



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us

RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

Certified Mail - Return Receipt Requested

September 8, 2010

Mr. Gabe Joseph
Kitts Development Inc.
7820 Enchanted Hills Blvd #A, Mailbox 136
Rio Rancho, NM 87144

RE: Construction Stormwater, SIC 1521, NPDES Compliance Evaluation Inspection, Kitts Development, Inc., Puerto del Sol Construction Site, NPDES Permit NMR15FE53, August 23, 2010

Dear Mr. Joseph:

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 below). 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 Further Explanations 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) and NMED (at above address) regarding modifications and compliance schedules.

If you have any questions, please feel free to contact me at the above address, by email at sarah.holcomb@state.nm.us, or by telephone at (505) 222-9587.

Sincerely,

/s/ Sarah Holcomb
Sarah Holcomb
Surface Water Quality Bureau

Cc: Marcia Gail Bohling, USEPA (6EN-AS) by email
Samuel Bates, USEPA (6EN-AS) by email
Carol Peters-Wagnon, USEPA, (6EN-AS) by email
Diana McDonald, USEPA (6EN-AS) by email
Jennifer Ickes, NMED District I Manager (by e-mail)
James Grubel, Esq., 3840 Masthead St. NE, Albuquerque, NM 87109
Xavier Pettes, City of Rio Rancho, 3200 Civic Center Circle, Rio Rancho, NM 87144



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	5	F	E	5	3	11	12	1	0	0	8	2	3	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						70						71		72		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) PUERTO DEL SOL FOUR-PLEXES, RIO RANCHO, SANDOVAL COUNTY; FROM I-25 TRAVEL ON PASEO DEL NORTE WEST. TAKE THE COORS BYPASS EXIT HEADED NORTH. COORS BYPASS TURNS INTO HWY 528. TURN LEFT ON SOUTHERN BLVD. TURN RIGHT ON UNSER. SITE IS ON THE NORTHWEST CORNER OF UNSER AND ABRAZO.	Entry Time /Date 0815 HOURS / 8-23-2010	Permit Effective Date 7-1-2008
	Exit Time/Date 0833 HOURS / 8-23-2010	Permit Expiration Date 6-30-2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) NO REPRESENTATIVE ON SITE	Other Facility Data N. 35° 15' 49.89" W. -106° 41' 50.81" SIC 1521	
Name, Address of Responsible Official/Title/Phone and Fax Number MR. GABE JOSEPH, CEO, KITTS DEVELOPMENT INC. 7820 ENCHANTED HILLS BLVD #A MAILBOX 136, RIO RANCHO, NM 87144	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)

M	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)

- INSPECTOR ARRIVED ON SITE AT 0815 HOURS ON 8-23-2010. INITIAL PHONE CALL WAS PLACED TO MR. TOM JOSEPH (LISTED ON THE NOI AS THE SWPPP CONTACT). THE INSPECTOR EXPLAINED THE PURPOSE OF THE INSPECTION AND MR. JOSEPH INDICATED THAT HE WAS NO LONGER WITH THE COMPANY. HE GAVE A PHONE NUMBER FOR MR. GABE JOSEPH.
- SEE ATTACHED REPORT AND CHECKLIST.
- THIS REPORT IS BASED ON REVIEW OF FILES MAINTAINED BY THE PERMITTEE AND NMED, ON SITE OBSERVATION BY NMED PERSONNEL, AND VERBAL INFORMATION PROVIDED BY THE FACILITY'S REPRESENTATIVE.
- AN EXIT INTERVIEW WAS CONDUCTED WITH MR. JAMES GRUBEL OVER THE PHONE ON 9-7-2010, WHERE THE PRELIMINARY FINDINGS OF THE INSPECTION WERE DISCUSSED.

Name(s) and Signature(s) of Inspector(s) Sarah Holcomb /s/ Sarah Holcomb	Agency/Office/Telephone/Fax (505) 222-9587	Date 9-8-2010
Signature of Management QA Reviewer Richard Powell /s/ Richard Powell	Agency/Office/Phone and Fax Numbers (505) 827-2798	Date 9-8-2010

Introduction

On August 23, 2010, a Compliance Evaluation Inspection was conducted at a ≥ 5 acre construction site located in Rio Rancho, New Mexico. The inspection was conducted by Sarah Holcomb of the NMED/SWQB. The current construction project consists of an approximately 11.62 acre development where the land has been cleared in preparation for building fourplexes. A few of the buildings have been started, but have been sitting vacant for some time. The purpose of this inspection was to document the facility's status regarding the NPDES storm water permit program and storm water regulations at **40 Code of Federal Regulations Part 122.26**.

This report is based on review of files maintained by NMED, on-site observation by NMED personnel, and verbal information provided by the attorney for the facility owner, Mr. James Grubel. Storm water runoff from this site discharges to the Montoyas arroyo, thence to the Rio Grande (20.6.4.105 NMAC).

The inspector arrived at the site at 0815 hours on August 23, 2010. There was an NOI posted at the site, but the contact information was outdated. The inspector made some observations and took some photographs from publicly accessible areas and returned to the office to research owners and operators at the subdivision.

Findings

Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b)(14)(x), as follows: "Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more."

40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states "Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."

The Puerto del Sol Development was referred to the Surface Water Quality Bureau through a complaint regarding erosion issues and unfinished housing. The inspector initially made contact with Mr. Tom Joseph, who was listed as the SWPPP contact on the NOI. Mr. Tom Joseph indicated that he no longer worked for Kitts Development, and gave a phone number for Mr. Gabe Joseph, CEO. That phone number was outdated, however, and the inspector had to make contact with Mr. James Grubel, attorney for Mr. Gabe Joseph, who also had had no recent contact with Mr. Joseph.

Approximately 14 structures were started, but they currently sit vacant on the property. The cleared areas were never stabilized and there is a large dirt stockpile that sits on the property close to the entrance. The inspector did not note any construction materials being stored on site and there were no chemicals or trash left on site.

There was not a pollution prevention plan prepared in written form available at the site for the inspection and adequate stabilization measures were not being implemented at the site. A SWPPP should include the following:

- Site Description
- Description of interim and permanent stabilization practices (e.g., seeding, mulching, etc.)
- Structural Practices (e.g., silt fences, check dams, sediment traps, earth dikes, subsurface drains, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins, etc.)
- Storm Water Management Controls (e.g., detention or retention structures, vegetated swales, etc.) to be installed during the construction process to reduce pollutants in storm water discharged from the

site after construction has been completed

- Description of other controls (e.g., waste disposal, procedures to minimize off-site vehicle tracking, dust control, etc.)
- Maintenance and inspection procedures
- Appropriate certifications
- Address New Mexico condition on sediment yield/flow velocity in Part 10.D.1.b of the CGP

If not properly managed or treated in accordance with an NPDES permit, the construction activities at this site represent a potential threat to water quality through storm water discharges.

The facility's representative (Mr. Grubel) was informed of the requirements under the NPDES storm water program regarding permitting requirements, preparation of a SWPPP, and installation of appropriate storm water runoff control practices (per the SWPPP) during an exit interview conducted over the phone on September 7, 2010. Preliminary findings of the inspection were also discussed during the exit interview.

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: Sarah Holcomb	Date: 8-23-2010	Time: 0833 hours
City/County: Rio Rancho/Sandoval		
Location: Puerto del Sol Development		
Subject: Standing at the entrance to the site. Large dirt stockpile to the left. Unfinished fourplexes can be seen in the background.		



NMED/SWQB

Official Photograph Log

Photo # 2

Photographer: Sarah Holcomb	Date: 8-23-2010	Time: 0833 hours
City/County: Rio Rancho/Sandoval		
Location: Puerto del Sol Development		
Subject: Signage at entry. Small wooden sign attached to fence is the facility NOI.		



NMED/SWQB

Official Photograph Log

Photo # 3

Photographer: Google Earth	Date: N/A	Time: N/A
City/County: Rio Rancho/Sandoval		
Location: Puerto del Sol Development		
Subject: Current state of the development. Note no stabilization has taken place.		

