



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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DAVE MARTIN
Secretary
RAJ SOLOMOM, P.E.
Deputy Secretary

Certified Mail - Return Receipt Requested

March 15, 2011

Mr. Daniel Miera, Town Manager
Town of Taos
400 Camino De La Placita
Taos, NM 87571

RE: Construction Storm Water; SIC 1611; NPDES Compliance Evaluation Inspection; Town of Taos Waste Water Treatment Plant; NMU001711; February 17, 2011

Dear Mr. Miera:

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 attached further explanations. 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 (Marcia Adams, 6EN-AS, USEPA, 1445 Ross Avenue, Dallas, Texas 75202-2733) and NMED Surface Water Quality Bureau Program Manager (address above) 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 II by email

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Daniel Valenta
NPDES ID Number	NMR10GV96/NMU001711 NMR10H618	Telephone	(505) 827-2575
Inspection Date	2/17/2011	Entry Time	1415
Inspector Type (circle one)	EPA <input checked="" type="checkbox"/> State EPA Oversight	Exit Time	1610
Facility Type (circle one)	Commercial /Industrial Residential <input checked="" type="checkbox"/> Municipal	Signature	/s/Daniel Valenta

Facility Location Information					
Name/Location/ Mailing Address	Town of Taos Wastewater Treatment Plant 182 Los Cordovas Road Taos, NM 87557				
GPS Coordinates	Latitude	36° 22' 24.21"	Longitude	-105° 39' 21.38"	
Receiving Water(s)	Unnamed Arroyo thus Rio Pueblo de Taos in 20.6.4.122 of the Rio Grande Basin				
Disturbed Area	3.5 acres	Start Date	4/5/10	Stop Date	1/31/11

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Owner/Developer: Town of Taos General Contractor: AUI Inc. Engineering Design: Souder Miller & Associates	575-751-2006 505-975-7756 505-471-6675
Facility Contact	Project Manager. – Jeffery Pipkin, AUI Inc.	505-975-7756
Authorized Official(s)	Mr. Daniel Miera – Town of Taos City Manager Mr. Adam Triolo – President AUI Inc. Mr. Peter Fant – President Souder Miller	575-751-2006 505-242-4848 505-473-9211

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

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> AUI. Inc. Souder Miller	<input type="checkbox"/> Town of Taos	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Permit Type	<input 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"/> AUI 3/3/2010 Souder	N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input type="checkbox"/>
NOI Date	11/29/2010		SWPPP Date	3/1/10	
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 type="checkbox"/>		
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input type="checkbox"/>	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. No documentation was found of meeting these conditions.	
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"/>	<input type="checkbox"/>	Construction ongoing, all inspection reports included with the SWPPP.	
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input type="checkbox"/>	Site Project Manager signed for AUI, no authorization to sign document. No signatures for the Town of Taos or Souder Miller & Associates.	

Site Description		Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/>	N	Sources identified are: soil erosion, storage and maintenance areas, access roads, receiving areas, equipment storage, refuse sites and human waste.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	Y	<input checked="" type="checkbox"/>	SWPPP addresses the Town of Taos and AUI, Inc. but not Souder Miller's role at the site.
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>	<input checked="" type="checkbox"/>	N	
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"/>	Not provided on the site map but on site description.
Location of major structural controls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/>	N	Silt fences, rock entrance, and cement wash area
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"/>	Storage area on south side of property, not on map.
Location/description industrial activities? <i>ESO Element 9G</i>	Y	<input checked="" type="checkbox"/>	Mobile mixing plant on site.
Name of Receiving water(s) or MS4 listed?	Y	<input checked="" type="checkbox"/>	<i>Note: Indicate whether receiving water is 303(d) listed.</i> The receiving stream is misidentified on the NOI and the site description. Receiving stream has a TMDL for sedimentation/siltation and temperature.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	<input checked="" type="checkbox"/>	N	Activity noted on sequence of construction events timeline.
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/>	N	The permittee checked E on the NOI, documentation provided.

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	Site will have silt fences, straw waddles with a rocked stabilized entrance for vehicle track-out. A concrete wash out area is provided.
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"/> Y 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"/> Y N	AUI is 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"/> Y N	Site will have silt fences, straw waddles, with a rocked stabilized entrance for vehicle track out.
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	AUI 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>	Y <input checked="" type="checkbox"/> N	SWPPP only addresses issue by reseeded to the 70% of background.
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>	<input checked="" type="checkbox"/> Y N	SWPPP addresses issue with a General Permit from the COE, no documentation of Permit included in SWPPP.
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	With a rocked stabilized entrance to prevent vehicle track out and spray to suppress dust.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y <input checked="" type="checkbox"/> N	Storage site is not described or listed.
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	<input checked="" type="checkbox"/> Y N	Straw waddles and silt fences.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y N	Uncontaminated excavation dewatering, water used in dust control, fire hydrant flushing, and discharges from fire fighting activities.

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

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>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Reports missing for the time period, 5/28/10 to 7/7/10.
Inspections performed by qualified personnel? <i>ESO Element 33</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
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	Storage area listed as inspected item on checklist.
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Problems noted and corrected on inspection reports.
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	
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
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 Taos Wastewater Treatment Plant is a Publically Owned Treatment Works (POTW) which operates under the Region 6 EPA NPDES Permit No. NM0024066. The 4.0 acre facility discharges over 1 million gallons day (MGD) and is classified as a major. The treatment works presently consist of head works, two aeration ponds, four clarifiers, and UV disinfection. The two aeration basins will be cleaned and new bottom bubble aerators installed. In the southwest corner of the site will be the new Membrane Bio-Reactor (MBR). The clarifiers may not be used and may be drained.

Major Finding

1. The Town of Taos is the owner/developer of the construction project and AUI, Inc. is the general contractor. The SWPPP lists the Town of Taos as the owner and AUI, Inc. 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 Town of Taos has not submitted an NOI or received CGP coverage as of the day of the inspection.

2. Souder Miller & Associates conducted the engineering design for the MBR project. They submitted an NOI (NMR10H618) on 11/29/2010 (effective 12/6/2010). A SWPPP was not prepared per Part 5.1. A SWPPP has been prepared for the site by the general contractor but was not signed and certified by a representative from Souder Miller.

Per Appendix G.11.B, "All reports required by this permit, including SWPPP's, must be signed by a person described in Appendix G, Subsection 11.A above or by a duly authorized representative of that person."

3. NOI submitted on 3/3/2010 for AUI Inc. (NMR10GV96) was certified by the Stormwater Manager from StormCo, LLC. Mr. Kelley Fetter. Mr. Fetter does not appear to meet the signatory requirements of the permit for AE and as such, does not have the authority to sign permit applications for AUI Inc. Therefore AUI Inc. may not have a valid CGP.

Per Appendix G.11.A, "All applications, including NOI's, 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,..."

4. The receiving water bodies identified in the SWPPP and the two NOI's are incorrect. They listed the Arroyo Del Alamo thus Rio Grande Del Rancho thus Rio Pueblo De Taos. The construction site discharges to an unnamed arroyo thus to the Rio Pueblo De Taos in the Lower Taos Canyon. The WWTP discharges to the same arroyo thus there is a flow/conveyance of treated effluent to the Rio Pueblo De Taos. This segment of the Rio Pueblo De Taos has WQS reference 20.6.4.122 Assessment Unit ID NM-2119_30 and has a TMDL for sedimentation/siltation and temperature.

5. A staging yard has been set up on the south side of the construction site to hold equipment and construction material, (see photo 1). This area faces the unnamed arroyo running along the south side of the facility. It is not included in the SWPPP or contained with any BMP's.

SWPPP Implementation (*complete in field*)

Stabilization Practices

List and describe stabilization practices
ESO Element 43, 48

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

Active construction site, no stabilization practices in use.

SWPPP describes:

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)

Structural controls found at the site were the use of silt fences, rocked areas to prevent off-site vehicle track out, and concrete wash out containment areas.

Non-Structural Practices

Street Cleaning
ESO Element 44

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

Street described as cleaned as needed, sweeping log blank.

Non-Structural Practices

**Good Housekeeping
& Waste Disposal
Practices**
ESO Element 45

(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)
Construction site appeared orderly, construction waste contained.

**Equipment Wash/
Maintenance Area**
ESO Elements 43

(provide brief description)
Equipment not washed or maintained on site.

**Concrete Washout
Areas**
ESO Elements 43

(provide brief description)
Concrete/mortar wash area on site, material contained.

Miscellaneous

**Evidence of Sediment
Deposition to Surface
Waters**
**ESO Eligibility - if
"yes," site not eligible
for ESO*

(e.g., significant turbidity observed in a receiving water body) Yes
Yes, see photo 2.

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)

Non-storm water discharges identified that may occur; uncontaminated excavation dewatering, water used in dust control, fire hydrant flushing, and discharges from fire fighting activities.

SWPPP describes these discharges will be controlled with the use of compost wattles and reinforced silt fencing. No straw wattles found at construction site.

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

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**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 2/17/2011	Time: 1539 hours
City/County: Town of Taos/Taos County		
Location: 182 Los Cordovas Road, Taos, New Mexico 87557 South side of construction site facing south.		
Subject: Storage/staging area not included in the SWPP.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 02/17/2011	Time: 1537 hours
City/County: Town of Taos/Taos County		
Location: 182 Los Cordovas Road, Taos, New Mexico 87557 South side of construction site facing north.		
Subject: South side of construction site, unnamed arroyos run along the south and west side of construction site.		



Unnamed Arroyo thus to Rio Pueblo De Taos

New MBR Building

Silt fence in place across bottom of arroyo.