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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

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DAVE MARTIN  
Secretary

BUTCH TONGATE  
Acting Deputy Secretary

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September 22, 2011

Galbreth Land Development Co., LLC  
Mr. William Galbreth, Owner  
4830 Juan Tabo Blvd., NE Suite H  
Albuquerque, NM 87111

**RE: Construction Stormwater, SIC 1521, NPDES Compliance Evaluation Inspection, Galbreth Land Development Co., LLC, 12000 Block San Antonio Blvd. Construction Project, NPDES Permit NMU001721, Albuquerque, New Mexico, September 8, 2011**

Dear Mr. Galbreth:

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), NMED (at above address) 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) 222-9587.

Sincerely,  
*/s/ Sarah Holcomb*  
Sarah Holcomb  
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) (by e-mail)  
Samuel Tate, USEPA (6EN-AS) (by e-mail)  
Carol Peters-Wagnon, USEPA (6EN-AS) (by e-mail)  
Diana McDonald, USEPA (6EN-AS) (by e-mail)  
Darlene Whitten-Hill, USEPA (6EN-AS) (by e-mail)  
Bill Chavez, NMED District 1 Acting Manager (by e-mail)



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   N   2   5   3   N   M   U   0   0   1   7   2   1   11   12   1   1   0   9   0   8   17   18   C   19   S   20   2 |                            |           |              |                    |                          |
| Remarks   |                            |           |              |                    |                          |
| C   O   N   S   T   R   U   C   T   I   O   N   ≥   5   A   C   R   E   S   |                            |           |              |                    |                          |
| Inspection Work Days  | Facility Evaluation Rating | BI        | QA           | -----Reserved----- |                          |
| 67       69   | 70   2                     | 71   N    | 72   N       | 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)<br><b>12000 BLOCK OF SAN ANTONIO, ALBUQUERQUE, NM; BERNALILLO COUNTY: FROM I-25, TURN EAST ON TRAMWAY. TURN RIGHT ONTO SAN RAFAEL, AND LEFT ON TENNYSON. TENNYSON CURVES RIGHT INTO SAN ANTONIO. THE CONSTRUCTION SITE IS ABOUT 5 BLOCKS DOWN ON THE LEFT SIDE.</b> | Entry Time /Date<br><b>1410 hours / 9-8-2011</b>   | Permit Effective Date<br>8-1-2008          |
|  | Exit Time/Date<br><b>1425 hours / 9-8-2011</b>   | Permit Expiration Date<br>2-15-2012        |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)<br>N/A   | Other Facility Data<br>SIC 1521  |  |
| Name, Address of Responsible Official/Title/Phone and Fax Number<br><b>DR. WILLIAM GALBRETH, OWNER (505) 298-8103<br/>4830 JUAN TABO BLVD. NE, SUITE H, ALBUQUERQUE, NM 87111</b>  | Yes <input type="checkbox"/> * <input checked="" type="checkbox"/> No <input type="checkbox"/> | GPS:<br>N. 35° 09.578"<br>W. -106° 30.196" |

**Section C: Areas Evaluated During Inspection**

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

|   |                           |   |                         |   |                          |   |                      |
|---|---------------------------|---|-------------------------|---|--------------------------|---|----------------------|
| U | Permit                    | N | Flow Measurement        | U | Operations & Maintenance | N | CSO/SSO              |
| U | Records/Reports           | U | 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              | U | Storm Water              | N | Other:               |

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

- INSPECTION WAS PROMPTED BY A COMPLAINT RECEIVED FROM THE CITY OF ALBUQUERQUE.
- INSPECTOR ARRIVED ON SITE, ATTEMPTED TO MAKE CONTACT WITH KRIS CANNADAY (REALTOR) BECAUSE THERE WAS NO NOI POSTING AT THE SITE.
- WHEN CONTACT WAS NOT MADE, INSPECTOR TOOK PHOTOS FROM THE PUBLICLY ACCESSIBLE ROAD AND LEFT THE SITE.
- INSPECTOR MADE CONTACT WITH DR. GALBRETH OVER THE PHONE ON 9-19-2011 AND EXPLAINED THE PURPOSE OF THE INSPECTION AND PRELIMINARY FINDINGS.

|   |   |                   |
|---|---|-------------------|
| Name(s) and Signature(s) of Inspector(s)<br>Sarah Holcomb / Sarah Holcomb | Agency/Office/Telephone/Fax<br>NMED/SWQB 505-222-9587 | Date<br>9-22-2011 |
| Signature of Management QA Reviewer                                       | Agency/Office/Phone and Fax Numbers                   | Date              |

|  |                        |           |
|--|------------------------|-----------|
| Richard Powell /s/ Barbara Cooney for RP | NMED/SWQB 505-827-2798 | 9-21-2011 |
|--|------------------------|-----------|

EPA Form 3560-3 (Rev. 9-94) Previous editions are obsolete.

## Introduction

On September 8, 2011, a Compliance Evaluation Inspection was conducted at a  $\geq 5$  acre construction site located in Albuquerque, New Mexico. The inspection was conducted by Sarah Holcomb of the NMED/SWQB. The current construction project consists of an approximately 5 acre development where the land has been cleared in preparation for building a house and later, possibly, a livestock pasture. 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 review of files maintained by NMED, on-site observation by NMED personnel, and verbal information provided by the facility's representatives, Ms. Kris Cannaday and Dr. Galbrieth. This site is located adjacent to the Socorro Main Canal. Storm water runoff from this site discharges to the Socorro Main Canal, thence to the Socorro Riverside Drain, and thence to the Rio Grande (20.6.4.105 NMAC).

The inspector arrived at the site at 1410 hours on September 8, 2011. The inspector could not make contact with anyone while she was onsite, but left a phone message for Ms. Kris Cannaday of Hampton Preferred Properties explaining the purpose of the inspection. After making observations from the publicly accessible road and taking a few pictures, the inspector left the site at approximately 1425 hours on September 8, 2011.

## 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."*

According to the facility's representative, and based on a review of the EPA storm water permit database, it has been determined that this owner did not have NPDES construction general storm water permit coverage on the date of this inspection. MR. William Galbreth is the owner/developer who has operational control over project specifications, and will also most likely be the general contractors who has day-to-day operational control of those activities at the construction project. Mr. Galbreth would be responsible for site maintenance which is necessary to ensure compliance with the storm water pollution prevention plan (SWPPP) (if one had been prepared) and other permit conditions.

The site was referred to the Surface Water Quality Bureau through a complaint from the city of Albuquerque. Because this site was outside of the city's jurisdiction, the concerns were relayed to NMED. The complaint regarded soil and sediment accumulation down the road from the property under construction. The inspector informed Mr. Galbreth that everyone who disturbs an acre of land or more is required to comply with the construction stormwater permit.

There was not a pollution prevention plan prepared in written form available at the site for the inspection and adequate stabilization measures were not being implemented at the site. 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

If not properly managed or treated in accordance with an NPDES permit, the construction activities at this site represent a potential threat to water quality through storm water discharges.

The facility's representative was informed of the requirements under the NPDES storm water program regarding permitting requirements, preparation of a SWPPP, and installation of appropriate storm water runoff control practices (per the SWPPP) during the exit interview conducted with Mr. Galbreth on 9-18-2011. Preliminary findings of the inspection were also discussed during the exit interview.

NMED/SWQB

Official Photograph Log  
Photo # 1

|  |                |                  |
|--|----------------|------------------|
| Photographer: Sarah Holcomb  | Date: 9-8-2011 | Time: 1422 hours |
| City/County: Albuquerque/Bernalillo County   |                |                  |
| Location: 12000 Block of San Antonio, NE   |                |                  |
| Subject: Lack of BMPs on site allowing silt and sediment to leave and travel down the road during a rainstorm. |                |                  |



NMED/SWQB

Official Photograph Log  
Photo # 2

|  |                |                  |
|--|----------------|------------------|
| Photographer: Sarah Holcomb  | Date: 9-8-2011 | Time: 1424 hours |
| City/County: Albuquerque/Bernalillo County   |                |                  |
| Location: 12000 Block of San Antonio NE  |                |                  |
| Subject: Dirt piles located on the East side of the project with no BMPs to control runoff from the piles. |                |                  |



NMED/SWQB

**Official Photograph Log**  
Photo # 3

|  |                 |                  |
|--|-----------------|------------------|
| Photographer: Sarah Holcomb                                  | Date: 5-10-2011 | Time: 1424 hours |
| City/County: Albuquerque/Bernalillo County                   |                 |                  |
| Location: 12000 Block of San Antonio NE                      |                 |                  |
| Subject: This is the only completed building on the project. |                 |                  |

