



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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RAJ SOLOMON, P.E.
Acting Secretary

Certified Mail – Return Receipt Requested

January 13, 2011

Ms. Tamara Haas, District Engineer
New Mexico Department of Transportation District 3
7500 Pan American Freeway NE
Albuquerque, NM 87109

RE: Construction Stormwater, SIC 1611, NMDOT District 3, I-25 Widening Construction Project, NPDES Permit NMR10H548, near Bernalillo, New Mexico, January 6, 2010

Dear Ms. Haas:

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), NMED (at above address) and the Pueblo of Sandia (Scott Bulgrin, 481 Sandia Loop, Bernalillo, NM 87004) regarding modifications and compliance schedules.

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 Bohling, USEPA (6EN-AS) (by e-mail)
Stacey Bennett-Dwyer, USEPA (6EN-AS) (by e-mail)
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)
Diana McDonald, USEPA (6EN-AS) (by e-mail)
Scott Bulgrin, Pueblo of Sandia (by e-mail)



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	H	5	4	8	11	12	1	1	0	1	0	6	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	3	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) I-25, MP 239.686 TO MP 242.208, NEAR BERNALILLO, SANDOVAL COUNTY, NM; FROM ALBUQUERQUE, DRIVE NORTH ON I-25.		Entry Time /Date 0800 HOURS / 1-6-2011	Permit Effective Date 7-1-2008
		Exit Time/Date 1130 HOURS / 1-6-2011	Permit Expiration Date 6-30-2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) MR. KELLEY FETTER, OWNER, STORMCO LLC. (505) 867-4040		Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number MS. TAMARA HAAS, DISTRICT ENGINEER, NMDOT DISTRICT 3(505) 841-2700 7500 PAN AMERICAN FREEWAY NE, ALBUQUERQUE, NM 87109		GPS: N. 35° 17' 43" W. -106° 32' 34" SIC: 1611	
		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
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
S	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

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

- INSPECTOR ARRIVED ON SITE AT 0800 HOURS ON 1-6-2011. THE INSPECTOR CONDUCTED AN ENTRANCE INTERVIEW WITH MR. KELLEY FETTER OF STORMCO, LLC, WHERE SHE PRESENTED HER CREDENTIALS AND EXPLAINED THE PURPOSE OF THE INSPECTION.
- SEE ATTACHED REPORT AND CHECKLIST.
- THIS REPORT IS BASED ON REVIEW OF FILES MAINTAINED BY THE PERMITTEE AND NMED, ON SITE OBSERVATION BY NMED PERSONNEL, AND VERBAL INFORMATION PROVIDED BY THE FACILITY'S REPRESENTATIVE.
- AN EXIT INTERVIEW TO DISCUSS THE PRELIMINARY FINDINGS OF THIS INSPECTION WAS CONDUCTED WITH MR. FETTER ON 1-6-2011 AT STORMCO'S OFFICES. A SEPARATE EXIT INTERVIEW WAS CONDUCTED WITH NMDOT AND MOUNTAIN STATES' STAFF AT THE DISTRICT 3 OFFICE FROM 1500-1530 HOURS ON 1-12-2011.

Name(s) and Signature(s) of Inspector(s) SARAH HOLCOMB /s/ Sarah Holcomb	Agency/Office/Telephone/Fax NMED/SWQB 505-222-9587	Date 1-13-2011
Signature of Management QA Reviewer RICHARD POWELL /s/ Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 1-13-2011

National Database Information			General			
Inspection Type	Compliance Evaluation		Inspector Name	Sarah Holcomb		
NPDES ID Number	NMR10H548/NMR10H487		Telephone	(505) 222-9587		
Inspection Date	1-6-2011		Entry Time	0800 hours, 1-6-2011		
Inspector Type (circle one)	EPA	State	EPA Oversight	Exit Time	1130 hours, 1-6-2011	
Facility Type (circle one)	Commercial	Industrial	Residential	Municipal	Signature	/s/ Sarah Holcomb

Facility Location Information					
Name/Location/ Mailing Address	I-25, MP 239.686 to MP 242.208 Near Bernalillo, NM Mailing: (NMDOT) 7500 Pan American Freeway NE, Albuquerque, NM 87109				
GPS Coordinates	Latitude	N. 35° 17' 43"	Longitude	W. -106° 32' 34"	
Receiving Water(s)	From various ephemeral tributaries to the Rio Grande in segment 20.6.4.106 NMAC				
Disturbed Area	67 acres	Start Date	10-27-2010	Stop Date	9-30-2011

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	New Mexico Department of Transportation (NMDOT) – owner Mountain States Constructors Inc. – general contractor	
Facility Contact	Mr. Kelley Fetter, Owner, StormCo LLC (SWPPP Contractor)	505-867-4040
Authorized Official(s)	Ms. Tamara Haas, District Engineer, NMDOT Mr. Steve Benoit, President, Mountain States Constructors, Inc.	505-841-2700 505-292-0108

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	9-27-2010 (MSC) 10-7-2010 (DOT)		SWPPP Date	8-17-2010	
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 LLC. Inspector did not witness a separate NMDOT SWPPP.		
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"/>	The RUSLE calculations included in the DOT specs did not address BMPs used on site.		
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>	Y	<input checked="" type="checkbox"/>	Jay Loomis signed for NMDOT without an authorization letter. Ms. Coren Anderson signed the SWPPP for Mountain States with authorization.		

<u>Site Description</u>		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Erosion, slopes greater than 3:1, access roads, shipping/receiving areas, storage, refuse sites, vehicle maintenance and cleaning.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	N	
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/>	N	Offsite development of egress, infrastructure, underground utilities, and permanent draining for roadway reconstruction and safety improvements.
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	<input checked="" type="checkbox"/>	N	
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	<input checked="" type="checkbox"/>	N	67 acres disturbed/108 acres total
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/>	N	
Is there a site map? <i>ESO Element 9E</i>	<input checked="" type="checkbox"/>	N	
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Area of soil disturbance on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	However, map is engineering drawings from DOT and includes 3 phases of BMPs. Without a rep it would be difficult to tell what is current.
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Arroyos and other surface waters are not named and the Rio Grande is not shown.
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Storage yard is not shown on site map.
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	Y	<input checked="" type="checkbox"/>	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Las Huertas Creek 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"/>	
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	Criterion E

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>	<input checked="" type="checkbox"/> Y	N	
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 checked="" type="checkbox"/> N	Timing is not shown.
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	Straw bales, diversion channel dikes, sediment wattles, compost mulch socks, rock check dams
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 checked="" 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 checked="" 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>	<input checked="" type="checkbox"/> Y	N	404 Nationwide Permit Pueblo of Sandia 401 certification
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 checked="" type="checkbox"/> N	Road stabilization not addressed in the SWPPP.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	Firefighting, dust control, pavement wash waters.

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 N	Wattles, drop inlets, check dams, earthen berms.
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input checked="" type="checkbox"/> N	No BMPs have been documented as being modified.

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 checked="" type="checkbox"/> Y N	
Inspections performed by qualified personnel? <i>ESO Element 33</i>	Y <input checked="" type="checkbox"/> N	No qualifications included in SWPPP for Kevin H.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</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 36; 37</i>	<input checked="" type="checkbox"/> Y N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	Y <input checked="" type="checkbox"/> N	Electronic signatures were used on all inspection forms.

Notes on SWPPP Review

Site Description:

This construction project is a continuation of the I-25 widening project that was begun in 2009 from the outskirts of Albuquerque to about mile post 239.8, south of Bernalillo. This project continues from that point to the second Bernalillo exit at mile post 242.208.

The SWPPP was prepared by StormCo LLC, who was also contracted to perform inspections on behalf of NM DOT, and Mountain States Constructors Inc (MSC). However, NMDOT did not sign on correctly to the SWPPP. Mr. Jay Loomis signed the SWPPP for NMDOT, but there was no authorization letter from Tamara Haas, District Engineer, for him to do so. Ms. Coren Anderson signed the SWPPP on behalf of MSC and there was an authorization letter for this included.

The RUSLE calculations included in the NMDOT specifications/engineering drawings did not address the specific BMPs that were being used on site. Erosion calculations were the only numbers given. After the inspection, Mr. Fetter of StormCo submitted revised RUSLE calculations, attached.

The map for the project was missing specific information as to where discharges would occur from the project and where that water would travel. None of the arroyos were marked, or named, and the Rio Grande's location was not shown. The main yard for the site (which was offsite, located on N. Hill Rd. in Bernalillo) was also not shown on the map.

Major grading activity dates were not updated in the SWPPP. This project is being conducted in phases, specifically most of the work was done on the northbound side of the site, and soon work will commence on the southbound side of the site. Once the northbound side is stabilized, these dates must be noted in the SWPPP.

Although the facility representative noted that post construction stormwater controls (such as rip rap at culvert outfalls) will be installed, this is not documented in the plan.

Inspections appear to have been conducted as required. This inspection was prompted by allegations that biweekly inspection reports and the associated signatures were being generated when an actual inspection had not been conducted. The NMED inspector did not find evidence of this during this site visit. The allegation specifically stated that a prior employee of StormCo would write down his phone number beneath his signature on the inspections he conducted, and that was how he knew he actually had been to the site in person. He alleged that the use of electronic signatures was used to generate false inspection reports. StormCo employees generate a handwritten inspection form while on-site, and then the information is entered into the computer and a neater copy is printed off for the client. The NMED inspector viewed both inspection reports that this StormCo employee had generated on this and other projects, and the assertion that he wrote his phone number on the handwritten form could not be supported. Copies of those StormCo inspection reports are included with this report for proof.

However, the use of electronic signatures in general is not permitted. Under the CROMERR rule, electronic reporting is only acceptable for certain documents, such as DMRs and certain industrial stormwater requirements. It is not permitted at this time for construction bi-weekly inspection reports.

Part of this project involves road stabilization. To do this, the contractor is drilling holes next to the road and filling the holes with a sand slurry to promote the movement of water without the deterioration of the soil. This process is not addressed in the SWPPP as an industrial activity. The plan should discuss specific BMPs to address the slurry materials and their movement offsite.

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>Tackifier had been applied to the northbound side of the site as progress on that side of the project is winding down in anticipation of the switch to the southbound side work.</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>No documentation was included in the SWPPP to indicate when the tackifier was applied.</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. Compost wattles – used in arroyos downstream of work on southbound side. Many were in need of repair during this inspection. 2. Silt fence – used sparingly in mostly southern locations of the site where work was just beginning. 3. Dirt berms – used as the main measure instead of silt fencing along the western border of the southbound work.
<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>Due to safety issues on the interstate, street cleaning is not routinely conducted.</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> <p>In the offsite yard, there is a fuel barrel that needs to be put into secondary containment.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<u>Non-Structural Practices</u>	
Equipment Wash/ Maintenance Area <i>ESO Elements 43</i>	<p><i>(provide brief description)</i></p> <p>N/A</p>
Concrete Washout Areas <i>ESO Elements 43</i>	<p><i>(provide brief description)</i></p> <p>Mobile concrete wash out basins are being moved around the site daily or as needed to serve concrete work going on. No additional BMPs were noted around these basins, which may have been leaking somewhat.</p>
<u>Miscellaneous</u>	
Evidence of Sediment Deposition to Surface Waters <i>*ESO Eligibility - if "yes," site not eligible for ESO</i>	<p><i>(e.g., significant turbidity observed in a receiving water body)</i></p> <p>None was observed.</p>
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>	<p><i>(provide brief description and determine whether/if non-storm water discharges allowable)</i></p> <p>No non-storm water discharges were observed during the inspection.</p>
Has implementation of additional/modified BMPs been completed before next anticipated storm event? <i>ESO Element 43.C.1</i>	<p><i>(provide brief description)</i></p> <p>There is no documentation that indicates that major BMPs needed to be modified or added.</p>