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*Surface Water Quality Bureau*

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RON CURRY  
Secretary  
SARAH COTTRELL  
Deputy Secretary

November 23, 2010

Robert Olson, Vice President Field Operations and Principal  
Pavilion Construction, LLC  
4801 Lang NE, Suite 110  
Albuquerque, New Mexico 87109

**RE:** Construction Storm Water, SIC 1522, NPDES Compliance Evaluation Inspection, Pavilion Construction, LLC / Villa Alegre, NMR10GX08, November 3, 2010

Dear Mr. Olson:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) conducted at a construction site for which you may be an "operator" (see 2003/8 Construction General Permit (CGP), Definitions, Appendix A). 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 worksheet inspection report. You are encouraged to review the inspection report; and 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-WM, 1445 Ross Avenue, Dallas, Texas 75202-2733) and NMED Surface Water Quality Bureau Program Manager (address above) regarding modifications and compliance schedules.

I appreciate the cooperation of Ira Griffith and Ken Mortensen, Pavilion Construction, LLC during the inspection. If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/Erin S. Trujillo  
Erin S. Trujillo  
Surface Water Quality Bureau

cc: Marcia Gail Adams, EPA (6EN-AS) by e-mail  
Samuel Tates, EPA (6EN-AS) by e-mail  
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail  
Diana McDonald, USEPA (6EN-WM) by e-mail  
Robert Italiano NMED District II Manager by e-mail  
Rudy R. Gallegos, Dep Dir, Santa Fe Civic Housing Authority, Inc. by e-mail (rudyg@sfcha.com)  
Ira Griffin, Pavilion Construction, LLC by e-mail (igriffin@pavilionconstruction.com)



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   0   G   X   0   8   11   12   1   0   1   1   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) Villa Alegre, 800 Block, West Alameda Street (Phase 1 and 2) and Portion of 100 Block of Camino Del Campo (Portion of Phase 3), Santa Fe, New Mexico. Santa Fe County	Entry Time /Date <b>1354 hours / 11/03/2010</b>	Permit Effective Date June 30, 2008
	Exit Time/Date <b>1745 hours / 11/03/2010</b>	Permit Expiration Date June 30, 2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Ira Griffith, Superintendent / Pavilion Construction, LLC / 505-553-9127 & fax 216-2796 Rudy R. Gallegos / Dep.Dir., Santa Fe Civic Housing Authority / 505-699-7764 & fax 989-7786 Carlos Flores / Field Compliance Supervisor, Superior StormWater Services, LLC Ken Mortensen / Project Superintendent, Pavilion Construction, LLC / 505-553-9127 & fax 244-1810 Tim Slatunas / Superior StormWater Services, LLC / 505-565-8260 and fax 565-8261	Other Facility Data <b>Latitude 35.689992°</b> <b>Longitude -105.953829°</b> <b>SIC 1522 (Primary Code for Construction Activity)</b>	
Name, Address of Responsible Official/Title/Phone and Fax Number Robert Olson / Pavilion Construction, LLC, 4801 Lang NE, Suite 110, Albuquerque, NM 87109 / Vice President and Principal 971-246-3131 and 505-346-0085	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	

#### Section C: Areas Evaluated During Inspection

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

S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U	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) Owner/Developer - Santa Fe Civic Housing Authority, Inc (NPDES Tracking No. NMU001691)  
Operator/General Contractor - Pavilion Construction, LLC (NPDES Tracking No. NMR10GX08)
- 2) Pavilion Construction, LLC did not complete (sign/certify) a Storm Water Pollution Prevention Plan (SWPPP) prior to submitting a Notice of Intent (NOI) on June 21, 2010 to obtain permit coverage under the 2008 Construction General Permit (CGP). Permittee started construction on June 21, 2010 before the required 7-day waiting period. Not all construction (Phase 1 and 2) and support (portion of Phase 3) activity areas were included in the SWPPP.
- 3) A separate Compliance Evaluation Inspection report and EPA Form 3560 was prepared for each owner/operator.
- 4) See attached further explanations, worksheet with notes and photo log.

Name(s) and Signature(s) of Inspector(s) <b>Erin S. Trujillo</b> /s/Erin S. Trujillo	Agency/Office/Telephone/Fax <b>NMED/SWQB/505-827-0418/505-827-0160</b>	Date <b>11/23/2010</b>
Signature of Management QA Reviewer <b>Richard E. Powell</b> /s/Richard E. Powell	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB/505-827-2798/505-827-0160</b>	Date <b>11/23/2010</b>

**NPDES Construction Storm Water Compliance Evaluation Inspection**  
**Pavilion Construction LLC / Villa Alegre**  
**NPDES Tracking # NMR10GX08**  
**November 3, 2010**

**Further Explanations**

**Introduction**

On November 3, 2010, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo later accompanied by Daniel Valenta, both of the NMED SWQB, following a citizen's complaint and site reconnaissance on November 2, 2010 by the inspectors at the above-reference residential construction site. Upon arrival on November 3, 2010, the inspector contacted Mr. Griffith, made introductions, presented credentials, explained the purpose of the inspection. The inspector toured the site with Mr. Griffith. Mr. Gallegos, Mr. Flores, Mr. Slatunas and Mr. Mortensen arrived later and attended portions of the inspection. The inspector conducted an exit interview to discuss the preliminary findings with Mr. Griffith, Mr. Mortensen, and Mr. Slatunas on site on the day of the inspection. Additional information was provided and the inspector discussed preliminary findings with Mr. Gallegos on November 4, 2010. Additional information was provided by Mr. Slatunas on November 14, 2010.

This report is based on a review of the EPA online notice of intent (eNOI) database, owner and Permittee websites, review of files maintained by the Permittee and NMED, on-site observation by NMED personnel, and verbal information provided by the owner and Permittees' representatives.

Villa Alegre residential units and community building construction activity comprises several tracks and lots in the 800 Block of West Alameda Street (Phase 1 and 2) and 100 Block of Camino Del Campo (Phase 3) in Santa Fe, New Mexico. Phase 1 and 2 is approximately 0.2 miles apart from Phase 3. Phase 1 and 2 (approximately 7.7 acres) are referred to as 821 and 811 West Alameda Street, respectively, on construction documents. Phase 3 is shown both northeast (approximately 0.5 acres) and northwest (approximately 1.5 acres) of the West Alameda Street and Camino Del Campo Street intersection on proposed site plans.

Pavilion Construction, LLC, a limited liability corporation registered in New Mexico, was hired by Santa Fe Civic Housing Authority, Inc. as a general contractor to complete construction activities for a portion of Villa Alegre construction activity (Phase 1 and 2). Pavilion Construction, LLC had day-to-day operational control over SWPPP implementation. Pavilion Construction, LLC submitted a NOI to obtain permit coverage under the 2008 CGP, continued clearing and started grading and infrastructure activities for Phase 1 and 2 of Villa Alegre on June 21, 2010. Pavilion Construction, LLC started before the 7-day waiting period after submitting an NOI under the CGP.

A portion of Phase 3 (northwest tracks/lots) owned by Santa Fe Civic Housing Authority, Inc. was being used by Pavilion Construction, LLC for support activity (equipment staging and material storage) on the day of the inspection.

## NPDES Industrial Storm Water Worksheet (Construction)

National Database Information				General			
Inspection Type	Compliance Inspection			Inspector Name	Erin S. Trujillo		
NPDES ID Number	NMR10GX08			Telephone	505-827-0418		
Inspection Date	November 3, 2010			Entry Time	1354 hours		
Inspector Type <i>(circle one)</i>	EPA	<input checked="" type="checkbox"/> State	EPA Oversight	Exit Time	1745 hours		
Facility Type <i>(circle one)</i>	Commercial/Industrial	<input checked="" type="checkbox"/> Residential	Municipal	Signature	/s/ Erin S. Trujillo		
Facility Location Information							
Name/Location/ Mailing Address	Villa Alegre, 800 Block, West Alameda Street (Phase 1 and 2) & Portion of 100 Block of Camino Del Campo (portion of Phase 3), Santa Fe, New Mexico.						
GPS Coordinates	Latitude	35.689992°	Longitude	-105.953829°			
Receiving Water(s)	Santa Fe MS4, Arroyo Mascaras thence to Canada Rincon a tributary to the Santa Fe River, & Santa Fe River (20.6.4.98 NMAC) of the Rio Grande Basin						
Disturbed Area	~9.2 acres	Start Date	06/21/2010	Stop Date	05/10/2011		
Contact Information							
	Name(s)			Telephone			
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	-Pavilion Construction, LLC (General Contractor) -Santa Fe Civic Housing Authority, Inc. (Owner/Developer)			505-346-0085 505-988-2859			
Facility Contact	-Ira Griffith, Superintendent, Pavilion Construction, LLC -Rudy R. Gallegos, Dep. Dir, SF Civic Housing Authority			505-553-9127 505-699-7764			
Authorized Official(s)	-Robert Olson, Pavilion Construction, LLC -Ed Romero, SF Civic Housing Authority			505-346-0085 505-988-2859			
Site Information: <i>(circle all that apply)</i>							
Nature of Project	<input checked="" type="checkbox"/> Residential	Commercial/Industrial	Roadway	Private	Federal	State/ <input checked="" type="checkbox"/> Municipal	Other
Construction Stage	Clearing/ Grubbing	Rough Grading	Infrastructure	<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Const.	Final Grading	Final Stabilization	
Basic Permit Information				Basic SWPPP Information			
Permit Coverage <i>ESO Element 3 &amp; 4</i>	<input checked="" type="checkbox"/> Y	N		SWPPP Prepared & Available <i>ESO Element 5 &amp; 30</i>	<input checked="" type="checkbox"/> Y	N	
Permit Type	<input checked="" type="checkbox"/> General	Individual		SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input checked="" type="checkbox"/> N	
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"/> Y	N		SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/> N	
NOI Date	06/21/2010			SWPPP Date	Not Completed		
If applicable, is waiver certification & approval on file?	Y	N		<i>Intentionally left blank</i>			

## NPDES Industrial Storm Water Worksheet (Construction)

<b>SWPPP Review</b> <i>(can be completed in office)</i>			
<b>General</b>	<b>Notes:</b>		
Is there a SWPPP? <i>ESO Element 4</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Prepared by David Tull, Lincoln, Nebraska with Superior StormWater Services, LLC, Los Lunas, New Mexico dated 03/24/2010.
SWPPP completed prior to NOI submission? <i>ESO Element 5</i>	Y	<input type="checkbox"/> N	Not signed/certified by owner or operator.
Copy of permit language? <i>ESO Element 24</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 25</i>	Y	<input type="checkbox"/> N	SWPPP did not include documentation consistent with NM certification requirements in CGP Part 10.D.1.b (use of appropriate soil loss prediction models) during construction. Only RUSLE soil loss results, in this case 0.5 tons per year, prior to and after construction were provided. Supporting calculations and assumptions were not described. Based on area described in SWPPP, it appears that soil loss model calculations did not include Phase 2 and were not updated with area of support activity.
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 26</i>	Y	<input type="checkbox"/> N	SWPPP did not document implementation of NM certification requirements in CGP Part 10.D.1.b (i.e., rationale for selecting, design, implementation, and maintenance of BMPs was not specified in SWPPP). SWPPP was also not updated to include BMPs for support activity and construction activity in and along Arroyo Mascaras (stream). See additional notes below.
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 27</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Is a copy of the SWPPP on site or made available? <i>ESO Element 29</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Did all "operators" sign/certify the SWPPP? <i>ESO Element 30</i>	Y	<input type="checkbox"/> N	
<b>Site Description</b>	<b>Notes:</b>		
SWPPP identifies potential sources of pollution? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	But, did not include geothermal well drilling.
SWPPP identifies all operators and their areas of control? <i>ESO Element 7</i>	Y	<input type="checkbox"/> N	Identified and listed duties for Pavilion Construction LLC as operator and Santa Fe Civic Housing Authority, Inc. as owner, but plan was not updated with areas of control for Phase 3.
Is there a site description? <i>ESO Element 8</i>	Y	<input type="checkbox"/> N	Not complete or updated. Did not include support activity in portion of Phase 3 and activity in and along stream.
Nature/sequence of construction activity? <i>ESO Element 8A – 8B</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Total area of site and total area to be disturbed? <i>ESO Element 8C</i>	Y	<input type="checkbox"/> N	Did not include Phase 2, disturbance in and along stream, and was not updated with support activity in portion of Phase 3.

## NPDES Industrial Storm Water Worksheet (Construction)

Site Description (cont'd)			Notes:
Is there a general location map? <i>ESO Element 8D</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Is there a site map? <i>ESO Element 8E</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Site maps, "old site map as of 9/27/10" showing 5 acres of disturbance for Phase 1 and "new map as of 9/23/10" showing Phase 1 and 2 were not complete as discussed below. There was no site map for support activity in portion of Phase 3.
Drainage patterns/outfalls on site map? <i>ESO Element 8F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Did not include Phase 2 and support activity in portion of Phase 3.
Area of soil disturbance on site map? <i>ESO Element 8F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Did not include activity in and along stream and support activity in portion of Phase 3.
Location of major structural controls on site map? <i>ESO Element 8F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Did not include perimeter control in Phase 2.
Location of storm water discharges to a surface water on site map? <i>ESO Element 8F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Did not include Phase 2, disturbance in and along stream, and support activity in portion of Phase 3.
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 8F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Did not include material storage in and along stream, and support activity in portion of Phase 3.
Location/description industrial activities? <i>ESO Element 8G</i>	<input type="checkbox"/> Y	<input type="checkbox"/> N	Not applicable
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Santa Fe River is listed for not supporting designated uses of Marginal Warmwater Aquatic Life, Primary Contact and Wildlife Habitat with probable causes for Aluminum, E. coli and PCBs.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 13</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Endangered Species Documentation? <i>ESO Element 22</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	SWPPP did not document Endangered Species Act Review Procedure steps outlined in Appendix C of 2008 CGP supporting Criterion E (e.g. Step 1 visual inspection, biological survey or assessment; Step 2 determine if likely to adversely affect, etc.). Only a list of species for Santa Fe County was included. SWPPP only states, "no endangered or critical habitat was reported for the site by the owner or operator." Owner's review procedures were not documented.

## NPDES Industrial Storm Water Worksheet (Construction)

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 9 A - C</i>	Y	<input checked="" type="checkbox"/> N	Not in and along stream and support activity in portion of Phase 3.
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 10; 11</i>	Y	<input checked="" type="checkbox"/> N	Not in and along stream and support activity in portion of Phase 3.
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 12</i>	Y	<input checked="" type="checkbox"/> N	Not in and along stream or support activity in portion of Phase 3. As previously discussed, plan did not identify areas of control for Phase 3.
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 14</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>	<input checked="" type="checkbox"/> Y	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 15</i>	<input checked="" type="checkbox"/> Y	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 16</i>	Y	<input checked="" type="checkbox"/> N	SWPPP did not describe measures or include documentation that work in and along stream would be covered under a USACE Section 404 Permit and State 401 Water Quality Certification.
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 17</i>	<input checked="" type="checkbox"/> Y	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 19</i>	Y	<input checked="" type="checkbox"/> N	Did not describe controls for discharges from support activities, in this case, equipment staging and material storage areas in portion of Phase 3.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 20</i>	<input checked="" type="checkbox"/> Y	N	
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 28</i>	Y	<input checked="" type="checkbox"/> N	Not documented. See notes below on SWPPP implementation.

## NPDES Industrial Storm Water Worksheet (Construction)

Inspections			Notes:
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? <i>ESO Element 31</i>	Y	<input checked="" type="checkbox"/> N	Not documented. There was only one rain event inspection (greater than 0.5") on 09/23/2010. There was no other site specific rain fall data contained in the SWPPP. Based on readily available precipitation data at <a href="http://www.wunderground.com">http://www.wunderground.com</a> for a weather station at Lat 35.682°, Long -105.949°, and elevation 6986 feet, a rain event greater than 0.5" occurred in the area on 07/03/2010 (1.15"). The site inspection on 07/05/2010 was greater than 24 hours after this rain event.
Inspections performed by qualified personnel? <i>ESO Element 32</i>	<input checked="" type="checkbox"/> Y	N	
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 33</i>	Y	<input checked="" type="checkbox"/> N	Reports did not document inspection of support activities in portion of Phase 3.
All pollution control measures inspected to ensure proper operation? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y	N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 35; 36</i>	<input checked="" type="checkbox"/> Y	N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 37</i>	<input checked="" type="checkbox"/> Y	N	
Inspection report contain all required items and certified? <i>ESO Element 38; 39</i>	Y	<input checked="" type="checkbox"/> N	Reports were not signed by a person described in Appendix G, Subsection 11.A or by a duly authorized representative of that person on the day of the inspection.

Notes on SWPPP Review
<p>Pavilion Construction LLC's NOI dated June 21, 2010 stated that the estimated project start was April 10, 2010. The reason for this discrepancy was not determined during this inspection.</p> <p>SWPPP described training requirements. Specifically regarding on-site spill kits, SWPPP stated, "Employees should be trained on the location(s) and use of the kits." There was no documentation that training had been completed. Also, a subcontractor certifications/agreement form in the SWPPP which would inform subcontractors of plan availability and compliance was not completed (see Part 3.7 Training of Employees of the 2008 CGP).</p> <p>SWPPP was not updated to include BMPs for support activity in portion of Phase 3 and construction activity in and along Arroyo Mascaras. Part 5.10 Maintaining an Updated Plan of the 2008 CGP states, "The SWPPP must be modified: A. To reflect modifications to stormwater control measures made in response to a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP. Problems and corrective actions to add/modify perimeter controls were not contained in inspection reports. See notes SWPPP implementation below.</p>

## NPDES Industrial Storm Water Worksheet (Construction)

<b>SWPPP Implementation</b> ( <i>complete in field</i> )	
<b><u>Stabilization Practices</u></b>	
<p><b>List and describe stabilization practices</b> <i>ESO Element 42, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>Some areas of Phase 1, 2 and 3 remained undisturbed (e.g., sidewalks; remaining trees and vegetation along site boundaries and in support activity area, and along the floodplain of Arroyo Mascaras). Building construction had also stabilized portions of the site in Phase 1 and 2.</p> <p>There were no observed measures to limit or minimize additional disturbance and protect remaining vegetation in support activity area. Vegetation along the Arroyo Mascaras stream bank was also disturbed. SWPPP stated, <i>“Maintaining existing vegetation and existing vegetation buffer strips are the most effective stormwater pollution prevention technique.”</i></p>
<p><b>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?</b> <i>ESO Element 45</i></p>	<p><i>(e.g., indicate “yes” or “no”; if “yes”, how long without stabilization measures?)</i></p> <p>There was no documented temporary construction cessation form more than 14 days for areas under Pavilion Construction LLC control after June 21, 2010.</p>
<b><u>Structural Practices</u></b>	
<p><b>List and describe structural controls</b> <i>ESO Element 41, 42, 46</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> <p>1) Observed on-site storm drains appeared protected with raised pipe or filter fabric and the site had a low area used as a sedimentation pond. 2) Off-site vehicle track-out was installed at two locations, but not at all access points and the support activity area (see examples of accumulated sediment in Photo Log). 3) Silt fence, straw and fabric socks were along portions of the Phase 1 and 2 site boundaries. But, removed and/or damaged silt fence was observed (see examples in Photo Log). Additional straw and fabric socks had been placed in some areas by the operator, but there were still gaps, trapped sediment behind silt fence, and areas where straw socks may not be sufficient as a control measure (see examples in Photo Log). 4) Silt fence had been installed in the stream bed of Arroyo Mascaras after material resulting from trench excavation was temporarily side-cast/stockpiled in the stream bed. Stockpiles and silt fence in the stream bed were not in accordance with the SWPPP which stated, <i>“stockpiles will not be near potential water sources, inlets or drainage ways. BMPs include silt fence, fiber roll or vegetated berm around the stockpile.”</i> 5) Silt fence installed in the stream bed upstream of the water line connection would not protect the stream from construction debris and sediment from disturbance on bank and floodplain (see Photo Log). See additional notes on SWPPP implementation below.</p>

## NPDES Industrial Storm Water Worksheet (Construction)

<b><u>Non-Structural Practices</u></b>	
<b>Street Cleaning</b> <small>ESO Element 43</small>	<small>(e.g., describe measures taken to remove offsite accumulation of sediment)</small>  Street sweeper was operating during this inspection, but generated a substantial amount of dust (see examples in Photo Log). The on-site representatives indicated that the proper operation and maintenance for the sweeper would be evaluated.
<b>Good Housekeeping &amp; Waste Disposal Practices</b> <small>ESO Element 44</small>	<small>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</small>  1) Several portable toilets were located throughout Phase 1 and 2. 2) Litter and debris, some possibly from previous demolition, was observed throughout Phase 1 and 2. The site had open roll-offs and containers for recycled materials and trash. Although there was no evidence of windblown trash and debris off-site from construction and support activities on the day of the inspection, the SWPPP stated that <i>"Trash containers...shall be enclosed."</i> 3) Concrete rubble debris from small excavations to locate a water line existed north of the Phase 1 and 2 boundary in the floodplain associated with Arroyo Mascaras shown on site maps. Some perimeter controls along the northern boundary of Phase 1 and 2 had been removed. Silt fence in the stream bed would not protect Arroyo Mascaras from concrete rubble debris and construction debris in Phase 1 and 2 from becoming a pollutant source. Construction debris along the floodplain of Arroyo Mascaras would need to be carefully removed to avoid unnecessary disturbance of remaining vegetation and properly disposed.
<b>Equipment Wash/ Maintenance Area</b> <small>ESO Elements 42</small>	<small>(provide brief description)</small>  No designated equipment wash or maintenance area was observed.
<b>Concrete Washout Areas</b> <small>ESO Elements 42</small>	<small>(provide brief description)</small>  Metal roll-off containers for concrete were observed and appeared to be containing concrete washout on site.
<b><u>Miscellaneous</u></b>	
<b>Evidence of Sediment Deposition to Surface Waters</b> <small>*ESO Eligibility - if "yes," site not eligible for ESO</small>	<small>(e.g., significant turbidity observed in a receiving water body)</small>  1) Sediment was observed in streets in Las Mascaras Street, Las Crucitas Street, West Alameda Street, and Camino Del Campo Street in the Santa Fe MS4. 2) Arroyo Mascaras was not flowing on the day of the inspection, but the placement of excavated material temporarily in the stream bed instead of on the bank or on uplands would have disrupted, impeded or altered downstream flows.
<b>Pollution prevention measures for non-storm water discharges?</b> <small>*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO</small>	<small>(provide brief description and determine whether/if non-storm water discharges allowable)</small>  There was no evidence of drilling muds or grouts observed off-site on the day of the inspection. Some water and sediment in Las Crucitas Street appears to have resulted from fire hydrant connection leaks. There was evidence of accumulated sediment in the street and on sidewalks along West Alameda Street, possibly discharge from water used for drilling operations (see Photo Log). Water used for drilling operations is not listed as an allowable non-storm water discharge (see Part 1.3.B of the 2008 CGP).

## NPDES Industrial Storm Water Worksheet (Construction)

<b>Miscellaneous</b>	
<p><b>Has implementation of additional/modified BMPs been completed before next anticipated storm event?</b> <i>ESO Element 43.C.1</i></p>	<p style="text-align: center;"><i>(provide brief description)</i></p> <p>See further notes below.</p>

<b>Notes on SWPPP Implementation</b>
<p>A fuel truck was stored on-site. No spill kits were available on-site. SWPPP stated, <i>"Spill kits will be available at all times during construction and maintained in sufficient quantity."</i></p> <p>Pollutant discharges from support activity areas directly related to Phase 1 and 2 construction activities were not minimized. Material storage, temporary stockpiles and disturbance in and along Arroyo Mascaras was started prior to implementation of control measures based on the inspectors' site reconnaissance on November 2, 2010 and information from the permittee on-site representative.</p> <p>Silt fence installed in the stream bed of Arroyo Mascaras on November 3, 2010 did not appear to meet Part 3 Effluent limits for runoff management and construction and waste materials. The 2008 CGP states, <i>"You must avoid placement of structural practices in floodplains to the degree technologically and economically practicable and achievable" and "You must...Prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the CWA."</i> Also, in the State of New Mexico, except Indian country, <i>"The SWPPP must identify, and document the rationale for selecting these BMPs and/or other controls."</i></p> <p>Based on the condition of silt fence and the additional BMPs added along Las Crucitas Street and West Alameda Street, it appears that problems and corrective actions with perimeter controls had been re-occurring. Neither the SWPPP site map nor inspection reports, including the last inspection on 10/25/2010 which was 9 days prior to this inspection, indicated problems or corrective action to add/modify perimeter BMPs. Part 5.10 Maintaining an Updated Plan of the 2008 CGP states, <i>"The SWPPP must be modified...B. If during inspections or investigations by site staff, or by local, state, tribal or federal officials, it is determined that the existing stormwater controls are ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site. C. Based on the results of an inspection, as necessary to properly document additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within seven (7) calendar days following the inspection."</i></p> <p>Part 3.6 Maintenance of Control Measures of the 2008 CGP states, <i>"A. You must maintain all control measures and other protective measures in effective operating condition. If site inspections required by Part 4 identify BMPs that are not operating effectively, you must perform maintenance as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of stormwater controls. B. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, you must complete implementation before the next storm event whenever practicable. If implementation before the next storm event is impracticable, you must implement alternative BMPs as soon as possible.... D. You must remove trapped sediment from a silt fence before the deposit reaches 50 percent of the above-ground fence height (or before it reaches a lower height based on manufacturer's specifications)."</i></p>

## NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 1</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1420 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Silt fence crossing Arroyo Mascaras stream bed and bank. Dust visible in background of photo was generated by street sweeper operating on Las Mascaras Street.		



<b>NMED/SWQB Official Photograph Log Photo # 2</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1420 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Material from trench excavation sidecast/stockpiled spans Arroyo Mascaras stream bed.		

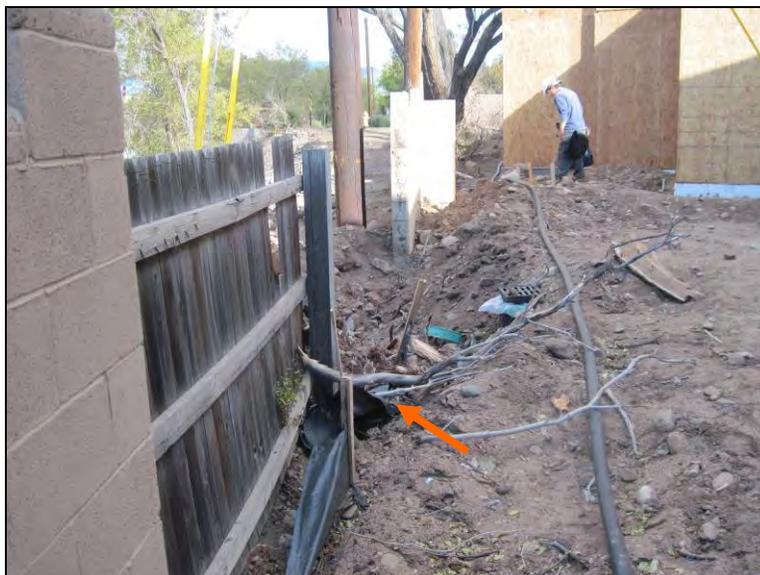


## NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 3</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1421 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Looking upstream, arrow points to silt fence installed in the stream bed of Arroyo Mascaras that would not protect the stream from construction debris or sediment from disturbance on bank and floodplain (right side of photo).		



<b>NMED/SWQB Official Photograph Log Photo # 4</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1440 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Arrow points to example of damaged silt fence that had been removed according to the permittee on-site representative from a gap along north boundary of Phase 1 and 2 adjacent to floodplain of Arroyo Mascaras.		



## NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 5</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1449 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Sediment in Las Crucitas Street in northwest corner of Phase 1 and 2. Arrow points to fire hydrant with water line connection used to obtain water for drilling operations.		



<b>NMED/SWQB Official Photograph Log Photo # 6</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1445 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Wet pavement and water accumulated in Las Crucitas Street. It is unknown how much of the water is from the hydrant connections shown in previous photo or operation of street sweeper shown in background of the photo.		



# NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 7</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1447 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Arrow points to trapped sediment/fill reaching and overtopping the silt fence height and sediment on sidewalk along Las Crucitas Street. Photo also shows street sweeper generating dust while operating.		



<b>NMED/SWQB Official Photograph Log Photo # 8</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1450 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Example of gap and unstaked straw wattle placed on sidewalk at base of sediment/fill material at corner of Las Crucitas Street and West Alameda Street.		



# NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 9</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1452 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Example of damaged and gaps in silt fence on southern perimeter along West Alameda Street.		



<b>NMED/SWQB Official Photograph Log Photo # 10</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1453 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Example of accumulated sediment and vehicle tracking on West Alameda. This entrance had rock track out control measure with accumulated sediment. Because of the off-site tracking additional maintenance or measures appears needed.		



# NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB Official Photograph Log Photo # 11		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1454 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Example of accumulated sediment and vehicle tracking on West Alameda and sidewalk near storm drain inlet. There was no rock track out and perimeter sediment control measures were damaged or missing. Not all sediment appears to be from vehicle tracking, but may be from stormwater discharge, drilling operations or other use of water on-site.		



## NPDES Industrial Storm Water Worksheet (Construction)

<b>NMED/SWQB Official Photograph Log Photo # 12</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1739 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Example of disturbed area in portion of Phase 3 used as support activity area. This photo shows approximately half of the approximately 1.5 acre track/lot used for equipment staging (drill rigs), material storage and parking.		



<b>NMED/SWQB Official Photograph Log Photo # 13</b>		
Photographer: Erin Trujillo	Date: 11/03/2010	Time: 1743 hours
City/County: Santa Fe / Santa Fe County		State: New Mexico
Location: Villa Alegre		
Subject: Accumulated sediment in Camino Del Campo Street at entrance to support activity area.		

