



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

December 9, 2010

Mr. Dave Olson, Vice President of Operations
Fisher Sand and Gravel-New Mexico Inc.
P.O. Box 2340
Placitas, NM 87043

RE: Construction Storm Water, SIC 1542, NPDES Compliance Evaluation Inspection, Terrain Management Project, NMR10GS27, December 7, 2010

Dear Mr. Olson:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at a construction site for which you may be an "operator" (see Appendix A in permit). The NMED conducted this inspection on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas, for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are discussed 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) and NMED (at above address) regarding modifications and compliance schedules.

Thank you for your cooperation and assistance during this inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 222-9587.

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

Cc: Marcia Gail Adams, USEPA (6EN-AS) (by e-mail)
Samuel Tates, USEPA (6EN-AS) (by e-mail)
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)
Diana McDonald, USEPA (6EN-AS) (by e-mail)

National Database Information			General			
Inspection Type	Compliance Evaluation		Inspector Name	Sarah Holcomb		
NPDES ID Number	NMR10GS27		Telephone	(505) 222-9587		
Inspection Date	12-7-2010		Entry Time	0930 hours, 12-7-2010		
Inspector Type (circle one)	EPA	State	EPA Oversight	Exit Time	1200 hours, 12-7-2010	
Facility Type (circle one)	Commercial	Industrial	Residential	Municipal	Signature	/s/ Sarah Holcomb

Facility Location Information					
Name/Location/ Mailing Address	Fisher Sand and Gravel South of NM 165 and I-25 on the frontage road. Mailing address: PO Box 2340, Placitas, NM 87043				
GPS Coordinates	Latitude	N. 35° 18.568"	Longitude	W. -106° 32.026"	
Receiving Water(s)	Canon del Agua thence to Bernalillo Acequia thence to Rio Grande in 20.6.4.106 NMAC				
Disturbed Area	41 acres	Start Date	7-3-2010	Stop Date	12-31-2013

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Fisher Sand and Gravel- New Mexico Inc.	
Facility Contact	Mr. David Olson, VP	505-867-2600
Authorized Official(s)	Mr. David Olson, VP	505-867-2600

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 Const.	Final Grading	Final Stabilization		

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/>	N	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/>	N
Permit Type	<input checked="" type="checkbox"/> General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input checked="" type="checkbox"/>
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	<input checked="" type="checkbox"/>	N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/>
NOI Date	11-19-2009		SWPPP Date	11-9-2009	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

SWPPP Review (can be completed in office)					
General			Notes:		
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/>	N	Prepared by StormCo Inc.		
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input checked="" type="checkbox"/>	NRCS report, but no modeling information (i.e. RUSLE, SEDCAD, etc.)		
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input checked="" type="checkbox"/>			
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires? <i>ESO Element 28</i>	<input checked="" type="checkbox"/>	N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/>	N			
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	<input checked="" type="checkbox"/>	N	Mr. Kelley Fetter (StormCo) signed the SWPPP with authorization on 11-23-2009. Mr. Brian Gambrel (Project Mgr with Fisher) signed on 11-24-2009.		

<u>Site Description</u>		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/> Y	N	Slopes greater than 3:1, storage/maintenance areas for material handling equipment, material handling sites.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/> Y	N	
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/> Y	N	“Terrain Management will consist of the development of egress, terrain management and reseeded for grading project.”
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	<input checked="" type="checkbox"/> Y	N	
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	<input checked="" type="checkbox"/> Y	N	41 acres disturbed/41 acres total.
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/> Y	N	
Is there a site map? <i>ESO Element 9E</i>	<input checked="" type="checkbox"/> Y	N	
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N	Outfall is not shown.
Area of soil disturbance on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/> Y	N	
Location of major structural controls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N	Showed silt fence, when measure actually in place was an earthen berm.
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N	Canon del Agua is a couple hundred feet south of the site.
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N	
Location/description industrial activities? <i>ESO Element 9G</i>	Y	<input checked="" type="checkbox"/> N	The company is also preparing raw materials to be sold as gravel and sand.
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/> Y	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Canon del Agua thence to Bernalillo Acequia thence to Rio Grande in 20.6.4.106 NMAC (yes for E. coli)
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	Y	<input checked="" type="checkbox"/> N	
Endangered Species Documentation? <i>ESO Element 23</i>	Y	<input checked="" type="checkbox"/> N	Certified Criterion C. There is no documentation of an informal consult with NMFWS.

Controls to Reduce Pollutants		Notes:	
Does the SWPPP include a description of all pollution control measures (BMPs) that will be implemented to control pollutants in storm water discharges, including sequence and which operator responsible for implementation? <i>ESO Element 10 A – C</i>	Y	<input type="checkbox"/> N	BMPs are all discussed, but SWPPP says that StormCo is responsible for SWPPP implementation. This is not accurate – StormCo was only contracted to write the SWPPP and perform inspections.
Does the SWPPP include a description of interim and permanent <i>stabilization practices</i> (e.g., seeding, mulching, riprap for the site)? <i>ESO Element 11; 12</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	Y	<input type="checkbox"/> N	Temporary = tackifier Permanent = hydromulch/water; TRM or degradable rolled erosion product. No discussion of responsibilities.
Does the SWPPP include a description of <i>structural practices</i> (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? <i>ESO Element 15</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP identify the contractor(s) and timing by which <i>structural practices</i> will be implemented? <i>ESO Element 10B - 10C</i>	Y	<input type="checkbox"/> N	
Does the SWPPP identify storm water management measures to address storm water runoff once the construction is completed (e.g., retention ponds, velocity dissipation controls)? <i>ESO Element 16</i>	Y	<input type="checkbox"/> N	
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? <i>ESO Element 17</i>	Y	N	N/A
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	<input type="checkbox"/> N	Permittee is storing graded material that has been processed for sale.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	Dust control, uncontaminated ground water, landscape irrigation.

Controls to Reduce Pollutants (cont'd)		Notes:
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 22</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Earthen berms/compost wattle is listed as the BMP for all identified allowable non-stormwater discharges.
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	No evidence to indicate any changes have been made. Inspections do not note any problems.

Inspections		Notes:
Inspections performed once every 14 days and within 24 hours of a rain event greater 0.5"? <i>ESO Element 32</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	There is one inspection missing (7-17-2010) and there is a three week gap between another couple of inspections (10-22-2010 to 11-12-2010).
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Credentials are not in SWPPP for Herb Hammock, Marina Servian, Clinton Brown, Armando Quezada and Kevin Hernandez.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	

Notes on SWPPP Review

Site Description:

This project is centered around grading 40 acres of land in order to prepare it for commercial development. Fisher Sand and Gravel is both the owner and the general contractor at this site. As an aside, the company is also preparing the material being removed during the grading process for sale. There are storage piles of gravel and sand that have been prepared for final sale.

Mr. Kelley Fetter of StormCo incorrectly signed the NOI for the site on 11-19-2009. The company is in the process of filing a new NOI for permit coverage with a responsible official from the company signing the NOI. Mr. Fetter indicated that contract law in New Mexico should cover this responsibility if the company would rather have him sign the NOI, but he also indicated that if EPA would rather have the company official sign the NOI, then that would be the direction he would follow.

There were no modeling calculations to show that BMPs chosen for the site were appropriate (i.e. RUSLE, SEDCAD, etc.). A soils report from the NRCS was included in the SWPPP.

The site map had not been updated since the project began. Specific information missing from the map was: an outfall location, the BMPs shown needed to be updated from silt fence to an earthen berm, the nearest surface water needed to be indicated, and the industrial activities that are currently going on needed to be shown (the material preparation for sale).

The SWPPP needed to be more specific as to what parties were responsible for particular activities on the site. The SWPPP indicated that StormCo LLC was responsible for "SWPPP Implementation" but according to Mr. Fetter, StormCo had only been contracted to write the SWPPP and perform inspections.

Fisher certified that they were compliant with the ESA under Criterion C, which indicates that an informal consultation with the NM Fish and Wildlife Service occurred. There was no documentation in the SWPPP to support that this had happened. The only documentation available was the species list for the county.

The SWPPP had not been updated with specific dates documenting major grading activities.

There was an inspection missing from the documentation available in the SWPPP (7-17-2010) and there was a three week gap between inspections at one point, as well (10-22-2010 to 11-12-2010). There was not documentation included to show that four of the inspectors who had signed inspection reports were qualified to do so. Inspections were also signed with a digital signature. This is not acceptable under EPA rules. CROMERR is the EPA's effort to accept electronic signatures, but signatures under the CGP are not included in CROMERR at this time. A manual signature is required on all construction inspection forms until further notice from EPA.

This inspection was prompted by a complaint alleging there was a serious danger of erosion from steep slopes around the site. When the inspector questioned Mr. Olson about the berms/slopes and whether they had been stabilized, he indicated that the area was still being worked and therefore did not need to be stabilized as of yet. However, no recent activity was observed on the berm at the time of the inspection.

SWPPP Implementation <i>(complete in field)</i>	
<u>Stabilization Practices</u>	
<p>List and describe stabilization practices <i>ESO Element 43, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>None on site at the time of the inspection.</p>
<p>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? <i>ESO Element 46</i></p>	<p><i>(e.g., indicate “yes” or “no”; if “yes”, how long without stabilization measures?)</i></p> <p>Berm located around the perimeter of the site for runoff control had not been stabilized. According to the permittee, the area was still being actively worked, although the inspector did not observe any recent activity around the berm.</p>

<u>Structural Practices</u>	
<p>List and describe structural controls <i>ESO Element 42, 43, 47</i></p>	<p><i>(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)</i></p> <ol style="list-style-type: none"> 1. Earthen berm around perimeter of the site, in good shape, not stabilized. 2. Secondary containment under fuel tank. There were some barrels and other containers on site that needed to be relocated to the secondary containment area.
<u>Non-Structural Practices</u>	
<p>Street Cleaning <i>ESO Element 44</i></p>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>N/A</p>
<p>Good Housekeeping & Waste Disposal Practices <i>ESO Element 45</i></p>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>Trash is picked up as needed.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<u>Non-Structural Practices</u>	
Equipment Wash/ Maintenance Area <i>ESO Elements 43</i>	<i>(provide brief description)</i> N/A
Concrete Washout Areas <i>ESO Elements 43</i>	<i>(provide brief description)</i> No concrete wash outs located on site at this time.
<u>Miscellaneous</u>	
Evidence of Sediment Deposition to Surface Waters <i>*ESO Eligibility - if "yes," site not eligible for ESO</i>	<i>(e.g., significant turbidity observed in a receiving water body)</i> No evidence of sediment deposition.
Pollution prevention measures for non- storm water discharges? <i>*ESO Eligibility - If evidence of non- allowable non-storm water discharges, site not eligible for ESO</i>	<i>(provide brief description and determine whether/if non-storm water discharges allowable)</i> No non-storm water discharges were observed during this inspection.
Has implementation of additional/modified BMPs been completed before next anticipated storm event? <i>ESO Element 43.C.1</i>	<i>(provide brief description)</i> No, it does not appear from the documentation available to the NMED inspector that BMPs had been reevaluated (or needed to be reevaluated) during the course of this project.

NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 12-7-2010	Time: 1006 hours
City/County: Placitas/Sandoval County		
Location: Fisher Sand and Gravel land just south of Placitas along I-25.		
Subject: Equipment on site to filter material being removed from the site.		

