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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

November 8, 2012

Mr. John D' Antonio, Deputy District Engineer
United States Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Re: Construction Stormwater, SIC 1629, NPDES Compliance Evaluation Inspection, US Army Corps of Engineers, MRG Restoration - South, NPDES Permit NMU001817, October 23, 2012

Dear Mr. D'Antonio,

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 noted 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.

I want to thank you for the assistance of Mr. Butch McDorman during this inspection. If you have any questions, please feel free to contact me at sarah.holcomb@state.nm.us or by telephone at (505) 222-9587.

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

Cc: Rashida Bowlin, USEPA (6EN-AS) by email
Carol Peters-Wagnon (6EN-AS) by email
Diana McDonald, USEPA (6EN-AS) by email
Darlene Whitten-Hill, USEPA (6EN-AS) by email
Hannah Branning, USEPA (6EN-AS) by email
Bill Chavez, NMED District 1 Manager, by email

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 8 1 7 11	12 1 2 1 0 2 3 17	18 }	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)*	Entry Time /Date	Permit Effective Date
MRG RESTORATION – SOUTH, ALBUQUERQUE/CORRALES, NM; BERNALILLO AND SANDOVAL COUNTIES: 11 LOCATIONS FROM SOUTHERN END OF ALBUQUERQUE TO SANDIA PUEBLO.	0945 HOURS / 10-23-2012	2-16-2012
	Exit Time/Date 1550 HOURS / 10-23-2012	Permit Expiration Date 2-15-2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
MR. GARY "BUTCH" MCDORMAN, SUPERINTENDENT, AJAC ENTERPRISES (505) 897-0120

Other Facility Data

SIC 1629

Name, Address of Responsible Official/Title/Phone and Fax Number
MR. JOHN D'ANTONIO, DEPUTY DISTRICT ENGINEER, US ARMY CORPS OF ENGINEERS (505) 342-3431
4101 JEFFERSON PLAZA NE, ALBUQUERQUE, NM 87109

Contacted: Yes [ ] No [*]

Section C: Areas Evaluated During Inspection

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

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

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

1. **Inspector arrived at the Shirk location (Site 4C) at approximately 0945 hours on October 23, 2012. Once contact was made with AJAC Enterprises, arrangements were made to meet at the Tingley site (Site 4A) at 1100 hours. The inspector conducted an entrance interview with Mr. Gary "Butch" McDorman of AJAC, where she made introductions, presented her credentials and explained the purpose of the inspection. An exit interview was conducted at the AJAC offices with Mr. Clint Autrey, VP (AJAC), Mr. McDorman (AJAC), Mr. Lee Eads (AJAC), Mr. Stan Hawkins (AJAC) and Mr. Jacob Chavez (US Army Corps of Engineers) from approximately 1450-1350 hours on October 23, 2012.**
2. **Please see report for further explanations.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Sarah Holcomb ***/s/ Sarah Holcomb***	**505-222-9587**	**11-8-2012**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Richard Powell ***/s/ Richard Powell***	**505-827-2798**	**11-8-2012**

Industrial Storm Water Worksheet (Construction) – State of New Mexico

National Database Information		General	
Inspection Type	CEI	Inspector Name	Sarah Holcomb
NPDES ID Number	NMR12A716 (AJAC) NMU001817 (USACE)	Telephone	505-222-9587
Inspection Date	10-23-2012	Entry Time	0945 hours
Inspector Type (circle one)	EPA [State] EPA Oversight	Exit Time	1550 hours
Facility Type (circle one)	Commercial / Residential / Municipal / Industrial [Federal]	Signature	*/s/ Sarah Holcomb*

Facility Location Information				
Name/Location/Mailing Address	MRG Restoration – South (various Albuquerque and Corrales locations) Mailing: 8359 Corona Loop NE, Suite 100, Albuquerque, NM 87113			
Coordinates	Latitude	various	Longitude	various
Receiving Waters	Rio Grande in 20.6.4.105 NMAC and 20.6.4.106 NMAC			
Disturbed Area	916 acres	Start/Stop Dates	5-16-2012 to 5-16-2015	

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	US Army Corps of Engineers - owner AJAC Enterprises, Inc. - operator	
Facility Contact	Mr. Gary "Butch" McDorman (AJAC)	505-897-0120
Authorized Official(s)	Mr. John D'Antonio, Deputy District Engineer (USACE) Mr. Clint Autrey, VP (AJAC)	505-342-3431 505-897-0120

Site Information: *circle all that apply*							
Nature of Project	Residential	Commercial / Industrial	Roadway	Private	[Federal]	State / Municipal	[Other]
Construction Stage	Clearing / Grubbing	Rough Grading	Infrastructure	Building (Vertical)	[Final Grading]	[Final Stabilization]	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage	[Y] AJAC	[N] USACE	SWPPP Prepared & Available? *Part 7.1.1, 7.2.1*	[Y]	N
Permit Type	[General]	Individual	SWPPP Contents Satisfactory?	Y	[N]
Notice Posted (visible, font large, NPDES Permit tracking#, contact name & phone #) *Part 1.5*	Y	[N]	SWPPP Implementation Satisfactory?	Y	[N]
NOI Date	5-16-2012		SWPPP Date	Not dated	
Is NOI Satisfactory?	Y	[N*]			

Additional Facility and Inspection Information *(optional)*
* NOI did not contain correct water quality information. This project's purpose is to conduct restoration work along the banks of the Rio Grande. This inspection was prompted by a complaint that BMPs were in disrepair.

Industrial Storm Water Worksheet (Construction) – State of New Mexico

SWPPP Review *(can be completed in office)*			
General			**Notes:**
SWPPP Signed/Certified. Did all operators sign/certify the SWPPP? *Part 7.2.15, Appendix I.11*	Y	[N]	Clint Autrey (AJAC) signed the SWPPP on 11-23-2011. USACE had not obtained permit coverage, and had not signed on to the SWPPP used by AJAC.
SWPPP completed prior to NOI? *Part 7.1.1, Part 1.2.1*	Y	N	SWPPP was undated; inspector was unable to determine.
Endangered Species Act. Does SWPPP include documentation supporting determination? *Part 7.2.14.1; Part 1.1.e, Appendix D*	[Y]	N	
Historic Properties. Does SWPPP include documentation supporting determination? *Part 7.2.14.2, Appendix E*	[Y]	N	
If applicable, documents contact with agency or office responsible for implementing Safe Drinking Water Act <u>underground injection control well(s)</u>? *Part 7.2.14.3, 40 CFR Parts 144 -147*	Y	N	N/A
Post-Authorization Additions. Does SWPPP include: ➢ Copy of acknowledgement letter [Y]/N ➢ Copy of NOI [Y]/N ➢ Copy of permit [Y]/ N *Part 7.2.16.3*	[Y]	N	Copies of two CGPs (2008 and 2012) were contained in the SWPPP.
If applicable, SWPPP describes compliance with any case-by-case basis USEPA imposed water quality-based effluent limitation requirements? *Part 3*	Y	N	N/A
If discharge to an impaired water, includes records of all data used to complete NOI: ➢ List of all impaired waters [Y]/N ➢ Pollutant(s) for which the surface water is impaired [Y]/N ➢ Whether a TMDL has been approved or established [Y]/N *Part 3.2.1, Appendix I.15*	[Y]	N	However, the information was out of date and did not include the new E. coli TMDL information, as well as the information from the 2012-2014 303(d) listing. This can all be accessed on the NMED Surface Water Quality Bureau website.
Required SWPPP modifications completed? ➢ Completed w/7 days Y/N ➢ Maintains modification records showing dates, name of person authorizing change and summary Y/N ➢ Signed/Certified Y/N ➢ Immediately notified other operators Y/N *Parts 7.4, 5.2.2, Appendix I.11.b*	Y	[N]	No modifications were noted as being needed at the time of this inspection, however, maps needed updating and a significant number of items within the plan itself needed to be updated in accordance with the requirements of the 2012 CGP.
Records Retention. Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires or is terminated? *Parts 4.1.7, 5.4.4, Appendix I.10.2, I.15*	[Y]	N	

Team & Activity Description			Notes:
Identifies stormwater team personnel and responsibilities? ➢ Personnel (by name or position) Y/N ➢ Individual responsibilities Y/N *Part 7.2.1*	Y	N	
Is staff training documented? ➢ Training occurs prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first Y/N ➢ Ensures following understand the requirements of this permit and their specific responsibilities: o Personnel responsible for the design, installation, maintenance, and/or repair of controls/measures Y/N o Personnel responsible for the application and storage of treatment chemicals Y/N o Personnel responsible for conducting inspections Y/N o Personnel responsible for taking corrective actions Y/N ➢ At a minimum, training includes: o Location of all stormwater controls on the site required by this permit, and how maintained Y/N o Proper procedures to follow with respect to the permit's pollution prevention requirements Y/N o When and how to conduct inspections, record applicable findings, and take corrective actions Y/N *Parts 7.2.13, 6 and permit notes for emergency-related construction activities*	Y	N	Qualifications are documented in the plan for the third party contractor, Rodger Barton, but there is no proof of NPDES stormwater-specific training for any personnel from AJAC or the USACE.
Describes nature of construction activities? ➢ Size of the property Y/N ➢ Total area to be disturbed Y/N ➢ Construction support activity areas Y/N/NA ➢ Maximum area to be disturbed at any one time Y/N *Part 7.2.2*	Y	N	
If applicable, documents emergency-related projects? ➢ Cause of public emergency (e.g., natural disaster, extreme flooding conditions, etc.) Y/N ➢ Info substantiating occurrence (e.g., state disaster declaration or similar state or local declaration) Y/N ➢ Description of the construction necessary to reestablish effected public services Y/N *Parts 7.2.3, 1.2*	Y	N	N/A
Identifies (lists) other site operators and areas of site over which each has control? ➢ List and areas of site over which each has	Y	N	

control Y/N *Part 7.2.4*			
Describes sequence, estimated dates (departures) and duration of construction activities? ➢ Installation of control measures when operational Y/N ➢ Commencement/duration clearing & grubbing, mass grading, site preparation (excavating, cutting & filling), final grading, and creation of soil & vegetation stockpiles Y/N ➢ Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of site Y/N ➢ Final/temporary stabilization areas of exposed soil Y/N ➢ Removal of temporary stormwater conveyances/channels and other stormwater control measures Y/N ➢ Removal of construction equipment and vehicles Y/N *Part 7.2.5*	Y	N	
Site Map			**Notes:**
Includes legible site map(s)? *Part 7.2.6*	Y	N	A site map is included for each of the 11 locations under this project.
➢ Boundaries of the property Y/N ➢ Locations construction activities will occur Y/N ➢ Locations earth-disturbing activities will occur (note any phasing) Y/N ➢ Approximate slopes before and after major grading (note steep slopes) Y/N ➢ Locations sediment, soil, or materials will be stockpiled Y/N/NA ➢ Locations of crossings of surface waters Y/N/NA ➢ Designated points vehicles exit onto paved roads Y/N ➢ Locations of structures/impervious surfaces upon completion Y/N ➢ Locations of construction support activity areas Y/N/NA *Part 7.2.6.1*	Y	N	
➢ Locations of surface waters/wetlands, within or in immediate vicinity Y/N ➢ Indicates waters listed as impaired, and Tier 2~~, Tier 2.5,~~ or Tier 3 Y/N *Part 7.2.6.2*	Y	N	
➢ Boundary lines of natural buffers *Parts 7.2.6.3, 2.1.2.1a*	Y	N	
➢ Areas of federally-listed critical habitat for endangered or threatened species *Part 7.2.6.4*	Y	N	
➢ Topography Y/N	Y	N	

➢ Existing vegetative cover Y/N ➢ Drainage pattern of stormwater/authorized non-stormwater flow onto, over, and from site before and after major grading Y/N *Part 7.2.6.5*			
➢ Stormwater and allowable non-stormwater discharge locations Y/N ➢ Locations of storm drain inlets on site and immediate vicinity Y/N ➢ Locations stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands) on or near site Y/N *Part 7.2.6.6*	Y	N	
➢ Locations of potential pollutant-generating activities *Part 7.2.6.7, Part 7.2.7*	Y	N	
➢ Locations of control measures *Part 7.2.6.8*	Y	N	Although this needed updates.
➢ Locations polymers, flocculants, or treatment chemicals will be used/stored *Part 7.2.6.9*	Y	N	N/A
Construction Site Pollutants			**Notes:**
Includes pollutant-generating activities list and description? *Part 7.2.7.1*	Y	N	
Includes inventory of pollutants or constituents? ➢ Inventory Y/N ➢ Potential spills/leaks Y/N ➢ Departures from manufacturer's specifications for applying fertilizers containing nitrogen & phosphorus Y/N/NA *Parts 7.2.7.2, 2.3.5.1*	Y	N	
Identifies all sources of allowable non-stormwater discharges? *Parts 7.2.8, 1.3.d*	Y	N	Plan gives the entire permitted list, without discussing which allowable discharges might actually occur during this project.
If required (surface water wi/50 feet of earth disturbance), documents and describes buffer compliance alternative selected? ➢ Ensures that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls Y/N/NA ➢ Uses velocity dissipation devices, if necessary Y/N/NA ➢ Documents natural buffer width Y/N/NA ➢ Delineates, and clearly marks off, with flags, tape, or other similar marking device all natural buffer areas Y/N/NA ➢ Documents erosion and sediment control(s) used to achieve an equivalent sediment reduction Y/N/NA ➢ Documents any information relied upon to demonstrate equivalency Y/N/NA *Parts 7.2.9, 2.1.2, Appendix G*	Y	N	No discussion in the plan of buffer requirements.

As applicable, describes and documents <u>buffer exceptions</u>? ➢ Describes rationale/why infeasible to provide and maintain an undisturbed natural buffer of any size Y/N/NA ➢ For linear project, describes buffer width retained and supplemental controls installed Y/N/NA ➢ Small residential lot options Y/N/NA ➢ Documents CWA Section 404 Permit, water-dependent structure/access disturbances Y/N *Parts 7.2.9; 2.1.2.1e, Appendix G*	Y	N	No discussion in the plan of buffer requirements.
All Stormwater Control Measures			**Notes:**
Describes each measure? ➢ Type of measure to be installed and maintained, including design information Y/N ➢ Specific sediment controls installed and made operational prior to conducting earth-disturbing activities Y/N ➢ For exit points, stabilization techniques and any additional controls planned to remove sediment prior to vehicle exit Y/N ➢ For linear projects (if applicable), where/why it has been determined that the use of perimeter controls is practicable Y/N/NA *Part 7.2.10.1*	Y	N	
Erosion and Sediment Controls			**Notes:**
Minimizes <u>area of disturbance</u>? *Part 2.1.1.1*	Y	N	
Describes erosion and sediment control <u>design</u> requirements? ➢ Accounts for expected amount, frequency, intensity, duration of precipitation Y/N ➢ Accounts for nature of run-on and run-off (channelized peak flow rates & total volume at outlet) Y/N ➢ Accounts for range of soil particle sizes (distribution, erosivity and cohesiveness) Y/N ➢ Directs discharge to vegetated areas to increase sediment removal and infiltration unless infeasible Y/N/NA ➢ Uses velocity dissipation, if necessary Y/N ➢ Complies with State of New Mexico except Indian country requirements: o Includes site-specific BMPs/controls designed to prevent to the maximum extent practicable an increase in sediment yield/flow velocity from pre-construction, pre-development conditions both during and after construction Y/N o Selection based on appropriate soil loss prediction models (results in sediment yields/flow velocities, that to the maximum extent practicable, will not be greater than the sediment yield levels	Y	N	Please see Photo #1. Contractor noted in SWPPP that it was not feasible to conduct the analysis required in Part 2 and Part 9 of the permit for this site.

and flow velocities from pre-construction, pre-development conditions) Y/N *Parts 2.1.1.2, 9.4.1.1*			
Describes erosion and sediment control <u>installation</u> requirements? ➢ Completes installation of downgradient stormwater/sediment controls by the time or immediately following earth-disturbance begins unless infeasible Y/N/NA ➢ Installs all other controls and makes operational as soon as conditions allow Y/N ➢ Uses good engineering practices and follows manufacturer's specifications or explain departures Y/N *Part 2.1.1.3*	Y	N	
Describes erosion and sediment control <u>maintenance</u> requirements? ➢ Initiates fix immediately and completed by close of next work day (routine maintenance) Y/N ➢ Installs new measure/significant repair no later than 7 calendar days or document why infeasible Y/N *Part 2.1.1.4*	Y	N	
Installs <u>perimeter controls</u> and describes maintenance (removes sediment before it has accumulated to 1/2 of the above-ground height)? *Part 2.1.2.2*	Y	N	
Minimizes <u>sediment track-out</u>? ➢ Restricts vehicle use to properly designated exit points? Y/N ➢ Uses appropriate stabilization techniques at all points that exit onto paved roads? Y/N ➢ Where necessary, uses additional measures to remove sediment prior to exit? Y/N/NA ➢ Removes tracked out sediment prior to the end of the same work day or if occurs on non-work day the next work day? Y/N *Part 2.1.2.3*	Y	N	
Controls discharges from <u>stockpiled sediment or soil</u>? ➢ Locates piles outside of buffers Y/N ➢ Locates piles separate from stormwater controls Y/N ➢ Uses temporary sediment barrier Y/N ➢ Where practicable, provides cover or temporary stabilization Y/N ➢ Does not hose down or sweep into stormwater conveyance unless connected to basin, trap, etc. Y/N ➢ Contains and securely protects pile from wind? Y/N *Part 2.1.2.4*	Y	N	N/A
Minimizes <u>dust</u>?	Y	N	

Part 2.1.2.5			
Minimizes disturbance of steep slopes? *Part 2.1.2.6*	Y	N	N/A
Preserves topsoil, unless infeasible? *Part 2.1.2.7*	Y	N	N/A

Minimizes soil compaction where final vegetative stabilization or infiltration installed? *Part 2.1.2.8*	Y	N	
Protects storm drain inlets and describes maintenance requirements (removes sediment by the end of the same work day or end of the following work day)? *Part 2.1.2.9*	Y	N	N/A
Describes constructed conveyance channel controls (if installed)? *Part 2.1.3.1*	Y	N	Part of the project's purpose is to construct high flow channels, but this is not described anywhere other than the introduction.
Describes sediment basin design (if installed) and maintenance (maintain at least ½ of capacity at all times)? *Part 2.1.3.2*	Y	N	N/A
Describes treatment chemical controls (if used)? *Part 2.1.3.3*	Y	N	N/A
Includes documentation for use of treatment chemicals (polymers, flocculants, or other treatment chemicals)? ➢ Lists all soil types expected to be exposed and locations where chemicals will be applied. Also include a list of soil types expected to be found in fill material to be used in same areas Y/N ➢ Lists all treatment chemicals and why the selection of these chemicals is suited to the soil characteristics Y/N ➢ If authorized by EPA to use cationic treatment chemicals, includes the specific controls and implementation procedures designed to ensure use of cationic treatment chemicals will not lead to a violation of water quality standards Y/N/NA ➢ Dosage/methodology to determine dosage Y/N ➢ Information from any applicable MSDS Y/N ➢ Schematic drawings of any chemically-enhanced or chemical treatment systems Y/N/NA ➢ Description of how chemicals will be stored Y/N ➢ References to applicable state or local requirements and copies of applicable manufacturer's specifications Y/N ➢ Description of training that personnel have received or will receive Y/N *Parts 7.2.10.2, 2.1.3.3h*	Y	N	N/A
Describes dewatering controls (if installed)? *Part 2.1.3.4*	Y	N	N/A

Stabilization Requirements			Notes:
Describes compliance with deadlines for vegetative and/or non-vegetative stabilization practices, including exceptions? <u>Deadline to Initiate</u> ➢ Initiates stabilization immediately (no later than end of next work day following earth-disturbing activities permanently/temporarily ceased) Y/N <u>Deadline to Complete</u> ➢ As soon as practicable, but no later 14 calendar days after initiation, completes stabilization (for vegetative, all activities to initially seed or plant, and/or for non-vegetative, installation or application) Y/N ➢ In arid, semi-arid or drought-stricken areas for permanent stabilization, immediately initiates, and within 14 calendar days completes non-vegetative stabilization measures to prevent erosion; and as soon as practicable completes all activities necessary to initially seed or plant; and documents beginning/ending dates of the seasonally dry period, site conditions, and schedule Y/N/NA ➢ Documents/describes circumstances beyond control that prevent meeting deadlines Y/N/NA ➢ If discharging to sediment or nutrient-impaired waters or Tier 2~~, 2.5~~ or 3 waters, completes stabilization (vegetative or non-vegetative) wi/7 calendar days after temporary or permanent cessation Y/N/NA *Parts 7.2.10.3, 2.2.1, 3, 9.4.1.3*	Y	N	No discussion of requirements under discharge to a Tier 2 waterbody as required in Part 7.
Describes compliance with vegetative (final) stabilization criteria? ➢ Provides uniform vegetation (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for all unpaved areas / areas not covered by permanent structures Y/N ➢ Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, select, design, and install non-vegetative erosion controls that provide cover while vegetation is becoming established Y/N *Parts 7.2.10.3, 2.2.2.a, 3, 9.4.1.4*	Y	N	The general requirements are given, but no description is contained in the plan as to how the 70% criterion will be met.

If applicable, describes compliance with State of New Mexico, except Indian country, arid, semi-arid areas, or drought stricken option for final stabilization: ➢ Area seeded/planted must wi/3 yrs provides established vegetation that achieves 70% of the native background vegetative cover Y/N ➢ Selects, designs, and installs non-vegetative erosion controls that provide cover for at least 3 years without active maintenance Y/N ➢ Complies with notification, inspection maintenance, and reporting) Y/N *Parts 7.2.10.3, 2.2.2.b, 3, 9.4.1.5*	Y	[N]	RUSLE (or equivalent) calculations were not documented in the plan.
If using, provides effective non-vegetative cover to stabilize? *Parts 7.2.10.3, 2.2.2.2*	Y	N	N/A
Pollution Prevention Procedures			**Notes:**
Describes procedures for <u>spill prevention and response</u>? *Parts 7.2.11.1, 2.3.4*	[Y]	N	
Describes procedures for <u>waste management</u>? *Part 7.2.11.2, 2.3.3.3*	[Y]	N	
Eliminates prohibited discharges? ➢ Concrete washout, unless managed by control in Part 2.3.3.4 [Y]/N ➢ Washout/cleanout of stucco, paint, form release oils, curing compounds and other materials unless managed by control in Part 2.3.3.4 [Y]/N ➢ Fuels, oils or other from vehicle and equipment O&M [Y]/N ➢ Soaps, solvents, or detergents used in vehicle and equipment washing Y/N/[NA] ➢ Toxic or hazardous substances from spill/release Y/N/[NA] *Part 2.3.1*	[Y]	N	
Properly maintains and protects all pollution prevention controls? *Part 2.3.2*	[Y]	N	Pictures included with complaint show various BMPs in need of repair but not enough information was included to determine where these BMPs were. On the day of this inspection, BMPs were in good shape.
Complies with pollution prevention standards for certain activities? ➢ Fueling/maintenance of equipment or vehicles [Y]/N/NA ➢ Washing of equipment and vehicles Y/N/[NA] ➢ Storage, handling, disposal of materials, products and waste [Y]/N/NA ➢ Washing applicators/containers [Y]/N/NA *Part 2.3.3*	[Y]	N	
Minimizes discharge/complies with restrictions of <u>fertilizer application</u>? *Part 2.3.5*	Y	N	N/A – no fertilizer was used in this project.

Inspections and Corrective Action			
SWPPP describes procedures for <u>inspection, maintenance, and corrective action</u>? ➢ Personnel conducting inspections Y/N ➢ Inspection schedule Y/N ➢ Reduction of inspection frequency Y/N/NA. As applicable: o location of the rain gauge or the address of weather station to obtain rainfall data Y/N/NA o beginning and ending dates of the seasonally-defined arid period for your area or the valid period of drought Y/N/NA o beginning and ending dates of frozen conditions Y/N/NA ➢ Inspection or maintenance checklists or other forms that will be used Y/N *Parts 7.2.12*	Y	N	Please see discussion on page 14 of this checklist.
Inspections			**Notes:**
Inspections performed by "qualified" person? *Part 4.1.1*	Y	N	
Conducts inspections at a minimum of required frequency unless reductions documented? ➢ Every 7 days <u>or</u> 14 days & w/in 24 hrs of a 0.25" rain event Y/N *Part 4.1.2*	Y	N	
If applicable, conducts increased inspection frequency for sites with discharges to sediment or nutrient-impaired waters or Tier 2~~, 2.5~~ or 3 waters: ➢ Once every 7 days Y/N; <u>and</u> ➢ Within 24 hrs of a ≥ 0.25" rain event Y/N? *Parts 4.1.3, 3.3.2.1, 3.3.2*	Y	N	
If allowable (begin/end dates recorded), documents reduced inspection frequency? ➢ Stabilized area - 1/mo in areas where stabilization has been completed Y/N/NA ➢ For arid/semi arid during seasonally dry period or drought-stricken areas - 1/mo and wi/24 hrs of the occurrence of a storm event ≥ 0.25" Y/N/NA ➢ For frozen conditions (runoff unlikely, disturbance suspended, areas stabilized) - suspends until thawing conditions Y/N/NA *Part 4.1.4.1 thru 3*	Y	N	Inspections were not documented after April 2012. In Part 4.1.4.1 of the permit, it states that a permittee may reduce inspections to once per month for stabilized areas. Also, if the permittee can prove that they are working within a semi-arid period, they can reduce the inspection frequency to once per month and within 24 hours of a 0.25" rain event if the area is not stabilized. To prove this, the permittee must run an r-value calculation (available on EPA's website) and the resultant value must be less than 5. A rain gauge must also be kept at the site.
Inspection areas includes: ➢ All cleared, graded, excavated, and not completed stabilization Y/N ➢ All controls/measures Y/N ➢ Material/waste/borrow/equipment storage and maintenance areas Y/N ➢ All areas stormwater typically flows Y/N ➢ All points of discharge Y/N ➢ All locations stabilization implemented	Y	N	Stabilization measures not documented in inspection reports or in logs contained within the SWPPP.

Y/N/NA *Part 4.1.5*			
Inspection includes minimum requirements? ➢ Controls installed/operational Y/N ➢ Determines need to replace, repair, or maintain Y/N ➢ Conditions that could lead to spills, leaks, and accumulations of pollutants Y/N ➢ Identifies where new or modified controls are necessary Y/N ➢ At points of discharge, checks for visible erosion/sedimentation on banks Y/N/NA ➢ Identifies noncompliance Y/N ➢ If discharge is occurring: o Identifies all points of discharge Y/N o Observes/documents visual quality, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other of pollutants Y/N o Documents whether controls operating effectively, and describes controls not operating as intended or need maintenance Y/N ➢ Based on results of inspection, initiates corrective action under Part 5. *Part 4.1.6*	Y	N	The inspection forms contained in the SWPPP did not have an area to document visual assessment if inspections were conducted during a period of discharge from the construction areas.
Inspection reports: ➢ Completed within 24 hrs Y/N ➢ Includes inspection date Y/N ➢ Includes names/titles of personnel Y/N ➢ Includes summary of findings Y/N ➢ Includes applicable rain gauge reading Y/N/NA ➢ Signed and certified in accordance with Appendix I.11 Y/N *Part 4.1.7.1 and 2*	Y	N	Difficult to tell if inspection reports had been completed within 24 hours of the inspection. Rodger Barton was signing the inspection forms, but signatures should come from owner/operator representatives.

Corrective Action			Notes:
Corrective action initiated immediately; and permanent solution completed no later than 7 calendar days from the time of discovery or if infeasible as soon as practicable? *Part 5*	Y	N	No corrective actions were documented as being necessary at the time of this inspection.
Within 24 hours of discovering the occurrence, completes a report of the following: ➢ Condition identified Y/N ➢ Nature of the condition identified Y/N ➢ Date and time of the condition identified and how it was identified Y/N *Part 5.4*	Y	N	No corrective actions were documented as being necessary at the time of this inspection.
Within 7 calendar days of discovering the occurrence, completes a report of the following: ➢ Follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred Y/N ➢ Summary of stormwater control modifications taken or to be taken Y/N ➢ Schedule of activities necessary to implement changes Y/N ➢ Date the modifications are completed or expected to be completed Y/N ➢ Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action Y/N ➢ Signed and certified in accordance with Appendix I.11 Y/N *Parts 5.4.2, 5.4.3*	Y	N	No corrective actions were documented as being necessary at the time of this inspection.

Additional Notes on SWPPP Review *(optional)*

This project's purpose is to conduct restoration activities on 584 acres at 11 various locations along the Rio Grande from the south end of Albuquerque, north to the Pueblo of Sandia. The restoration work involves improving hydrologic function through installation of high flow channels, willow swales and wetlands, and restoring native vegetation by removing jetty jacks, exotic species and introducing natural riparian gallery forest. Specifically, 5 acres of wetland habitat will be created, 85 acres of willow swales will be constructed, and jetty jacks and exotics will be removed throughout the entire project area. Various recreation features will be installed as well, including bridges, picnic tables and walking trails. Work was not allowed in the bosque area from April 15-August 15 due to endangered species concerns regarding the willow flycatcher's nesting season.

This is a US Army Corps of Engineers (USACE) project, and the Corps has employed AJAC Enterprises, Inc., out of Albuquerque to conduct the work as general contractor on their behalf. However, the USACE does not appear to have obtained permit coverage as the project owner. USACE also did not sign on to the project SWPPP, although a statement was contained in the plan stating that the Corps intended to comply with NPDES regulations. Please see Photo #2.

The NOI submitted for AJAC did not contain the most up to date water quality information found on the state's 303(d) listing or TMDL listing. The NOI should be updated.

AJAC started construction at this site in November 2011. They did obtain permit coverage under the 2008 CGP under tracking number NMR10HM72. They then submitted a new NOI for coverage under the 2012 permit on May 16, 2012 under the current tracking number. However, it does not appear that the SWPPP was updated per the requirements in the new permit:

- EPA calls for more specific water quality information in this new permit. Tasks are based on the waterbody's definition in the state's antidegradation plan. Please see Part 3 of the permit for water quality based effluent limits. This is critical in two parts – if there is a discharge to a Tier 2 waterbody, the construction operators must conduct inspections every 7 days and within 24 hours of a 0.25" rain event, as well as ensure that once construction ceases, stabilization measures must be initiated immediately and must be completed within 7 days. The SWPPP documented irregular inspections, which ended in April 2012. There was no record of temporary or permanent stabilization measures taken at this time.
- The site maps were comprehensive, but needed to be updated to indicate the current condition of each site. Specifically, BMPs and stabilization measures needed to be marked on the maps.
- Part 2.1.2.1 and Appendix G of the permit discuss the need for vegetative buffers if the construction site is within 50 feet of surface waters. There was no documentation of this specific buffer requirement in the plan. There were some buffers implemented at various sites, but did not meet the 50 foot requirement. Most often, erosion control sock was used as the primary BMP, but there was no documentation of calculations in the plan to ensure that this provided the equivalent sediment removal that the entire 50 foot vegetative buffer would have.
- There was no discussion in the plan of corrective action measures. The permit describes in Part 5 that if corrective actions are warranted (repair, modification or replacement of BMPs, spill cleanup, or remedy of a permit violation), then corrective action reports must be written and repairs/solutions must be completed within 7 days. A follow up corrective action report should be filed in the plan once the fix is complete.

Since this project centers on remediation of the river banks through tree planting and installation of willow swales, stabilization for this project had technically been initiated. However, it was difficult to ascertain whether the tree planting met the permit definition of stabilization - 70% of the density of native vegetation that was in place prior to construction. One of the main goals of this project was to reduce fuels in the bosque as a fire prevention measure. It may still be feasible to plant native grasses amongst the trees to provide for soil stabilization to prevent further sedimentation to the Rio Grande. The permittee may choose to extend the stabilization period as given in Part 9.4.1.4 and Part 4 of the permit, but notification must be submitted to NMED if this option is chosen.

The permit requires in Part 2.1.1.2.a and Part 9.4.1.1 that BMPs for the site are chosen with accountability to the soil type and rain event type and duration in order to prevent a sediment and runoff increase from the pre-construction, pre-development conditions found at the site. This SWPPP did not contain any assessment of the BMPs chosen for the site. Typically this is done through a modeling software program such as RUSLE, SEDCAD or SEDIMOT. The third party contractor who wrote the plan documented that it was not feasible due to the type of construction project. Please see Photo #1.

Implementation *(complete in field)* *(Narrative Description if Control Measures Installed, Operational, Effective and Maintained)*	
Erosion and Sediment Control Practices *Part 2.1*	
Minimize area of disturbance:	*(Provide brief description)* Construction/clearing only occurred on sites that were chosen for large willow plantings.
Buffer compliance:	*(e.g., provide and maintain a 50-foot undisturbed natural buffer)* Out of the 11 total sites, the inspector visited sites 4C, 1E, and 1G. At site 4C, there was a minimal buffer kept on site (please see Photo #3). At sites 1E and 1G, there was a much more substantial buffer, although it was not 50 feet in length (please see photos #4 and #5). Again, erosion control sock was the BMP of choice, and the permittee's representative indicated that the sock will be left in place to naturally degrade.
Perimeter controls:	*(e.g., filter berms, silt fences, temporary diversion dikes)* Erosion control sock was used as the primary perimeter control. Appeared to be in good shape at the time of this inspection.
Exit point or sediment track out:	*(e.g, aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats, wheel washing, rumble strips, plates, sweeping)* Generally, trackouts weren't used because exits were located on dirt roads.
Stockpiled sediment or soil:	*(e.g., berms, dikes, fiber rolls, silt fences, sandbag, gravel bags)* N/A
Minimize dust:	*(e.g., application of water or other dust suppression techniques)* Water trucks are run at each site periodically during the day for dust control.
Steep slopes:	*(e.g., standard erosion and sediment control practices, phasing disturbances, stabilization practices)* N/A
Preserve topsoil:	*(e.g., stockpiling or transfer of topsoil to other locations)* No soil preservation practices were in use.
Soil compaction:	*(e.g., restrict vehicle / equipment use, soil conditioning techniques)* Equipment was brought in for clearing and planting. Otherwise no traffic was in the construction areas.
Storm drain inlet protection:	*(e.g., fabric filters, sandbags, concrete blocks, gravel barriers)* N/A
Conveyance channels:	*(e.g., erosion controls, and velocity dissipation check dams, sediment traps, riprap, or grouted riprap at outlets)* Contractor constructed some high flow channels but the one channel the inspector observed was not yet connected to the river system as per design.
Sediment basin:	*(e.g., outlet structures that withdraw from the surface, stabilization, erosion controls, velocity dissipation, kept at least ½ design capacity)* N/A

Erosion and Sediment Control Practices - Continued	
Treatment chemicals:	*(e.g., spill berms, decks, spill containment pallets, storing chemicals in covered area, spill kit available on site)* N/A
Dewatering:	*(e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems (e.g., bag or sand filters) designed to remove sediment)* N/A
Other erosion and sediment controls or practices:	*(Provide brief description)* N/A
Stabilization Practices *Part 2.2*	
Stabilization:	*(e.g., soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, watering, mulch, rolled erosion control products, control blankets, riprap, gabions, geotextiles)* Stabilization has occurred at this point through the planting of willows and shrubs along the river banks. However, there is still quite a bit of ground exposed and the permittee may need to consider planting native grasses to provide for soil stabilization above the terraces.
Are stabilization measures initiated immediately? **Y/N Are they completed within 14 days of construction cessation**? **Y/N**	*(e.g. indicate "yes" or "no"; if not within 14 days of construction cessation, how long without stabilization measures?)* No documentation to indicate when stabilization measures were initiated and completed.
Pollution Prevention Measures *Part 2.3*	
Fueling and maintenance of vehicles:	*(e.g., locating activities away from surface waters and stormwater inlets or conveyances, providing secondary containment (e.g., spill berms, decks, spill containment pallets)and cover where appropriate, and/or having spill kits readily available)* Fueling is done via mobile fueling unit with spill kits on site.
Washing equipment & vehicles:	*(e.g., locating activities away from surface waters, stormwater, inlets, conveyances, sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, plastic sheeting, temporary roofs)* N/A – this does not occur on site.
Washing applicators/containers (e.g., stucco, paint, concrete, form release oils, curing compounds, and other construction materials)	*(e.g., leak-proof container or pit, locate as far away as possible from surface waters, inlets or conveyances, designate areas)* Concrete wash out located at site 4B and is plastic lined.

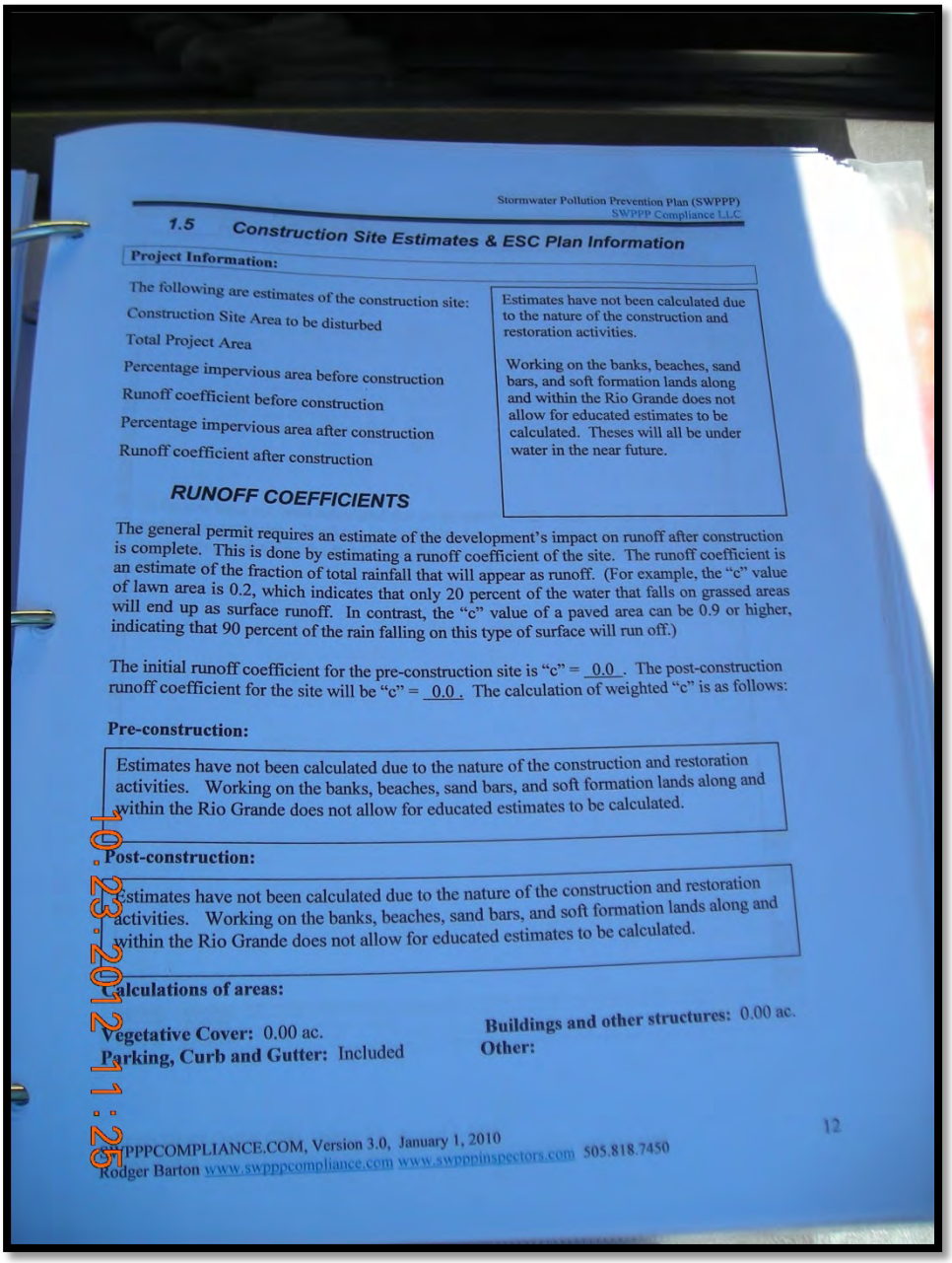
Pollution Prevention Measures – Continued	
Storage, handling, disposal of construction materials, products and waste:	*Building products (e.g., asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures):* Construction materials are disposed in an onsite dumpster.

	Pesticides, herbicides, insecticides, fertilizers, and landscape materials: N/A – not in use.
	Diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals: Fueling is conducting through a mobile unit.
	Hazardous or toxic waste (e.g, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids): N/A
	Construction and domestic waste (e.g., packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials): Dumpsters are located on site when needed.
	Sanitary waste: Portable toilets are located at active sites. Most of the sites are now not active but are attended through watering activities.
Fertilizer application:	*(e.g., avoids applying before heavy rains, never applies to frozen ground, never applies to conveyance channels with flowing water)* N/A – Not in use.
Miscellaneous	
Evidence of not allowable non-storm water discharges or prohibited discharge?	*(Provide brief description and determine whether any non-storm water discharges allowable)* No non stormwater discharges were observed during this inspection.
Evidence of sediment deposition to surface waters or MS4?	*(e.g. significant turbidity observed in a receiving water body)* Part of the purpose of this project was to build terraces into the river banks. The bottom part of the terraces is designed to erode into the river. This may be in conflict with the permit language, strictly speaking. The Corps representative indicated in the exit interview that they had received a waiver from EPA for that portion of the project. Please see Appendix A to this report.

NMED/SWQB

Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 10-23-2012	Time: 1125 hours
City/County: Albquuerque/Bernalillo County		
Location: SWPPP review at Site 4A, near Tingley Beach		
Subject: Documentation in SWPPP stating that BMP assessment calculations did not need to be done.		



Stormwater Pollution Prevention Plan (SWPPP)
SWPPP Compliance LLC

1.5 Construction Site Estimates & ESC Plan Information

Project Information:

The following are estimates of the construction site:
Construction Site Area to be disturbed
Total Project Area
Percentage impervious area before construction
Runoff coefficient before construction
Percentage impervious area after construction
Runoff coefficient after construction

Estimates have not been calculated due to the nature of the construction and restoration activities.

Working on the banks, beaches, sand bars, and soft formation lands along and within the Rio Grande does not allow for educated estimates to be calculated. Theses will all be under water in the near future.

RUNOFF COEFFICIENTS

The general permit requires an estimate of the development's impact on runoff after construction is complete. This is done by estimating a runoff coefficient of the site. The runoff coefficient is an estimate of the fraction of total rainfall that will appear as runoff. (For example, the "c" value of lawn area is 0.2, which indicates that only 20 percent of the water that falls on grassed areas will end up as surface runoff. In contrast, the "c" value of a paved area can be 0.9 or higher, indicating that 90 percent of the rain falling on this type of surface will run off.)

The initial runoff coefficient for the pre-construction site is "c" = 0.0 . The post-construction runoff coefficient for the site will be "c" = 0.0 . The calculation of weighted "c" is as follows:

Pre-construction:

Estimates have not been calculated due to the nature of the construction and restoration activities. Working on the banks, beaches, sand bars, and soft formation lands along and within the Rio Grande does not allow for educated estimates to be calculated.

Post-construction:

Estimates have not been calculated due to the nature of the construction and restoration activities. Working on the banks, beaches, sand bars, and soft formation lands along and within the Rio Grande does not allow for educated estimates to be calculated.

Calculations of areas:

Vegetative Cover: 0.00 ac.
Parking, Curb and Gutter: Included
Buildings and other structures: 0.00 ac.
Other:

10.23.2012 11:25

SWPPPCOMPLIANCE.COM, Version 3.0, January 1, 2010
Rodger Barton www.swpppcompliance.com www.swpppinspectors.com 505.818.7450

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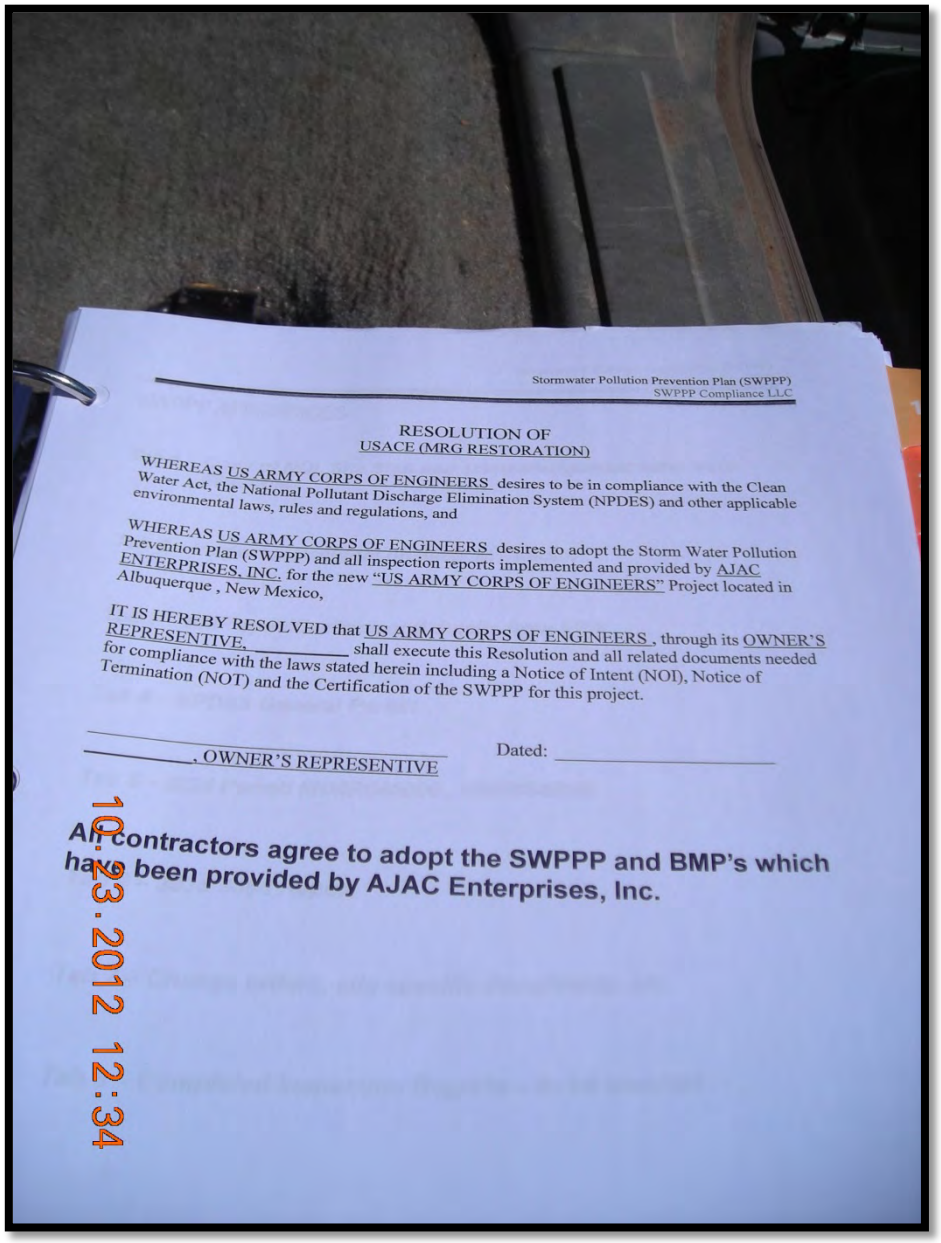
NMED/SWQB

Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 10-23-2012	Time: 1234 hours
City/County: Albuquerque/Bernalillo County		
Location: SWPPP review at Site 4A, near Tingley Beach		
Subject: Documentation in SWPPP stating that USACE was intending to comply with NPDES regulations.		



Stormwater Pollution Prevention Plan (SWPPP)
SWPPP Compliance LLC

RESOLUTION OF
USACE (MRG RESTORATION)

WHEREAS US ARMY CORPS OF ENGINEERS desires to be in compliance with the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) and other applicable environmental laws, rules and regulations, and

WHEREAS US ARMY CORPS OF ENGINEERS desires to adopt the Storm Water Pollution Prevention Plan (SWPPP) and all inspection reports implemented and provided by AJAC ENTERPRISES, INC. for the new "US ARMY CORPS OF ENGINEERS" Project located in Albuquerque , New Mexico,

IT IS HEREBY RESOLVED that US ARMY CORPS OF ENGINEERS , through its OWNER'S REPRESENTIVE, _____ shall execute this Resolution and all related documents needed for compliance with the laws stated herein including a Notice of Intent (NOI), Notice of Termination (NOT) and the Certification of the SWPPP for this project.

_____
_____, OWNER'S REPRESENTIVE

Dated: _____

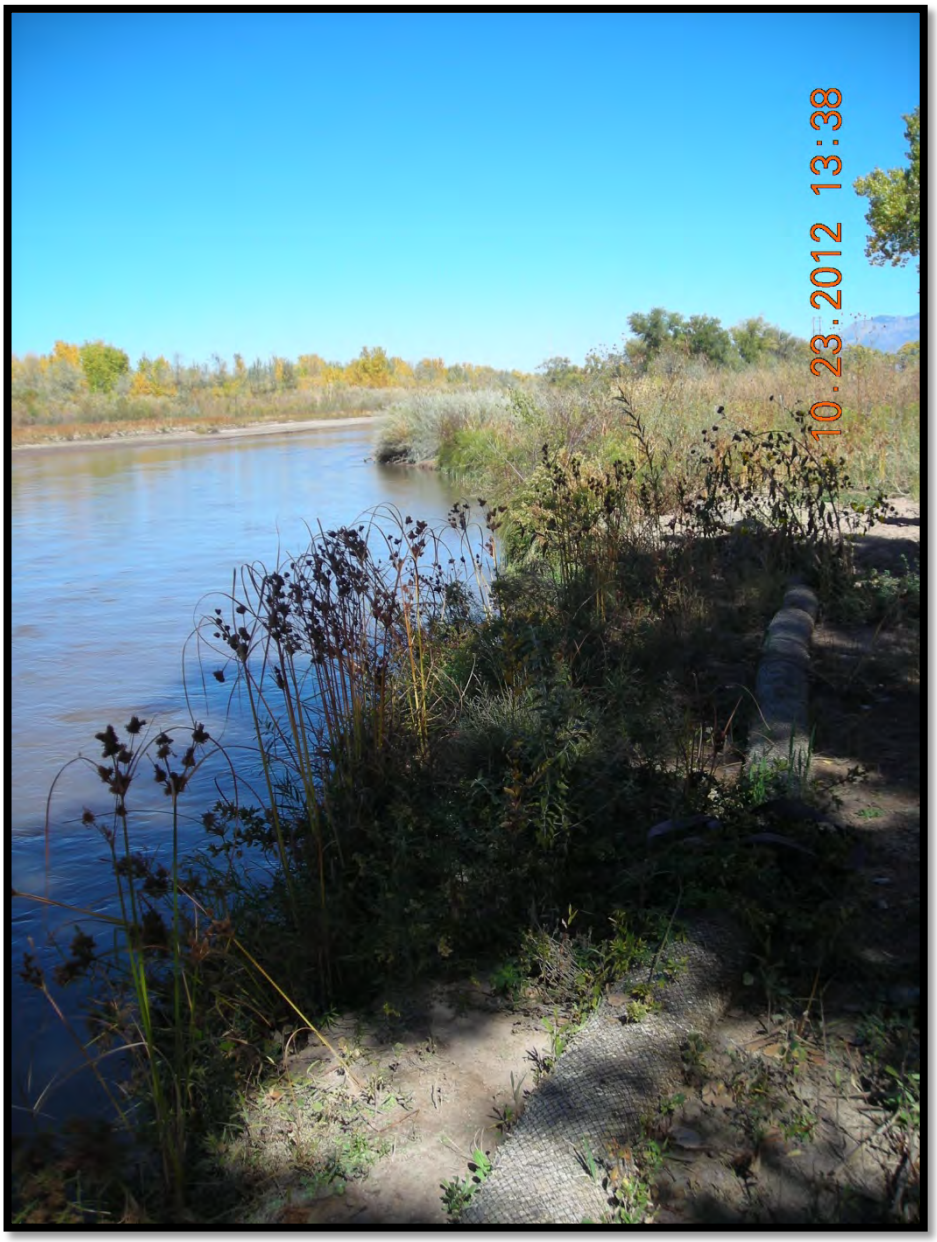
All contractors agree to adopt the SWPPP and BMP's which have been provided by AJAC Enterprises, Inc.

10.23.2012 12:34

NMED/SWQB

Official Photograph Log
Photo # 3

Photographer: Sarah Holcomb	Date: 10-23-2012	Time: 1338 hours
City/County: Albuquerque/Bernalillo County		
Location: Site 4C, near 4th St and Shirk Road in Albuquerque		
Subject: Erosion control sock next to Rio Grande. Willow and shrub plantings took place to the right side of the view of the photograph.		

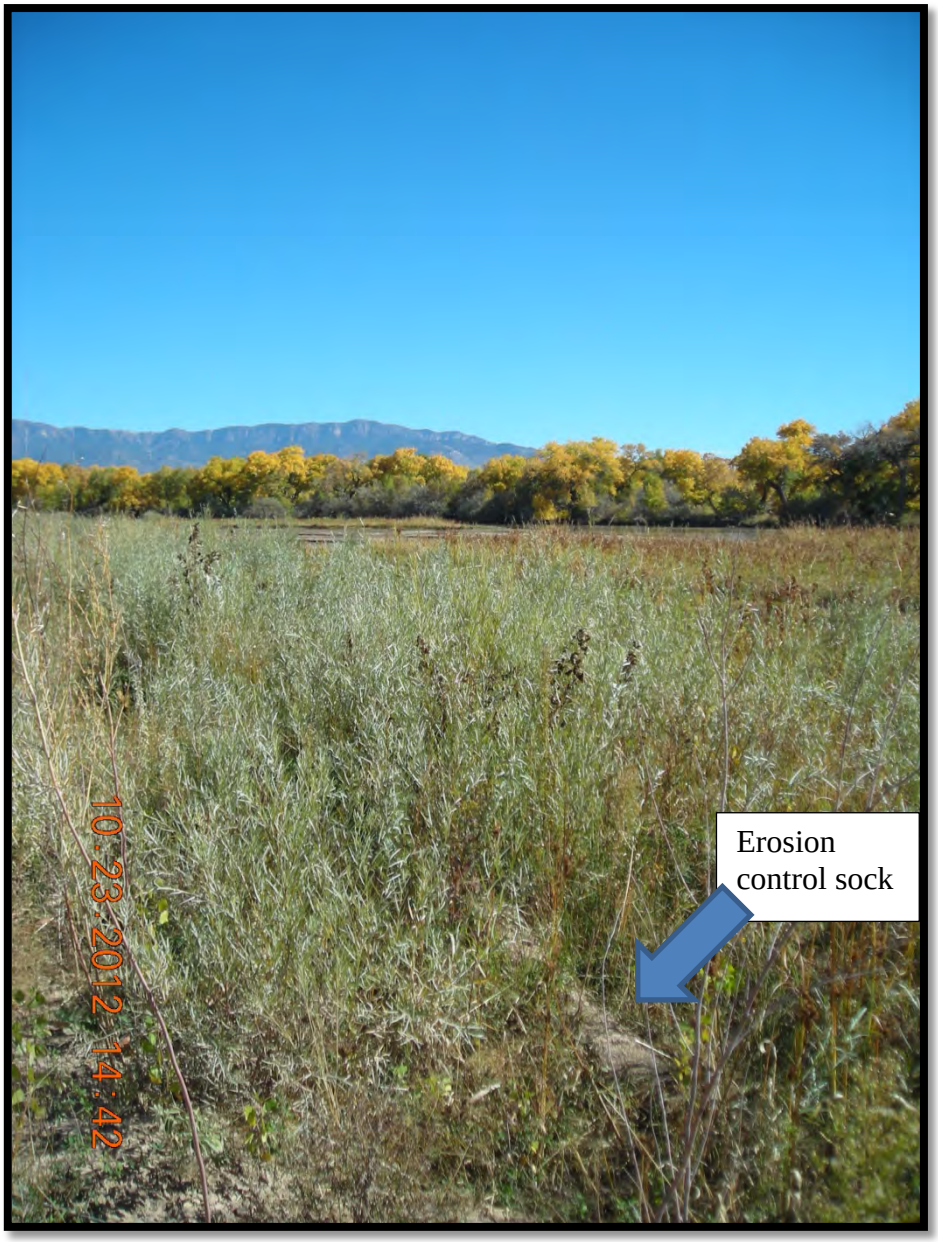


NMED/SWQB

Official Photograph Log
Photo # 4

Photographer: Sarah Holcomb	Date: 10-23-2012	Time: 1432 hours
City/County: Corrales/Sandoval County		
Location: Site 1G, near Corrales levy		
Subject: Vegetative buffer at edge of this site. Rio Grande is just a short distance on the other side of the brush.		

NMED/SWQB

Official Photograph Log
Photo # 5

Photographer: Sarah Holcomb	Date: 10-23-2012	Time: 1442 hours
City/County: Corrales/Sandoval County		
Location: Site 1G, near Corrales levy		
Subject: Native background vegetation. Erosion control sock was installed near the native vegetation to provide for a buffer along with the undisturbed vegetation.