:

4/30/16


Notary Public

Seal:



File:2014-220

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125 West Main Street, Suite A · Farmington, New Mexico 87401
Phone: 505-564-2139 · Fax: 505-564-2310
sakura@sakuraeng.com

2011 NEW MEXICO STATUTES**Chapter 30: Criminal Offenses****Article 14: Trespass, 30-14-1 through 30-14-8****Section 30-14-1: Criminal trespass.**

Universal Citation: NM Stat § 30-14-1 (1996 through 1st Sess 50th Legis)

30-14-1. Criminal trespass.

A. Criminal trespass consists of knowingly entering or remaining upon posted private property without possessing written permission from the owner or person in control of the land. The provisions of this subsection do not apply if:

(1) the owner or person in control of the land has entered into an agreement with the department of game and fish granting access to the land to the general public for the purpose of taking any game animals, birds or fish by hunting or fishing; or

(2) a person is in possession of a landowner license given to him by the owner or person in control of the land that grants access to that particular private land for the purpose of taking any game animals, birds or fish by hunting or fishing.

B. Criminal trespass also consists of knowingly entering or remaining upon the unposted lands of another knowing that such consent to enter or remain is denied or withdrawn by the owner or occupant thereof. Notice of no consent to enter shall be deemed sufficient notice to the public and evidence to the courts, by the posting of the property at all vehicular access entry ways.

C. Criminal trespass also consists of knowingly entering or remaining upon lands owned, operated or controlled by the state or any of its political subdivisions knowing that consent to enter or remain is denied or withdrawn by the custodian thereof.

D. Any person who enters upon the lands of another without prior permission and injures, damages or destroys any part of the realty or its improvements, including buildings, structures, trees, shrubs or other natural features, is guilty of a misdemeanor, and he shall be liable to the owner, lessee or person in lawful possession for civil damages in an amount equal to double the value of the damage to the property injured or destroyed.