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NEW MEXICO
ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

Certified Mail - Return Receipt Requested

August 23, 2010

Mr. Greg Aguirre, President
Smith and Aguirre Construction Company, Inc.
P.O. Drawer 2276
Las Cruces, NM 88004

RE: Construction Storm Water, SIC 1521, NPDES Compliance Evaluation Inspection, Smith and Aguirre Construction Co, Inc., Dos Lados Estates Subdivision, NMR15FM67, Las Cruces, New Mexico, July 8, 2010

Dear Mr. Aguirre:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) Surface Water Quality Bureau conducted at a construction site for which you were 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 the worksheet 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 (Diana McDonald, USEPA 6EN-WM, 1445 Ross Avenue, Dallas, Texas 75202-2733) and NMED Surface Water Quality Bureau Program Manager (address above) regarding modifications and compliance schedules.

I appreciate your cooperation during the inspection. 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 Bohling, EPA (6EN-AS) by e-mail
Samuel Tate, EPA (6EN-AS) by e-mail
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Frank Fiore, NMED District III 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 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="R"/> 4 <input type="text" value="1"/> <input type="text" value="5"/> <input type="text" value="F"/> <input type="text" value="M"/> 5 <input type="text" value="6"/> <input type="text" value="7"/> 6 11 12 <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="7"/> <input type="text" value="0"/> <input type="text" value="8"/> 17 18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>					
Remarks					
<input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value=">"/> <input type="text" value="5"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="S"/>					
Inspection Work Days		Facility Evaluation Rating		Reserved	
67 <input type="text"/> <input type="text"/> <input type="text"/> 69		70 <input type="text" value="2"/>		71 <input type="text" value="N"/> 72 <input type="text" value="N"/> 73 <input type="text"/> <input type="text"/> <input type="text"/> 74 75 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 80	

Section B: Facility Data

Name and Location of Facility Inspected <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Dos Lados Estates, Settlers Pass Road, Las Cruces, New Mexico. From I-25, take US 70 East to Rinconada Exit, Travel Rinconada NE to Settlers Pass Road, travel N approx 0.2 miles. Doña Ana County.	Entry Time /Date 0800 hours / 07/08/2010	Permit Effective Date 07/01/2003
	Exit Time/Date 1300 hours / 07/08/2010	Permit Expiration Date 07/01/2008
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) -Chad Sells, P.E., Logos Development, Inc. Real Estate Development, 1001 E. University Ave., Bldg. G, Las Cruces NM, 88001 or P.O. Box 6190, Las Cruces, NM 88004 / 505-556-0400 -John L. Vasquez, Vice President, Commercial Banking, First Community Bank, 277 East Amador Avenue, Las Cruces, NM 88001 / 575-636-6714 & 575-636-6717	Other Facility Data Latitude 32.373687° Longitude -106.755793° SIC 1521 (Primary Code for Construction Activity)	
Name, Address of Responsible Official/Title/Phone and Fax Number Greg Aguirre, Smith and Aguirre Construction Company, Inc., P.O. Drawer 2276, Las Cruces, NM 88004 / President / 575-527-2500 or 575-541-1278 & fax 527-0529, grgagrr@runbox.com	Contacted Yes <input type="checkbox"/> * No <input type="checkbox"/>	

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
N	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)

1) Owner/Operators: Former Owner/Developer and General Contractor - Logos Development, Inc., Las Cruces, New Mexico (NPDES Tracking No. NMU001665; Former Operator/Contractor - Smith and Aguirre Construction Company, Inc., Las Cruces, New Mexico (NPDES Tracking No. NMR15FM67); and Current Owner - First Community Bank, Albuquerque, New Mexico (NPDES Tracking No. NMU001666).

2) Separate EPA Form 3560 reports will be submitted for each owner/operator.

3) See attached further explanations, worksheet with notes on SWPPP content and implementation during construction; and photo log of the site on the day of this inspection. Notes on SWPPP content review and implementation are applicable to Smith and Aguirre Construction Company, Inc. until their NOT was filed on March 3, 2009. The photo log shows the condition of the site from not having properly selected or maintained sediment and erosion control measures and from not being stabilized following March 3, 2009.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB/505-827-0418/505-827-0160	Date 08/23/2010
/s/ Erin S. Trujillo		
Signature of Management QA Reviewer Richard E. Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798/505-827-0160	Date 08/23/2010
/s/ Richard E. Powell		

Compliance Evaluation Inspection
Dos Lados Estates Subdivision, Las Cruces, New Mexico
NPDES Tracking No. NMR15FM67
July 8, 2010

Further Explanations

Introduction

A Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo, accompanied by Sandra Gabaldón, both of the NMED SWQB at the above-referenced 40+ acre disturbed Dos Lados Estates proposed 215+ residential lot subdivision in Las Cruces, New Mexico on July 8, 2010.

This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by the Permittee and NMED, on-site observation by the NMED personnel, and verbal information provided by the Permittee and on-site owner/operator representatives.

A preliminary reconnaissance of the site from public right of way was conducted on May 12, 2010 by the inspector following a citizen complaint. Construction activities at the site had ceased. Since there was no posted Notice of Intent (NOI) or contact information observed on-site, the inspector returned to the office to obtain additional information on property ownership and operators.

An appointment was made with Mr. Greg Aguirre, President, Smith and Aguirre Construction Company, Inc. to review a Storm Water Pollution Plan (SWPPP) for the construction activity. Upon arrival at Smith and Aguirre Construction Company, Inc. offices at approximately 0800 hours on July 8, 2010, the inspector made introductions, presented credentials and explained the purpose of the inspection to Mr. Aguirre. Following a preliminary exit interview with Mr. Aguirre, the inspectors left the Smith and Aguirre Construction Company, Inc. offices at approximately 0945 hours on the day of the inspection. Following review of the SWPPP, the inspector contacted and explained the purpose of the inspection by telephone to Mr. Kyle H Moberly, Attorney for Mr. Philippos T. Philippou and associated companies referred to as the "The Philippou Group," and Mr. Chad Sells, P.E., Logos Development, Inc. Mr. Moberly is listed as a corporate officer for some corporations known as "The Philippou Group," and is listed as the Vice President of Logos Development, Inc. The inspectors then met with Mr. John L. Vasquez, Vice President, Commercial Banking at the First Community Bank in Las Cruces, New Mexico and contacted Mr. Pat Dee, Senior Vice President, Special Assets, First Community Bank, Albuquerque, New Mexico by telephone. The inspector made introductions, explained the purpose of the inspection to Mr. Vasquez and Mr. Dee and presented credentials to Mr. Vasquez. The inspectors and Mr. Vasquez travelled to and toured the site from approximately 1130 to 1220 hours on the day of the inspection. Permission for Mr. Sells to accompany the tour was provided by Mr. Vasquez and Mr. Dee. A preliminary exit interview was conducted on site with Mr. Vasquez and Mr. Sells following the tour. The inspectors and Mr. Sells traveled to the "The Phillipou Group" offices for more information. The inspectors left the "The Phillipou Group" offices at approximately 1300 hours on the day of the investigation. Preliminary findings were also discussed by telephone with Mr. Moberly and Mr. Altum on July 9, 2010.

Additional Background

Several corporations of the "The Philippou Group" were associated with the Dos Lados Estates subdivision. Katerina, Inc. was the developer that submitted the subdivision plat to the City of Las Cruces. Ownership of the property (two separate parcels) was transferred to K3, LLC on November 21, 2005. Although listed as the developer on City of Las Cruces planning schedules, Greco Enterprises, Inc. did not have operational control of construction activities according Mr. Moberly. Logos Development, Inc. contracted with Smith and Aguirre Construction Company, Inc. for dirt work and infrastructure and another contractor to build walls. Dirt work and approximately 80% of the utilities were complete when construction ceased.

Clean Water Act and Permit Requirements

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 Code of Federal Regulations (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 CFR 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 2003 and 2008 CGP, Definitions, Appendix A, states, *“operator for the purpose of this permit and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria: 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).”*

Part 3.1.D of the 2003 CGP and Part 3 of the 2008 CGP state, *“You must implement the SWPPP as written from commencement of construction activity until final stabilization is complete.”* Final stabilization is defined in Appendix A of the CGPs. State specific conditions for stabilization are in Part 9 and Part 10 of the 2003 and 2008 CGP, respectively.

Part 3.11.A (Maintaining an Updated Plan) of the 2003 CGP states, *“The SWPPP, including the site map, must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP.”* Part 5.10.A of the 2008 CGP states, *“The SWPPP must be modified...To reflect modifications to stormwater control measures made in response to a change in design, construction, operation, or maintenance at the construction site....”*

Part 3.13 Management Practices of the 2008 CGP states, *“A. All control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the operator must replace or modify the control for site situations as soon as practicable. B. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts. C. Litter, construction debris, and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges. D. Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.”*

Appendix G.11.C (Standard Permit Conditions) of the 2003 and 2008 CGPs state, *“If an authorization...is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI...must be submitted to EPA....”*

Findings

Smith and Aguirre Construction Company, Inc. filed a notice of intent on June 26, 2007 to obtain permit coverage under the 2003 CGP for construction and support activities. Smith and Aguirre Construction Company, Inc. completed and implemented a SWPPP (initially prepared by Logos Development, Inc.) and conducted inspections. Mr. Aguirre stated that he considered the contract with Logos Development, Inc. cancelled due to non payment. Smith and Aguirre Construction Company, Inc. filed a Notice of Termination (NOT) on March 3, 2009 stating *“Another operator has assumed control, according to Appendix G, Section 11.C of the CGP, over all areas of the site that have not been finally stabilized.”*

Logos Development, Inc. did not sign/certify a SWPPP or obtain permit coverage under the 2003 or 2008 CGP. Logos Development, Inc. was the owner/operator (both developer and general contractor) of the construction activity having both operational control over plans and specifications during construction and day to day operational control of the construction activities which are necessary to ensure compliance with a SWPPP. Logos Development, Inc. did not develop or maintain an updated SWPPP indicating a change in construction, operation, or maintenance due to the cessation of construction activities and did not complete final stabilization.

First Community Bank having acquired the property deeds (deed in lieu of foreclosure) on June 25, 2010 is the owner of a temporarily ceased construction activity. First Community Bank, Albuquerque, New Mexico did not complete a SWPPP including measures used to control the quality of stormwater from a temporarily ceased construction activity and to complete final stabilization. First Community Bank did not obtain permit coverage for the disturbed site under the 2008 CGP.

NPDES Industrial Storm Water Worksheet (Construction)

National Database Information				General			
Inspection Type	Compliance Inspection			Inspector Name	Erin S. Trujillo		
NPDES ID Number	NMR15FM67 and NMU001665			Telephone	505-827-0418		
Inspection Date	07/08/2010			Entry Time	0800		
Inspector Type <i>(circle one)</i>	EPA	<input type="checkbox"/> State	EPA Oversight	Exit Time	1300		
Facility Type <i>(circle one)</i>	Commercial/ Industrial	<input type="checkbox"/> Residential	Municipal	Signature	/s/Erin S. Trujillo		
Facility Location Information							
Name/Location/ Mailing Address	Dos Lados Estates Subdivision, Settlers Pass Road, Las Cruces, New Mexico						
GPS Coordinates	Latitude	32.373687°	Longitude	106.755793°			
Receiving Water(s)	City of Las Cruces MS4 thence to Sand Hill Arroyo in Lower Rio Grande Basin						
Disturbed Area	40+ Acres*	Start Date	07/09/07	Stop Date	Ceased 03/03/09 Final Unknown		
Contact Information							
	Name(s)			Telephone			
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	-Smith and Aguirre Construction Company, Inc. (Former Contractor) -Logos Development, Inc. (Former Owner/Developer/General Contractor)			575-527-2500 575-556-0400			
Facility Contact	Mike Altum, Senior Vice President, Special Assets, First Community Bank, P.O. Box 3686, Albuquerque, New Mexico 87190 (Current Facility Contact)			505-241-7641			
Authorized Official(s)	-Greg Aguirre, Smith and Aguirre Construction Co., Inc. -Philippos T. Philippou, Logos Development, Inc.			575-527-2500 575-527-2500 or 575-541-1278			
Site Information: <i>(circle all that apply)</i>							
Nature of Project	<input checked="" type="checkbox"/> Residential	Commercial/ Industrial	Roadway	<input type="checkbox"/> Private	Federal	State/ Municipal	Other
Construction Stage	Clearing/ Grubbing	<input checked="" type="checkbox"/> Rough Grading	<input checked="" type="checkbox"/> Infrastructure	Building Const.	Final Grading	Final Stabilization	
Basic Permit Information				Basic SWPPP Information			
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	NMR15FM67	NMU001665	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Permit Type	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Individual					
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					
NOI Date	06/26/2007		SWPPP Date 07/05/2007				
If applicable, is waiver certification & approval on file?	<input type="checkbox"/> Y	<input type="checkbox"/> N	Intentionally left blank				

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Review <i>(can be completed in office)</i>				
<u>General</u>	Notes:			
Is there a SWPPP? <i>ESO Element 4</i>	<input checked="" type="checkbox"/>	Y	N	
SWPPP completed prior to NOI submission? <i>ESO Element 5</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	
Copy of permit language? <i>ESO Element 24</i>	<input checked="" type="checkbox"/>	Y	N	
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 25</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	SWPPP did not include documentation consistent with NM certification requirements in 2003 CGP Part 9.C.1.a.i (use of appropriate soil loss prediction models).
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 26</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	SWPPP did not document implementation of NM certification requirements in 2003 CGP Part 9.C.1.a.i (i.e., rationale for selecting, design, implementation, and maintenance of BMPs).
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 27</i>	<input checked="" type="checkbox"/>	Y	N	
Is a copy of the SWPPP on site or made available? <i>ESO Element 29</i>	<input checked="" type="checkbox"/>	Y	N	SWPPP made available at the offices of Smith and Aguirre Construction Company, Inc.
Did all "operators" sign/certify the SWPPP? <i>ESO Element 30</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	Logos Development, Inc. did not sign/certify.
<u>Site Description</u>	Notes:			
SWPPP identifies potential sources of pollution? <i>ESO Element 6</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	
SWPPP identifies all operators and their areas of control? <i>ESO Element 7</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	
Is there a site description? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	Y	N	
Nature/sequence of construction activity? <i>ESO Element 8A – 8B</i>	<input checked="" type="checkbox"/>	Y	N	
Total area of site and total area to be disturbed? <i>ESO Element 8C</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	Combined acreage of parcels is 40 acres. Area of site and disturbance is described in SWPPP to be approximately 52.28 acres. Increased acreage includes disturbance for an adjacent construction yard and extension of Settlers Pass Road. Approximate size of the disturbance appears to be 45 acres.
Is there a general location map? <i>ESO Element 8D</i>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>	
Is there a site map? <i>ESO Element 8E</i>	<input checked="" type="checkbox"/>	Y	N	

NPDES Industrial Storm Water Worksheet (Construction)

Site Description (cont'd)		Notes:
Drainage patterns/outfalls on site map? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	But, not updated.
Area of soil disturbance on site map? <i>ESO Element 8F</i>	Y <input checked="" type="checkbox"/> N	Area of construction yard not shown.
Location of major structural controls on site map? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Location of storm water discharges to a surface water on site map? <i>ESO Element 8F</i>	Y <input checked="" type="checkbox"/> N	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	But, map did not show boundaries.
Location/description industrial activities? <i>ESO Element 8G</i>	Y <input type="checkbox"/> N	Not applicable
Name of Receiving water(s) or MS4 listed?	Y <input type="checkbox"/> N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Rio Grande listed. City of Las Cruces MS4 not listed.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 13</i>	Y <input checked="" type="checkbox"/> N	Exact dates of the start of major grading and cessation were not clearly stated in SWPPP. Inspection report dated 07/09/2007 states "dirtwork started." Other reports refer to status of construction on the day of the inspection. Reports 12/12/07 and 02/28/2008; 05/12/07 and 07/25/2008 and after 01/09/2009 indicate that construction at the subdivision was on hold or that there were no work or crews on site during the inspection. The last inspection report dated 02/19/2009 indicated "work on this project cancelled."
Endangered Species Documentation? <i>ESO Element 22</i>	Y <input checked="" type="checkbox"/> N	
Controls to Reduce Pollutants		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 9 A - C</i>	Y <input checked="" type="checkbox"/> N	See Notes on SWPPP Review.
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 10; 11</i>	Y <input checked="" type="checkbox"/> N	

NPDES Industrial Storm Water Worksheet (Construction)

Controls to Reduce Pollutants (cont'd)	Notes:		
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 12</i>	<input type="checkbox"/> Y	<input checked="" 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 14</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	No description (details) of ponds or 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 type="checkbox"/> Y	<input checked="" 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 15</i>	<input checked="" type="checkbox"/> 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 16</i>	<input type="checkbox"/> Y	<input type="checkbox"/> N	Yes -- Measures, No -- 404 Permit.
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 17</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 19</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 20</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 21</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 28</i>	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Not documented. Updates were noted on site map, but dates were not provided.

NPDES Industrial Storm Water Worksheet (Construction)

Inspections	Notes:
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? <i>ESO Element 31</i>	The following 20 inspections were over 14 days from the previous recorded inspection: 09/13/07 (17 days); 10/10/07 (15 days); 10/26/07 (16 days); 11/12/07 (17 days); 12/12/07 (16 days); 12/27/07 (15 days); 01/14/08 (18 days); 02/14/08 (17 days); 03/14/08 (15 days); 03/29/08 (15 days); 04/14/08 (16 days); 04/30/08 (16 days); 05/27/08 (15 days); 06/16/08 (20 days); 08/12/08 (18 days); 10/17/08 (15 days); 11/04/08 (18 days); 12/08/08 (21 days); 01/09/09 (18 days); and 02/06/09 (15 days). Actual dates of rain events over 0.5" were not recorded on the 07/11/08 and 02/06/09 inspection reports; therefore, it was not recorded if the inspections were performed within 24 hours.
Inspections performed by qualified personnel? <i>ESO Element 32</i>	Inspections conducted by Marvin Mathis, Smith and Aguirre Construction Company, Inc. Permittee representative stated that inspector had attended training.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 33</i>	Not documented
All pollution control measures inspected to ensure proper operation? <i>ESO Element 34</i>	All measures not documented
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 35; 36</i>	Not documented
Entrance/exit inspected for off-site tracking? <i>ESO Element 37</i>	Not documented
Inspection report contain all required items and certified? <i>ESO Element 38; 39</i>	Inspection reports 1) were not signed and certified by a responsible corporate officer or duly authorized representative of that person (see Appendix G, Subsection 11 of the 2003 Permit); 2) did not include qualifications of personnel making the inspection; 3) did not always document weather information for the period since the last inspection; 4) did not contain a second certification that the construction project or site was in compliance with the SWPPP and permit. Reports did not identify incidents of non-compliance with the interim stabilization permit conditions during periods of cessation.

Notes on SWPPP Review
<p>Applicable to Logos Development, Inc., Part 3.2 of the 2003 CGP states, "A. If you have operational control over construction plans and specifications, you must ensure that: 1. The project specifications meet the minimum requirements of this Subpart and all other applicable permit conditions; 2. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications; 3. All other permittees implementing portions of the SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; and 4. The SWPPP indicates the name of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions."</p> <p>Applicable to Smith and Aguirre Construction Company, Inc., Part 3.2 of the 2003 CGP states, "B. If you have operational control over day-to-day activities, you must ensure that: 1. The SWPPP meets the minimum requirements of this Subpart and identifies the parties responsible for implementation of control measures identified in the plan; 2. The SWPPP indicates areas of the project where you have operational control over day-to-day activities; 3. The SWPPP indicates the name of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications)."</p>

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Implementation <i>(complete in field)</i>	
<u>Stabilization Practices</u>	
<p>List and describe stabilization practices <i>ESO Element 42, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>Site not stabilized. Erosion had occurred along western property boundary (see example in Photo #2) and along the southern property boundary (see example in Photo #7).</p>
<p>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? <i>ESO Element 45</i></p>	<p><i>(e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?)</i></p> <p>Stabilization was not initiated 14 days after construction cessation.</p>
<u>Structural Practices</u>	
<p>List and describe structural controls <i>ESO Element 41, 42, 46</i></p>	<p><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></p> <p>Rock wall (replacing earth berm during construction according to the site map) existed along the southern and eastern property boundary except for an adjacent property owner gate in the southeast corner and stormwater outlet in the central portion of the site (see Photo #3). Sedimentation ponds (final grading not complete) were constructed in the central west and southwest portion of the site.</p> <p>In a response to dust complaints, silt fence had been installed along the eastern property boundary by staff of "The Philippou Group." However, silt fence control measures had not been maintained on the day of the inspection (see Photos #3, #4 and #6).</p> <p>The "earth berm installed to secure and close off area" on July 3, 2007 according to the site map would provide some sediment control. But, the berm does not continue along the entire property boundary or corner. Also, the berm is not stabilized and could be a source of accumulated sediment off site (see Photo #5).</p> <p>Off-site vehicle track-out appeared to provide some erosion and sediment control where Settlers Pass Road was paved (see Photo #9). But, additional/modified BMPs may be needed in this area until final stabilization is complete since the roadway is open to the public.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<u>Non-Structural Practices</u>	
Street Cleaning <small>ESO Element 43</small>	<small>(e.g., describe measures taken to remove offsite accumulation of sediment)</small> No current measures. Accumulated sediment off-site (see Photos #6, #8 and #9).
Good Housekeeping & Waste Disposal Practices <small>ESO Element 44</small>	<small>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</small> SWPPP discussed storage of all waste materials at a fenced yard, removal from the site and disposal at a licensed landfill. Abandoned pipe and other construction materials were observed on-site, primarily in and near the off-site fenced yard. Because access is not controlled, there was some evidence of dumping (e.g. bottles and concrete—see Photo #1) on site.
Equipment Wash/Maintenance Area <small>ESO Elements 42</small>	<small>(provide brief description)</small> No active or remaining equipment wash/maintenance areas observed on the day of the inspection.
Concrete Washout Areas <small>ESO Elements 42</small>	<small>(provide brief description)</small> No active concrete wash areas observed.
<u>Miscellaneous</u>	
Evidence of Sediment Deposition to Surface Waters <small>*ESO Eligibility - if "yes," site not eligible for ESO</small>	<small>(e.g., significant turbidity observed in a receiving water body)</small> None observed.
Pollution prevention measures for non-storm water discharges? <small>*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO</small>	<small>(provide brief description and determine whether/if non-storm water discharges allowable)</small> No non-stormwater discharges observed.
Has implementation of additional/modified BMPs been completed before next anticipated storm event? <small>ESO Element 43.C.1</small>	<small>(provide brief description)</small> No.
<u>Notes on SWPPP Implementation</u>	
Site map shows topography and direction of storm water flow, but the map was not updated with slopes after grading activities or once construction ceased. For example, drainage along the western property boundary is shown to the east on the map, but evidence of drainage was to the west towards Settlers Pass Road. Additional/modified BMPs appear needed along the western property boundary, southwest and southeast corners, and east property boundary including the drainage channel leading off site until the east central permanent sedimentation pond and final stabilization of the site is complete.	

NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1144 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Overview of site from western property boundary. Since access to site is not secured, it is unknown if concrete and concrete washout in center of photo is from previous construction activities of this site or unauthorized dumping.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1145 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Overview of site from northwestern property corner. A few erosion rills had formed toward the unpaved Settlers Pass Road (left side of photo).		



NPDES Industrial Storm Water Worksheet (Construction)

**NMED/SWQB
Official Photograph Log
Photo # 3**

Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1154 hours
City/County: Las Cruces / Doña Ana County	State: New Mexico	
Location: Dos Lados Estates Subdivision		
Subject: Arrows point to remnants of unmaintained silt fence along eastern property boundary and sediment that has accumulated in the off-site drainage outlet leading to Galina Drive.		



**NMED/SWQB
Official Photograph Log
Photo # 4**

Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1158 hours
City/County: Las Cruces / Doña Ana County	State: New Mexico	
Location: Dos Lados Estates Subdivision		
Subject: Example of unmaintained silt fence and accumulated sediment along eastern property boundary.		



NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1201 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Arrow points to unstabilized earth berm in southeast corner of the site. Drainage in this area is to the southeast-south towards Sand Hill Arroyo		

Approximate off-site location
of Sand Hill Arroyo



NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1202 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Accumulated sediment offsite on associated sidewalks and paved Arena Drive. Arrow points to remnant of silt fence along eastern property boundary of the site.		



NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1209 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Example of boards and rocks placed in erosion gullies on-site. This measure was not installed by staff of the “The Phillipou Group” according the on-site operator representative. These boards/rocks, likely placed by adjacent property owner(s), can cause additional erosion of the gully sides during a rain event.		



NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1212 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Southwest corner of site at Settlers Pass Road. No erosion control measures were placed in this corner of the site and accumulated sediment was observed the paved street.		



NPDES Industrial Storm Water Worksheet (Construction)

NMED/SWQB Official Photograph Log Photo # 9		
Photographer: Erin S. Trujillo	Date: 07/08/2010	Time: 1213 hours
City/County: Las Cruces / Doña Ana County		State: New Mexico
Location: Dos Lados Estates Subdivision		
Subject: Settlers Pass Road. Vehicle track out had been moved from site's southeast corner to this location according to the site map. The vehicle track out appears to have reduced the amount of accumulated sediment from the unpaved road and subdivision. But, the pad has accumulated sediment and needs maintenance.		

