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ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

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RON CURRY  
Secretary  
SARAH COTTRELL  
Deputy Secretary

November 23, 2010

Ed Romero, Executive Director  
Santa Fe Civic Housing Authority, Inc.  
664 Alta Vista Street  
Santa Fe, New Mexico 87125

**RE:** Construction Storm Water, SIC 1522, NPDES Compliance Evaluation Inspection, Santa Fe Civic Housing Authority, Inc. / Villa Alegre, NMU001691, November 3, 2010

Dear Mr. Romero:

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 2008 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 the worksheet 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 (Diana McDonald, USEPA 6EN-WM, 1445 Ross Avenue, Dallas, Texas 75202-2733) and NMED Surface Water Quality Bureau Program Manager (address above) regarding modifications and compliance schedules.

I appreciate the cooperation of Ira Griffith and Ken Mortensen, Pavilion Construction, LLC and Rudy R. Gallegos, Deputy Director, Santa Fe Civic Housing Authority, Inc. during the inspection. If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

Erin S. Trujillo  
Surface Water Quality Bureau

cc: Marcia Gail Adams, EPA (6EN-AS) by e-mail  
Samuel Tates, EPA (6EN-AS) by e-mail  
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail  
Diana McDonald, USEPA (6EN-WM) by e-mail  
Robert Italiano NMED District II Manager by e-mail  
Rudy R. Gallegos, Dep.Dir, Santa Fe Civic Housing Authority, Inc. by e-mail ([rudyg@sfcha.com](mailto:rudyg@sfcha.com))



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

### 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="9"/> <input type="text" value="1"/> 11 12 <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="3"/> 17 18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>					
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Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text"/> <input type="text"/> <input type="text"/> 69	70 <input type="text" value="2"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text"/>	74 75 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 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) Villa Alegre, 800 Block, West Alameda Street (Phase 1 and 2, Track 1) and 100 Block of Camino Del Campo (Phase 3), Santa Fe, New Mexico. Santa Fe County	Entry Time /Date <b>1354 hours / 11/03/2010</b>	Permit Effective Date June 30, 2008
	Exit Time/Date <b>1745 hours / 11/03/2010</b>	Permit Expiration Date June 30, 2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Ira Griffith, Superintendent / Pavilion Construction, LLC / 505-553-9127 & fax 216-2796 Rudy R. Gallegos / Dep.Dir, Santa Fe Civic Housing Authority, Inc. / 505-699-7764 & fax 989-7786 Carlos Flores / Field Compliance Supervisor, Superior StormWater Services, LLC Ken Mortensen / Project Superintendent, Pavilion Construction, LLC / 505-553-9127 & fax 244-1810 Tim Slatunas / Superior StormWater Services, LLC / 505-565-8260 and fax 565-8261	Other Facility Data <b>Latitude 35.689992°</b> <b>Longitude -105.953829°</b> <b>SIC 1522 (Primary Code for Construction Activity)</b>	
Name, Address of Responsible Official/Title/Phone and Fax Number Ed Romero / Santa Fe Civic Housing Authority, Inc. 664 Alta Vista Street, Santa Fe, NM 87125 / Executive Director / 505-988-2859 & fax 989-7786	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)

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

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

- Owner/Developer - Santa Fe Civic Housing Authority, Inc (NPDES Tracking No. NMU001691)  
Operator/General Contractor - Pavilion Construction, LLC (NPDES Tracking No. NMR10GX08)
- Santa Fe Civic Housing Authority, Inc did not complete (sign/certify) a Storm Water Pollution Prevention Plan and did not submit a Notice of Intent (NOI) to obtain permit coverage for the above-referenced construction activity as of the date of this inspection. Santa Fe Civic Housing Authority, Inc. submitted a NOI under the 2008 CGP (NPDES Tracking No. NMR10H684) on November 5, 2010, but it does not appear that coverage was obtained for the entire project based on the estimated area and construction start date on the NOI.
- A separate Compliance Evaluation Inspection report and EPA Form 3560 was prepared for each owner/operator.
- See attached further explanations.

Name(s) and Signature(s) of Inspector(s) <b>Erin S. Trujillo</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB/505-827-0418/505-827-0160</b>	Date <b>11/23/2010</b>
Signature of Management QA Reviewer <b>Richard E. Powell</b>	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB/505-827-2798/505-827-0160</b>	Date <b>11/23/2010</b>

**NPDES Construction Storm Water Compliance Evaluation Inspection**  
**Santa Fe Civic Housing Authority, Inc. / Villa Alegre**  
**NPDES Tracking # NMU001691**  
**November 3, 2010**

**Further Explanations**

**Introduction**

On November 3, 2010, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo later accompanied by Daniel Valenta, both of the NMED SWQB, following a citizen's complaint and site reconnaissance on November 2, 2010 by the inspectors at the above-reference residential construction site. Upon arrival on November 3, 2010, the inspector contacted Mr. Griffith, made introductions, presented credentials, explained the purpose of the inspection. The inspector toured the site with Mr. Griffith. Mr. Gallegos, Mr. Flores, Mr. Slatunas and Mr. Mortensen arrived later and attended portions of the inspection. The inspector conducted an exit interview to discuss the preliminary findings with Mr. Griffith, Mr. Mortensen, and Mr. Slatunas on site on the day of the inspection. Additional information was provided and the inspector discussed preliminary findings with Mr. Gallegos on November 4, 2010. Additional information was provided by Mr. Slatunas on November 14, 2010.

Discharges are to the Santa Fe Municipal Separate Storm Sewer System (MS4), Arroyo Mascaras thence to Canada Rincon a tributary to the Santa Fe River, & Santa Fe River (20.6.4.98 NMAC) of the Rio Grande Basin. This report is based on a review of the EPA online notice of intent (eNOI) database, owner/operator websites, review of files maintained by the operator and NMED, on-site observation by NMED personnel, and verbal information provided by the owner and Permittees' representatives.

Villa Alegre residential units and community building construction activity comprises several tracks and lots in the 800 Block of West Alameda Street (Phase 1 and 2) and 100 Block of Camino Del Campo (Phase 3) in Santa Fe, New Mexico. Phase 1 and 2 is approximately 0.2 miles apart from Phase 3. Phase 1 and 2, both in Track 1 which is approximately 7.7 acres, are referred to as 821 and 811 West Alameda Street, respectively, on construction documents. Phase 3 is shown both northeast (approximately 0.5 acres) and northwest (approximately 1.5 acres) of the West Alameda Street and Camino Del Campo intersection on proposed site plans.

**Clean Water Act and Permit Requirements**

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 Code of Federal Regulations (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."* Also, 40 CFR 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."*

Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix A of the Construction General Permit (CGP). Among other things, the CGP requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained. The SWPPP is intended to

document the selection, design, installation, and implementation of control measures (see Part 5.1 of the 2008 CGP). Also, as discussed in the 2008 CGP (see Part 5.12), for more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided reference is made to other operators at the site.

The 2008 CGP, Definitions, Appendix A, states, “operator for the purpose of this permit and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria: 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).”

## **Findings**

Santa Fe Civic Housing Authority, Inc., an owner/developer having operational control over construction plans and specifications, did not develop a SWPPP, and did not obtain permit coverage under the 2008 CGP prior to starting clearing activities on November 24, 2009 for Villa Alegre large construction activity (approximately 9.7+ acres). Santa Fe Civic Housing Authority, Inc. hired Grancor Enterprises, Inc., a general construction & remediation services corporation registered in New Mexico, to clear residential building structures at Villa Alegre starting November 24, 2009 with construction activities temporarily ceasing on May 31, 2010. Santa Fe Civic Housing Authority, Inc. hired Pavilion Construction, LLC, a limited liability corporation registered in New Mexico, as a general contractor to complete construction activities for a portion of Villa Alegre construction activity (Phase 1 and 2). Pavilion Construction, LLC had day-to-day operational control over SWPPP implementation and continued clearing and started grading and infrastructure activities for Phase 1 and 2 of Villa Alegre on June 21, 2010. Also, a portion of Phase 3 (northwest tracks/lots) owned by Santa Fe Civic Housing Authority, Inc. was being used by Pavilion Construction, LLC for support activity (equipment staging and material storage) on the day of the inspection.

Neither Santa Fe Civic Housing Authority, Inc. nor Pavilion Construction, LLC completed (signed/certified) a SWPPP prepared for Phase 1 and 2 on the day of the inspection. Although BMPs were installed for Phase 1 and 2 and inspections conducted, the plan did not include all areas of construction activity and stormwater controls, in this case, the support area described above and work in and along a tributary of the Santa Fe River. Disturbance included excavation of a water line utility connection and placement of fill in the Arroyo Mascaras and associated floodplain. Disturbance in and along Arroyo Mascaras and associated floodplain was started prior to implementation of control measures based on site reconnaissance on November 2, 2010 and information from the owner/operator on-site representative.

Following this inspection, Santa Fe Civic Housing Authority, Inc. submitted a NOI under the 2008 CGP (NPDES Tracking No. NMR10H684) on November 5, 2010. But, based on the estimated area of disturbance (only 5 acres) and project start date (April 10, 2010), it still does not appear that the Santa Fe Civic Housing Authority, Inc. submitted an NOI to obtain coverage for all phases of the Villa Alegre construction and support activity.