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DAVE MARTIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

September 6, 2011

Mr. Joe (J.E) Silva, President and Mr. Michael Silva, Vice President
Silva's Excavation, Inc.
P.O. Box 1011
El Prado, New Mexico 87529

**RE: Construction Storm Water, SIC 1542, NPDES Compliance Evaluation Inspection, Silva's
Excavation, Inc. / Bus Barn and Fill Area, NMU001757, August 9, 2011**

Dear Mr. Joe and Mr. Michael Silva:

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

If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/Erin S. Trujillo

Erin S. Trujillo
Surface Water Quality Bureau

cc: Marcia Gail Adams, EPA (6EN-AS) by e-mail
Darlene Whitten-Hill, USEPA (6EN) 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 - Santa Fe by e-mail

Silva's Excavation, Inc.
Taos Municipal School District Bus Barn and Fill Area
NPDES Tracking No. NMU001757
August 9, 2011

Further Explanations

Introduction

On August 9, 2011, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo of the NMED SWQB at the above-referenced bus barn and fill area construction activity. This inspection followed a public inquiry of NMED SWQB on the permit status for the construction activity. The project included construction of a bus barn building, associated parking area, driveways and drainage channel; excavation of a buried drainage culvert inlet near the Taos Middle School; and saw cutting and removal of a portion of the Taos Middle School pavement. In addition, a low area or swale had been disturbed east of the bus barn. Both the bus barn and fill area are part of a larger plan of development for the Taos Municipal School District field modification (total 6 acres).

Stormwater flows off site through culverts crossing Gusdorf Road. Federal Emergency Management Administration (FEMA) map 35055C0790E shows a special flood hazard area (no base flood elevations determined) on site continuing to an unnamed tributary approximately 800 feet west of the construction site. Stormwater discharges to the unnamed tributary, thence to Rio Pueblo de Taos approximately 3 miles west of the construction site in segment 20.6.4.123 State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC), thence to the Rio Grande. This segment includes the designated uses of domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, secondary contact, and wildlife habitat.

Upon arrival at approximately 1015 hours on the day of this inspection, the inspector made introductions, explained the purpose of the inspection and presented credentials to Mr. Jalmar Bowden, Project Superintendent, Wayne Rutherford General Contractor, Inc. and Mr. Alfred Cordova, Principal, Taos Middle School. The inspector, Mr. Bowden, and Mr. Erwin Jones, Maintenance Technician, Facilities, Taos Municipal School District toured the construction site. Mr. Wayne Rutherford was present during a portion of the tour. Preliminary findings were discussed with Mr. Bowden and Mr. Jones at the end of the tour. The inspector left the site at approximately 1355 hours on the day of this inspection. Preliminary findings were discussed with Dr. Rod Weston, Ed.D., Superintendent, Taos Municipal School District and Michael Silva, Vice President, Silva's Excavation, Inc. by telephone on August 10, 2011.

This report is based on a review of the USEPA online notice of intent (eNOI) database, review of files maintained by the general contractor and NMED, on-site observation by NMED personnel, and verbal information provided by operator on-site representatives. Additional information was obtained by telephone from Mr. Michael Silva (575-751-7406 and 575-779-8002) on August 10, 2011 and Quinton Wood, Facilities Director, Taos Municipal School District (575-779-1111) on August 23, 2011. Estimated areas of disturbance described in this report are based on on-site observation, available aerial photographs at NMED SWQB, and use of an ArcGIS software measurement tool by the inspector.

Areas of Control and Operator Responsibility

The following operator information was described in the SWPPP:

- The school district's SWPPP operator certification page stated, *"Taos Municipal School District is the project owner and has responsibility for directing any significant changes to the work, for maintaining the project upon completion."*
- Wayne Rutherford General Contractor, Inc. SWPPP operator certification page stated, *"Wayne Rutherford General Contractor, Inc. has overall responsibility for the work and completion of the project, including the erection of a metal building."*
- The SWPPP operator certification page signed/certified by Michael Silva stated, *"Mike Silva's Excavation and Concrete Products has responsibility for clearing and grubbing, and the dirt work for this project."*
- The SWPPP's Assignment and Authorization of inspection, maintenance, and recordkeeping responsibilities form signed by Michael Silva and Quinton Wood, stated *"The person(s) and/or companies named below are hereby authorized to install, inspect, maintain, repair, replace, re-locate or remove the Best Management Practices (BMPs) of this Stormwater Water Pollution Prevention (SWPPP) on behalf of Wayne Rutherford General Contractor; Mike Silva's Excavation and Concrete Products; Taos Municipal School District."*

Federal Clean Water Act and Regulations

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."* 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 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..."*

Appendix A (Definitions) of the 2008 CGP 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

None of the identified operators with responsibilities for SWPPP (Taos Municipal School District, Wayne Rutherford General Contractor, Inc. and Silva's Excavation, Inc.) obtained permit coverage under the 2008 CGP prior to construction, a 5/8 inch rain event recorded at the site on July 11, 2011, or by the day of this inspection for construction activity with disturbance greater than 1 acre that is part of a common plan of development greater than five acres.

Taos Municipal School District has operational control over construction plans and specifications of the bus barn and additional fill area construction activity.

Based on the information in the SWPPP, both Wayne Rutherford General Contractor, Inc. and Silva's Excavation, Inc. had operational control over day-to-day activities over the bus barn construction activity. Typically, a subcontractor (in this case Silva's Excavation, Inc.) would not meet the definition of operator and would not be required to get permit coverage. It is this inspector's understanding from Mr. Michael Silva statements following this inspection that Silva's Excavating, Inc. did not believe they were an operator requiring permit coverage. The SWPPP did not acknowledge Silva's Excavation, Inc. as a subcontractor. The SWPPP was signed/certified by a responsible corporate officer of Silva's Excavation, Inc.

It is not documented in the SWPPP if Wayne Rutherford General Contractor, Inc. and/or Silva's Excavation, Inc. had operational control over day-to-day activities for the additional fill area. The additional fill area was not shown on the site map contained in the SWPPP. According to the general contractor's on-site representative, fill and grading of the swale area was originally part of the bus barn grading & drainage plan sheet dated March 4. This area was removed in a revision dated April 22 (on site sheet was date stamped 05/13/2011). Material from a stockpile existing on the bus barn project area prior to construction had been used to fill the swale east of the bus barn according to operator representatives. It is this inspector's understanding from Mr. Rutherford statements on the day of this inspection that the general contractor does not assume responsibility for the impacts of the additional fill area construction activities conducted by their sub-contractor. It is this inspector's understanding from Mr. Michael Silva statements following this inspection that Silva's Excavating, Inc. believed the additional fill construction activities were covered by the SWPPP.

NPDES Industrial Storm Water Worksheet (Construction)

National Database Information				General			
Inspection Type	Compliance Evaluation Inspection			Inspector Name	Erin S. Trujillo		
NPDES ID Number	NMU001755, NMU001756, NMU001757			Telephone	505-827-0418		
Inspection Date	08/09/2011			Entry Time	1015 hours		
Inspector Type <i>(circle one)</i>	EPA	<input checked="" type="checkbox"/> State	EPA Oversight	Exit Time	1355 hours		
Facility Type <i>(circle one)</i>	Commercial/ Industrial	Residential	<input checked="" type="checkbox"/> Municipal	Signature	/s/Erin S. Trujillo		
Facility Location Information							
Name/Location/ Mailing Address	Taos Municipal School District Bus Barn and Fill Area, north of Taos Middle School Administration Building, 213 Paseo del Cañon, Taos, NM 87571. Taos County						
GPS Coordinates	Latitude	36.380612°	Longitude	-105.585399°			
Receiving Water(s)	Rio Pueblo de Taos (20.6.4.123 NMAC) thence Rio Grande						
Disturbed Area	~1.5 acres NOI	Start Date	See notes below	Stop Date	10/31/2011 NOI		
Contact Information							
	Name(s)			Telephone			
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	-Taos Municipal School District--Owner/Developer -Wayne Rutherford General Contractor, Inc--Gen Contractor -Silva's Excavation, Inc.--Contractor			575-758-5202 575-751-7028 575-758-4562			
Facility Contact	1. Quinton Wood, Facilities Dir, Taos Municipal School District; 2. Jalmar Bowden, Proj Superintendent, Wayne Rutherford General Contractor, Inc.			575-779-1111 505-770-1375			
Authorized Official(s)	1. Dr. Rod Weston, Ed.D., Superintendent, Taos Municipal School District; 2. Wayne Rutherford, Wayne Rutherford General Contractor, Inc.; 3. Joe (J.E.) Silva, President or Michael Silva, Vice President Silva's Excavation, Inc.			575-758-5202 575-751-7028 575-758-4562			
Site Information: <i>(circle all that apply)</i>							
Nature of Project	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial/ Industrial	<input type="checkbox"/> Roadway	<input type="checkbox"/> Private	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State/ Municipal	<input type="checkbox"/> Other
Construction Stage	<input type="checkbox"/> Clearing/ Grubbing	<input checked="" type="checkbox"/> Rough Grading	<input type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Building Const.	<input checked="" type="checkbox"/> Final Grading	<input type="checkbox"/> Final Stabilization	
Basic Permit Information				Basic SWPPP Information			
Permit Coverage <i>ESO Element 3 & 4</i>	Y	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> N	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Permit Type	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Individual		SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input checked="" type="checkbox"/> N	
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"/> See notes below	<input type="checkbox"/> N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input checked="" type="checkbox"/> N	
NOI Date	None			SWPPP Date	05/19/2011		
If applicable, is waiver certification & approval on file?	Y	<input type="checkbox"/> N		<i>Intentionally left blank</i>			

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Review <i>(can be completed in office)</i>		
<u>General</u>	Notes:	
Is there a SWPPP? <i>ESO Element 4</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Prepared by Environmental, Construction & Safety Services, Inc. (E.C.S.S. Inc.), Santa Fe, New Mexico, on 05/19/2011. E.C.S.S. Inc. was hired by Wayne Rutherford General Contractor, Inc.
SWPPP completed prior to NOI submission? <i>ESO Element 5</i>	Y <input checked="" type="checkbox"/> N	No completed NOIs.
Copy of permit language? <i>ESO Element 24</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 25</i>	Y <input checked="" type="checkbox"/> N	Results of pre, during and post construction soil loss calculations (e.g., tons/acre/year) were not provided in SWPPP (see NM certification requirements in Part 10.D.1.b of 2008 CGP). Also, post-construction runoff coefficient was higher than pre-construction runoff coefficient.
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 26</i>	Y <input checked="" type="checkbox"/> N	See notes above.
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 27</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Is a copy of the SWPPP on site or made available? <i>ESO Element 29</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Did all "operators" sign/certify the SWPPP? <i>ESO Element 30</i>	Y <input checked="" type="checkbox"/> N	SWPPP signed/certified by Quinton Wood, Facilities Director, TMSD, but not by a principal executive officer or ranking elected official of TMSD or a duly authorized representative of that person. SWPPP was signed/certified by Wayne Rutherford on 05/19/2011. SWPPP signed/certified, but not dated by Michael Silva.

<u>Site Description</u>	Notes:	
SWPPP identifies potential sources of pollution? <i>ESO Element 6</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
SWPPP identifies all operators and their areas of control? <i>ESO Element 7</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	But, SWPPP did not identify correct name for Silva's Excavating, Inc.
Is there a site description? <i>ESO Element 8</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Nature/sequence of construction activity? <i>ESO Element 8A – 8B</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Total area of site and total area to be disturbed? <i>ESO Element 8C</i>	Y <input checked="" type="checkbox"/> N	Not updated. See notes below.
Is there a general location map? <i>ESO Element 8D</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Is there a site map? <i>ESO Element 8E</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Site map prepared 05/20/2011 was last updated 07/19/2011. See notes below.

NPDES Industrial Storm Water Worksheet (Construction)

Site Description (cont'd)		Notes:	
Drainage patterns/outfalls on site map? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/>	N	
Area of soil disturbance on site map? <i>ESO Element 8F</i>	Y	<input checked="" type="checkbox"/>	Not updated. Bus barn area did not include additional pavement and drainage disturbance. See notes below.
Location of major structural controls on site map? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/>	N	
Location of storm water discharges to a surface water on site map? <i>ESO Element 8F</i>	<input checked="" type="checkbox"/>	N	
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 8F</i>	Y	<input checked="" type="checkbox"/>	Existing stockpile/spoil pile and debris pits not shown. Pre-existing conditions on SWPPP Page 3 stated, "...two or three debris pits were also discovered on site. Debris will be removed for proper disposal."
Location/description industrial activities? <i>ESO Element 8G</i>	Y	N	Not applicable.
Name of Receiving water(s) or MS4 listed?	<input checked="" type="checkbox"/>	N	<i>Note: Indicate whether receiving water is 303(d) listed.</i> Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo boundary) does not support designated High Quality Coldwater Aquatic Life use and has a USEPA approved TMDL for temperature.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 13</i>	Y	<input checked="" type="checkbox"/>	See notes below.
Endangered Species Documentation? <i>ESO Element 22</i>	<input checked="" type="checkbox"/>	N	
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 9 A - C</i>	Y	<input checked="" type="checkbox"/>	Sequence and operator responsible for final stabilization not described/identified (see notes below).
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 10; 11</i>	Y	<input checked="" type="checkbox"/>	SWPPP stated, "final stabilization of all disturbed soil areas with rock, mulch, or hydro-seeding." Description of stabilization practices not included in SWPPP. Based on information from the on-site representatives, project specifications did not have stabilization requirements for disturbed areas not covered by building, pavement or gravel.
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 12</i>	Y	<input checked="" type="checkbox"/>	

NPDES Industrial Storm Water Worksheet (Construction)

Controls to Reduce Pollutants (cont'd)			Notes:
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 14</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	
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 15</i>	Y	<input checked="" type="checkbox"/>	SWPPP only refers to original drawings grading and drainage sheets not contained in plan.
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 16</i>	Y	N	No 404 Permit. Documentation was not contained in SWPPP, but a copy of USACE preliminary jurisdictional determination letter dated January 18, 2011 was made available during this inspection.
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 17</i>	<input checked="" type="checkbox"/>	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 18</i>	<input checked="" type="checkbox"/>	N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 19</i>	Y	N	Not applicable.
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 20</i>	<input checked="" type="checkbox"/>	N	
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/>	N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 28</i>	Y	<input checked="" type="checkbox"/>	Not documented on day of this inspection. Rain event inspection report not contained in SWPPP. SWPPP Corrections / Repairs Record and Modification Record forms were not completed.

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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 31</i>	Y	<input checked="" type="checkbox"/>	Written reports for routine inspections on 5/26; 6/13 (18 days after previous inspection) and 6/22/2011 were contained in SWPPP on the day of this inspection. A rain event greater than 0.5 inches on 7/11/2011 was documented in the SWPPP, but a written report of an inspection within 24 hours of this date was not contained in the SWPPP on the day of this inspection.
Inspections performed by qualified personnel? <i>ESO Element 32</i>	Y	<input checked="" type="checkbox"/>	Not documented. Field experience and classroom qualifications for inspector (Jalmar Bowden, Project Superintendent, Wayne Rutherford General Contractor, Inc.) were not described or contained in SWPPP or provided on written inspection reports.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 33</i>	<input checked="" type="checkbox"/>	N	
All pollution control measures inspected to ensure proper operation? <i>ESO Element 34</i>	<input checked="" type="checkbox"/>	N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 35; 36</i>	<input checked="" type="checkbox"/>	N	
Entrance/exit inspected for off-site tracking? <i>ESO Element 37</i>	<input checked="" type="checkbox"/>	N	
Inspection report contain all required items and certified? <i>ESO Element 38; 39</i>	Y	<input checked="" type="checkbox"/>	<u>All Identified Operators in SWPPP:</u> Reports did not include all corrective action implementation dates. <u>Taos Municipal School District and Wayne Rutherford General Contractor, Inc.:</u> Reports were not signed by persons described in Appendix G.11 or by a duly authorized representative of that person.

NPDES Industrial Storm Water Worksheet (Construction)

Notes on SWPPP Review

Permit Notice/Sign:

A hand written NOI form for Wayne Rutherford General Contractor, Inc. was posted at the entrance. But, submittal to USEPA had not been completed and permit coverage had not been obtained on the day of this inspection.

Start Date:

Actual start date was not documented in SWPPP. Information reviewed on the day of inspection was inconsistent with start date information provided following the inspection. Hand-written information on NOI form posted at the entrance and contained in the SWPPP listed the estimated start of construction as May 16, 2011. An on-site Wayne Rutherford General Contractor, Inc. project schedule dated May 17, 2011 indicated that staking, temporary fence, mobilization and grading started May 16, 2011. Wayne Rutherford General Contractor, Inc. NOI submitted by Mary Hockett, Assistant Project Manager, Wayne Rutherford General Contractor on August 22, 2011 continued to list the estimated start date as May 16, 2011. Mary Hockett (maryh@taosdesignbuild.com) in an e-mail and letter to the inspector dated August 26, 2011 stated, "We first broke ground May 23, 2011 to clear an area to place straw bales near the culvert inlet." Additional information provide by Mary Hockett (hand written notes on job progress and remarks for May 20, 2011) appears to state, "Dig out area for straw bales-secure bales w/rebar-add row of bales double row cover w/rebar caps."

Area of Disturbance:

Hand-written information on NOI form posted at the entrance and contained in the SWPPP listed estimated area of disturbance as 1.5 acres. SWPPP also listed 1.5 acres as the estimated area of disturbance for the project. During the inspection, Wayne Rutherford indicated that the area of disturbance under his control may be less than 1 acre. An estimated area of disturbance or re-disturbance for the bus barn construction activity on the day of this inspection by this inspector is over 1 acre (approximately 1.3 acres). An estimated area of disturbance or re-disturbance for the additional fill area disturbance on the day of this inspection by this inspector is approximately 0.2 acres. Wayne Rutherford General Contractor, Inc. NOI submitted on August 22, 2011 continued to list the estimated area of disturbance as 1.5 acres. As previously discussed, the construction activity is part of a larger common plan that will ultimately disturb five acres or more.

Training:

There was no documentation of employee or subcontractor training in the SWPPP. Part 3.7 (Training of Employees) of the 2008 CGP states, "You must train employees and subcontractors as necessary to make them aware of the applicable control measures implemented at the site so that they follow applicable procedures."

Record Keeping:

Additional written inspection reports for 7/6, 7/12, 7/22, and 8/16/2011 (25 days after previous inspection) and corrective action records prepared and submitted for consideration after this inspection need to be contained in the SWPPP.

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Implementation <i>(complete in field)</i>	
<u>Stabilization Practices</u>	
<p>List and describe stabilization practices <i>ESO Element 42, 48</i></p>	<p><i>(e.g., seeding, mulching, geotextiles, sod stabilization)</i></p> <p>Trees around culverts leading off-site remained. The bus barn and concrete pad (permanent stabilization) had been constructed. A portion of the paved parking lot had been removed. Other disturbed areas including proposed bus parking area, drainage ditches and area surrounding a culvert inlet were not stabilized. Asphalt repaving and gravel parking lot and driveway for busses is part of plans and specifications according to the operator on-site representative.</p> <p>Erosion rills existed in the west portion of the site and at a drainage culvert inlet constructed in fill for a driveway (see photos). According to the operator on-site representatives, the plans and specifications did not include temporary or permanent stabilization measures for the remaining disturbed areas.</p>
<p>Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? <i>ESO Element 45</i></p>	<p><i>(e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?)</i></p> <p>Stabilization as defined in the 2008 CGP had not been initiated since construction ceased on a side slope of a drainage channel along the northern property boundary. There were no erosion rills or gullies observed on the side slope. The side slope appeared to be at final grade indicating construction had ceased. It appeared that construction ceased prior to the rain event recorded on 7/11/2011 and flow through the channel (at least 29 days after cessation on the day of this inspection).</p>
<u>Structural Practices</u>	
<p>List and describe structural controls <i>ESO Element 41, 42, 46</i></p>	<p><i>(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)</i></p> <p>Compost wattles (socks) were described as a sediment filtration measure and straw bales were described as check dams in the SWPPP. Straw bales and socks existed at culverts leading off-site and in constructed drainage channels. Some socks and rock do not appear to be of a height, length or position to provide sediment filtration (see photos). An erosion rill in the west portion of the site went around the straw bales. Straw and sediment was observed on the concrete between the culverts.</p>

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<u>Non-Structural Practices</u>	
<p>Street Cleaning ESO Element 43</p>	<p><i>(e.g., describe measures taken to remove offsite accumulation of sediment)</i></p> <p>A vehicle track-out pad had not been constructed as described in SWPPP. The modification was noted on the site map. No offsite accumulation of sediment was observed on the day of this inspection. A hand-written log in the SWPPP listed completion dates for "Silva SWPPP Activities" (e.g., "street cleaned of tracked mud", "parking lot asphalt cleaned").</p>
<p>Good Housekeeping & Waste Disposal Practices ESO Element 44</p>	<p><i>(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)</i></p> <p>A portable toilet was located on site. Proper disposal of debris existing on site before construction was not documented in the SWPPP. Debris in the additional fill area east of the bus barn had broken concrete and some trash.</p> <p>A can and plastic bottles were observed in a constructed drainage channel. In addition, windblown trash collected at a fence on site needed to be removed and properly disposed. The on-site trash container was not covered, but stacked wood did not over top the container on the day of this inspection. The on-site representative stated that a cover for the container was on site, if needed.</p>
<p>Equipment Wash/Maintenance Area ESO Elements 42</p>	<p><i>(provide brief description)</i></p> <p>No equipment wash/maintenance area was observed on the day of this inspection.</p>
<p>Concrete Washout Areas ESO Elements 42</p>	<p><i>(provide brief description)</i></p> <p>No concrete washout was observed on the day of this inspection.</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></p> <p>None observed.</p>
<p>Pollution prevention measures for non-storm water discharges? <i>*ESO Eligibility – If evidence of non-allowable non-storm water discharges, site not eligible for ESO</i></p>	<p><i>(provide brief description and determine whether/if non-storm water discharges allowable)</i></p> <p>Dust control water infiltrated and did not flow off site on the day of this inspection.</p>

NPDES Industrial Storm Water Worksheet (Construction)

<p>Has implementation of additional/modified BMPs been completed before next anticipated storm event? <i>ESO Element 43.C.1</i></p>	<p><i>(provide brief description)</i></p> <p>Not documented. Not all inspection reports and corrective action logs were contained/completed in SWPPP on the day of the inspection. But, SWPPP did contain log of corrective actions on 07/11/2011 (swale reinforcement compost tubes) and 07/12/2011 (increased staking and additional rock reinforcement of compost tubes in swale).</p>
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Notes on SWPPP Implementation

Part 3.6 (Maintenance of Control Measures) of the 2008 CGP states, "A. You must maintain all control measures and other protective measures in effective operating condition. If site inspections required by Part 4 identify BMPs that are not operating effectively, you must perform maintenance as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of stormwater controls. B. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, you must complete implementation before the next storm event whenever practicable. If implementation before the next storm event is impracticable, you must implement alternative BMPs as soon as possible."

Part 5.10 (Maintaining an Updated Plan) of the 2008 CGP states, "The SWPPP must be modified: A. To reflect modifications to stormwater control measures made in response to a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP. B. If during inspections or investigations by site staff, or by local, state, tribal or federal officials, it is determined that the existing stormwater controls are ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site. C. Based on the results of an inspection, as necessary to properly document additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within seven (7) calendar days following the inspection."

NMED/SWQB Approximate Area of Disturbance		
Created by: Erin S. Trujillo		
City/County: Taos / Taos		State: New Mexico
Location: Bus Barn and Fill Area, Taos Municipal School District		
Notes: The approximate location of disturbance on the day of this inspection is shown for informational purposes. The area was not surveyed by the inspector.		



NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1232 hours
City/County: Taos / Taos	State: New Mexico	
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Constructed side slope not stabilized per definition in 2008 CGP. Socks do not appear to be of sufficient quantity, length across width of channel or position to provide sediment filtration during rain event.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1238 hours
City/County: Taos / Taos	State: New Mexico	
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Erosion rills in western portion of the site. Sock had been moved (not installed) near entrance.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1241 hours
City/County: Taos / Taos		State: New Mexico
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Accumulated sediment and loose hay at culverts leading off site.		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1307 hours
City/County: Taos / Taos		State: New Mexico
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Erosion, rock and compost sock in constructed channel. Sediment has accumulated at rock, on sock and in culvert. Measures near culvert inlet do not appear to be of a height or position to provide sediment filtration during rain event.		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1307 hours
City/County: Taos / Taos		State: New Mexico
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Sock placed along road fill and in front of culvert inlet. Arrow points to erosion rill along the sock leading to culvert inlet. Accumulated sediment on sock indicates that the measure was overtopped during rain event.		



NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1307 hours
City/County: Taos / Taos		State: New Mexico
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Rock had been placed beneath a storm water pipe outlet. Permanent outfall erosion control measures appear needed at drainage outlets.		



NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1313 hours
City/County: Taos / Taos	State: New Mexico	
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Windblown trash and some construction debris had accumulated at this location.		



NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Erin S. Trujillo	Date: 08/09/2011	Time: 1323 hours
City/County: Taos / Taos	State: New Mexico	
Location: Bus Barn and Fill Area, Taos Municipal School District		
Subject: Overview of additional fill area. Broken concrete and some trash was observed in fill.		

