



NEW MEXICO  
ENVIRONMENT DEPARTMENT



*Surface Water Quality Bureau*

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Secretary

RAJ SOLOMON, P.E.  
Deputy Secretary

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**Certified Mail - Return Receipt Requested**

July 18, 2011

Mr. Patrick Themig, Vice President, Generation  
PNM  
Alvarado Square Mail Stop 2104  
Albuquerque, New Mexico 87158

**RE: Construction Storm Water; SIC 1611; NPDES Compliance Evaluation Inspection; Las Vegas Solar Energy Center; NMR10HC67; June 29, 2011**

Dear Mr. Themig:

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 2008 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 attached further explanations. 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, 6EN-WM, USEPA, 1445 Ross Avenue, Dallas, Texas 75202-2733) and NMED Surface Water Quality Bureau Program Manager (address above) 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) 827-2575.

Sincerely,

*/s/Daniel Valenta*

Daniel Valenta  
Surface Water Quality Bureau

CC: Carol Peters-Wagnon, USEPA by email  
Marcia Adams, USEPA by email  
Diana McDonald, USEPA by email  
Samuel Tates, USEPA by email  
NMED, District II by email



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   H   C   6   7   11   12   1   1   0   6   2   9   17   18   }				19   S   20   2	
Remarks					
C   O   N   S   T   R   U   C   T   I   O   N   >   10   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)  <b>Las Vegas Solar Energy Center/Exit US 25 in to Las Vegas on State 85, from 85 travel north on 518 toward Storrie Lake. Before reaching Pork Chop Hill Road turn east onto the gravel road going west.</b>	Entry Time /Date <b>1355/6-29-11</b>	Permit Effective Date <b>6-30-08</b>
	Exit Time/Date <b>1617/6-29-11</b>	Permit Expiration Date <b>2-15-12</b>
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) <b>Mr. Douglas Campbell/ Manager, Environmental Planning and Permitting /505-241-2025 cell 505-249-3285</b>	Other Facility Data <b>Construction Site</b>	
Name, Address of Responsible Official/Title/Phone and Fax Number <b>Mr. Patrick Themig, Alvarado Square Mail Stop 2104, Albuquerque, New Mexico 87158/ PNM Vice President, Generation/ 505-241-2025 fax 505-241-2384</b>	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	
<b>LAT 35° 38' 35.86" N LONG -105° 11' 33.48" W SIC CODE - 1611</b>		

#### 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
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

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

Daniel Valenta and Sandra Gabaldon of the NMED/SWQB arrived on site at 1342 hours on 6/29/11, the inspector conducted an entrance interview with Mr. Douglas G. Campbell, Manager, Environmental Planning and Permitting, where he presented his credentials and explained the purpose of the inspection. An exit interview to discuss the preliminary finding on the inspection was conducted with Mr. Campbell at approximately 1617 hours on 6/29/2011 at the construction site.

- This report is based on review of files maintained by the permittee and EPA NOI Database, on site observation by NMED personal and verbal information provided by the facility's representative.

Name(s) and Signature(s) of Inspector(s) <b>DANIEL VALENTA /s/Daniel J. Valenta</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB 505-827-2575</b>	Date <b>7/18/2011</b>
Signature of Management QA Reviewer <b>RICHARD POWELL /s/Richard Powell</b>	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB 505-827-2798</b>	Date <b>7/18/2011</b>

National Database Information			General		
Inspection Type	Compliance Evaluation		Inspector Name	Daniel Valenta	
NPDES ID Number	NMR10HC67		Telephone	(505) 827-2575	
Inspection Date	6/29/2011		Entry Time	1342	
Inspector Type (circle one)	EPA	State	EPA Oversight	Exit Time	1617
Facility Type (circle one)	Commercial	Industrial	Residential	Municipal	Signature

Facility Location Information					
Name/Location/ Mailing Address	Las Vegas Solar Energy Center 3140 7 <sup>th</sup> Street Las Vegas, NM 87701				
GPS Coordinates	Latitude	35° 38' 35.86"	Longitude	-105° 11' 33.48"	
Receiving Water(s)	Unnamed Arroyo and Arroyo Pecos thence Gallinas River in 20.6.4.221 of the Pecos River Basin.				
Disturbed Area	79 acres	Start Date	6/20/11	Stop Date	11/7/11

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Owner/Developer: Public Service Company of New Mexico	505-241-2025
Facility Contact	Manager, Environmental Planning and Permitting – Douglas Campbell	505-249-3285
Authorized Official(s)	Mr. Patrick Themig – Vice President, Generation	505-241-2025

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	

<b>Basic Permit Information</b>			<b>Basic SWPPP Information</b>		
Permit Coverage <i>ESO Element 3 &amp; 4</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	SWPPP Prepared & Available <i>ESO Element 5 &amp; 30</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Permit Type	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	<input type="checkbox"/> 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 type="checkbox"/> Y	<input checked="" type="checkbox"/> N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
NOI Date	4/6/11		SWPPP Date	4/4/11	
If applicable, is waiver certification & approval on file?	<input type="checkbox"/> Y	<input type="checkbox"/> N	<i>Intentionally left blank</i>		

<b>SWPPP Review (can be completed in office)</b>					
<b>General</b>				<b>Notes:</b>	
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Pre-construction	1.9 t/ac/yr	
			Construction phase	9.2 t/ac/yr	
			Post-construction	1.0 t/ac/yr	
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	<input type="checkbox"/> Y	<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"/> Y	<input type="checkbox"/> N			Construction ongoing, all inspection reports included with the SWPPP.
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N			

Site Description		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	N	PNM is responsible for the implantation of the SWPPP at the site.
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	NOI lists 79.00 acres disturbed, SWPPP lists 101 acres.
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>	Y	<input checked="" type="checkbox"/>	Not provided on the site map but on site description.
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	Silt fences/wattles, stabilized construction entrance, and cement wash area, pond, rip rap
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	Equipment staging areas and fueling.
Location/description industrial activities? <i>ESO Element 9G</i>	Y	<input checked="" type="checkbox"/>	No industrial activities on site.
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Receiving streams are the Arroyo Pecos & an unnamed arroyo thus to the Gallinas River.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	<input checked="" type="checkbox"/>	N	
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	The permittee checked E on the NOI, documentation provided.

<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"/> Y	N Site will have silt fences, straw waddles with a rocked stabilized entrance for vehicle track-out. A concrete wash out area will be provided with settling ponds on the east and west side.
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 Site described as having permanent stabilization by 10/10/11.
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"/> Y	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"/> Y	N Site will have silt fences, straw waddles, with a rocked stabilized entrance for vehicle track out.
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 PNM listed as responsible for structural practices, activity noted on sequence of construction events timeline.
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"/> Y	N Use of settling ponds with overflow outfall, local vegetation to stabilize soils.
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 Measures described are the use of listed BMP's.
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 With a rocked stabilized entrance to prevent vehicle track out and spray to suppress dust.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y	<input checked="" type="checkbox"/> N Waste materials and construction waste will not be stored on site.
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	<input checked="" type="checkbox"/> Y	N SWPPP lists no non-construction discharges.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N

<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 checked="" type="checkbox"/> Y <input type="checkbox"/> N	

<b>Inspections</b>		<b>Notes:</b>
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? <i>ESO Element 32</i>	Y <input checked="" type="checkbox"/> N	Inspections performed: 6/2/11-6/7/11-6/21/11-rain event- 6/29/11. Post rain event inspection performed 35 hours after event not the required 24 hours.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input checked="" 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 checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	Y <input checked="" type="checkbox"/> N	No silt fence on sides sloping towards arroyos as described in SWPPP. Inspection reports indicate these areas OK, silt fencing and/or berms absent from sloping sides.
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	Y <input checked="" type="checkbox"/> N	Inspection reports note discharge points were inspected and no sediment deposits found. However Inspectors on 6/29/11 found sheet flow and down cutting from water/sediment leaving the site and entering the arroyo along with a channel that was dug to drain the sediment pond into the arroyo, see photos.
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Inspection report contain all required items and certified? <i>ESO Element 39; 40</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	

### **Site Description:**

As part of the PNM effort to comply with the New Mexico renewable portfolio standard, which currently requires that 10 percent of energy provided to customers come from renewable resources. Solar Plants are to be built in Deming, Alamogordo and Las Vegas. This inspection took place at the Las Vegas site. Clearing and grubbing commenced at the site on 6/20/11. The Notice of Intent (NOI) submitted on 4/6/11 listed the estimated area to be disturbed (to the nearest quarter acre) as 79.00 but the SWPPP lists the site as 101 acres with 100% of the site to be disturbed. The site is bordered on the east by an unnamed arroyo that was flowing on the day of the inspection. On the west side of the property is the Arroyo Pecos. These two arroyos merge and drain into the Gallinas River, (see overview). As explained by Mr. Campbell the site needed to be leveled and graded to provide the proper slope for runoff.

“Large Construction Activity” is defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

**Per 3.1 Effluent Limits to Reduce Pollutants in Stormwater Discharges:** You must implement control measures to minimize pollutants in stormwater discharges.

A. ***Sediment Controls:*** You must implement the following, where applicable:

1. **Sediment Basins:** For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils,

**SWPPP Implementation** (*complete in field*)

**Stabilization Practices**

**List and describe stabilization practices**  
*ESO Element 43, 48*

(*e.g., seeding, mulching, geotextiles, sod stabilization*)

The site was undergoing active re-grading with no stabilization.

SWPPP describes:

Interim measures include the use of reinforced silt fencing and straw wattles. Disturbed areas will be protected with sediment control structures to prevent discharge of sediment into waterways.

All cleared and graded soils will be returned to their original or new contours. Permanent stabilization will include the replacement of original landscaped materials and application of native grass seed when required. These areas will be watered and maintained to control dust and surface runoff.

**Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?**  
*ESO Element 46*

(*e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?*)

Active construction site.

**Structural Practices**

**List and describe structural controls**  
ESO Element 42, 43, 47

*(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)*

Structural controls described in the Sediment Control Plan (SCP) are the use of silt fences, sediment basins, stabilized construction entrance, and waddles.

**Non-Structural Practices**

**Street Cleaning**  
ESO Element 44

*(e.g., describe measures taken to remove offsite accumulation of sediment)*

The site is located away from the main road. To get to the main road one drives over a wood plank support structure and gravel road.

**Non-Structural Practices**

**Good Housekeeping  
& Waste Disposal  
Practices**  
ESO Element 45

*(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)*  
Construction site appeared orderly.

**Equipment Wash/  
Maintenance Area**  
ESO Elements 43

*(provide brief description)*  
Equipment not washed or maintained on site.

**Concrete Washout  
Areas**  
ESO Elements 43

*(provide brief description)*  
Concrete/mortar wash area will be established when needed, planned for and noted on site map.

**Miscellaneous**

**Evidence of Sediment  
Deposition to Surface  
Waters**  
*\*ESO Eligibility - if  
"yes," site not eligible  
for ESO*

*(e.g., significant turbidity observed in a receiving water body)* Yes  
Yes, see photos.

**Miscellaneous**

**Pollution prevention measures for non-storm water discharges?**

*\*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO*

*(provide brief description and determine whether/if non-storm water discharges allowable)*

SWPPP notes, there are no other sources of non-storm water discharges, other than those allowed and listed in subpart 1.3 b of the CGP.

No pollution prevention measures listed.

**Has implementation of additional/modified BMPs been completed before next anticipated storm event?**

*ESO Element 43.C.1*

*(provide brief description)*

Pictures have been sent to the Inspector during the writing of this report documenting the completion of the sediment ponds and silt fences to correct the missing BMP's on the east and west side of the construction project.

**Notes on SWPPP Implementation**

The road leading into the site had the BMP's as described in the SWPPP. The road crossing through the Arroyo Pecos had the described BMP's. However the main disturbed area, (see photo 1-4) had no BMP's in place, along the Arroyo Pecos and the unnamed arroyo to the east, (see overview). The small detention pond on the east side had been intentionally breached and the contents discharged into the unnamed arroyo by the digging of a trench.

**NMED/SWQB  
Site Overview**

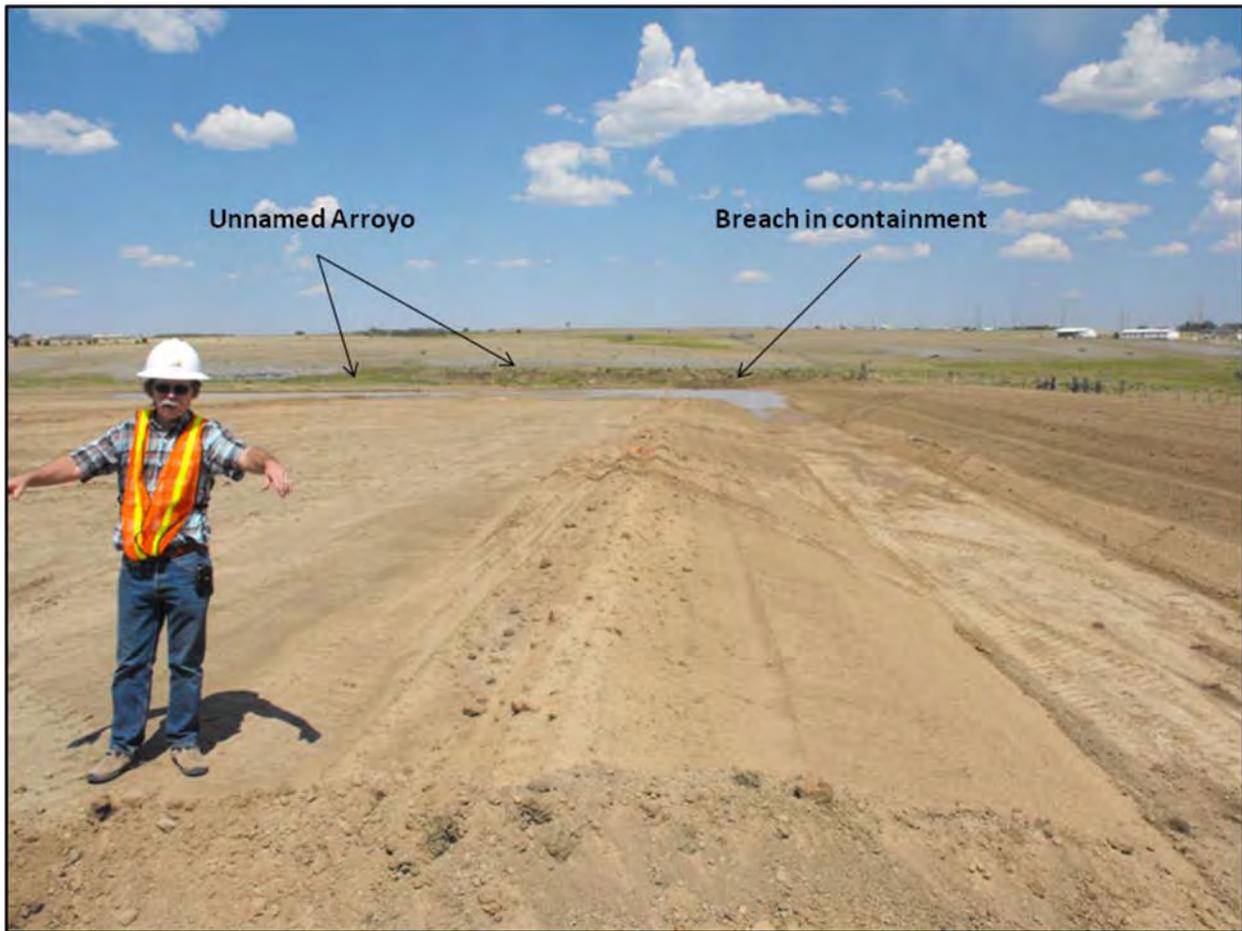
City/County: North of the City of Las Vegas/San Miguel County	
Location: 3140 7 <sup>th</sup> Street, Las Vegas, New Mexico 87701	
Subject: Location of the Las Vegas Solar Energy Center	



**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 6/29/2011	Time: 1525 hours
City/County: North of the City of Las Vegas/San Miguel County		
Location: Las Vegas Solar Energy Center, 3140 7 <sup>th</sup> Street, Las Vegas, New Mexico 87701, facing east.		
Subject: East sloping site of side toward the unnamed arroyo.		



**NMED/SWQB  
Official Photograph Log**

Photo # 2

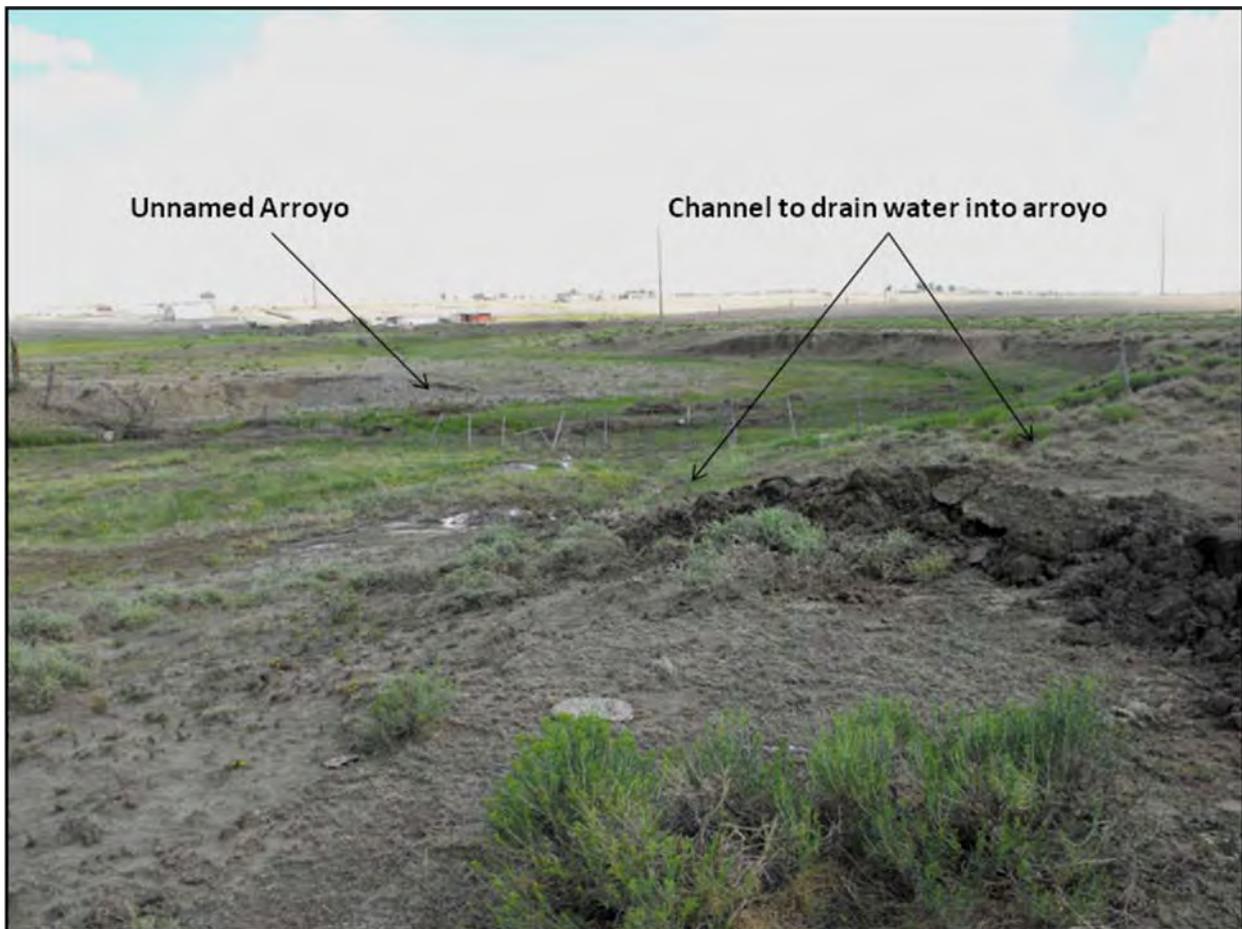
Photographer: Daniel Valenta	Date: 6/29/2011	Time: 1528 hours
City/County: North of the City of Las Vegas/San Miguel County		
Location: Las Vegas Solar Energy Center, 3140 7 <sup>th</sup> Street, Las Vegas, New Mexico 87701, facing east.		
Subject: Ditch was dug to breach the containment berm and discharge to the unnamed arroyo.		



**NMED/SWQB  
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 6/29/2011	Time: 1529 hours
City/County: North of the City of Las Vegas/San Miguel County		
Location: Las Vegas Solar Energy Center, 3140 7 <sup>th</sup> Street, Las Vegas, New Mexico 87701, facing southeast.		
Subject: Ditch was dug to breach the containment berm and discharge to the unnamed arroyo.		



**NMED/SWQB  
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: 6/29/2011	Time: 1536 hours
City/County: North of the City of Las Vegas/San Miguel County		
Location: Las Vegas Solar Energy Center, 3140 7 <sup>th</sup> Street, Las Vegas, New Mexico 87701, facing west.		
Subject: Facing west away from the unnamed arroyo toward the construction site. Visible traces of flow discharging from the construction site along channels.		

