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DAVE MARTIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

September 29, 2011

N. Sean Grossetete, Managing Member
Enviroworks, LLC
P.O. Box 340
Edgewood, New Mexico 87015

RE: Construction Storm Water, SIC 1611, NPDES Compliance Evaluation Inspection, Enviroworks, LLC / Las Soleras and Beckner Road Extension, NMR15FD35, August 24, 2011

Dear Mr. Grossetete:

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 2003 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 further explanations section of this 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 regarding modifications and compliance schedules both the USEPA (Diana McDonald, USEPA (6EN-WM), 1445 Ross Avenue, Dallas, Texas 75202-2733) and the NMED Surface Water Quality Bureau Program Manager (at the address above).

If you have any questions about this inspection report, please contact me at 505-827-0418.

Sincerely,

/s/Erin S. Trujillo

Erin S. Trujillo
Surface Water Quality Bureau

cc: Marcia Gail Adams, USEPA (6EN-AS) by e-mail
Darlene Whitten-Hill, USEPA (6EN) by e-mail
Samuel Tates, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Robert Italiano, NMED District II, Santa Fe by e-mail
Jim Jordan, P.E., Project Manager, Jordan Engineering, L.L.C. by e-mail

Enviroworks, LLC
Las Soleras and Beckner Road Extension
NPDES Tracking No. NMR15FD35
August 24, 2011

Further Explanations

Introduction

On August 24, 2011, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo, accompanied by Daniel Valenta, both of the NMED SWQB, at the Las Soleras construction site following observations of erosion and damaged silt fence at Arroyo de los Chamisos in Santa Fe, New Mexico. Las Soleras master plan includes mixed residential, commercial and other uses on approximately 550 acres generally between I-25 on the south, Cerrillos Road on the west, Richards Avenue on the east and Governor Miles on the north. Construction activities associated with Las Soleras common plan of development include, but were not limited to, Beckner Road extension; Cerrillos Road intersection work at the planned Las Soleras Drive and Crossing at Chamiso to provide access to the development; and construction in the Arroyo de los Chamisos floodplain (storm sewer outfall and rip rap flood wall).

Stormwater discharges off-site to the City of Santa Fe Municipal Separate Storm Sewer Systems or MS4 (drop inlet at the corner of Beckner Road and Cerrillos Road) and on-site to unnamed tributaries and Arroyo de los Chamisos, thence to Arroyo Hondo, thence to Cienega Creek, thence to Santa Fe River, thence to Rio Grande. Both Cienega Creek approximately 5 miles southwest and Santa Fe River (non-pueblo Cochiti Reservoir to Paseo del Canon) approximately 8 miles southwest of the construction site are in segment 20.6.4.113 State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC) with designated uses of irrigation, livestock watering, marginal coldwater aquatic life, secondary contact, warmwater aquatic life, and wildlife habitat. This segment of the Santa Fe River does not support marginal coldwater aquatic life and has a Total Maximum Daily Load for sedimentation/siltation and turbidity.

Upon arrival at approximately 0850 hours on the day of the inspection, the inspector contacted Gordon L. (Skip) Skarsgard, Managing Member of both The Crossing, LTD. CO. and Beckner Road Equities, Inc. by telephone and briefly explained the purpose of the inspection. The inspector made introductions, explained the purpose of the inspection and presented credentials to James W. Jordan, P.E., Project Manager, Jordan Engineering, L.L.C. and Dale Mitchell, Project Superintendent, T L C Company, Inc. A representative for Enviroworks, LLC was not on site. On-site representatives were not immediately available for a tour. With approval from Mr. Jordan, the inspectors toured the site. Mr. Jordan was present during portions of the inspection. An additional site tour of Las Soleras construction and support activity areas was conducted and preliminary findings were discussed with Grant Morrison, Inspections Plus, Inc., Albuquerque, New Mexico. The inspectors left the site at approximately 1545 hours on the day of this inspection. Preliminary findings were discussed by telephone with Mr. Jordan and Mr. Mitchell on August 25 and Mr. N. Sean Grossetete, Managing Member, Enviroworks, LLC on August 26, 2005.

This report is based on a review of USEPA online notice of intent (eNOI) database, review of files maintained by the operator and permittees and NMED, on-site observation by NMED personnel, and verbal information provided by operator and permittees' on-site representatives. Additional information was obtained from on-line web sites, including www.lassoleras.com, City of Santa Fe on-line maps, and State of New Mexico Public Regulatory Commission on-line corporation queries.

Enviroworks, LLC Timeline

According to the operator and permittee on-site representatives, Las Soleras site development had multiple planned starts and mobilization, but no disturbance occurred prior to the date on inspection reports in the multiple plan Stormwater Pollution Prevention Plan (SWPPP) document which was 08/21/2008. The following table provides a timeline of Enviroworks, LLC Notice of Intents (NOIs), Notice of Terminations (NOTs) and SWPPPs for the Las Soleras common plan of development.

Date		Notes
01/09/2007	NOI NMR15FD35 4.5 acres disturbed	N. Sean Grossetete, Managing Member, Enviroworks, LLC signed/certified an NOI for Los Soleros (sic) to obtain permit coverage under the 2003 CGP. This NOI was not terminated on the day of this inspection.
02/21/2007	NOI NMR15FF91 975 acres disturbed	Nugget Sean Grossetete, Managing Member, Enviroworks, LLC signed/certified an NOI for Las Soleras on 02/21/2007 to obtain permit coverage under the 2003 CGP. NOI was terminated on 07/06/2007.
05/27/2008	1st SWPPP 175 acres 20 acres disturbed	1st SWPPP prepared for Beckner Road/Las Soleras, but not complete (signed/certified). 1st SWPPP stated, " <i>Beckner Rd/Las Soleras is a road cutting and paving project in Santa Fe. Construction activities will include installation of erosion controls, clearing and grading of the roadway site; excavation and backfill for installation of utilities; surfacing the road; installing curbs & gutters and stabilizing road cut areas.</i> "
08/14/2008		1st SWPPP completed (signed/certified) by Nugget S. Grossetete, Member Manager, Enviroworks, LLC, respectively.
03/03/2009	2nd SWPPP 175 acres 20% disturbed (i.e., ~35 acres)	2nd SWPPP was not signed/certified.
05/08/2009	SWPPP Amendment 175 ac 75 ac disturbed	SWPPP Amendment 2 was not signed/certified.
08/24/2009	SWPPP Amendment 175 ac 80 ac disturbed	SWPPP Amendment 3 was not signed/certified.
04/08/2011	NOI NMR10HC47 100 acres disturbed	N. Sean Grossetete, Enviroworks, LLC signed/certified an NOI for Los Soleras (sic) on 04/08/2011 (Tracking No. NMR10HC47) to obtain permit coverage under the 2008 CGP. This NOI was not terminated on the day of this inspection.

Enviroworks, LLC (NPDES Tracking No. NMR15FD35) Findings

Enviroworks, LLC NOI for an estimated 4.5 acres of disturbance submitted on 01/09/2007 (Tracking No. NMR15FD35) indicated that a SWPPP was prepared in advance of filing. NOI endangered species information certified under Criterion A. Based on information from on-site permittee representatives, there was no SWPPP, including required endangered species documentation, prepared prior to 05/27/2008.

On 08/14/2008, a SWPPP initially for 20 acres of disturbance was completed (signed/certified) by Nugget S. Grossetete, Member Manager, Enviroworks, LLC then amended for additional acreage. Enviroworks, LLC did not submit an NOI to increase the acreage of their permit coverage after signing the 1st SWPPP. Appendix G.12.H of the 2003 CGP states, "*Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.*"

On the day of this inspection, the multiple plan SWPPP document did not contain NOI NMR15FD35. The multiple plan SWPPP document did not contain copies of any written notification to USEPA or the NOI processing center to increase the acreage of their permit coverage (e.g., modifications to the NMR15FD35 and/or submittal of additional NOIs). Part 6 (Retention of Records) of the 2003 CGP states, *“Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.”*

End Notes:

1. It is noted that Enviroworks LLC's 2nd NOI (NPDES Tracking No. NMR15FF91) also indicated that a SWPPP was prepared in advance of filing.
2. Enviroworks, LLC will receive a CEI report for NPDES Tracking No. NMR10HC47, including further explanations, worksheet and photo log, under a separate EPA 3560 form.