



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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Secretary
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Deputy Secretary

Certified Mail - Return Receipt Requested

November 1, 2010

Mr. Ian John Serrano
Santa Rosa City Administrator
244 S. 4th St.
Santa Rosa, New Mexico 88435

RE: Construction Stormwater; SIC 1611; NPDES Compliance Evaluation; City of Santa Rosa; NMU001689; October 20, 2010

Dear Mr. Serrano:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility 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; 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 and NMED regarding modifications and compliance schedules.

If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Surface Water Quality Bureau

CC: Carol Peters-Wagnon, USEPA by email
Marcia Adams, USEPA by email
Diana McDonald, USEPA by email
Samuel Tates, USEPA by email
NMED, District IV Roswell by email



NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code			NPDES									yr/mo/day					Inspec. Type		Inspector		Fac Type							
1	N	2	5	3	N	M	U	0	0	1	6	8	9	11	12	1	0	1	0	2	0	17	18	}	19	S	20	1
Remarks																												
C O N S T R U C T I O N > 1 A C R E S																												
Inspection Work Days						Facility Evaluation Rating						BI		QA		-----Reserved-----												
67						70						71		72		73 74 75 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) City of Santa Rosa Waste Water Treatment Plant, 1012 State Hwy 91, Santa Rosa, NM, 87435/From US 40 exit 54/84, turn south on 3th St./State Route 91, just past Saint Rose of Lima Cemetery turn right into a park, WWTP can be seen from road. Guadalupe County		Entry Time /Date 1230/10-20-10		Permit Effective Date 6-30-08	
		Exit Time/Date 1350/10-20-10		Permit Expiration Date 6-30-11	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Gabe Pena/ Site Superintendent/505-345-0008 cell 505-235-5224				Other Facility Data Construction Site LAT 34° 55' 32.30" N LONG -104° 40' 50.91"W SIC CODE - 1611	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Ian John Serrano, Santa Rosa City Administrator, 244 S. 4th St., Santa Rosa, New Mexico 88435/ (505)472-3404					
Yes		Contacted		No *	

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

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

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

1. Daniel Valenta accompanied by Sandra Gabaldon of the NMED/SWQB arrived on site at 1230 hours on 10/20/2010, the inspector conducted an entrance interview with Mr. Gabe Pena where he presented his credentials and explained the purpose of the inspection. An exit interview to discuss the preliminary finding on the inspection was conducted with Gabe Pena, Ed DuBuis, Mark Micelli, and Judy Kahl at approximately 1350 hours on 10/20/2010 at the construction site.
2. This report is based on review of files maintained by the permittee and EPA NOI Database, on site observation by NMED personal and verbal information provided by the facility's representative.

Name(s) and Signature(s) of Inspector(s) DANIEL VALENTA /s/Daniel Valenta		Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575		Date 11/1/2010	
Signature of Management QA Reviewer RICHARD POWELL /s/Richard Powell		Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798		Date 11/1/2010	

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Daniel Valenta
NPDES ID Number	NMR10GY01/NMU001689	Telephone	(505) 827-2575
Inspection Date	10/20/2010	Entry Time	1230
Inspector Type (circle one)	EPA <input type="checkbox"/> State <input type="checkbox"/> EPA Oversight <input type="checkbox"/>	Exit Time	1350
Facility Type (circle one)	Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Municipal <input checked="" type="checkbox"/>	Signature	

Facility Location Information					
Name/Location/ Mailing Address	City of Santa Rosa Waste Water Treatment Plant/ 1012 State Hwy 91, Santa Rosa, NM, 87435.				
GPS Coordinates	Latitude	34° 55' 32.30"	Longitude	-104° 40' 50.91"	
Receiving Water(s)	El Rito Agua Negra to the Pecos River				
Disturbed Area	11.0	Start Date	5/17/2010	Stop Date	9/25/2011

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Owner/Developer: City of Santa Rosa General Contractor: RMCI, Inc.	(575) 472-3404 (505) 345-0008
Facility Contact	City of Santa Rosa – Mark Micelli, Public Utilities Manager RMCI, Inc. – Gabe Pena, Site Supervisor	(575) 472-3404 (505) 235-5224
Authorized Official(s)	Ian John Serrano – Santa Rosa City Administrator James R. Giannelli – President, RMCI, Inc.	(575) 472-3404 (505) 345-0008

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

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> RMCi	<input checked="" type="checkbox"/> Santa Rosa	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/>	N
Permit Type	<input checked="" type="checkbox"/> General	<input checked="" type="checkbox"/> Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input checked="" type="checkbox"/>
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	Y	<input checked="" type="checkbox"/>	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/>
NOI Date	4/19/2010	No NOI	SWPPP Date	4/19/2010	
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"/>	<input checked="" type="checkbox"/>	N		
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N		
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N		
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input checked="" type="checkbox"/>	N	Part 10 of the permit requires site specific BMPs that are designed to prevent to the maximum extent practicable an increase in the sediment yield from pre-construction, pre-development conditions to assure that applicable standards of 20.6.4. NMAC are met. The permittee has no documentation of meeting these conditions.	
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input checked="" type="checkbox"/>	N		
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"/>	<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"/>	<input checked="" type="checkbox"/>	N		
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input checked="" type="checkbox"/>	N	City of Santa Rosa did not sign the SWPPP. RMCi Inc. did not use the necessary certification statement per Appendix 11. D.	

Site Description		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/>	N	
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	
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	Y	<input checked="" type="checkbox"/>	Not found in SWPPP.
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>	<input checked="" type="checkbox"/>	N	
Area of soil disturbance on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Area of soil disturbance is not provided on the site map.
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/>	Not detailed on site map.
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N	N/A
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Receiving water not 303(d) listed.
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"/>	Activity noted on sequence of construction events timeline, no dates given.
Endangered Species Documentation? <i>ESO Element 23</i>	Y	<input checked="" type="checkbox"/>	The permittee checked E on the NOI but no documentation was found in the SWPPP to detail/explain the rational for this decision.

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"/>	N	Silt Fence Berms Sediment Pond
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>	<input checked="" type="checkbox"/>	N	
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	<input checked="" type="checkbox"/>	N	RMCI listed as responsible for stabilization practices, activity noted on sequence of construction events timeline, no dates given.
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"/>	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"/>	N	RMCI listed as responsible for structural practices, activity noted on sequence of construction events timeline, no dates given.
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>	<input checked="" type="checkbox"/>	N	A retention pond will be retained on site to manage stormwater.
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"/>	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y	N	N/A, no construction or waste materials being stored.
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	<input checked="" type="checkbox"/>	
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	Y	<input checked="" type="checkbox"/>	

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 type="checkbox"/> N <input checked="" type="checkbox"/>	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y <input type="checkbox"/> N <input type="checkbox"/>	No change in BMP's or problem noted on inspection reports.

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 32</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	One inspection report missing for the time period, August 17 to September 13.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	No documentations found or submitted to verify training of inspection personnel.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	Y <input type="checkbox"/> N <input type="checkbox"/>	Unknown, inspection reports do not detail what BMP's are inspected.
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	No discharges noted.
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	Y <input type="checkbox"/> N <input type="checkbox"/>	Unknown, inspection reports do not detail what BMP's are inspected.
Inspection report contain all required items and certified? <i>ESO Element 39; 40</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	

Site Description:

The existing wastewater treatment facility consists of the following: two aeration lagoons, two settling ponds, two splitter boxes, an operations building, chlorine contact building, headworks structure, and an influent pump station. The existing road currently had a crushed rock surfacing. The site slopes from the northeast to the southwest.

Construction activities that will be associated with the improvements: The project will consist of the removal of existing lagoons and settling ponds, the construction of an MRAS/aerobic digester basin, two secondary clarifiers, splitter boxes, a pump/blower building, a UV disinfection building, a re-use pump station, a headworks building, concrete drying beds, site grading and asphalt paving.

Notes on SWPPP Review

The City of Santa Rosa is the owner/developer of the construction project and RMCI, Inc. is the general contractor. The SWPPP lists the City of Santa Rosa as the owner and RMCI as responsible for the day-to-day operational control of those activities at the project, which are necessary to ensure compliance with the SWPPP and other permit conditions.

The NOI for RMCI was submitted by Pam Trombetti on 4/19/2010, no title was included on the NOI. Per the RMCI Site Superintendent Pam Trombetti is the Office Manager. A review of the RMCI company officers submitted to the New Mexico Public Regulation Commission does not include Pam Trombetti. The SWPPP contains no document defining the scope of the Office Manager authority.

CGP Appendix G.11 states:

A. 1, All applications, including NOIs, must be signed as follows: For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Pam Trombetti does not appear to meet the signatory requirements needed to apply for a Construction General Permit (CGP). Therefore, the Santa Rosa Wastewater Treatment Plant Improvements construction site may not have a valid permit.

SWPPP Implementation (*complete in field*)

Stabilization Practices

List and describe stabilization practices
ESO Element 43, 48

(*e.g., seeding, mulching, geotextiles, sod stabilization*)

Stabilization practices described in the SWPPP:

Interim measures include the watering and compaction of stockpile areas and graded slopes to control dust and sediment discharges. These areas will be protected with sediment control structures to prevent discharge of sediment into waterways.

All cleared and graded soils will be returned to their original or new contours. Permanent stabilization will include the replacement of original landscaped materials and application of native grass seed when required. These areas will be watered and maintained to control dust and surface runoff.

Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?
ESO Element 46

(*e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?*)

Active construction site.

Structural Practices

List and describe structural controls
ESO Element 42, 43, 47

(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)

SWPPP describes the use of:

Silts fence

Ditches & Dikes

Berms

Sediment Pond

Rocked off-site vehicle track-out in place

BMP's listed in SWPPP found in use at site.

Non-Structural Practices

Street Cleaning
ESO Element 44

(e.g., describe measures taken to remove offsite accumulation of sediment)

Site exits to a dirt road.

<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>Construction site appeared orderly, waste containers need to be emptied before filling to top.</p>
<p>Equipment Wash/Maintenance Area <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>Equipment not washed or maintained on site. Fuel tanks on site for refueling with secondary containment in place.</p>
<p>Concrete Washout Areas <i>ESO Elements 43</i></p>	<p><i>(provide brief description)</i></p> <p>Concrete wash area on site, the site had overfilled and flowed downhill to silt fencing. No visual evidence of concrete wash bypassing silt fencing.</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> Yes</p> <p>No</p>

Miscellaneous

Pollution prevention measures for non-storm water discharges?

**ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO*

(provide brief description and determine whether/if non-storm water discharges allowable)

SWPPP does not address pollution prevention measures for non-storm water discharges. Dewatering of construction pit was occurring on site, water was being discharged to WWTP ponds.

Has implementation of additional/modified BMPs been completed before next anticipated storm event?
ESO Element 43.C.1

(provide brief description)

No failed BMP's noted or observed.

Notes on SWPPP Implementation