NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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Deputy Secretary

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

Certified Mail – Return Receipt Requested

November 14, 2012

Steve Dowdy
P.O. Box 891323
Oklahoma City, OK 73159

RE: Construction Storm Water, SIC 1521, NPDES Compliance Evaluation Inspection, Steve Dowdy / Lot 10 Ridge Canyon Subdivision, NMU001818, November 5, 2012

Dear Mr. Dowdy:

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 (Definitions) Construction General Permit (CGP)). 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 Further Explanations 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.

I appreciate your cooperation during this inspection. 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: Rashida Bowlin, USEPA (6EN) by e-mail
Hannah Branning, USEPA (6EN-WC) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Robert Italiano, NMED District II Santa Fe by e-mail
Steve Dowdy by e-mail

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3	N M U 0 0 1 8 1 8 11	12 1 2 1 1 0 5 17	18 }	19 S 20	2

Remarks: C O N S T R U C T I O N < 1 A C R E

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
Lot 10 of the Ridge Canyon Subdivision, Las Estrellas residential community at 759 Ridge Canyon, Santa Fe, New Mexico 87501. Santa Fe County	0940 hours / 11/05/2012	February 16, 2012
	Exit Time/Date 1120 hours / 11/05/2012	Permit Expiration Date February 16, 2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
-Robert M. (Michael) Sandrin / Sandrin Inc. / President / 505-670-1404
-Shane Caverly / Sandrin Inc.
-Steve Dowdy / Property Owner / 405-590-9555

Name, Address of Responsible Official/Title/Phone and Fax Number
Steve Dowdy, P.O. Box 891323, Oklahoma City, OK 73159 / Property Owner / 405-590-9555

Contacted: Yes * No

Other Facility Data
Site Entrance
Latitude 35.712251°
Longitude -105.950406°

SIC 1521

Section C: Areas Evaluated During Inspection

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

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

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

1. Owner/Operator (Developer) – Steve Dowdy
   Operator (General Contractor) – Sandrin, Inc., also dba Sandrin Construction Inc., incorporated in the State of New Mexico since 3/11/1987
2. An NPDES Compliance Evaluation Inspection (CEI) was conducted at the above-referenced single residential lot construction activity which is part of a larger common plan of development following a citizen complaint. On the day of this inspection, Steve Dowdy had not completed a Stormwater Pollution Prevention Plan and had not submitted a Notice of Intent to obtain permit coverage for stormwater discharges under the USEPA 2012 Construction General Permit (CGP).
3. A separate USEPA 3560 form and report will be sent to each operator.
4. See attached further explanations and photo log.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Erin S. Trujillo *s/Erin S. Trujillo*	**NMED/SWQB/505-827-0418/505-827-0160**	**11/14/2012**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Richard E. Powell */s/Richard E. Powell*	**NMED/SWQB/505-827-2798/505-827-0160**	**11/14/2012**

NPDES Compliance Evaluation Inspection
Industrial Stormwater Construction
Steve Dowdy / Lot 10 Ridge Canyon Subdivision
NMU001818
November 5, 2012

Further Explanations

On November 5, 2012, a Compliance Evaluation Inspection (CEI) was conducted by Erin Trujillo of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) at the approximately 1.12 acre single-family residential lot construction activity at 759 Ridge Canyon which is Lot 10 of the common plan of development Ridge Canyon Subdivision, Santa Fe in Santa Fe County, New Mexico. This inspection followed a citizen complaint to NMED SWQB regarding non-compliance with Construction General Permit (CGP) conditions, including construction waste, at the site. The purpose of this inspection was to document the facility or site's status regarding the National Pollutant Discharge Elimination System (NPDES) permit program, including storm water regulations at 40 Code of Federal Regulations Part 122.26.

Stormwater discharges are to on-site unnamed unclassified tributaries, thence to Cañada Rincon in 20.6.4.98 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)* thence to the Santa Fe River in the Rio Grande Basin.

Upon arrival at approximately 0940 hours, the inspector contacted the general contractor by telephone and briefly explained the purpose of the inspection. Upon his arrival at approximately 1010 hours, the inspector made introductions, explained the purpose of the inspection, presented credentials to Mr. Robert M. (Michael) Sandrin and toured the site with Mr. Sandrin. Upon Mr. Sandrin's departure, the inspector continued the tour with Shane Caverly, Sandrin Inc. and then Mr. Steve Dowdy, property owner. A brief exit interview to discuss the preliminary findings of this inspection was provided to Mr. Dowdy on site on the day of this inspection. The inspector left the site at approximately 1120 hours on the day of this inspection. The inspector provided additional information, including web links to the USEPA 2012 CGP on-line fact sheet and permit by e-mail to the owner/operator representatives on November 5, 2012. The inspector provided preliminary findings of this inspection to Mr. Sandrin by telephone on November 7, 2012.

This report is based on a review of the USEPA online notice of intent (eNOI) query; review of files maintained by NMED; on-site observation by NMED personnel; and verbal information provided by operator's representatives.

Clean Water Act and Construction General Permit Requirements

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 a 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."*

Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit, which in the State of New Mexico, is administered by the USEPA.

USEPA Construction General Permit (CGP) was re-issued effective February 16, 2012 (Federal Register/Vol. 77, No. 40/Wednesday, February 29, 2012, pg. 12286) and replaced the 2008 CGP which expired on February 15, 2012. The need to obtain permit coverage for projects that disturb less than one acre, but may be part of a larger common plan of development or sale is further described in the 2003 CGP Fact Sheet as follows:

> *In many cases, a common plan of development or sale consists of many small construction projects. For example, a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale. If your smaller project is part of a larger common plan of development or sale that collectively will disturb one or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a 3/4 acre pad that is part of a 20 acre retail center) you need permit coverage. "Common plan" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.*

Appendix A (Definitions) of the 2012 CGP states:

> *"Operator" – for the purpose of this permit and in the context of stormwater discharges associated with construction activity, 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 that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).*

Construction operators intending to seek coverage under USEPA CGP must submit a Notice of Intent (NOI) certifying that they have met the permit's eligibility conditions and that they will comply with the permit's effluent limits and other requirements. Permit coverage is required from the "commencement of earth-disturbing activities" until "final stabilization" (see Appendix A and Part 2.2 of the 2012 CGP). Part 1.4 of the 2012 CGP states, "*…if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately*." For a new operator of a new or existing project – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction project – "*You must submit your NOI at least14 calendar days before the date the transfer to the new operator will take place (*see Part 1.4.2 of the 2012 CGP).

A site-specific storm water pollution prevention plan (SWPPP) is required to be completed prior to submitting a NOI. Among other things, the 2012 CGP requires compliance with effluent limits and other permit requirements, such as the development of a SWPPP, inspection, maintenance, and corrective action. Part 2 of the 2012 CGP (effluent limitations applicable to all discharges from construction sites and/or from construction support activities) includes the following types of requirements: erosion and sediment control requirements (Part 2.1), stabilization requirements (Part 2.2), and pollution prevention requirements (Part 2.3).

More information on the 2012 CGP, electronic NOI system and SWPPP guidance is available at http://cfpub.epa.gov/npdes/stormwater/cgp.cfm#final2012cgp.

Site Background/Description

As of writing of this report, City of Santa Fe on-line parcel ownership maps still show Ed Grabowski Jr., 7630 E. Starla Dr, Scottsdale, AZ 85255 as the property owner. Ed Grabowski Jr, 2019 Galisteo Street, Suite A-4, Santa Fe, NM 87505, 505-982-4009 submitted an NOI to obtain permit coverage under the 2003 CGP (NPDES Tracing Number NMR15G326) on March 26, 2008.

Although construction activities were delayed, the lot had not remained undeveloped. City of Santa Fe on-line imagery shows disturbance at the construction site in 2008 (exact date on City of Santa web site was not readily available). The residence building construction was approximately 70% finished according to the operator on-site representative. Construction re-started after August 1, 2012 according to the owner/operator on-site representatives. The exact date for re-disturbance, including installation of a new culvert for the driveway in the on-site tributary (stream channel), was requested from the general contractor, but not provided as of writing of this report.

Findings

According to the owner/operator on-site representatives, Steve Dowdy had operational control over project specifications and contracted Sandrin Inc. as general contractor with day to day control to finish construction of an individual single-family residence on the above-referenced lot. Disturbance (or re-disturbance) was less than one acre, but part of common plan of development subdivision greater than 5 acres.

Steve Dowdy and Sandrin, Inc. did not obtain permit coverage under the USEPA 2012 CGP for stormwater discharges at least 14 calendar days before the date the transfer to the new operator took place or on the day of this inspection.

There was no stormwater pollution prevention plan prepared in written form made available at the site on the day of this inspection documenting sediment and erosion, pollution prevention and stabilization controls; inspections; maintenance of controls and/or corrective action. There were no inspection reports in written form that would document that controls existing at the construction activity site were effective at minimizing sediment and other pollutant discharges.

Controls and potential pollutant sources observed on site included the following:

- The area of disturbance was minimized and some tree/shrub vegetation remained along much of the on-site stream channel. The driveway and site entrance was stabilized with an aggregate material. Cobble was placed on a steep slope above the on-site stream channel. Another cobble stockpile was observed on site. According to the operator on-site representative, the cobble had been removed during installation of a new culvert, but had yet to be replaced to control erosion.

- Some excavated stockpiles and/or fill material near the residence were not stabilized. At a disturbed area near the residence and at a drainage area long Ridge Canyon street, erosion rills

were observed. Areas of the lot (near the ridge above the residence) appeared to have been disturbed with vehicle traffic. This vehicle traffic disturbance may have occurred prior to the current operators taking control of the site and this disturbed area had not been stabilized.

- Three rows of temporary erosion and sediment control sock had been placed below a water spigot to minimize erosion from non-stormwater use on site according to the operator's on-site representative. However, this and other sock observed on site were not secured (e.g., staked) and did not appear maintained (e.g., portions of sock were partially buried). Sections of sock had gaps (i.e., were not overlapped). Some sock did not appear to be located in areas to effectively minimize erosion or control sediment from entering the on-site stream and/or drainage channels (e.g., a row of sock crossed a natural drainage channel).

- Construction waste controls (roll off container) were observed on site. The waste container appeared to be located in an area protected from wind near the residence, and was not overflowing on the day of this inspection. However, the roll off was not covered. Also, construction waste and litter was observed along the property boundary and drainage along Ridge Canyon street.

- Sanitary waste controls (portable toilet) were observed on site. However, the portable toilet was located directly above the on-site stream channel. The toilet was not located on a flat surface, and did not appear to be staked to minimize the potential for overtopping and spills.

- There were no on-site concrete or other material washout controls observed. Washout on the ground was observed to have flowed toward the on-site stream channel and drainage along Ridge Canyon street.

A small amount of accumulated sediment was observed near the construction site entrance and along the gutter of Ridge Canyon street downhill from this construction activity. Inlets to storm sewers were further downhill on Calle David street. It was not determined if the sediment was attributed to this site. Also, some oil stains were observed on the paved street at the site's entrance, but it was not determined if the small spills were attributed to construction vehicle traffic associated with this site.

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1003 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: On-site portable toilet was located on slope.		

NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1032 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Disturbed area near ridge above residence was not stabilized.		

NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1033 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Arrow points to an erosion rill on disturbed area above natural drainage channel.		

NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1036 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Example of erosion and sediment control sock gap (not overlapped). Sock was not staked.		

NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1036 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Sock crossed on-site natural drainage channel. Sock location would not be effective in minimizing sediment from entering tributary. Accumulated sediment is over ½ the height of the sock. Sock was not staked.		

NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1102 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Arrow points to example of partially buried sock.		

NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1106 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Example of concrete washout on ground that had flowed toward drainage near Ridge Canyon street.		

NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1106 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Arrow points to example of material washout on ground that flowed toward cobble stone above on-site stream channel.		

NMED/SWQB Official Photograph Log Photo # 9		
Photographer: Erin Trujillo	Date: 11/05/2012	Time: 1106 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Lot 10 Ridge Canyon Subdivision		
Subject: Arrow points to concrete washout and shallow erosion rill above drainage near property boundary along Ridge Canyon street. Construction trash (styrofoam) and other litter is also shown in photo.		