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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

Certified Mail – Return Receipt Requested

March 23, 2012

Mr. David Otoski, Vice President
Mountain States Constructors, Inc.
3601 Pan American Fwy NE #111
Albuquerque, NM 87107

RE: Construction Stormwater, SIC 1521, NPDES Compliance Evaluation Inspection, Mountain States Constructors, Inc., W. College Blvd. Extension, NPDES Permit NMR10HJ45, Roswell, New Mexico, March 15, 2012

Dear Mr. Otoski:

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.

I want to thank you for the assistance of Mr. Steve Roper during this inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 222-9587.

Sincerely,

Sarah Holcomb
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) (by e-mail)
Samuel Tates, USEPA (6EN-AS) (by e-mail)
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)
Diana McDonald, USEPA (6EN-AS) (by e-mail)
Darlene Whitten-Hill, USEPA (6EN-AS) (by e-mail)
Frank Fiore, NMED District 3 Manager (by e-mail)



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 J 4 5 11 12 1 2 0 3 1 5 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) W COLLEGE BLVD EXTENSION, ROSWELL, NM, CHAVES COUNTY: FROM NM 380, TURN NORTH ON THE RELIEF ROUTE. THE CONSTRUCTION SITE IS OVER ON THE EAST SIDE AT COLLEGE BLVD.	Entry Time /Date 1315 hours / 3-15-2012	Permit Effective Date 8-1-2008
	Exit Time/Date 1615 hours / 3-15-2012	Permit Expiration Date 2-15-2012
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) MR. STEVE ROPER, SUPERINTENDENT, MSCJ (505) 292-0108 MR. LOUIS NAJAR, P.E., CITY OF ROSWELL (575) 637-6281	Other Facility Data SIC 1521 GPS: N. 33° 4098" W. -104° 5763"	
Name, Address of Responsible Official/Title/Phone and Fax Number MR. DAVID OTOSKI, VICE PRESIDENT (575) 637-6240 3601 PAN AMERICAN FWY NE, #111, ALBUQUERQUE, NM 87107	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	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	M	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	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)

- INSPECTOR ARRIVED ON SITE AND CONDUCTED AN ENTRANCE INTERVIEW WITH MR. STEVE ROPER, SUPERINTENDENT. THE INSPECTOR MADE INTRODUCTIONS, PRESENTED CREDENTIALS AND EXPLAINED THE PURPOSE OF THE INSPECTION.
- INSPECTOR CONDUCTED AN EXIT INTERVIEW WITH MR. ROPER AND MR. LOUIS NAJAR, ENGINEER FOR THE CITY OF ROSWELL, AT THE SITE AT APPROXIMATELY 1545 HOURS ON 3-15-2012.

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

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR10HJ71 (Roswell) NMR10HJ45 (MSCI)	Telephone	(505) 222-9587
Inspection Date	3-15-2012	Entry Time	1315/3-15-2012
Inspector Type (circle one)	EPA <input type="checkbox"/> State <input type="checkbox"/> EPA Oversight <input type="checkbox"/>	Exit Time	1615/3-15-2012
Facility Type (circle one)	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial Residential Municipal	Signature	

Facility Location Information					
Name/Location/ Mailing Address	W. College Blvd. Extension Near intersection of NM-380 and NM-70 in Roswell Mailing address: 415 N. Richardson, Roswell, NM 88201				
GPS Coordinates	Latitude	33° 4098"	Longitude	-104° 5763"	
Receiving Water(s)	North Spring River, thence to the Rio Hondo, thence to the Pecos River in 20.6.4.206 NMAC				
Disturbed Area	18 acres	Start Date	10-17-2011	Stop Date	7-2-2012

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	City of Roswell – owner (CoR) Mountain States Constructors Inc. – GC (MSCI)	
Facility Contact	Mr. Steve Roper, Superintendent (MSCI) Mr. Louis Najjar, Engineer (CoR)	505-292-0108 575-637-6281
Authorized Official(s)	Mr. Larry Fry, City Manager (CoR) Mr. David Otoski, VP (MSCI)	505-637-6240 505-292-0108

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

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> Y	N	SWPPP Prepared & Available <i>ESO Element 5 & 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>	Y	<input checked="" type="checkbox"/> N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/> N
NOI Date	10-5-2011		SWPPP Date	9-26-2011	
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"/> Y	N	SWPPP was drafted by Indigo Engineering.		
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y	N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/> Y	N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input checked="" type="checkbox"/> N	A start to a sediment and erosion control plan was included in the permit but did not assess BMP effectiveness.		
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	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	N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/> Y	N	SWPPP was kept on site in the operator's trailer.		
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input checked="" type="checkbox"/> N	SWPPP was signed by Mr. John Hughes, VP of MSCI and Mr. Louis Najjar of the City. Mr. Larry Fry or the mayor should be signing for the city.		

<u>Site Description</u>		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Soil disturbance, paving, storage and maintenance, material handling, refuse, equipment storage, human/animal waste.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Is there a site map? <i>ESO Element 9E</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Area of soil disturbance on site map? <i>ESO Element 9F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	<input type="checkbox"/> Y	<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 type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Location/description industrial activities? <i>ESO Element 9G</i>	<input type="checkbox"/> Y	<input type="checkbox"/> N	N/A
Name of Receiving water(s) or MS4 listed?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Spring River thence to Rio Hondo thence to Pecos River in segment 20.6.4.206 NMAC (Yes, for nutrients, turbidity, DO, and sedimentation/siltation)
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Dates contained in the SWPPP are estimated. Actual dates are not reflected in the paperwork.
Endangered Species Documentation? <i>ESO Element 23</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Certified Criterion E, however, there is no documentation other than a species list for the county to back this up.

<u>Controls to Reduce Pollutants</u>		Notes:	
Does the SWPPP include a description of all pollution control measures (BMPs) that will be implemented to control pollutants in storm water discharges, including sequence and which operator responsible for implementation? <i>ESO Element 10 A – C</i>	Y	<input type="checkbox"/> N	
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>	Y	<input type="checkbox"/> N	Permanent stabilization is partially discussed through seeding and landscape. Paving is not mentioned. Temporary stabilization is not addressed.
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	Y	<input type="checkbox"/> N	Contractor is identified (Caldon Seeding) but timing is not.
Does the SWPPP include a description of <i>structural practices</i> (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? <i>ESO Element 15</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP identify the contractor(s) and timing by which <i>structural practices</i> will be implemented? <i>ESO Element 10B - 10C</i>	Y	<input type="checkbox"/> N	
Does the SWPPP identify storm water management measures to address storm water runoff once the construction is completed (e.g., retention ponds, velocity dissipation controls)? <i>ESO Element 16</i>	Y	<input type="checkbox"/> N	
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? <i>ESO Element 17</i>	Y	N	N/A
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	Y	<input type="checkbox"/> N	Stabilized entrance, designated parking areas. Does not address dust.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	<input checked="" type="checkbox"/> Y	N	Trash collection in dumpster – dumpster cleared once/week.
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	N	N/A – no non-construction activities on site.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	Vehicle wash, dust control, pavement wash.

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>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	This was not addressed in the plan.
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	No new BMPs have been added/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>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	One inspection was missing between 10-19-11 and 11-16-2011.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	No credentials/training in the plan for Leroy Chavarria.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Not addressed on inspection form.
Inspection report contain all required items and certified? <i>ESO Element 39; 40</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	No authorization letter was signed to allow Mr. Chavarria to sign on behalf of the city of Roswell. MSCI did sign an authorization letter on 10-5-2011.

Notes on SWPPP Review

Site Description:

This project concerns the expansion of W. College Blvd in Roswell, NM. The City is the owner of the project and has contracted Mountain States Constructors Inc., to perform the on-the-ground work for them. Work began near the beginning of October. At the time of this inspection, MSCI representatives indicated that they would most likely finish work in the next few weeks.

The NOIs for permit coverage were submitted on 9-29-2011 for MSCI and 10-5-2011 for the City. The NOI from MSCI was signed appropriately by David Otoski, Vice President. However, the NOI for the City was signed by Louis Najar, Engineer. The permit specifically states in Appendix G.11 that the responsible party signing for a city must be either a principal executive officer or ranking elected official. It does not appear that Mr. Najar meets this definition, therefore the NOI should have been signed by either the mayor or another appropriate city official. Effectively, this means that the City of Roswell did not have permit coverage. The NOI must be resubmitted with the correct signature.

The SWPPP was missing quite a few items, the largest of which was the specific site map. There were a few general location maps available but nothing to show the specifics of the site, which is required in the permit. Other items that were missing were: 1) actual dates of construction activity, 2) the total area of the site and the total area to be disturbed, 3) a sequence and responsibility determination for BMP installation, 4) a description of measures to be used for permanent and temporary stabilization, 5) timing for the implementation of structural practices, 6) post construction stormwater management measures, 7) a description of measures used to control dust from the site, and 8) assurances that the appropriate measures would be taken to mitigate any non-stormwater discharges from the project.

On the NOI, both parties indicated that they were eligible for permit coverage under Criterion E of the Endangered Species Act requirements in the permit. However, upon review of the SWPPP, there was nothing besides a species list for the county to back up that eligibility. If a site will be certifying under Criterion E, the "action area" as defined in the definitions section of the permit, should be considered and documentation should be included in the SWPPP to show that the activities at the site will not affect the action area through the proper selection of BMPs.

There were eleven inspections conducted through the duration of this project. Indigo Engineering, who also put together the SWPPP, was contracted to perform the inspections for the City and MSCI. One inspection was missing between 10-19-2011 and 11-16-2011. Five of those inspection forms left the majority of the form blank – general information such as the date, weather, and inspector's name were filled out, but nothing pertaining to the actual inspection was documented. Also, there were no certifications or training documents contained in the SWPPP to show that Mr. Leroy Chavarria was a "qualified person". Mr. Chavarria was signing the inspection reports – he did have an authorization letter from MSCI to allow him to do so, however, there was no authorization letter from the City to allow him to sign on their behalf. The latter inspection forms indicated that work had been in place on the site longer than it had. Specifically, some of the latter inspection forms indicated that drop inlets had been installed for a few months, when according to MSCI staff, they had only just been installed a few weeks prior to this inspection.

SWPPP Implementation *(complete in field)*

<u>Stabilization Practices</u>	
List and describe stabilization practices <i>ESO Element 43, 48</i>	<i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i> 1. None at the time of this inspection. Final grading was going into place and the contractor was preparing for pavement.
Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? <i>ESO Element 46</i>	<i>(e.g., indicate “yes” or “no”; if “yes”, how long without stabilization measures?)</i> According to the permittee’s representative, construction has not stalled on this project for more than two weeks at a time.

<u>Structural Practices</u>	
List and describe structural controls <i>ESO Element 42, 43, 47</i>	<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> 1. Straw Wattles – located downstream of non-discharging culverts. 2. Dirt berm – located along the perimeter of the site.
<u>Non-Structural Practices</u>	
Street Cleaning <i>ESO Element 44</i>	<i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i> None needed at this time.
Good Housekeeping & Waste Disposal Practices <i>ESO Element 45</i>	<i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i> Contractor conducts a trash pick up site wide weekly. Portolets are staked down and located out of construction traffic route.
Equipment Wash/Maintenance Area <i>ESO Elements 43</i>	<i>(provide brief description)</i> N/A – all equipment maintenance is done with a mobile unit.

<p>Concrete Washout Areas <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>There was no concrete washout at the time of this inspection.</p>
<p><u>Miscellaneous</u></p>	
<p>Evidence of Sediment Deposition to Surface Waters <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>None observed at the time of this inspection.</p>
<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>	<p><i>(provide brief description and determine whether/if non-storm water discharges allowable)</i></p> <p>No non-stormwater discharges were occurring at the time of this inspection.</p>
<p>Has implementation of additional/modified BMPs been completed before next anticipated storm event? <i>ESO Element 43.C.1</i></p>	<p><i>(provide brief description)</i></p> <p>There was no indication in the inspections that new or modified BMPs were needed at the time of this inspection.</p>