



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

July 15, 2011

Mr. Joe Miller
286 Riverbank Road
Lamy, NM 87540

**RE: Construction Stormwater, SIC 1521, NPDES Compliance Evaluation Inspection, Joe Miller Property
11 Avenida Amistad, Santa Fe, New Mexico, NPDES Permit No. NMU001742**

Dear Mr. Miller:

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 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) and NMED (at above address) regarding modifications and compliance schedules.

Thank you for your cooperation during this inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-1041.

Sincerely,

Sandra Gabaldón
Surface Water Quality Bureau

CC: Marcia Gail Adams, EPA, Enforcement Section (6EN-AS) by e-mail
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail
Diana McDonald, EPA (6EN-WM) by e-mail
Samual Tates, EPA, (6W-AS) by e-mail
NMED District II Office by e-mail

**Joe Miller Property – 11 Avenida Amistad
NPDES Compliance Evaluation Inspection
NPDES Permit #NMR001742
July 8, 2011**

Introduction

On July 8, 2011 a Compliance Evaluation Inspection was conducted at a ≥ 1 acre disturbed area with a total parcel area of 58 acres owned by Mr. Joe Miller. The property is located in Santa Fe County, New Mexico, at 11 Avenida Amistad.

The inspector met with Mr. Miller at the property, presented her credentials and explained the purpose of the inspection. Mr. Miller was joined later by his consultant, Mr. Daniel Martinez, Land Development Planning, to aid in this inspection.

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 representatives, Mssrs. Reeves and Bauer.

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."

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
Official Photograph Log
Photo # 1

Photographer: Sandra Gabaldón	Date: July 8, 2011	Time: 1035
City/County: Eldorado / Santa Fe		State: New Mexico
Location: 11 Avenida Amistad		
Subject: Looking East at property entrance		



NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Sandra Gabaldón	Date: July 8, 2011	Time: 1036
City/County: Eldorado / Santa Fe		State: New Mexico
Location: 11 Avenida Amistad		
Subject: Northeast area of property. Graded area along with stockpiled dirt. (Dirt pile approximately 20 feet high)		



NMED/SWQB
Official Photograph Log
Photo # 3

Photographer: Sandra Gabaldón	Date: July 8, 2011	Time: 1037
City/County: Eldorado / Santa Fe		State: New Mexico
Location: 11 Avenida Amistad		
Subject: East side of property. Two silt fences, one completely down and the other 50% filled.		



NMED/SWQB
Official Photograph Log
Photo # 3

Photographer: Sandra Gabaldón	Date: July 8, 2011	Time: 1041
City/County: Eldorado / Santa Fe		State: New Mexico
Location: 11 Avenida Amistad		
Subject: Facing North – Canada de Los Alamos Arroyo adjacent to grading activities		

