



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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Director
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Certified Mail - Return Receipt Requested

October 1, 2013

Ed Burkle, GSD Secretary
State of New Mexico - General Services Department
John F. Simms Building
715 Alta Vista Street
PO Box 6850
Santa Fe, NM 87502

Re: State of New Mexico - GSD; SIC 1611; Construction Stormwater; South Capitol Complex Site Improvements; NPDES Compliance Evaluation Inspection; NPDES Permit NMU001865; September 16, 2013.

Dear Mr. Burkle:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility 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.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

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If you have any questions about this inspection report, please contact Sandra Gabaldon at (505) 827-1041 or at sandra.gabaldon@state.nm.us.

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Larry Giglio, USEPA (6WQ-PP) by e-mail
Hannah Branning, USEPA (6EN-WC) by e-mail
Jan Walker, USEPA (6EN) by e-mail
NMED District II, by e-mail

NPDES Compliance Evaluation Inspection
South Capitol Complex Site Improvements
NPDES Permit NM001865

Introduction

On September 16, 2013, a Compliance Evaluation Inspection was conducted at a >5 acre construction site located in Santa Fe, New Mexico. The inspection was conducted by Sandra Gabaldon and Daniel Valenta of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB). The current construction project consists of the parking lot improvements on 8.71 acres. The purpose of this inspection was to document the facility's status regarding the NPDES storm water permit program and storm water regulations at **40 Code of Federal Regulations Part 122.26**.

This report is based on review of files maintained by NMED, on-site observation by NMED personnel, and verbal information provided by the facility's representative, Mr. Tim Higgins, Superintendent. Stormwater runoff from this site discharges to the Santa Fe MS4, thence to the Santa Fe River (20.6.4.113 NMAC).

This inspection was prompted by numerous complaints regarding discharge of sediment from the activities at this site. According to the facility representatives, construction and grading started at the site in approximately August 22, 2013. RMCI, Inc. is the general contractor on site. Completion of the project is anticipated for December, 2013.

The inspector arrived at the site at 0905 hours on September 13, 2013. The inspector conducted an entrance interview with Mr. Higgins, where she made introductions, explained the purpose of the inspection, and presented credentials. A formal exit interview to discuss the preliminary findings of the inspection was conducted on site with Mr. Higgins at approximately 1030 hours on September 16, 2013.

Findings

Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

According to the facility's representative, and based on a review of the EPA storm water permit database, it has been determined that this owner and operator did not have NPDES construction general storm water permit coverage on the date of this inspection. State of New Mexico – General Services Department is the owner/developer who has operational control over project specifications.

There was not a stormwater pollution prevention plan prepared in written form available at the site for the inspection. A SWPPP should include the following:

- Site Description
- Description of interim and permanent stabilization practices (e.g., seeding, mulching, etc.)
- Structural Practices (e.g., silt fences, check dams, sediment traps, earth dikes, subsurface drains, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins, etc.)
- Storm Water Management Controls (e.g., detention or retention structures, vegetated swales, etc.) to be installed during the construction process to reduce pollutants in storm water discharged from the site after construction has been completed

- Description of other controls (e.g., waste disposal, procedures to minimize off-site vehicle tracking, dust control, etc.)
- Maintenance and inspection procedures
- Appropriate certifications
- Address New Mexico condition on sediment yield/flow velocity in Part 9.4.1.1 of the CGP

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