



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

September 21, 2010

Ms. Linda Thompson, Assistant CEO
San Juan County
100 S. Oliver Dr.
Aztec, NM 87410

RE: Construction Storm Water, SIC 1623, NPDES Compliance Evaluation Inspection, San Juan County, San Juan County and Valley Water, NMU001679, September 13, 2010

Dear Ms. Thompson:

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 discussed 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) and NMED (at above address) regarding modifications and compliance schedules.

Thank you for your cooperation during this inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 222-9587.

Sincerely,

/s/ Sarah Holcomb
Sarah Holcomb
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) (by e-mail)
Samuel Tates, USEPA (6EN-AS) (by e-mail)
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)
Diana McDonald, USEPA (6EN-AS) (by e-mail)
Jennifer Ickes, NMED District 1 Manager (by e-mail)
TJ Richards, Compliance Specialist, San Juan Co.; 305 S. Oliver, Aztec, NM 87410

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR10GW11/NMU001679	Telephone	(505) 222-9587
Inspection Date	9-13-2010	Entry Time	0940 hours, 9-13-2010
Inspector Type (circle one)	EPA <input type="checkbox"/> State <input type="checkbox"/> EPA Oversight <input type="checkbox"/>	Exit Time	1310 hours, 9-13-2010
Facility Type (circle one)	Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Municipal <input type="checkbox"/>	Signature	/s/ Sarah Holcomb

Facility Location Information					
Name/Location/ Mailing Address	San Juan County and Valley Water Project Along Hwy 64 approximately between CR 6575 and CR 6100. Mailing: 100 S. Oliver, Aztec, NM 87410				
GPS Coordinates	Latitude	N. 36° 44' 34.35"	Longitude	W. -108° 21' 27.05"	
Receiving Water(s)	Coolidge Arroyo and various other arroyos, thence to the Animas River in 20.6.4.401 NMAC				
Disturbed Area	~25 acres	Start Date	3-8-2010	Stop Date	11-30-2010

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Shiya Strehpens Contracting – general contractor San Juan County - owner	
Facility Contact	Mr. Bob Strehpens, Owner, Shiya Strehpens (SS)	602-997-6308
Authorized Official(s)	Mr. Bob Strehpens, Owner, Shiya Strehpens Ms. Linda Thompson, Asst. CEO for Project Development & Finance, San Juan County (SJC)	505-892-5141 505-334-4273

Site Information: (circle all that apply)							
Nature of Project	Residential	<input type="checkbox"/> Commercial/ <input checked="" type="checkbox"/> Industrial	Roadway	Private	Federal	State/ <input checked="" type="checkbox"/> Municipal	Other
Construction Stage	Clearing/ Grubbing	<input checked="" type="checkbox"/> Rough <input type="checkbox"/> Grading	<input checked="" type="checkbox"/> Infrastructure	Building Const.	<input checked="" type="checkbox"/> Final <input type="checkbox"/> Grading	<input checked="" type="checkbox"/> Final <input type="checkbox"/> Stabilization	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> SS	<input type="checkbox"/> SJC	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/>	N
Permit Type	<input checked="" type="checkbox"/> General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input type="checkbox"/>
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	<input checked="" type="checkbox"/>	N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input type="checkbox"/>
NOI Date	3-8-2010		SWPPP Date	3-8-2010	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

SWPPP Review (can be completed in office)					
General			Notes:		
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/>	N			
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	N	Same date is displayed on both the SWPPP and the NOI.		
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input type="checkbox"/>	RUSLE calculations were not included in the SWPPP, although SWPPP language indicates that they were a part of the NRCS review included in the SWPPP.		
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input type="checkbox"/>			
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 28</i>	<input checked="" type="checkbox"/>	N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/>	N	Made available.		
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input type="checkbox"/>	Kelley Fetter of StormCo signed on behalf of Shiya Strepheps without an authorization letter. San Juan County did not sign on to this particular SWPPP.		

Site Description		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Erosion, material handling, equipment storage, trash, human/animal waste.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	N	Owner – San Juan County Operator – Shiya Strepheps Contracting Co.
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/>	N	
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	<input checked="" type="checkbox"/>	N	A general sequence was included.
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	Y	<input checked="" type="checkbox"/>	SWPPP stated 2.5 acres was disturbed out of 3.0 acres. NOI stated 10 acres was disturbed. It appeared that more like 25 acres had been disturbed in total.
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/>	N	
Is there a site map? <i>ESO Element 9E</i>	<input checked="" type="checkbox"/>	N	
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Area of soil disturbance on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location of major structural controls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	Y	<input checked="" type="checkbox"/>	<i>Note: Indicate whether receiving water is 303(d) listed.</i> San Juan River in segment 20.6.4.401 NMAC (yes for <i>E. coli</i>)
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	Y	<input checked="" type="checkbox"/>	
Endangered Species Documentation? <i>ESO Element 23</i>	<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 10 A – C</i>	<input checked="" type="checkbox"/> Y	N	
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 11; 12</i>	Y	<input checked="" type="checkbox"/> N	Paving and seeding were discussed for permanent stabilization. No discussion was given to interim stabilization.
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	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 15</i>	<input checked="" type="checkbox"/> Y	N	
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 checked="" type="checkbox"/> Y	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 16</i>	Y	<input checked="" 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 17</i>	Y	N	N/A
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	N	N/A
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	But list needs to be updated to remove hydrant flushing and to add excavation dewatering.

Controls to Reduce Pollutants (cont'd)		Notes:
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 22</i>	Y <input checked="" type="checkbox"/> N	SWPPP does not discuss BMPs needed for each potential non-stormwater discharge.
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input type="checkbox"/> N	There is no documentation to show that BMPs are added or modified.

Inspections		Notes:
Inspections performed once every 14 days and within 24 hours of a rain event greater 0.5"? <i>ESO Element 32</i>	Y <input checked="" type="checkbox"/> N	There are approximately 5 inspections missing. Dates of inspections included: 3-22-10, 4-5-2010, 4-19-2010, 5-4-2010, 6-15-2010, 6-28-2010, 7-12-2010, 7-26-2010.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	Y <input checked="" type="checkbox"/> N	No qualifications were listed in the SWPPP for Herb Hammock.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	Y <input checked="" type="checkbox"/> N	Inspection documentation appears to indicate that BMPs are inspected, but on site observation indicates otherwise.
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	Y <input checked="" type="checkbox"/> N	Again, paperwork appears to indicate they are, but the condition of the discharge points on the day of the inspection indicate differently.
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y N	
Inspection report contains all required items and certified? <i>ESO Element 39; 40</i>	Y <input checked="" type="checkbox"/> N	5 of the 8 inspections were signed digitally. (The inspector's name was just typed in.) There was no authorization letter from either Shiya Strepheps or San Juan County for Mr. Hammock to sign inspection reports.

Notes on SWPPP Review

Site Description:

This project concerns the installation of sewer line along Hwy 64 in Kirtland, NM, in order to tie in to Farmington's sewer system.

San Juan County had not applied for permit coverage under the Construction General Permit and had not prepared or signed on to the SWPPP for the project.

Kelley Fetter of StormCo, LLC (the stormwater contractor for Shiya Strepheps) signed the NOI on behalf of Shiya Strepheps on 3-8-2010, as their stormwater manager. Mr. Fetter is not employed by Shiya Strepheps. As stated in Appendix G.11.A, the person signing the NOI must be a responsible corporate officer of the company. Mr. Fetter also signed the SWPPP on behalf of the company on 3-8-2010. As of the inspection date, Mr. Strepheps himself had not signed on to the SWPPP, but did so during the exit interview. Appendix G.11.B states that reports may be signed by someone other than the responsible corporate officer, but only if authorization is made in writing. There was no authorization letter from Shiya Strepheps to indicate that Mr. Fetter was allowed to sign the SWPPP, or that Mr. Herb Hammock (also of StormCo, LLC) was authorized to sign inspection reports. This issue has been raised with Mr. Fetter before, and a reminder should be made of the language in Appendix G.11.E of the permit, which states, "The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both."

The state specific requirements in the permit, in Part 10.D.1.b, state that the rationale for making BMP decisions is supposed to be documented in the SWPPP. This is usually done through the use of a model, such as RUSLE (put out by the NRCS). The SWPPP stated that the RUSLE calculations were included in an NRCS soils report for the area, but the calculations and the rationale for BMP selection were not included in the SWPPP.

Many specific dates required to be recorded in the SWPPP were not documented. A general sequence of construction activity was located in the SWPPP, but none of the major grading activity dates, temporary/permanent construction cessation dates or stabilization initiation dates were included. This project was in various stages at the time of this inspection, including a portion of the project that had been hydroseeded and from which plants had begun to grow.

There were general and specific site maps, however, none of the information required by the permit to be on the site map was indicated. This included drainage patterns/outfalls, area of soil disturbance, location of major structural controls, location of storm water discharges to a surface water, location of materials/equipment storage, and the name of the receiving waters.

The SWPPP did not discuss specific interim or permanent stabilization practices other than paving and seeding for final stabilization. No landscaping or final paving plans were included in the SWPPP. Also, no discussion occurred in the SWPPP of stormwater management efforts to mitigate storm water runoff once construction was complete.

Out of 8 documented inspections for this project (there technically should have been at least 5 more inspections documented), five were signed digitally. This is not acceptable under EPA rules. CROMERR is the EPA's effort to accept electronic signatures, but signatures under the CGP are not included in CROMERR at this time. Also, the inspector from StormCo (Herb Hammock) that was signing the inspection reports was not authorized to do so.

The inspections generally indicated that things were well with the site, but upon the on site observations during this inspection, there were questions raised as to whether BMPs and discharge locations were truly being looked at. BMPs were in general disrepair. For example, erosion socks installed along disturbed areas looked as if they had been run over and not maintained.

SWPPP Implementation <i>(complete in field)</i>	
<u>Stabilization Practices</u>	
<p>List and describe stabilization practices <i>ESO Element 43, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>The eastern end of the project had been hydroseeded and stabilized. Plants had been growing and looked well established. There was no documentation in the SWPPP of when this was initiated.</p> <p>The western end of the project had been complete for about a month but had not been stabilized due to hydraulic testing. The facility representative indicated that if a problem with the line was found, he did not want to dig up new asphalt. The line could not be tested for 30 days due to settling issues. The facility representative indicated that asphalt would most likely be done within two weeks of this inspection.</p>
<p>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? <i>ESO Element 46</i></p>	<p><i>(e.g., indicate “yes” or “no”; if “yes”, how long without stabilization measures?)</i></p> <p>There is no documentation in the SWPPP to indicate that stabilization takes place within 14 days after construction cessation.</p>

<u>Structural Practices</u>	
<p>List and describe structural controls <i>ESO Element 42, 43, 47</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> <ol style="list-style-type: none"> 1. Erosion control sock – applied at various locations along the project. Some of it needed repair and at some areas, it did not appear to be the correctly chosen BMP for that particular location. 2. Earthen berm – located near lift station #2, next to an irrigation canal. Berm had been flattened and was not providing adequate protection to the irrigation canal.
<u>Non-Structural Practices</u>	
<p>Street Cleaning <i>ESO Element 44</i></p>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>Streets are swept as needed, but this is usually done about once per day.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<u>Non-Structural Practices</u>	
<p>Good Housekeeping & Waste Disposal Practices <i>ESO Element 45</i></p>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>Lunch trash is picked up daily and is hauled off. Construction trash has been kept on the ground at the staging area.</p>
<p>Equipment Wash/Maintenance Area <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>N/A</p>
<p>Concrete Washout Areas <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>No concrete washout located on site at this time.</p>
<u>Miscellaneous</u>	
<p>Evidence of Sediment Deposition to Surface Waters <i>*ESO Eligibility - if "yes," site not eligible for ESO</i></p>	<p><i>(e.g., significant turbidity observed in a receiving water body)</i></p> <p>Yes, in Coolidge Arroyo. Please see pictures.</p>
<p>Pollution prevention measures for non-storm water discharges? <i>*ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO</i></p>	<p><i>(provide brief description and determine whether/if non-storm water discharges allowable)</i></p> <p>No non-stormwater discharges were observed during this inspection.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<u>Miscellaneous</u>	
<p>Has implementation of additional/modified BMPs been completed before next anticipated storm event? <i>ESO Element 43.C.1</i></p>	<p><i>(provide brief description)</i></p> <p>No, it does not appear from the documentation available to the NMED inspector that BMPs have been reevaluated during the course of this project.</p>

NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 9-13-2010	Time: 0954 hours
City/County: Kirtland/San Juan		
Location: Lift station #1 installation site off of County Road 6500.		
Subject: Berm along irrigation canal had been compromised. Needed to be re-installed.		



NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 9-13-2010	Time: 1014 hours
City/County: Kirtland/San Juan		
Location: Lift station #2 near Hwy 64 and CR 6299		
Subject: Erosion socks at this location were in dire need of repair and reinstallation.		



NMED/SWQB
Official Photograph Log
Photo # 3

Photographer: Sarah Holcomb	Date: 9-13-2010	Time: 1020 hours
City/County: Kirtland/San Juan		
Location: Coolidge Arroyo at east end of project site.		
Subject: Inadequate BMPs/protection for arroyo from all of the upstream activity.		

