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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

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DAVE MARTIN  
Secretary  
RAJ SOLOMON, P.E.  
Deputy Secretary

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**Certified Mail – Return Receipt Requested**

May 19, 2011

Mr. Robert Geringer, Managing Member  
Sandia View LLC  
9595 Wilshire Blvd. Suite 1000  
Beverly Hills, CA 90212

**RE: Construction Stormwater, SIC 1611, NPDES Compliance Evaluation Inspection, Sandia View LLC, Wellspring Avenue Construction Project, NPDES Permit NMR10HC50, Rio Rancho, New Mexico, May 10, 2011**

Dear Mr. Geringer:

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) 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 Adams, USEPA (6EN-AS) (by e-mail)  
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)  
Samuel Tates, USEPA (6EN-AS) (by e-mail)  
Diana McDonald, USEPA (6EN-AS) (by e-mail)  
Jennifer Ickes, NMED District 1 Manager (by e-mail)



<b>National Database Information</b>		<b>General</b>	
Inspection Type	Compliance Evaluation	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR10HD41 (CoRR) NMR10HC35 (TLC) NMR10HC50 (Sandia View)	Telephone	(505) 222-9587
Inspection Date	5-10-2011	Entry Time	0830 hours, 5-10-2011
Inspector Type (circle one)	EPA <input type="checkbox"/> State      EPA Oversight	Exit Time	1230 hours, 5-10-2011
Facility Type (circle one)	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial      Residential      Municipal	Signature	/s/ Sarah Holcomb

<b>Facility Location Information</b>					
Name/Location/ Mailing Address	West Branch Channel Near Golf Course and Westside Road in Rio Rancho, NM Mailing: (CoRR) 3200 Civic Center Circle, Rio Rancho, NM 87144				
GPS Coordinates	Latitude	N. 35° 13.070"	Longitude	W. -106° 41.046"	
Receiving Water(s)	Rio Rancho MS4 (Black Arroyo) to the Rio Grande in segment 20.6.4.106 NMAC				
Disturbed Area	1.25 acres	Start Date	6-18-2010	Stop Date	3-18-2011

<b>Contact Information</b>		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Sandia View LLC – owner City of Rio Rancho – owner TLC – general contractor	
Facility Contact	Mr. Xavier Pettes, City of Rio Rancho Mr. Ron Burnett, TLC	505-891-5045 505-761-9696
Authorized Official(s)	Mr. Robert Geringer, Managing Member, Sandia View LLC Mr. Rob Burnett, VP, TLC Company Inc. Mr. Tom Swisstack, Mayor, City of Rio Rancho	310-385-5970 505-761-9696 505-891-5001

<b>Site Information:</b> (circle all that apply)							
Nature of Project	Residential	<input checked="" type="checkbox"/> Commercial/ <input type="checkbox"/> Industrial	Roadway	Private	Federal	<input type="checkbox"/> State/ <input checked="" type="checkbox"/> Municipal	Other
Construction Stage	Clearing/ Grubbing	Rough Grading	Infrastructure	Building Const.	<input type="checkbox"/> Final <input checked="" type="checkbox"/> Grading	Final Stabilization	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 &amp; 4</i>	<input checked="" type="checkbox"/>	N	SWPPP Prepared & Available <i>ESO Element 5 &amp; 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"/>	<input checked="" type="checkbox"/> Sandia View	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/>
NOI Date	See further exp.		SWPPP Date	3-30-2011	
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 Inspections Plus.		
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>	<input checked="" type="checkbox"/>	N	RUSLE: before 0.75 t/ac/yr, during 0.26 t/ac/yr, after 0.75 t/ac/yr.		
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	<input checked="" type="checkbox"/>	N			
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"/>	Scott Sensenbaugher, Utilities Engineer, City of Rio Rancho, signed without an authorization letter. No signature from TLC Company Inc (Ron Burnett signed on 5-11-2011).		

<u>Site Description</u>		<b>Notes:</b>	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Equipment storage, material storage, portolet, solvents, glue/adhesives, debris/trash, Freon, oil and grease, fuel, TSS, dust.
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	
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	1.25 acres disturbed/1.25 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	
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> <b>Rio Rancho MS4 (Black Arroyo) thence to Rio Grande in segment 20.6.4.106 NMAC (yes for <i>E. coli</i>)</b>
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"/>	Only estimated dates are included in the document.
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	Criterion E

<b>Controls to Reduce Pollutants</b>		<b>Notes:</b>	
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"/>	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"/>	N	Temporary – tackifier. Permanent – gravel.
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	<input checked="" type="checkbox"/>	N	
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"/>	N	Vegetated swales are discussed.
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"/>	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>	<input checked="" type="checkbox"/>	N	Infiltration, velocity dissipation.
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"/>	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	<input checked="" type="checkbox"/>	N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	N	N/A
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/>	N	Firefighting, wash water, dust control, air conditioning condensate.

<b>Controls to Reduce Pollutants (cont'd)</b>		<b>Notes:</b>
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	
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	There was no indication that BMPs needed to be added or modified at this point in the project.

<b>Inspections</b>		<b>Notes:</b>
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	No inspections were included in the Rio Rancho copy of the SWPPP.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input type="checkbox"/> Y <input type="checkbox"/> N	
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input 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 type="checkbox"/> Y <input type="checkbox"/> N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input type="checkbox"/> Y <input type="checkbox"/> N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	<input type="checkbox"/> Y <input type="checkbox"/> N	

## Notes on SWPPP Review

### **Site Description:**

This inspection was prompted by a citizen complaint. A citizen living near the construction area was experiencing asthma and indicated that their children were coughing up blood. Although the NPDES CGP doesn't necessarily regulate dust, there are provisions within the permit to control dust during operations. Aside from this construction site, the city has another project (Wellspring Ave., which was also inspected on this day) and the Presbyterian Rio Rancho Hospital is also under construction in this area.

This construction project concerns the installation of water and sewer lines, as well as dry utilities in the area.

Sandia View LLC is the property owner in this project area. The City of Rio Rancho owns the right-of-way and has control over plans and specifications of the project. TLC is the general contractor for the dry utility installation. Sandia View filed their NOI on 4-1-2011, the City filed their NOI on 4-26-2011, and TLC filed their NOI on 3-29-2011. The permittees broke ground on the project on 4-4-2011. The City and Sandia View did not officially have coverage under the permit until 5-4-2011 and 4-8-2011, respectively.

Although Sandia View LLC, as the owner of the project, did obtain permit coverage, there was no evidence during this inspection that they had ever signed on to a SWPPP. All owners and operators must sign on to a SWPPP whether it is separate or joined.

Mr. Scott Sensenbaugher signed the NOI for the City of Rio Rancho. As the Utilities Engineer, he may not have the proper authority to sign for the city, as required in Appendix G.11.3 of the permit. Mr. Sensenbaugher also signed the SWPPP for the city without a letter delegating the authority to him to do so.

Although there were no inspections included in the Rio Rancho SWPPP, a representative from TLC provided the inspector with the first inspection report for the site, conducted on 5-9-2011. There should have been two inspections prior to this inspection since construction was started on 4-4-2011.

<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 43, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>No stabilization measures at this time.</p>
<p><b>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?</b> <i>ESO Element 46</i></p>	<p><i>(e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?)</i></p> <p>N/A</p>

<b><u>Structural Practices</u></b>	
<p><b>List and describe structural controls</b> <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> <p>1. None at the time of the inspection.</p>
<b><u>Non-Structural Practices</u></b>	
<p><b>Street Cleaning</b> <i>ESO Element 44</i></p>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>Has not been conducted.</p>
<p><b>Good Housekeeping &amp; Waste Disposal Practices</b> <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 was picked up as needed.</p>
<p><b>Equipment Wash/Maintenance Area</b> <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>N/A</p>
<p><b>Concrete Washout Areas</b> <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>No concrete washout on site at the time of this inspection.</p>

## NPDES Industrial Storm Water Worksheet (Construction)

<u>Miscellaneous</u>	
<p><b>Evidence of Sediment Deposition to Surface Waters</b>  <i>*ESO Eligibility - if "yes," site not eligible for ESO</i></p>	<p><i>(e.g., significant turbidity observed in a receiving water body)</i></p> <p>Yes, sediment and straw (straw crimping as a final stabilization measure from an adjacent project) were observed in the AMAFCA channel during this inspection. Rio Rancho's MS4 is mainly comprised of natural (dirt) arroyos, so some of the sediment may have come from upstream.</p>
<p><b>Pollution prevention measures for non-storm water discharges?</b>  <i>*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO</i></p>	<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>
<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><i>(provide brief description)</i></p> <p>There is no documentation that indicates that major BMPs needed to be modified or added.</p>