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DAVE MARTIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

September 29, 2011

Gordon Skarsgard
The Crossing, LTD. CO.
8220 San Pedro Drive NE, STE 500
Albuquerque, New Mexico 87113-2466

RE: Construction Storm Water, SIC 1611, NPDES Compliance Evaluation Inspection, The Crossing, LTD. CO. / Las Soleras and Beckner Road Extension, NMR15G093, August 24, 2011

Dear Mr. Skarsgard:

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).

I appreciate the cooperation of James (Jim) W. Jordan, P.E., Project Manager, Jordan Engineering, L.L.C. 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 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

The Crossing, LTD. CO.
Las Soleras and Beckner Road Extension
NPDES Tracking No. NMR15G093
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.lasoleras.com, City of Santa Fe on-line maps, and State of New Mexico Public Regulatory Commission on-line corporation queries. Based on information from on-site representatives, other land owners of parcels in Las Soleras are not operators of construction and support activities at this time.

Owner/Developer 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 SWPPP document which was 08/21/2008. The following table provides a timeline of the owner/developer's Notice of Intents (NOI)s, Notice of Termination (NOT)s and Stormwater Pollution Prevention Plans (SWPPP)s for the Las Soleras common plan of development.

Date		Notes
01/22/2007	NOI NMR15FE13 4.5 acres disturbed	Skip Skarsgard, Managing Member, The Crossing, LTD. CO. signed/certified an NOI for Las Soleros (sic) to obtain permit coverage under the 2003 CGP. NOI was terminated on 04/04/2008.
02/21/2007	NOI NMR15FF89 975 acres disturbed	Gordon Skarsgard, Managing Member, The Crossing, LTD. CO. signed/certified an NOI for Las Soleras to obtain permit coverage under the 2003 CGP. NOI was terminated on 07/06/2007.
05/20/2008	NOI NMR15G093 75 acres disturbed	Gordon Skarsgard, The Crossing, LTD. CO. signed/certified an NOI for Las Soleras on 05/20/2008 to obtain permit coverage under the 2003 CGP. NOI was terminated on 10/15/2008.
05/27/2008	1st SWPPP 175 acres 20 acres disturbed	1st SWPPP for Beckner Road/Las Soleras prepared, 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> "
06/03/2008	NOI NMR15G125 75 acres disturbed	Gordon Skarsgard, The Crossing, LTD. CO. signed/certified an NOI for Las Soleras on 06/03/2008 (Tracking No. NMR15G125) to obtain permit coverage under the 2003 CGP. NOI terminated on 06/10/2008 by Gordon Skarsgard stated " <i>coverage under an alternative NPDES permit has been obtained.</i> "
08/13/2008		1st SWPPP completed (signed/certified) by Gordon L. Skarsgard, President, Beckner Road Equities, Inc.
10/15/2008	NOT NMR15G093	NOI NMR15G093 terminated on 10/15/2008 by Gordon Skarsgard, The Crossing, LTD. CO.
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 175 ac 80 ac disturbed	SWPPP Amendment 3 was not signed/certified.
11/03/2009	NOI NMR10GR54 20 acres disturbed	Gordon Skarsgard, Beckner Road Equities, Inc. submitted an NOI for Beckner Road and floodplain work described as "FEMA" project on 11/03/2009 (Tracking No. NMR10GR54) for permit coverage under the 2008 CGP. Permit coverage was active on the date of this inspection.

The Crossing, LTD. CO. (NPDES Tracking No. NMR15G093) Findings

The Crossing, LTD. CO. NOI for an estimated 75 acres of disturbance submitted on 05/20/2008 (NPDES Tracking No. NMR15G093) indicated that a SWPPP was prepared in advance of filing. Based on information from on-site permittee representatives, there was no SWPPP, including required endangered species documentation, prepared prior to 05/27/2008.

The 1st SWPPP (estimated 20 acres of disturbance) was not completed (signed/certified) by The Crossing, LTD. CO. even though construction activities were documented to have started 08/21/2008 which is prior to the date the permittee submitted an NOI on 10/15/2008.

On the day of this inspection, the multiple plan SWPPP document did not contain the NMR15G093 NOI or NOT. 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.

The multiple plan SWPPP document did not describe how final stabilization requirements of the 2003 CGP had been met or if and when another operator had assumed control. Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A of the CGP. Part 5.1 (Termination of Coverage) of the 2003 CGP states:

You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met: A. Final stabilization has been achieved on all portions of the site for which you are responsible; B. Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized; C. Coverage under an individual or alternative general NPDES permit has been obtained...The NOT must be submitted within 30 days of one of the above conditions being met.

Based on information on written inspection reports in the multiple plan SWPPP document, The Crossing, LTD. CO. under (NPDES Tracking No. NMR15G093) had permit coverage when construction activities (BMPs installed and site clearing and grading--clearing for roads) on 08/21/2008. From 10/15/2008 to 11/03/2009, the owner/developer (neither The Crossing, LTD. CO. nor Beckner Road Equities, Inc.) had active permit coverage or submitted an NOI to obtain permit coverage for any portion of the construction activity.

End Notes:

1. The multiple plan SWPPP document also did not contain NOIs or NOTs for NPDES Tracking Nos. NMR15FE13, NMR15FF89 or NMR15G125. It is noted that The Crossing, LTD. CO. first NOI submitted on 01/22/2007 terminated 04/04/2008 (NMR15FE13) and second NOI submitted on 02/21/2007 terminated 07/06/2007 (NPDES Tracking No. NMR15FF89) indicated that a SWPPP was prepared in advance of filing. The Crossing, LTD. CO. fourth NOI submitted on 06/03/2008 (NPDES Tracking No. NMR15G125) also indicated that a SWPPP was prepared in advance of filing. At the time The Crossing, LTD. CO. submitted the fourth NOI, a SWPPP had been prepared, but was not completed (signed/certified).
2. The Crossing, LTD. CO. fourth NOI NMR15G125 terminated on 06/10/2008 by Gordon Skarsgard stated “*coverage under an alternative NPDES permit has been obtained.*” The only owner/developer active permit coverage at that time was The Crossing, LTD. CO.’s NMR15G093 NOI.
3. Beckner Road Equities, Inc. will receive a CEI report for NPDES Tracking No. NMR10GR54, including further explanations, worksheet and photo log, under a separate EPA 3560 form.

Figure 1 Las Soleras

Created by: Erin S. Trujillo

Aerial Map Source: Google Earth/Maps

City/County: Santa Fe / Santa Fe

State: New Mexico

Location: Las Soleras/Beckner Road Extension

Notes: Approximate Las Soleras master plan boundaries shown below is based on a James W. Siebert and Associates, Inc. aerial photo plan sheet dated July 2008 provided by the operator/permittee on-site representative during this inspection. The approximate limits of the Las Soleras construction and support activities on the day of this inspection is shown below for information purposes. The limits were not surveyed by the inspector, but are based on information provided by the operator/permittee representative, SWPPP site maps, and observed disturbance.

