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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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DAVE MARKLIN
Secretary

BUTCH TONGATE
Deputy Secretary

February 2, 2012

Mr. Jason File, Company President
Les File Drywall
116 Industrial NE
Albuquerque, New Mexico 87107

RE: Construction Storm Water; SIC 1611; NPDES Compliance Evaluation Inspection; Les File Drywall; NMR10HK37; January 4, 2012

Dear Mr. File:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility 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 Further Explanations section of the 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 and NMED 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: Marcia Gail Adams, EPA, Enforcement Section by e-mail
Carol Peters-Wagnon, EPA by e-mail
Diana McDonald, EPA by e-mail
Samual Tate, EPA, by e-mail
Darlene Whitten-Hill, EPA, by e-mail
NMED District I by e-mail

NPDES Industrial Storm Water Worksheet (Construction)

National Database Information			General		
Inspection Type	Compliance Evaluation		Inspector Name	Daniel Valenta	
NPDES ID Number	NMR10HK37		Telephone	(505) 827-2575	
Inspection Date	1/4/2012		Entry Time	1040	
Inspector Type <i>(circle one)</i>	EPA	<input checked="" type="checkbox"/> State	EPA Oversight	Exit Time	1210
Facility Type <i>(circle one)</i>	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential	<input type="checkbox"/> Municipal	Signature	

Facility Location Information					
Name/Location/ Mailing Address	Dollar General Retail Store/ 1811 Coors Blvd (NM Hwy 45), Albuquerque, NM 87107				
GPS Coordinates	Latitude	N. 35° 03' 10.79"	Longitude	W. -106° 42' 26.33"	
Receiving Water(s)	Albuquerque MS4; thence to Arenal Canal; thence to the Rio Grande				
Disturbed Area	1.2 acres	Start Date	10/26/2011	Stop Date	2/29/2012

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Owner/Developer: Les File Drywall General Contractor: Les File Drywall	(505)345-8283 (505) 804-1598
Facility Contact	Juan Carlos Torres, Site Superintendent	(505) 804-1598
Authorized Official(s)	Jason File, Company President	(505)345-8283

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

NPDES Industrial Storm Water Worksheet (Construction)

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	General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input type="checkbox"/>
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	Y	<input type="checkbox"/>	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input type="checkbox"/>
NOI Date	10/25/11		SWPPP Date	10/26/11	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

SWPPP Review <i>(can be completed in office)</i>					
General	Notes:				
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/>	N			
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	Y	<input type="checkbox"/>	SWPPP signed on 10/26/11 NOI signed on 10/25/11		
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 type="checkbox"/>	Increase in runoff velocity coefficient from 0.4 to 0.59.		
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input 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>	<input checked="" type="checkbox"/>	N	Signed by Company President.		

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<u>Site Description</u>			<u>Notes:</u>
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>	Y	<input checked="" type="checkbox"/>	
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	
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"/>	
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	Sediment Basins Earth Berms
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Building material stored inside building at this phase of the construction.
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	NA
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Albuquerque MS4; thence to Arenal Canal; thence to the Rio Grande
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>	Y	<input checked="" type="checkbox"/>	Criterion A on NOI, no supporting documents to support selection of A.

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<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	Only on site map. Generic list in SWPPP. Sequence and responsible operator are not documented.
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 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"/> 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>	<input checked="" type="checkbox"/> Y	N	Retention ponds
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	NA
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	Y	<input type="checkbox"/> N	Water for dust suppression and a rocked entrance.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y	<input type="checkbox"/> N	No storage of construction or waste material on the site.
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	<input type="checkbox"/> N	
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	

NPDES Industrial Storm Water Worksheet (Construction)

<u>Controls to Reduce Pollutants (cont'd)</u>		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
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
		All inspection reports noted the need to correct the problems with the entrance BMP. No actions to repair/correct BMP documented.

<u>Inspections</u>		Notes:
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
		First inspection documented on 11/10/2011, next inspection on 12/9/2011. Between the first inspection and the second 28 days passed.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input checked="" type="checkbox"/> Y	N
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 contain all required items and certified? <i>ESO Element 39; 40</i>	<input checked="" type="checkbox"/> Y	N

NPDES Industrial Storm Water Worksheet (Construction)

Notes on SWPPP Review

Site Description:

The site is a 1.2 acre lot facing Coors Blvd, a busy four lane road (see photo 1). The back of the site is an undeveloped lot which has a higher elevation, water would flow from the back to the front. The north and south side of the site is bermed on one side, cinder block wall on the other; thus stormwater could not flow on to the property or off the site in this direction. The front of the site has a small berm approximately 15 feet from the sidewalk; The construction site is lower in elevation than the sidewalk.

Findings:

Per Part 1.3, C, 6, C; **LIMITATIONS ON COVERAGE**; “*Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are in the project area as defined in Appendix C*”.

To be eligible for coverage under the CGP, you must use the process in Appendix C (ESA Review Procedures) to determine eligibility *PRIOR* to submittal of the Notice of Intent (NOI). One must meet one or more of the following six criteria (AF) for the entire term of coverage under the permit. Criterion A was selected. This criterion cannot be use at this site because there are federally-listed threatened or endangered species in the final receiving waters.

Per Part 10, E, 1, b; **PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY, OR TERRITORIES**; “*The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4 NMAC, including the antidegradation policy, or WLAs are met. This requirement applies to discharges both during construction and after construction operations have been completed.*”

No sediment yield discharge calculations were performed as required. Calculations were performed to determine flow velocity. The calculated velocities increase from 0.40, pre-construction, to 0.59, post-construction.

SWPPP Implementation (*complete in field*)

Stabilization Practices

List and describe stabilization practices
ESO Element 43, 48

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

Stabilization practices noted in the SWPPP are:

Listed in SWPPP

Present at the site

Seeding – Temporary/Vegetation

Active phase of construction

Mulching

Not found at site

Surface Roughening

Yes

Erosion Control Mat

Not found at site

Buffer Strip

Yes

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?*)

No temporary stabilization practices have been initiated and it appears that the entire construction site has been continuously active.

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 listed in the SWPPP;

Listed in SWPPP

Present at the site

Silt Fence	Not found at the site
Straw Bale	Not found at the site
Diversion Channel Dike & Swale	Not found at the site
Slope Drain	Not found at the site
Drop Inlet Protection	Not found at the site
Culvert Protection	Not found at the site
Check Dam	Not found at the site
Sediment Trap	Not found at the site
Sediment Basin	Not found at the site
Triangular Sediment Filter Dike	Not found at the site
Offsite vehicle track out	Yes

Structural controls on site are dirt berms on two sides of the site with the other two sides at higher elevation than the construction site.

Non-Structural Practices

Street Cleaning
ESO Element 44

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

There was some tracked sediment on adjacent public roads and the operators do not appear to have practices in place to clean the streets as necessary.

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<u>Non-Structural Practices</u>	
<p>Good Housekeeping & Waste Disposal Practices ESO Element 45</p>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>Good housekeeping practices are discussed in detail the SWPPP. Site appeared clean and ordered.</p>
<p>Equipment Wash/Maintenance Area ESO Elements 43</p>	<p><i>(provide brief description)</i></p> <p>Apparently, no equipment maintenance is conducted on-site.</p>
<p>Concrete Washout Areas ESO Elements 43</p>	<p><i>(provide brief description)</i></p> <p>At one corner of the property there appeared to be dried concrete wash out. It was contained in this area.</p>
<u>Miscellaneous</u>	
<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>Sediment from the entrance/exit had been tracked to the street and into the stormwater drain, (see photo 1).</p>

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: Daniel Valenta	Date: 1/4/2012	Time: hours 1142
City/County: Albuquerque/Bernalillo		
Location: 1811 Coors Blvd (NM Hwy 45), Albuquerque, New Mexico, facing north.		
Subject: Front of Dollar General retail store construction site.		



