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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTELL
Deputy Secretary

October 4, 2010

Commissioner Patrick H. Lyons
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504-1148

RE: Construction Stormwater; SIC 1611; NPDES Compliance Evaluation; New Mexico State Land Office; NMU001682; September 16, 2010

Dear Commissioner Lyons:

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.

Thank you for your cooperation and assistance during this inspection. If you have any questions, please feel free to contact me at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Surface Water Quality Bureau

Cc: Marcia Adams, USEPA (e-mail)
Stacey Bennett-Dwyer, USEPA (e-mail)
Carol Peters-Wagnon, USEPA (e-mail)
Diana McDonald, USEPA (e-mail)
NMED, District II Santa Fe (e-mail)



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"/> <input type="text" value="0"/> <input type="text" value="1"/> <input type="text" value="6"/> <input type="text" value="8"/> <input type="text" value="2"/> 11 12 <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="9"/> <input type="text" value="1"/> <input type="text" value="6"/> 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="1"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/>					
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="2"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value=""/> <input type="text" value=""/>	74 75 <input type="text" value=""/> 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) Road Construction- From Ocate, NM travel approximately 3 miles east on Hwy 120, road construction on the left side of road. NMU001682	Entry Time/Date 1028/ 9-16-2010	Permit Effective Date 06-30-2008
	Exit Time/Date 1150/9-16-2010	Permit Expiration Date 06-30-2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. David Stanley/Contractor/575-666-2474	Other Facility Data GPS: 36.16579 -104.99079 SIC 1611	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Patrick H. Lyons, P.O. Box 1148, Santa Fe, NM 87504-1148/Commissioner of New Mexico State Land Office/505-827-5760, fax 505-827-5760	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)

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

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

1. Owner – New Mexico State Land Office (NPDES Tracking No. NMU001682)
2. General Contractor – Mr. David Stanley (NPDES Tracking No. NMU001683)
3. A separate EPA Form 3560-3 report will be submitted for each owner/operator.

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575/505-827-0160	Date 10/4/2010
Signature of Management QA Reviewer /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 10/4/2010

**Compliance Evaluation Inspection
Road Construction- White Mt. Area
NPDES Permit No. NMU001682
September 16, 2010**

Introduction

On September 16, 2010 a Compliance Evaluation Inspection was conducted at a ≥ 1 acre road construction site located approximately 3 miles east on Hwy 120 from Ocate, New Mexico. The inspection was conducted by Daniel Valenta accompanied by Sandra Gabaldon of the NMED/SWQB. This unpaved road travels north from Hwy 120 for 0.6 miles; it crosses Ocate Creek and ends at the top of the hill.

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 a review of the EPA on-line notice of intent (NOI) database, on-site observation by NMED personnel, and verbal information provided by the construction site representative, Mr. David Stanley. Discharge from this site flows into Ocate Creek and thence to the Canadian River, (20.6.4.307 NMAC). The designated uses for this segment are marginal coldwater aquatic life, warmwater aquatic life, secondary contact, irrigation, and livestock watering and wildlife habitat.

Mr. Stanley was contacted by phone on September 13, 2010 and a meeting was arranged for the 16th at the road construction site. The inspectors arrived at the site at 1028 hours. During the entrance interview with Mr. Stanley the inspector made introductions, presented credentials and discussed the purpose of the inspection. A brief closing interview was conducted at the construction site with Mr. Stanley at the conclusion of the inspection at approximately 1150.

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."

Compliance Evaluation Inspection
Road Construction- White Mt. Area
NPDES Permit No. NMU001682
September 16, 2010

According to the facility's representatives, and based on a review of the EPA storm water permit database, it has been determined that none of the operators of this construction site had NPDES construction general storm water permit coverage on the date of this inspection. The New Mexico State Land Office appears to be the owner/developer of this construction project and may have operational control over project specifications. Mr. David Stanley is the general contractor who has day-to-day operational control of those activities at the project which are necessary to ensure compliance with the storm water pollution prevention plan (SWPPP) and other permit conditions. On the day of the inspection no construction activity was occurring and the site had not been stabilized. Road construction had begun in early August 2010, (See overview and photos 1-3). Some Best Management Practices (BMPs) were on site to prevent stormwater from carrying sediment from the site into the adjacent Ocate Creek. Lead Off ditches have been installed in several places to divert stormwater away from the road but more stormwater controls are needed along the creek and roadway. 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.C.1.b of the CGP

Activities at this site have created, and continue to create, significant potential sources of storm water contaminants such as Total Suspended Solids, Total Dissolved Solids, turbidity, and other pollutants. If not properly managed or treated in accordance with an NPDES permit, these activities represent a significant potential threat to water quality through storm water discharges.

**NMED/SWQB
Site Overview**

City/County: Approximately 3 miles east of Ocate, NM

County: Mora

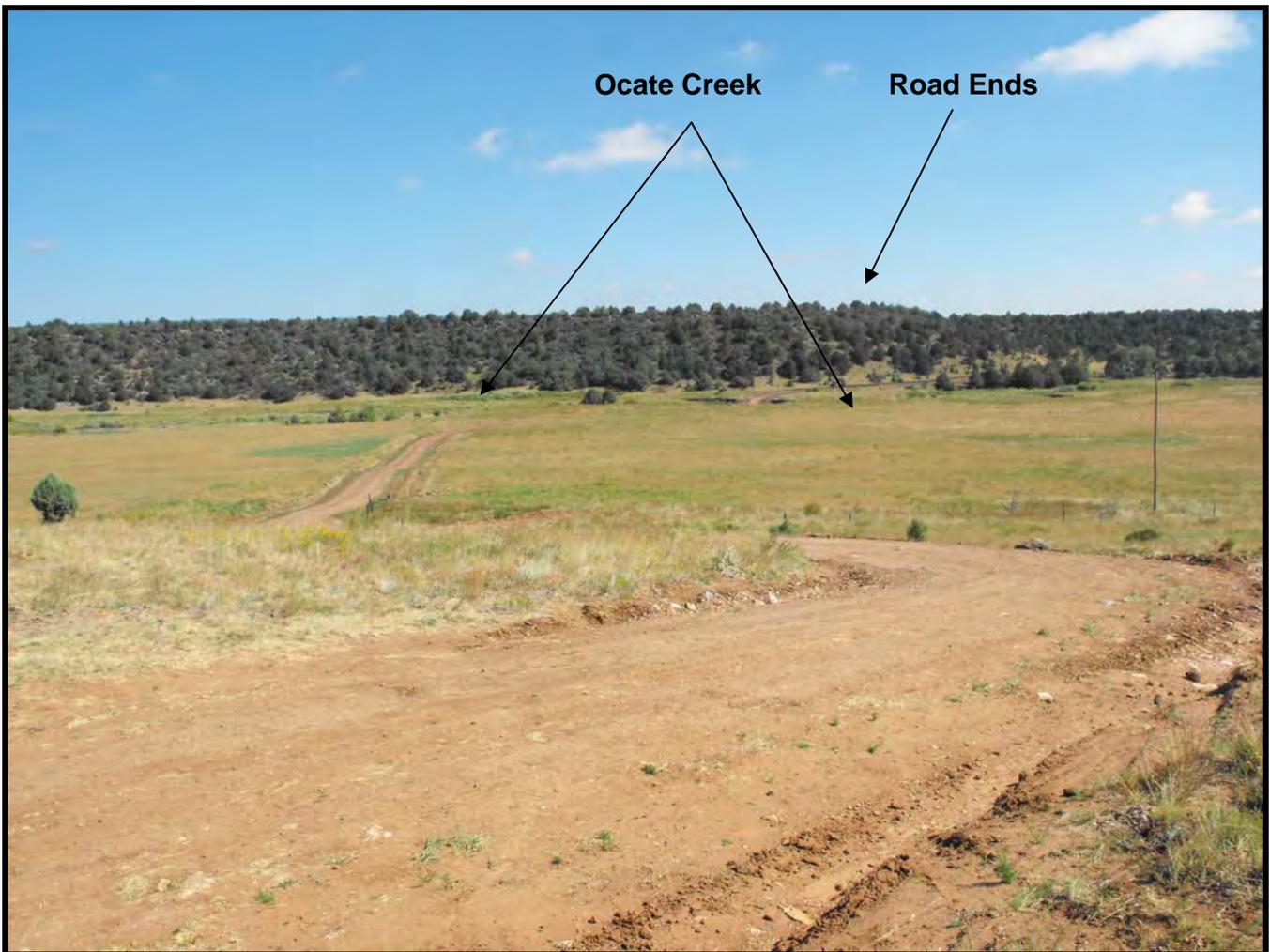
Subject: Approximant direction and location of constructed road traveling 0.6 miles from Hwy 120 across Ocate Creek, up the hill to the top and stopping. Photo not taken on day of inspection.



**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 9/16/2010	Time: 1050 hours
City/County: Outside Ocate, NM/ Mora County		
Location: Approximately 3 miles east of Ocate, off Hwy 120, facing north.		
Subject: Road from Hwy 120 to top of hill.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 9/16/2010	Time: 1123 hours
City/County: Outside Ocate NM/ Mora County		
Location: Approximately 3 miles east of Ocate, off Hwy 120, facing north at crossing of Ocate Creek.		
Subject: Unpaved road crossing Ocate Creek and going to top of hill.		



**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 9/16/2010	Time: 1133 hours
City/County: Outside Ocate NM/ Mora County		
Location: Approximately 3 miles east of Ocate, off Hwy 120, facing west near the top of the hill.		
Subject: Road cut into the side of hill nearing the top, road ends at top.		

