



NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RYAN FLYNN
Secretary-Designate

BUTCH TONGATE
Deputy Secretary

ERIKA SCHWENDER
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

October 2, 2013

Mr. Rick Perez, Owner
Enviro Co.
PO Box 836
Flora Vista, NM 87415

Re: Samantha Lane Residence, Construction Storm Water, SIC 1542, NPDES Compliance Evaluation Inspection, NPDES Permit NMU000000*, September 26, 2013

Dear Mr. Perez,

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). 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 noted in the checklist 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), NMED (at above address) regarding modifications and compliance schedules.

I want to thank you for your assistance during this inspection. If you have any questions, please feel free to contact Sarah Holcomb at sarah.holcomb@state.nm.us or by telephone at (505) 827-2798.

Sincerely,
/s/ Bruce Yurdin
Bruce Yurdin
Surface Water Quality Bureau

Cc: Rashida Bowlin, USEPA (6EN-AS) by email
Carol Peters-Wagnon (6EN-AS) by email
Diana McDonald, USEPA (6EN-AS) by email
Darlene Whitten-Hill, USEPA (6EN-AS) by email
Hannah Branning, USEPA (6EN-AS) by email
Bob Italiano, NMED District 2 Manager, by email



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="U"/> <input type="text" value="0"/> 11 <input type="text" value="1"/> 12 <input type="text" value="3"/> <input type="text" value="0"/> <input type="text" value="9"/> <input type="text" value="2"/> <input type="text" value="6"/> 17 <input type="text" value="I"/> 18 <input type="text" value="S"/> 19 <input 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="1"/> <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	BI	QA	Reserved		
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	70 <input type="text" value="1"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value=""/> <input type="text" value=""/>	74 <input type="text" value=""/> <input type="text" value=""/>	

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>) SAMANTHA LANE RESIDENCE, FLORA VISTA, SAN JUAN COUNTY, NM; from Hwy 550, turn left onto CR 5500, and left again onto US-64W. Turn right onto Browning Parkway, and then right onto NM-516E/E Main St. Turn right on Hallmarc Drive, right onto Pryor Lane, and then left on Samantha Lane. Site is at the end of the street.	Entry Time /Date 1035 hours/9-26-2013	Permit Effective Date 2-15-2012
	Exit Time/Date 1105 hours/9-26-2013	Permit Expiration Date 2-14-2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Rick Perez, Owner, Enviro Co. (505) 320-2896	Other Facility Data GPS: N. 36° 46' 30.42" W. 108° 7' 35.42"	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Rick Perez, Owner, Enviro Co. (505) 320-2896 PO Box 836, Flora Vista, NM 87415	Contacted Yes <input type="checkbox"/> * <input checked="" type="checkbox"/> No <input type="checkbox"/>	SIC 1521 Facility was not assigned an NMU number due to the government shut down.

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="U"/>	Permit	<input type="text" value="N"/>	Flow Measurement	<input type="text" value="M"/>	Operations & Maintenance	<input type="text" value="N"/>	CSO/SSO
<input type="text" value="U"/>	Records/Reports	<input type="text" value="U"/>	Self-Monitoring Program	<input type="text" value="N"/>	Sludge Handling/Disposal	<input type="text" value="N"/>	Pollution Prevention
<input type="text" value="U"/>	Facility Site Review	<input type="text" value="N"/>	Compliance Schedules	<input type="text" value="N"/>	Pretreatment	<input type="text" value="N"/>	Multimedia
<input type="text" value="N"/>	Effluent/Receiving Waters	<input type="text" value="N"/>	Laboratory	<input type="text" value="U"/>	Storm Water	<input type="text" value="N"/>	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Inspectors arrived at the site at approximately 1030 hours and reviewed the site. Due to time constraints, the inspector did not make contact with Mr. Perez until Monday, September 30 via telephone, made introductions and explained the purpose of the inspection. An exit interview also was conducted with Mr. Perez on the phone.
- Please see report for further explanations.

Name(s) and Signature(s) of Inspector(s) Sarah Holcomb /s/ Sarah Holcomb	Agency/Office/Telephone/Fax 505-827-2798	Date 10-2-2013
Signature of Management QA Reviewer Bruce Yurdin /s/ Bruce Yurdin	Agency/Office/Phone and Fax Numbers 505-827-2795	Date 10-2-2013

NPDES Compliance Evaluation Inspection
Samantha Lane Residence, Enviro Co.
Permit No. NMU000000
September 26, 2013

Introduction

On September 26, 2013, a Compliance Evaluation Inspection was conducted at a >1 acre construction site located in Flora Vista, New Mexico. The inspection was conducted by Sarah Holcomb of the NMED/SWQB (accompanied by Bruce Yurdin, also of NMED/SWQB). The current construction project consists of a single residence built on a lot that is over 1 acre in size. The residence's exterior has been finished but the site has not been stabilized. 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 facility's representative, Mr. Rick Perez. Storm water runoff from this site discharges to the Farmington MS4, thence to the Animas River (20.6.4.403 NMAC).

This inspection was prompted by a complaint regarding flooding issues from the activities at this site. According to the facility representatives, construction and grading started at the site in approximately September 2012. Major dirt work was completed in December 2012.

No Best Management Practices (BMPs) other than a trench, a portable toilet and an enclosed material storage container were present at the site. No erosion control measures, sediment trackout measures, or temporary stabilization measures were present at the time of this inspection.

The inspectors arrived at the site at 1035 hours on September 26, 2012. The inspectors reviewed the site from the street. Due to time constraints, the inspector called Mr. Perez on September 30. A formal exit interview to discuss the preliminary findings of the inspection was conducted over the phone with Mr. Riviera at approximately 0915 hours on 9-30-2013.

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."

In addition, beginning on March 10, 2003, storm water discharges associated with small construction activity became regulated according to 40 CFR Part 122.26(b)(15)(i) for "[c]onstruction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre and less than five acres."

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."

According to the facility's representative, and based on a review of the EPA storm water permit database, it has been determined that this owner and operator did not have NPDES construction general storm water permit coverage on the date of this inspection. Mr. Rick Perez is the owner/developer who has operational control over project specifications (and who is currently the general contractor building homes at this site. Mr. Perez was responsible for site maintenance which is necessary to ensure compliance with the storm water pollution prevention plan (SWPPP) (if one had been prepared) and other permit conditions.

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 9.4.1.1 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 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 the exit interview conducted with Mr. Perez on 9-30-2013. Preliminary findings of the inspection were also discussed during the exit interview.

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: Sarah Holcomb	Date: 9-30-2013	Time: 1100 hours
City/County: Flora Vista, Dona Ana County		
Location: Samantha Lane Residence		
Subject: The exterior of the home had been finalized but no stabilization measures were applied to the property surrounding the home.		



NMED/SWQB

Official Photograph Log

Photo # 2

Photographer: Sarah Holcomb	Date: 9-30-2013	Time: 1100 hours
City/County: Flora Vista, San Juan County		
Location: Samantha Lane Residence		
Subject: Evidence of sediment leaving the site.		

