

NOTICE OF INTENT



National Pollutant Discharge Elimination System Stormwater Program
MS4 Notice of Intent Format



Check box if you are submitting an individual NOI with one or more cooperative program elements.

Check box if you are submitting an individual NOI with individual program elements only.

Check box if your municipality or organization was previously covered under a MS4 permit.

Please indicate the permittee class type: (Note: The definition of the permittee class type is located in Table 1 of Part I.B.1.)

A (Phase I) B (Phase II) C (New Phase II) D (MS4s within Indian Lands)

I. MS4(s) Information

A. General Information

New Mexico Department of Transportation

Name of MS4

Timothy

Name of Contact Person (First)

Trujillo

(Last)

District 3 Drainage

(Title)

(505)798-6690

Telephone (including area code)

TimothyR.Trujillo@state.nm.us

Email

P.O. Box 91750

Mailing Address

Albuquerque

City

NM

State

87199-1750

ZIP code

What size population does your MS4(s) serve? 650,000 +

The operator is: Federal State Tribal other public (check one)

B. In what urbanized area (UA), the MS4 is located in:

- Farmington UA
- Santa Fe UA
- Albuquerque UA
- Los Lunas UA
- Las Cruces UA
- El Paso UA

C. If not located in an UA, the MS4 is located in:

Core Municipality

Indian Reservation/Pueblo

County(ies)

Cluster

D. Is this a Phase I MS4? Yes No

Is this a Non-traditional MS4? Yes No

If so, Check one: Dept. of Transportation Flood Control Authority University

Other - Specify

What is the Latitude and longitude of the approximate center of the MS4?

Latitude Longitude

II. Eligibility Determination

A. Receiving Water(s) Information

Does the MS4 discharge to any waters for which an TMDL applicable to discharges from the MS4 has been approved? (See Part I.A.5.f) Yes No NA

The receiving water(s) are:	State or Tribal Segment ID	Approved TMDL	TMDL assigns WLA to MS4
<input type="text" value="Rio Grande - Albuquerque"/>	<input type="text" value="NM 2105_50"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text" value="Rio Grande - Albuquerque"/>	<input type="text" value="NM 2105.1_00"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is the MS4 (or a group of MS4s) seeking an alternative sub-measurable goal for TMDL controls under Part I.C.2.b.(i).(c).B? Yes No NA

If so, the MS4 or a group of MS4s must submit a preliminary proposal with the NOI to EPA and NMED (see Part I.B.2.k, Section B.2 in Appendix B and Part III.D.4). This proposal should include, but is not limited to, the elements included in Appendix B under Section B.2 of the permit

If the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL, describe how the eligibility requirements of Part I.A.5.f and Part I.C.2. have been met :

The NMDOT District 3 is evaluating discharges from NMDOT facilities and right-of-way shown on the map submitted with the NMDOT 2014 Annual Report with respect to the definitions of "outfall" in NPDES Permit NMR04A000. +

A revised map of NMDOT outfalls will be included in the NMDOT SWMP along with targeted controls, measurable goals, and implementation schedule to reduce the pollutant(s) of concern. WLA calculations are provided in NMDOT Attachment 1. +

The targeted controls and measurable goals will be assessed for effectiveness on an annual basis, submitted with the annual report. If no progress is observed, the NMDOT will identify alternative measurable goals to address new or increased efforts. +

The NMDOT will share efforts with other MS4s discharging to the same impaired stream segment to determine cooperative measurable goals for the pollutants of concern.

B. Is the MS4 partially located on Indian Country lands? Yes No

If so, the Indian Country Lands include the following: (NOTE: MS4s straddling State and Indian Country land boundaries will be issued authorization under all applicable permits and may have additional State or Tribal-specific requirements applicable to different areas of the MS4 - see Part VIII and initial notification under Part III.D.4)

Sandia Pueblo, Isleta Pueblo, Santa Ana Pueblo

C. Is the permit in compliance with the National Historic Preservation Act (NHPA)? Yes No

In order to be eligible for coverage under this permit, the MS4 operator must meet one of the following criteria: (Please check which criterion the MS4 is eligible under)

Criterion A: storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior.

Criterion B: the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) (or equivalent tribal authority) that outlines all measures the MS4 operator will undertake to mitigate or prevent adverse effect to the historic property.

Provide a brief summary of the basis for the criterion selected above:

NMDOT District 3 has an environmental review, including historic and cultural properties, for all activities disturbing the Right-of-Way that would identify properties that meet this definition.

III. Preliminary Description of the Proposed Stormwater Program

As applicable, use Sections 1 through 8 below to describe the storm water management program (SWMP), including best management practices (BMPs) or storm water controls that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part I.D.5 of this permit, the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the person(s) or position(s) responsible for implementing or coordinating the SWMP.

If the MS4 operator is participating in cooperative programs with other parties (or is relying on another governmental entity) to satisfy one or more permit obligations (see Part I.D.3), use the space provided under **Cooperative Elements** to identify the partners and briefly describe roles and responsibilities.

NOTE:

The space provided in the fields below (255 characters) should be used to briefly describe proposed BMPs and corresponding measurable goals. Individual boxes should be used to describe individual target activities. If additional space is required to describe target activities, the MS4(s) should attach such as information with the NOI using the format provided.

Section 1. Construction Site Stormwater Runoff Control – Proposed BMPS, Stormwater Controls, and Measurable Goals

1.1. Development of an ordinance or other regulatory mechanism as required in Part I.D.5.a.(ii)(a)

The NMDOT does not have the statutory authority to enact ordinances as required in Part I.D.5.a. (ii)(a) as described in NMDOT Attachment 2, Section 1.1.

Cooperative Elements

No cooperative elements have been identified for this control measure.

1.2. Develop requirements and procedures as required in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h)

See NMDOT Attachment 2, Section 1.2, Table 1-1 for references to the relevant items in Sections 1.2.1 and 1.2.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Construction.

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 1.2.3.

1.3. Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.5.a.(iii)

See NMDOT Attachment 2, Section 1.2, Table 1-1 for references to the relevant items in Sections 1.2.1 and 1.2.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Construction.

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 1.2.3.

1.4. Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.a.(iv)

NMDOT has no private construction projects on NMDOT property. Due to our non-traditional status all coordination between departments is internal to NMDOT. The Drainage Engineer is involved in this coordination. 

See NMDOT Attachment 2, Section 1.2, Table 1-1 for references to the relevant items in Sections 1.2.1 and 1.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

Not applicable.

1.5. Evaluation of GI/LID/Sustainable practices in site plan reviews as required in Part I.D.5.a.(v)

See NMDOT Attachment 2, Section 1.2, Table 1-1 for references to the relevant items in Sections 1.2.1 and 1.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 1.2.3.

1.6. Enhance the program to include program elements in Part I.D.5.a.(viii) through Part I.D.5.a.(x)

See NMDOT Attachment 2, Section 1.2, Table 1-1 for references to the relevant items in Sections 1.2.1 and 1.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements with Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 1.2.3.

1.7. Describe other proposed activities to address the Construction Site Stormwater Runoff Control Measure:

No additional activities are proposed to address the Construction Site Stormwater Runoff Control.

Section 2. Post-Construction Stormwater Management in New Development and Redevelopment – Proposed BMPs, Stormwater Controls, and Measurable Goals

2.1. Development of strategies as required in Part I.D.5.b.(ii).(a)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

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Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.2. Development of an ordinance or other regulatory mechanism as required in Part I.D.5.b.(ii).(b)

The NMDOT does not have the statutory authority to enact ordinances as required in Part I.D.5.a. (ii)(a) as described in NMDOT Attachment 2, Section 2.1.

Schedule: Not applicable.

Cooperative Elements

Not applicable.

2.3. Implementation and enforcement, via the ordinance or other regulatory mechanism, of site design standards as required in Part I.D.5.b.(ii).(b).

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Not applicable.

Cooperative Elements

Not applicable.

2.4. Ensure appropriate implementation of structural controls as required in Part I.D.5.b.(ii).(c) and Part I.D.5.b.(ii).(d)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.5. Develop procedures as required in Part I.D.5.b.(ii).(e), Part I.D.5.b.(ii).(f), Part I.D.5.b.(ii).(g), and Part I.D.5.b.(ii).(h)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineers

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.6. Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.b.(iii)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.7. As required in Part I.D.5.b.(iv), the permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Written Report to be completed by June 2016.

Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.8. As required in Part I.D.5.b.(iv), describe the plan to report the assessment findings on GI/LID/Sustainable practices

NMDOT is a non-traditional MS4. All GI/LID implementation is done through the Drainage Design Bureau. There are no regulatory or procedural impediments to GI/LID inclusion in NMDOT projects.

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: Not applicable.

Schedule: Completed.

Cooperative Elements

Not applicable.

2.9. Estimation of the number of acres of IA and DCIA as required in Part I.D.5.b.(vi)

NMDOT will determine the IA and DCIA number of acres. See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: First accounting to be included with the first annual report; quantities will be updated annually.

Cooperative Elements

Not applicable.

2.10. Inventory and priority ranking as required in section in Part I.D.5.b.(vii)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.

Responsible Party: NMDOT District 3 District Engineer

Schedule: Duration of the permit

Cooperative Elements

Not applicable.

2.11. Incorporate watershed protection elements as required in Part I.D.5.b.(viii)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: To be included in the upcoming Drainage Design Manual revision, which is in process. Anticipated completion by June 2016.

Cooperative Elements

Not applicable.

2.12. Enhance the program to include program elements in Part I.D.5.b.(xi) and Part I.D.5.b.(xii)

See NMDOT Attachment 2, Section 2.2, Table 2-1 for references to the relevant items in Sections 2.2.1 and 2.2.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

The cooperative elements with Post-Construction Site Stormwater Runoff Controls in Part I.D.5.a. are described in NMDOT Attachment 2, Section 2.2.3.

2.13. Describe other proposed activities to address the Post-Construction Stormwater Management in New Development and Redevelopment Measure:

None.
Responsible Party: Not applicable.
Schedule: Not applicable.

Section 3. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations – Proposed BMPs, Stormwater Controls, and Measurable Goals

3.1. Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.5.c.(i)

See NMDOT Attachment 2, Section 3.0, Table 3-1 for references to the relevant items in Sections 3.1 and 3.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

Cooperative elements Pollution Prevention/Good Housekeeping are described in NMDOT Attachment 2, Section 3.3.

3.2. Enhance the program to include the elements in Part I.D.5.c.(ii)

See NMDOT Attachment 2, Section 3.0, Table 3-1 for references to the relevant items in Sections 3.1 and 3.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

Not applicable.

3.3. Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.5.c.(iii)

No industrial facilities are owned or operated by NMDOT.
Responsible Party: Not applicable.
Schedule: Not applicable.

Cooperative Elements

Not applicable.

3.4. Describe other proposed activities to address the Pollution Prevention/Good Housekeeping for Municipal/permittee Operations Measure:

See NMDOT Attachment 2, Section 3.0, Table 3-1 for references to the relevant items in Sections 3.1 and 3.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineer

Schedule: Duration of the permit

Section 4: Industrial and High Risk Runoff – Proposed BMPs, Stormwater Controls, and Measurable Goals (APPLICABLE ONLY TO CLASS A PERMITTEES)

4.1. Ordinance (or other control method) as required in Part I.D.5.d.(i)

The NMDOT does not have the statutory authority to enact ordinances as required in Part I.D.5.a. (ii)(a) as described in NMDOT Attachment 2, Section 4.1.

See Attachment 2, Section 4.0 for a description of the current situation. There are no MSG Permit facilities within the NMDOT jurisdiction, but the rail yards are anticipated to be covered by the MSGP in the future.

Cooperative Elements

No cooperative elements have been identified.

4.2. Continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii)

See NMDOT Attachment 2, Section 4.2, Table 4-1 for references to the relevant items in Sections 4.2.1 and 4.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer.

Schedule: Duration of the permit

Cooperative Elements

No cooperative elements have been identified for Industrial and High Risk Runoff.

4.3. Meet the monitoring requirements in Part I.D.5.d.(iii)

See NMDOT Attachment 2, Section 4.2, Table 4-1 for references to the relevant items in Sections 4.2.1 and 4.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

No cooperative elements for Industrial and High Risk Runoff have been identified.

4.4. Include requirements in Part I.D.5.d.(iv)

See NMDOT Attachment 2, Section 4.2, Table 4-1 for references to the relevant items in Sections 4.2.1 and 4.2.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

No cooperative elements have been identified for Industrial and High Risk Runoff.

4.5. Enhance the program to include requirements in Part I.D.5.d.(vii)

See NMDOT Attachment 2, Section 4.2, Table 4-1 for references to the relevant items in Sections 4.2.1 and 4.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

No cooperative elements for Industrial and High Risk Runoff have been identified.

4.6. Describe other proposed activities to address the Industrial and High Risk Runoff Measure:

No other activities are proposed to address the Industrial and High Risk Runoff measure.

Section 5. Illicit Discharges and Improper Disposal – Proposed BMPs, Stormwater Controls, and Measurable Goals

5.1. Mapping as required in Part I.D.5.e.(i)(a)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Currently being implemented; ongoing.

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 5.2.3.

5.2. Ordinance (or other control method) as required in Part I.D.5.e.(i)(b)

The NMDOT does not have the statutory authority to enact ordinances as required in Part I.D.5.a. (ii)(a) as described in NMDOT Attachment 2, Section 5.1.

Cooperative Elements

No cooperative elements have been identified for this control measure.

5.3. Develop and implement a IDDE plan as required in Part I.D.5.e.(i)(c)

TSee NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 5.2.3.

5.4. Develop an education program as required in Part I.D.5.e.(i)(d)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 5.2.3.

5.5. Establish a hotline as required in Part I.D.5.e.(i)(e)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.
Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 5.2.3.

5.6. Investigate suspected significant/severe illicit discharges as required in Part I.D.5.e.(i)(f)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.
Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance and Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 5.2.3.

5.7. Review complaint records and develop a targeted source reduction program as required in Part I.D.5.e.(i)(g)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

Not applicable.

5.8. Screening of system as required in Part I.D.5.e.(iii) as follows:

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

Not applicable.

5.9. Develop, update, and implement a Waste Collection Program as required in Part I.D.5.e.(iv)

NMDOT is a non-traditional MS4. We do not have any Waste Collection programs to collect household waste or used motor vehicle fluids from citizens. The NMDOT is prohibited from establishing these programs.
Responsible Party: Not applicable.
Schedule: Not applicable.

Cooperative Elements

Not applicable.

5.10. Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.5.e.(v)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.

Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance.

Schedule: Duration of the permit

Cooperative Elements

Not applicable.

5.11. Enhance the program to include requirements in Part I.D.5.e.(ix)

See NMDOT Attachment 2, Section 5.2, Table 5-1 for references to the relevant items in Sections 5.2.1 and 5.2.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2. Section 5.2.3.

5.12. Describe other proposed activities to address the Illicit Discharges and Improper Disposal Measure:

No other activities are proposed to address the Illicit Discharges and Improper Disposal measure.

Section 6. Control of Floatables Discharges – Proposed BMPs, Stormwater Controls, and Measurable Goals

6.1. Develop a schedule to implement the program as required in Part I.D.5.f.(i)(a)

See NMDOT Attachment 2, Section 6.0, Table 6-1 for references to the relevant items in Sections 6.1 and 6.2.
Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance.
Schedule: Duration of the permit

Cooperative Elements

Cooperative elements for Illicit Discharges and Improper Disposal are described in NMDOT Attachment 2, Section 6.3

6.2. Describe the plan to estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i)(b)

See NMDOT Attachment 2, Section 6.0, Table 6-1 for references to the relevant items in Sections 6.1 and 6.2.
Responsible Party: NMDOT District 3 Assistant District Engineer for Maintenance.
Schedule: Duration of the permit

Cooperative Elements

No cooperative elements have been identified for Control of Floatables Discharges.

6.3. Describe other proposed activities to address the Control of Floatables Discharges Measure:

Not applicable.

Responsible Party: Not applicable.

Schedule: Not applicable.

Section 7. Public Education and Outreach on Stormwater Impacts – proposed BMPs, Stormwater Controls, and Measurable Goals

7.1. Develop, revise, implement, and maintain an education and outreach program as required in Part I.D.5.g.(i) and Part I.D.5.g.(ii)

See NMDOT Attachment 2, Section 7.0, Table 7-1 for references to the relevant items in Sections 7.1 and 7.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Education and Outreach are described in NMDOT Attachment 2, Section 7.3.

7.2. Enhance the program to include requirements in Part I.D.5.g.(v) through Part I.D.5.g.(viii)

See NMDOT Attachment 2, Section 7.0, Table 7-1 for references to the relevant items in Sections 7.1 and 7.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Education and Outreach are described in NMDOT Attachment 2, Section 7.3.

7.3. Describe other proposed activities to address the Public Education and Outreach on Stormwater Impacts Measure:

See NMDOT Attachment 2, Section 7.0, Table 7-1 for references to the relevant items in Sections 7.1 and 7.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Section 8. Public Involvement and Participation – Proposed BMPs, Stormwater Controls, and Measurable Goals

8.1. Develop (or update), implement, and maintain a public involvement and participation plan as required in Part I.D.5.h.(ii) and Part I.D.5.h.(iii)

See NMDOT Attachment 2, Section 8.0, Table 8-1 for references to the relevant items in Sections 8.1 and 8.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Involvement and Participation are described in NMDOT Attachment 2, Section 8.3.

8.2. Describe the plan to comply with State, Tribal, and local notice requirements when implementing a Public Involvement and Participation Program as required in Part I.D.5.h.(iv)

See NMDOT Attachment 2, Section 8.0, Table 8-1 for references to the relevant items in Sections 8.1 and 8.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Involvement and Participation are described in NMDOT Attachment 2, Section 8.3.

8.3. Describe a plan to include elements as required in Part I.D.5.h.(v)

See NMDOT Attachment 2, Section 8.0, Table 8-1 for references to the relevant items in Sections 8.1 and 8.2.
Responsible Party: NMDOT District 3 Drainage Engineer
Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Involvement and Participation are described in NMDOT Attachment 2, Section 8.3.

8.4. As required in Part I.D.5.h.(viii) provide the internet site (or website) where the SWMP document, Annual Reports, and other documents will be available to the public.

These documents will be posted on the NMDOT District 3 website.

8.5. Enhance the program to include requirements in Part I.D.5.h.(ix)

See NMDOT Attachment 2, Section 8.0, Table 8-1 for references to the relevant items in Sections 8.1 and 8.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

Cooperative Elements

The cooperative elements associated with Public Involvement and Participation are described in NMDOT Attachment 2, Section 8.3.

8.6. Describe other proposed activities to address the Public Involvement and Participation Measure:

See NMDOT Attachment 2, Section 8.0, Table 8-1 for references to the relevant items in Sections 8.1 and 8.2.

Responsible Party: NMDOT District 3 Drainage Engineer

Schedule: Duration of the permit

IV. Proposed Monitoring Program

Indicate wet weather monitoring program preference:

Individual Monitoring Program

Cooperative Monitoring Program

Provide a general description of the propose monitoring program.

NMDOT will continue to participate in the Storm Water Monitoring and Testing Cooperative. Attachment 3.

V. Public Participation

Include a Summary of issues raised in any local public comments received by the MS4 Operator on the draft NOI/SWMP and MS4 operator's responses.

No public comments were received on the NMDOT NOI. See NMDOT Attachment 2, Section 9.0. The availability of the draft SWMP will be noticed and made available for public comment for 30 days prior to submittal to EPA. +

VI. Attachments

Attach a location map showing the boundaries of the MS4 under the applicant's jurisdiction. The map must include streets or other demarcations so that the exact boundaries can be located.

Are other attachments included with the NOI? If so, indicate the title of the document(s).

NMDOT Attachment 1: Proposed Waste Load Allocation

NMDOT Attachment 2: Description of Program Elements

NMDOT Attachment 3: Cooperative Agreement for Storm Water Monitoring and Testing

NMDOT Attachment 4: Jurisdictional Boundary Map

VII. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:



Printed Name:

Thomas Kratochvil, PE, ADE-M
for Ken M.

Date:

6/19/15

**New Mexico Department of Transportation
 Notice of Intent to Comply with NPDES Permit NMR04A000
 Attachment 1: Proposed Waste Load Allocation**

1.0 NMDOT Storm Water Outfalls

The New Mexico Department of Transportation (NMDOT) District 3 submitted a map showing discharges from NMDOT facilities and Right-of-Way with the 2014 Annual Report. However, NMDOT is reassessing the discharge locations shown on that map with respect to the definition of “outfall” in NPDES Permit NMR04A000:

“**Outfall** means a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.”

The discharges from NMDOT Right-of-Way or facilities that meet the definition of “outfall” will be shown on a map as part of the Storm Water Management Plan (SWMP). An explanation of why discharge locations shown on the previous map are considered to be outfalls or are not considered to be outfalls will also be provided in the SWMP.

2.0 Waste Load Allocation Calculations

NMDOT District 3 presents the following analysis of base loading from NMDOT Right-of-Way as required in Permit Section I.C.2.b.(i).(c).B, to be submitted with the Notice of Intent (NOI) under Part I.B.2.k, the proposal for determining the base loading for the subwatershed, alternative subwatershed targets.

2.1 Base loading for subwatershed areas consistent with TMDL

- i. *The target load consistent with the Rio Grande TMDL for any sampling point in the watershed depends on the flow in the Rio Grande.*

***E. coli* loading on a per area basis (cfu/sq mi/day) (Permit No. NMR04A000, Appendix B, Section B.2.1):**

Flow Conditions	High	Moist	Mid	Dry	Low
Alameda to Isleta	1.79E+09	4.48E+08	3.02E+08	1.11E+08	2.58E+07
Angostura to Alameda	3.25E+09	9.41E+08	5.19E+08	3.37E+08	1.74E+08

- ii. *An estimation of the pertinent, subwatershed area that the permittee is responsible for and the basis for determining that area, including the means for excluding any tributary inholdings.*

There are 7.22 square miles (4,620.8 acres) of NMDOT right-of-way within the Permit No. NMR04A000 area.

- iii. *Using the total loading for the watershed (from part a) and the percentage of the watershed area that is part of the permittee(s) jurisdiction (part b), the base WLA for NMDOT is presented below:*

E. coli loading on a per area basis (cfu/sq mi/day) and target load calculations (cfu/day) based on a 7.22 square mile right-of-way area within the MS4 area (Permit No. NMR04A000, Appendix B, Section B.2.1):

	High		Moist		Mid		Dry		Low	
	E.coli Loading (cfu/sq mi/day)	Target Load (cfu/day)	E.coli Loading (cfu/sq mi/day)	Target Load (cfu/day)	E.coli Loading (cfu/sq mi/day)	Target Load (cfu/day)	E.coli Loading (cfu/sq mi/day)	Target Load (cfu/day)	E.coli Loading (cfu/sq mi/day)	Target Load (cfu/day)
Alameda to Isleta	1.79E+09	1.29E+10	4.48E+08	3.23E+09	3.02E+08	2.18E+09	1.11E+08	8.01E+08	2.58E+07	1.86E+08
Angostura to Alameda	3.25E+09	2.35E+10	9.41E+08	6.79E+09	5.19E+08	3.75E+09	3.37E+08	2.43E+09	1.74E+08	1.26E+09

**New Mexico Department of Transportation
 Notice of Intent to Comply with NPDES Permit NMR04A000
 Attachment 2: Description of Program Elements**

1.0 Construction Site Stormwater Runoff Control –Stormwater Controls, Proposed BMPs, and Measurable Goals

As specified in Permit No. NMR04A000, I.D.5.a(i), the NMDOT District 3 may apply the construction site stormwater management program only to NMDOT construction projects.

1.1 Legal Authority

The NMDOT does not have the statutory authority to enact ordinances. The NMDOT does have ownership control of their Right-of-Way (ROW) and will utilize contract conditions to meet the Construction General Permit requirements of construction site stormwater runoff on projects within NMDOT right-of-way.

1.2 NMDOT Construction Site Stormwater Runoff Controls

The NMDOT has developed and implemented a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre is included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The NMDOT is only required to apply the construction site stormwater management program to NMDOT construction projects (Permit No. NMR04A000, Section I.D.5.a.(i)). Table 1-1 provides a cross walk between the control measures for construction site stormwater runoff controls and the BMPs in Section 1.2.1 and the Measurable Goals in Section 1.2.2. Cooperative elements are listed in Section 1.2.3.

Table 1-1 Cross Walk between control measures for construction site stormwater runoff controls, the BMPs in Section 1.2.1 and the Measurable Goals in Section 1.2.2

Control measures for construction site stormwater runoff controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.a.(ii)(b) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices (both structural and non-structural)	1.2.1(i); (ii); (iii); (iv); (v), (vi),(vii)	1.2.2(i); (ii); (iii); (iv)
I.D.5.a.(ii) (c) Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.	1.2.1(i)	1.2.2(i); (iii); (viii)
I.D.5.a.(ii) (d) Procedures for site plan review which incorporate consideration of potential water quality impacts. The site plan review must be conducted prior to commencement of construction activities, and include a review of the site design, the planned operations at the construction site, the planned control measures during the construction phase (including the technical criteria for selection of the control measures), and the planned controls to be used to manage runoff created after the development.	1.2.1(ii); (iv); (v); (vi)	1.2.2(ii); (iv)
I.D.5.a.(ii) (e) Procedures for receipt and consideration of information submitted by the public.	1.2.1(x)	1.2.2(viii)

Table 1-1 Cross Walk between control measures for construction site stormwater runoff controls, the BMPs in Section 1.2.1 and the Measurable Goals in Section 1.2.2

Control measures for construction site stormwater runoff controls	Applicable BMPs	Applicable Measurable Goals
<p>I.D.5.a.(ii) (f) Procedures for site inspection (during construction) and enforcement of control measures, including provisions to ensure proper construction, operation, maintenance, and repair. The procedures must clearly define who is responsible for site inspections; who has the authority to implement enforcement procedures; and the steps utilized to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and the quality of the receiving water. If a construction site operator fails to comply with procedures or policies established by the permittee, the permittee may request EPA enforcement assistance. The site inspection and enforcement procedures must describe sanctions and enforcement mechanism(s) for violations of permit requirements and penalties with detail regarding corrective action follow-up procedures, including enforcement escalation procedures for recalcitrant or repeat offenders. Possible sanctions include non-monetary penalties (such as stop work orders and/or permit denials for non-compliance), as well as monetary penalties such as fines and bonding requirements.</p>	<p>1.2.1 (iii); (iv); (v); (vi); (viii)</p>	<p>1.2.2 (i); (iii); (v); (vii)</p>
<p>I.D.5.a.(ii) (g) Procedures to educate and train permittee personnel involved in the planning, review, permitting, and/or approval of construction site plans, inspections and enforcement. Education and training shall also be provided for developers, construction site operators, contractors and supporting personnel, including requiring a stormwater pollution prevention plan for construction sites within the permittee's jurisdiction.</p>	<p>1.2.1(xi)</p>	<p>1.2.2 (vi)</p>
<p>I.D.5.a.(ii) (h) Procedures for keeping records of and tracking all regulated construction activities within the MS4, i.e. site reviews, inspections, inspection reports, warning letters and other enforcement documents. Summary of the number and frequency of site reviews, inspections (including inspector's checklist for oversight of sediment and erosion controls and proper disposal of construction wastes) and enforcement activities that are conducted annually and cumulatively during the permit term shall be included in each annual report.</p>	<p>1.2.1 (vii); (ix)</p>	<p>1.2.2 (xi)</p>
<p>I.D.5.a.(iii) Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres within the MS4 jurisdiction. Site inspections are to be followed by any necessary compliance or enforcement action. Follow-up inspections are to be conducted to ensure corrective maintenance has occurred; and, all projects must be inspected at completion for confirmation of final stabilization.</p>	<p>1.2.1(i); (iv); (v); (vi); (ix)</p>	<p>1.2.2(iii); (vii)</p>
<p>I.D.5.a.(iv) Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area.</p>	<p>1.2.1(ix)</p>	<p>1.2.2(ii); (iv)</p>
<p>I.D.5.a.(v) The site plan review required in Part I.D.5.a.(ii)(d) must include an evaluation of opportunities for use of GI/LID/Sustainable practices and when the opportunity exists, encourage project proponents to incorporate such practices into the site design to mimic the pre-development hydrology of the previously undeveloped site. For purposes of this permit, pre-development hydrology shall be met according to Part I.D.5.b of this permit. (Consistent with any limitations on that capture.) Include a reporting requirement of the number of plans that had opportunities to implement these practices and how many incorporated these practices.</p>	<p>1.2.1(ii)</p>	<p>1.2.2(ix)</p>
<p>I.D.5.a.(viii) The permittee may use storm water educational materials locally developed or provided by the EPA, the NMED, environmental, public interest or trade organizations, and/or other MS4s.</p>	<p>NMDOT and EPA pamphlets and posters</p>	<p>1.2.2(xii)</p>

Table 1-1 Cross Walk between control measures for construction site stormwater runoff controls, the BMPs in Section 1.2.1 and the Measurable Goals in Section 1.2.2

Control measures for construction site stormwater runoff controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.a.(ix) The permittee may develop or update existing construction handbooks (e.g., the COA NPDES Stormwater Management Guidelines for Construction and Industrial Activities Handbook) to be consistent with promulgated construction and development effluent limitation guidelines.	1.2.1(iii)	1.2.2(x)
I.D.5.a.(x) The construction site inspections required in Part I.D.5.a.(iii) may be carried out in conjunction with the permittee’s building code inspections using a screening prioritization process.	Not applicable	Not applicable

1.2.1 Construction Site Stormwater Runoff Control – Proposed BMPs

- i. NMDOT District 3 requires that all NMDOT construction projects follow “NPDES Procedures for Construction Projects”, which specifies the construction stormwater runoff control program controls or eliminates erosion and has requirements for management of solid waste on construction sites.
- ii. Plans for control of erosion and sediment, and site discharge are reviewed and approved through the normal plan review process. All construction within NMDOT ROW requires construction plan review and approval by NMDOT engineers who are qualified to evaluate erosion control plans and knowledgeable of local green infrastructure (GI) initiatives.
- iii. Require compliance with “NPDES Stormwater Management Guidelines for Construction and Industrial Activities Manual” on NMDOT construction projects.
- iv. District 3 of the NMDOT has practices in place for the review and inspection of highway construction sites (during and after construction) to ensure compliance of the NPDES Construction General Permit by the contractor.
- v. NMDOT construction contractors are required to develop their own Stormwater Pollution Prevention Plan (SWPPP) based on their Temporary Erosion and Sediment Control Measure (TESCM) sheets in accordance with the NPDES Construction General Permit.
- vi. The NMDOT PS&E process (Plans, Specifications, and Estimates) ensures inclusion of TESCP and SWPPP requirements on every appropriate publicly bid project.
- vii. Records of inspections are kept in the District office after project completion.
- viii. Should a site operator fail to comply with the “NPDES Procedures for Construction Projects”, enforcement actions include verbal and written notifications increasing to stopping the construction activity in its entirety.
- ix. Records are maintained on each of the construction projects (> 1 acre of land disturbance) including inspection, report, and actions. Inspection reports are prepared by Construction Inspectors and forwarded to the Project Manager and Contractor.
- x. Public complaints or comments about NMDOT construction sites received by the NMDOT District 3 front desk are forwarded to the NMDOT District 3 Drainage Engineer for investigation.
- xi. NMDOT District 3 personnel involved in the planning, review, permitting, and/or approval of construction site plans, inspections and enforcement are provided training in the “NPDES Procedures for Construction Projects”.

1.2.2 Construction Site Stormwater Runoff Control – Proposed Measurable Goals

- i. Conduct an audit of one NMDOT construction site per quarter to verify effectiveness of NMDOT construction site Stormwater Runoff Control Program.
- ii. Conduct Plan Reviews for all NMDOT construction projects for adequate stormwater quality protection.
- iii. NMDOT has inspectors on site at all NMDOT construction sites. The sites are inspected for compliance with approved plans as described in the “NPDES Procedures for Construction Projects”
- iv. The NMDOT reviews and approves SWPPPs prepared by the construction site operator prior to beginning construction.
- v. Review “NPDES Procedures for Construction Projects” regularly to assure that responsibilities are clearly identified along with enforcement should the construction site operator fail to comply with the established policies.
- vi. Personnel training records will be maintained for all employees involved in storm water related activities.
- vii. The NMDOT will provide a summary of construction projects and major enforcement activities that are conducted annually and cumulatively during the permit term in each annual report to EPA.
- viii. All credible complaints or comments regarding NMDOT construction sites will be investigated within 2 days of receipt.
- ix. All projects will be reviewed for opportunities for Low Impact Development (LID) and green infrastructure (GI) by NMDOT engineers who are qualified to evaluate erosion control plans and knowledgeable of local LID and GI initiatives, along with any LID or GI features incorporated into projects will be provided in the annual Report.
- x. Routinely request that NMDOT drainage engineers and co-permittees identify revisions to the “NPDES Stormwater Management Guidelines for Construction and Industrial Activities Manual”.
- xi. In compliance with the NMDOT “NPDES Procedures for Construction Projects” records are maintained on each of the regulated construction projects including inspection, report, and actions. Inspection reports are prepared by Construction Inspectors and forwarded to the Project Manager and Contractor. Transfer of authority within the NMDOT from Construction to Maintenance is documented by forms, and delegation of authority is also documented in the SWPPP book to ensure responsibility of project managers for tracking of inspection records, warning letters and other enforcement letters until such time as the Notice of Terminations has been submitted.
- xii. NMDOT will track the posting and distribution of pamphlets and posters developed by NMDOT and/or EPA.

1.2.3 Construction Site Stormwater Runoff Control – Cooperative Elements

- i. The NMDOT is working in cooperation with other permittees to update “NPDES Manual Storm Water Management Guidelines for Construction and Industrial Activities”.
- ii. The NMDOT participates with the other co-permittees and the Associated Contractors of New Mexico (ACNM) in a coordinated training program directed at developer/contractor and owner personnel in the preparation of SWPPPs and the associated requirements. Training is offered a monthly basis, tailored to meeting local, state and federal regulations for the construction industry.

- iii. Low Impact Development (LID) and GI Conferences which were initiated and sponsored by the co-permittees joint educational group called the “Mid Rio Grande Stormwater Quality Team (MRGSQT)”. NMDOT was a sponsor of the 2014 Arid LID conference and had a booth to disseminate information about NMDOT storm water practices.

2.0 Post-Construction Stormwater Management in New Development and Redevelopment

Stormwater controls for “Post-Construction Stormwater Management in New Development and Redevelopment” is interpreted as post construction stormwater management applied to new roadway construction projects and to widening projects on existing roadways. **The NMDOT is only required to apply the post-construction site stormwater management program to the NMDOT construction projects (Permit No. NMR04A000, Section I.D.5.b.(i)).**

2.1 Legal Authority

The NMDOT does not have the statutory authority to enact ordinances. The NMDOT does have ownership control of their Right-of-Way (ROW) and meet requirements of post-construction stormwater runoff on projects within NMDOT right-of-way.

2.2 NMDOT Post-Construction Stormwater Management in New Development and Redevelopment

Table 2-1 provides a cross walk between the control measures for post-construction stormwater management in new development and redevelopment, the BMPs in Section 2.2.1 and the Measurable Goals in Section 2.2.2. Cooperative elements are listed in Section 2.2.3.

Table 2-1 Cross Walk between control measures for post-construction stormwater management in new development and redevelopment, the BMPs in Section 2.2.1 and the Measurable Goals in Section 2.2.2

Control Measures for Post-Construction Site Stormwater Runoff Controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.b.(ii)(a) Strategies which include a combination of structural and/or non-structural best management practices (BMPs) to control pollutants in stormwater runoff.	2.2.1(ii); (iii); (iv); (ix)	2.2.2 (i); (vi)
I.D.5.b.(ii) (b) An ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law.	2.2.1(v)	2.2.2(v)
I.D.5.b.(ii) (c) The permittee must ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with preconstruction BMP design; failure to construct BMPs in accordance with the agreed upon pre-construction design; and ineffective post-construction operation and maintenance of BMPs.	2.2.1 (i); (ii); (iv); (v); (vi); (vii)	2.2.2 (i); (v)
I.D.5.b.(ii) (d) The permittee must ensure that the post-construction program requirements are constantly reviewed and revised as appropriate to incorporate improvements in control techniques.	2.2.1 (i); (v)	2.2.2 (iv); (v)

Table 2-1 Cross Walk between control measures for post-construction stormwater management in new development and redevelopment, the BMPs in Section 2.2.1 and the Measurable Goals in Section 2.2.2

Control Measures for Post-Construction Site Stormwater Runoff Controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.b.(ii) (e) Procedure to develop and implement an educational program for project developers regarding designs to control water quality effects from stormwater, and a training program for plan review staff regarding stormwater standards, site design techniques and controls, including training regarding GI/LID/Sustainability practices. Training may be developed independently or obtained from outside resources, i.e. federal, state, or local experts.	2.2.3(ii)	2.2.2(vi)
I.D.5.b.(ii) (f) Procedures for site inspection and enforcement to ensure proper long-term operation, maintenance, and repair of stormwater management practices that are put into place as part of construction projects/activities. Procedure(s) shall include the requirement that as-built plans be submitted within ninety (90) days of completion of construction projects/activities that include controls designed to manage the stormwater associated with the completed site (post-construction stormwater management). Procedure(s) may include the use of dedicated funds or escrow accounts for development projects or the adoption by the permittee of all privately owned control measures. This may also include the development of maintenance contracts between the owner of the control measure and the permittee. The maintenance contract shall include verification of maintenance practices by the owner, allows the MS4 owner/operator to inspect the maintenance practices, and perform maintenance if inspections indicate neglect by the owner.	2.2.1 (i); (ii); (vi); (vii)	2.2.1 (vi); 2.2.2 (vii)
I.D.5.b.(ii) (g) Procedures to control the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers where permittee(s) hold jurisdiction over lands not directly owned by that entity (e.g., incorporated city). The procedures must ensure that herbicides and pesticides applicators doing business within the permittee's jurisdiction have been properly trained and certified, are encouraged to use the least toxic products, and control use and application rates according to the applicable requirements.	2.2.1 (viii)	2.2.2 (vii)
I.D.5.b.(ii) (h) Procedure or system to review and update, as necessary, the existing program to ensure that stormwater controls or management practices for new development and redevelopment projects/activities continue to meet the requirements and objectives of the permit.	2.2.1(i); (iv); (v); (vi); (ix)	2.2.2 (iv); (v)
I.D.5.b.(iii) The permittee must coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private new development and redevelopment projects/activities within the permit area to ensure the hydrology associated with new development and redevelopment sites mimic to the extent practicable the pre-development hydrology of the previously undeveloped site, except in instances where the pre-development hydrology requirement conflicts with applicable water rights appropriation requirements. For purposes of this permit, pre-development hydrology shall be met by capturing the 90th percentile storm event runoff (consistent with any limitations on that capture) which under undeveloped natural conditions would be expected to infiltrate or evapotranspire on-site and result in little, if any, off-site runoff. (Note: This permit does not prevent permittees from requiring additional controls for flood control purposes.) Planning documents include, but are not limited to: comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances.	2.2.1 (v)	2.2.2 (viii)

Table 2-1 Cross Walk between control measures for post-construction stormwater management in new development and redevelopment, the BMPs in Section 2.2.1 and the Measurable Goals in Section 2.2.2

Control Measures for Post-Construction Site Stormwater Runoff Controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.b.(iv) The permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices. The assessment shall include a list of the identified impediments, necessary regulation changes, and recommendations and proposed schedules to incorporate policies and standards to relevant documents and procedures to maximize infiltration, recharge, water harvesting, habitat improvement, and hydrological management of stormwater runoff as allowed under the applicable water rights appropriation requirements. The permittee must develop a report of the assessment findings, which is to be used to provide information to the permittee, of the regulation changes necessary to remove impediments and allow implementation of these practices.	2.2.1 (i); (iv)	2.2.2 (viii)
I.D.5.b.(vi) The permittee must estimate the number of acres of impervious area (IA) and directly connected impervious area (DCIA). For the purpose of his part, IA includes conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops. DCIA is the portion of IA with a direct hydraulic connection to the permittee's MS4 or a waterbody via continuous paved surfaces, gutters, pipes, and other impervious features. DCIA typically does not include isolated impervious areas with an indirect hydraulic connection to the MS4 (e.g., swale or detention basin) or that otherwise drain to a pervious area.	2.2.1 (ii); 2.2.2 (ii)	2.2.2(ii)
I.D.5.b.(vii) The permittee must develop an inventory and priority ranking of MS4-owned property and infrastructure (including public right-of-way) that may have the potential to be retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges to and from its MS4. In determining the potential for retrofitting, the permittee shall consider factors such as the complexity and cost of implementation, public safety, access for maintenance purposes, subsurface geology, depth to water table, proximity to aquifers and subsurface infrastructure including sanitary sewers and septic systems, and opportunities for public use and education under the applicable water right requirements and restrictions. In determining its priority ranking, the permittee shall consider factors such as schedules for planned capital improvements to storm and sanitary sewer infrastructure and paving projects; current storm sewer level of service and control of discharges to impaired waters, streams, and critical receiving water (drinking water supply sources).	2.2.2(iii)	2.2.2 (iii)
I.D.5.b.(viii) The permittee must incorporate watershed protection elements into relevant policy and/or planning documents as they come up for regular review. If a relevant planning document is not scheduled for review during the term of this permit, the permittee must identify the elements that cannot be implemented until that document is revised, and provide to EPA and NMED a schedule for incorporation and implementation not to exceed five years from the effective date of this permit.	2.2.1 (ii); (ix)	2.2.2 (v)
I.D.5.b.(xi) The permittee may use storm water educational materials locally developed or provided by EPA (refer to http://water.epa.gov/polwaste/npdes/swbmp/index.cfm , http://www.epa.gov/smartgrowth/parking.htm , and http://www.epa.gov/smartgrowth/stormwater.htm); the NMED; environmental, public interest or trade organizations; and/or other MS4s.	2.2.3 (i); (ii); (iii)	2.2.2 (x)

Table 2-1 Cross Walk between control measures for post-construction stormwater management in new development and redevelopment, the BMPs in Section 2.2.1 and the Measurable Goals in Section 2.2.2

Control Measures for Post-Construction Site Stormwater Runoff Controls	Applicable BMPs	Applicable Measurable Goals
I.D.5.b.(xii) When choosing appropriate BMPs, the permittee may participate in locally-based watershed planning efforts, which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, the permittee may adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures.	2.2.3 (i); (iii)	2.2.2 (xi)

2.2.1 Post-Construction Site Stormwater Runoff Control – Proposed BMPs

- i. NMDOT District 3 has a Drainage Engineer responsible for overseeing NPDES Permit compliance and ensuring the programs and requirements of the NMDOT reflect the current requirements of the permit.
- ii. NMDOT requires compliance with “NPDES Procedures for Construction Projects and Maintenance Projects,” which identifies the roles and responsibilities within the department for ensuring the post-construction stormwater runoff control program controls or eliminates erosion.
- iii. The “NPDES Manual Storm Water Management Guidelines for Construction and Industrial Activities” is used for planning and review of NMDOT projects.
- iv. All construction projects within the NMDOT ROW that disturb greater than one acre are required to submit the construction drawings and specifications for NMDOT review and approval. Through construction plan approval, the NMDOT drainage engineers assure that post-construction storm water runoff controls are adequately designed and that opportunities for LID and GI are incorporated.
- v. The NMDOT requires construction projects to adhere to the following design standards and regulations: Drainage Design Criteria, Drainage Manual Volume I Hydrology, Drainage Manual Volume II Hydraulics, Sedimentation and Erosion to ensure the hydrology associated new development and redevelopment sites mimic the pre-development hydrology of the previously undeveloped site. A new Drainage Design Manual is being prepared and is anticipated to be available for use in 2016.
- vi. The District 3 NMDOT Maintenance Section is responsible for inspection and maintenance of stormwater facilities following construction. This department regularly inspects the NMDOT facilities and performs necessary maintenance.
- vii. Transfer of authority within the NMDOT from Construction to Maintenance is documented by forms, and delegation of authority is also documented in the SWPPP book to ensure responsibility of project managers for tracking of inspection records, warning letters and other enforcement letters until such time as the NOT has been submitted.
- viii. The NMDOT is authorized under the EPA Pesticide General permit and has prepared its Pesticide Discharge Management Plan (PDMP). The PDMP spells out the procedures for the application and control of pesticides, herbicides and fertilizers used by NMDOT. The procedures include the following:
 - All Herbicide Applicators are licensed through the New Mexico Department of Agriculture.

- Each Applicator follows all rules and regulations required by State Law and FIFRA.
 - Each Applicator follows all manufacture labels and MSDS sheets regarding the application of the herbicide utilized.
 - Each Applicator ensures equipment is kept in proper operating condition and calibrated as needed. Each piece of equipment has PPE (Personal Protective Equipment) as well as items to clean/prevent leaks, spills, or other unintended discharges.
 - To be consistent with all applicable federal requirements, each Applicator utilizes the National Weather Service for information on temperature, and precipitation. They also utilize a wind speed instrument to obtain information on wind speed.
- ix. The NMDOT prepares a SWPPP and the TESC sheet for post-construction stabilization and permanent BMPs for construction projects in the NMDOT ROW.
- x. NMDOT will track projects that include BMPs to ensure compliance with pre-development hydrology.

2.2.2 Post-Construction Site Stormwater Runoff Control – Measurable Goals

- i. The construction drawings and specifications for all construction projects in NMDOT right-of-way or roadways that disturb more than an acre will be reviewed and approved by a NMDOT drainage engineer for post-construction stormwater runoff and
- ii. The NMDOT will prepare an estimation of the number of acres of impervious area (IA) and directly connected impervious area (DCIA) using existing mapping and NMDOT ROW mapping. This estimate will be presented in the first annual report and updated on an annual basis. The amount of IA added by each project will be tracked on the SWPPP sheet.
- iii. NMDOT will review STIP projects for opportunities to retrofit and incorporate appropriate control measures into redevelopment projects. NMDOT will not develop an inventory or priority ranking of potential retrofit projects.
- iv. The NMDOT will include a listing of all modifications made to the Post-Construction Stormwater Management Program and a cumulative listing of annual revisions to administrative procedures made during the permit term in its annual report.
- v. The NMDOT regularly reviews and revises, as necessary, the following design standards and regulations: Drainage Design Criteria, Drainage Manual Volume I Hydrology, Drainage Manual Volume II Hydraulics, Sedimentation and Erosion.
- vi. Training of NMDOT staff involved in reviewing plans for post-construction storm water management will be documented in the Annual Report.
- vii. NMDOT District 3 will audit one post-construction project per quarter to confirm maintenance of post-construction water quality features is being performed.
- viii. The NMDOT reviews and assesses all existing design directives and other applicable regulations, for impediments to the use of GI practices. The review is performed by the NMDOT Drainage Design Bureau with the assistance of outside consultants and stakeholders.
- ix. NMDOT will track projects that include BMPs to ensure compliance with pre-development hydrology.
- x. NMDOT will track the posting and distribution of pamphlets and posters developed by NMDOT and/or EPA.

- xi. NMDOT may confer with MRGSQT to select appropriate BMPs that involve NMDOT right-of-way or facilities.

2.2.3 Post-Construction Site Stormwater Runoff Control – Cooperative Elements

- i. The NMDOT has completed an update to the NPDES Manual which includes a revised selection of structural BMPs for use in a variety of construction conditions. In preparing the update, a lengthy review of BMP evaluations was prepared drawing from 16 sources including the International Stormwater BMP Database, the Green Highways Partnership Innovative BMP Review, Arizona NEMO – Arid Southwest BMPs, Colorado Flood Control BMP Effectiveness and others. Most of these sources provided assessments of the effectiveness of the BMP for various pollutants. From this review the most effective and appropriate BMPs have been included into the updated manual.
- ii. Training directed at developers and development review staff regarding GI is provided through Low Impact Development (LID) and GI Conferences which were initiated and sponsored by the co-permittees joint educational group called the “Mid Rio Grande Stormwater Quality Team (MRGSQT)”. There is an annual Arid LID conference, which began in Albuquerque in 2010, and offers presentations and training focused on LID and GI initiatives.
- iii. NMDOT continues to be a financial contributor and active board member of the Mid Rio Grande Stormwater Quality Team. The team was formed in 2004 to cooperatively educate and reach out to residents about how they can reduce stormwater pollution to help “Keep the Rio Grande Clean!” The team includes the Albuquerque Metropolitan Arroyo Flood Control Authority, Town of Bernalillo, the City of Albuquerque, the Ciudad Soil and Water Conservation District, the Southern Sandoval County Arroyo Flood Control Authority, Village of Los Ranchos, Village of Corrales, East Sandoval County Flood Control Authority, and the New Mexico Department of Transportation.

3.0 Pollution Prevention/Good Housekeeping Operations

Table 3-1 provides a cross walk between the control measures for pollution prevention/good housekeeping operations, the BMPs in Section 3.1 and the Measurable Goals in Section 3.2. Cooperative elements are listed in Section 3.3.

Table 3-1 Cross Walk between control measures for Pollution Prevention/Good Housekeeping Operations , the BMPs in Section 3.1 and the Measurable Goals in Section 3.2

Control Measures for Pollution Prevention/Good Housekeeping Operations	Applicable BMPs	Applicable Measurable Goals
I.D.5.c.(i) The permittee must develop, revise and implement an operation and maintenance program that includes a training component and the ultimate goal of preventing or reducing pollutant runoff from municipal operations.	3.1(i); (ii); (iii); (iv)	3.2 (ii); (iii); (iv)
I.D.5.c.(i)(a) Development and implementation of an employee training program to incorporate pollution prevention and good housekeeping techniques into everyday operations and maintenance activities. The employee training program must be designed to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. The permittee must also develop a tracking procedure and ensure that employee turnover is considered when determining frequency of training;	3.1(i)	3.2 (ii); (iii)
I.D.5.c.(i)(b) Maintenance activities, maintenance schedules, and long term inspections procedures for structural and non-structural storm water controls to reduce floatable, trash, and other pollutants discharged from the MS4.	3.1 (iii); (iv); (v); (vii); (ix); (x); (xi)	3.2 (iii); (iv)

Table 3-1 Cross Walk between control measures for Pollution Prevention/Good Housekeeping Operations , the BMPs in Section 3.1 and the Measurable Goals in Section 3.2

Control Measures for Pollution Prevention/Good Housekeeping Operations	Applicable BMPs	Applicable Measurable Goals
I.D.5.c.(i)(c) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas operated by the permittee, and waste transfer stations;	3.1 (iv); (viii); (ix); (x); (xi); (xii)	3.2 (iii); (v); (vi)
I.D.5.c.(i)(d) Procedures for properly disposing of waste removed from the separate storm sewers and areas listed in art I.D.5.c.(i).(c) (such as dredge spoil, accumulated sediments, floatables, and other debris); and	3.1 (v)	3.2 (iii); (v); (vi)
I.D.5.c.(i)(e) Procedures to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.	3.1 (vi)	3.1(vi)
I.D.5.c.(ii) The Pollution Prevention/Good Housekeeping program must include the elements from I.D.5.c.(ii)(a) through I.D.5.c.(ii)(n).	3.1 (iii); (v); (vii) (x)	3.2 (iii); (iv); (v); (vi)
I.D.5.c.(iii) Comply with the requirements included in the EPA Multi Sector General Permit (MSGP) to control runoff from industrial facilities (as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi) owned or operated by the permittees and ultimately discharge to the MS4.	3.1 (viii)	3.2 (vi)

3.1 Pollution Prevention/Good Housekeeping Operations – Proposed BMPs

- i. NMDOT has existing training programs to ensure that pollution prevention and good housekeeping techniques are incorporated into the program.
- ii. A tracking procedure will be utilized to ensure all employees receive the available training. Scheduling of employee training will consider turnover rates to minimize the opportunity for untrained employee incidents. Yearly training will be conducted to ensure that employees retain and receive updated information on NMDOT pollution prevention/good housekeeping procedures.
- iii. The NMDOT implements several operations and maintenance programs such as street sweeping, visual inspections, annual inspections, highway adoption, inmate litter clean-up programs, and site specific operations and maintenance and stormwater pollution prevention plans that include maintenance activities, maintenance schedule, and long term inspection procedures for non-structural storm water controls to reduce floatables, trash and other pollutants discharged from the MS4.
- iv. NMDOT will implement measures to control or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas. The NMDOT does not have waste transfer stations. Specific procedures will be developed during the first year of the permit to address discharge of pollutants from the DOTs facilities.
- v. The NMDOT will implement procedures for disposing of waste removed from the separate storm sewers and the MS4 system, which includes disposal of dredge spoil, accumulated sediments floatables and other debris.
- vi. NMDOT does not develop flood management projects. This work is normally performed by the other co-permittees (AMAFCA and City of Albuquerque). If requested, the NMDOT will assist the other co-permittees in the evaluation of these projects as well as the review of existing flood control projects adjacent to or impacted by the NMDOT facilities.

- vii. The NMDOT will produce and continue to update a list of all stormwater quality facilities by drainage basin, including location and description along with a schedule to inspect and maintain these structures per an assigned schedule.
- viii. The NMDOT will perform an annual inspection of the facilities which have an industrial nature. The NMDOT Facility Inspection Report developed during Phase I will be used to identify improvement necessary to control pollutants from contaminating the runoff. Where necessary, specific operational procedures will be prepared to insure proper handling of potential pollutants.
- ix. The NMDOT has an existing routine street sweeping program that is frequently reviewed and revised. The location and number of miles that have been swept are kept in logs for record.
- x. The District 3 office of the NMDOT has several operations/maintenance facilities, each with specific procedures for handling the waste generated from those facilities.
- xi. The NMDOT deploys fleet vehicles to perform daily visual roadway inspections for road conditions, litter, and illicit discharges.
- xii. The NMDOT has highway adoption and inmate litter clean-up programs that allow for volunteer entities to clean sections of the roadways under the NMDOT jurisdiction.

3.2 Pollution Prevention/Good Housekeeping Operations – Measurable Goals

- i. The NMDOT will, within one year of SWMP approval, produce an updated list of all stormwater quality facilities by drainage basin, including location and description along with a schedule to inspect and maintain these structures per an assigned schedule.
- ii. The NMDOT will provide site-specific stormwater pollution prevention plan annual training for applicable employees at each facility in the MS4 urbanized area.
- iii. The NMDOT will continue to review all existing maintenance/cleaning procedures and schedules for each of the facilities in the MS4 urbanized area.
- iv. For any facility without existing procedures, the NMDOT will create and implement maintenance/cleaning procedures.
- v. The NMDOT will evaluate and revise Storm Water Pollution Prevention Plans (SWPPPs) for NMDOT facilities.
- vi. The NMDOT will continue to perform annual inspections of all District 3 facilities for MS4 compliance.

3.3 Pollution Prevention/Good Housekeeping Operations – Cooperative Elements

No cooperative elements have been identified for Pollution Prevention/Good Housekeeping Operations.

4.0 Industrial and High Risk Runoff

NMDOT District 3 has one industrial facility: the New Mexico Rail Runner Express coach rail yards. The New Mexico Rail Runner Express commuter rail is managed by the Rio Metro Regional Transit District, which is the primary regional transit provider for Bernalillo, Sandoval and Valencia counties. The Rio Metro Regional Transit District is governed by the Mid-Region Council of Governments (MRCOG). The MRCOG serves as the agent for the NMDOT to implement the New Mexico Rail Runner Express commuter train between Belen and Santa Fe.

The New Mexico Rail Runner Express coach rail yards fall under Sector P (Land Transportation and Warehousing Facilities) of the Multi-Sector General Permit (MSGP) for storm water discharges from industrial facilities. NMDOT has informed Rio Metro of the requirement to have permit coverage under the MSGP and to file a Notice of Intent (NOI) to comply with the MSGP (when available).

4.1 Legal Authority

The NMDOT does not have the statutory authority to enact ordinances. The NMDOT does have ownership control of the Rail Runner Express rail yards and will utilize contract conditions to meet the industrial and high risk runoff requirements.

4.2 NMDOT Industrial and High Risk Runoff

Table 4-1 provides a cross walk between the control measures for industrial and high risk runoff management, the BMPs in Section 4.2.1 and the Measurable Goals in Section 4.2.2. Cooperative elements are listed in Section 4.2.3.

Table 4-1 Cross Walk between control measures for Industrial and High Risk Runoff, the BMPs in Section 4.2.1 and the Measurable Goals in Section 4.2.2

Control Measures for Industrial and High Risk Runoff	Applicable BMPs	Applicable Measurable Goals
I.D.5.d.(i) The permittee must control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi). If no such industrial activities are in a permittees jurisdiction, that permittee may certify that this program element does not apply.	4.1; 4.2.1(ii)	4.2.2 (ii)
I.D.5.d.(ii) Continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii)	4.2.1(ii); (iii); (iv)	4.2.2 (i); (ii)
I.D.5.d.(iii) Permittees must comply with the monitoring requirements specified in Part III.A.4	4.2.1(iv)	4.2.2 (ii)
I.D.5.d.(iv) The permittee must modify the following as necessary: (a) The list of the facilities included in the program, by category and basin; (b) Schedules and frequency of inspection for listed facilities. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality; (c) The priorities for inspections and procedures used during inspections (e.g. inspection checklist, review for NPDES permit coverage; review of stormwater pollution prevention plan; etc.); and (d) Monitoring frequency, parameters and entity performing monitoring and analyses (MS4 permittees or subject facility). The monitoring program may include a waiver of monitoring for parameters at individual facilities based on a "no-exposure" certification;	4.2.1 (v)	4.2.2 (i)

Table 4-1 Cross Walk between control measures for Industrial and High Risk Runoff, the BMPs in Section 4.2.1 and the Measurable Goals in Section 4.2.2

Control Measures for Industrial and High Risk Runoff	Applicable BMPs	Applicable Measurable Goals
I.D.5.d.(vii) The permittee may: (a) Use analytical monitoring data, on a parameter-by-parameter basis, that a facility has collected to comply with or apply for a State or NPDES discharge permit (other than this permit), so as to avoid unnecessary cost and duplication of effort; (b) Allow the facility to test only one (1) outfall and to report that the quantitative data also apply to the substantially identical outfalls if: A. A Type 1 or Type 2 industrial facility has two (2) or more outfalls with substantially identical effluents, and B. Demonstration by the facility that the stormwater outfalls are substantially identical, using one (1) or all of the following methods for such demonstration. The NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), available on EPA's website at provides detailed guidance on each of the three options: (1) submission of a narrative description and a site map; (2) submission of matrices; or (3) submission of model matrices. (c) Accept a copy of a "no exposure" certification from a facility made to EPA under 40 CFR §122.26(g), in lieu of analytic monitoring.	4.2.1(iv); (v)	4.2.2 (i); (ii)

4.2.1 Industrial and High Risk Runoff – Proposed BMPs

- i. The NMDOT shall notify NMED that the discharges from the MRCOG Rail Runner coach rail yards to the MS4 need a separate NPDES permit.
- ii. NMDOT will utilize contract and/or lease agreements with MRCOG to require compliance with all applicable environmental regulatory regulations, including permits for storm water discharges.
- iii. NMDOT shall continue to coordinate with MRCOG/Rail Runner coach rail yard to ensure their compliance with NPDES regulations.
- iv. NMDOT will request that MRCOG Rail Runner coach rail yards on NMDOT right-of-way to provide documentation of coverage under the MSGP, including NOI, SWPPP, monitoring records, training records, and annual reporting.
- v. NMDOT will inspect MRCOG Rail Runner coach rail yards within the NMDOT right-of-way to confirm compliance with applicable MSGP Sector requirements.

4.2.2 Industrial and High Risk Runoff – Measurable Goals

- i. NMDOT will conduct annual inspections of MRCOG Rail Runner coach rail yards in the NMDOT right-of-way.
- ii. NMDOT will review the adequacy of permit compliance documentation received for the MRCOG Rail Runner coach rail yards activities.

4.2.3 Industrial and High Risk Runoff – Cooperative Elements

There are no cooperative elements for industrial and high risk runoff.

5.0 Illicit Discharges and Improper Disposal

NMDOT shall continue to implement an ongoing program to detect and remove (or advise the discharger to the MS4 to obtain a separate NPDES permit for) illicit discharges and improperly disposed materials into the MS4 in accordance with this program. The NMDOT does not have the statutory authority to enact ordinances. The NMDOT does have ownership control of their Right-of-Way (ROW) and will utilize trained NMDOT employees and public complaints to identify illicit discharges and improperly disposed materials.

5.1 Legal Authority

The NMDOT does not have the statutory authority to enact ordinances. The NMDOT does have ownership control of their Right-of-Way (ROW) and will report illicit discharges and improper disposal to appropriate jurisdictions.

5.2 NMDOT Illicit Discharges and Improper Disposal Management

Table 5-1 provides a cross walk between the control measures for illicit discharges and improper disposal, the BMPs in Section 5.2.1 and the Measurable Goals in Section 5.2.2. Cooperative elements are listed in Section 5.2.3.

Table 5-1 Cross Walk between control measures for Illicit Discharges and Improper Disposal , the BMPs in Section 5.2.1 and the Measurable Goals in Section 5.2.2

Control Measures for Illicit Discharges and Improper Disposal	Applicable BMPs	Applicable Measurable Goals
I.D.5.e.(i)(a) Develop, if not already completed, a storm sewer system map, showing the names and locations of all outfalls as well as the names and locations of all waters of the United States that receive discharges from those outfalls. Identify all discharge points into major drainage channels draining more than twenty (20) percent of the MS4 area.	5.2.1 (viii)	5.2.2 (ii)
I.D.5.e.(i)(b) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4, and implement appropriate enforcement procedures and actions.	Not applicable, see Section 5.1	Not applicable, see Section 5.1
I.D.5.e.(i)(c) Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, to the MS4.	5.2.1 (i); (ii); (iii); (iv); (v); (vi); (vii)	5.2.2 (iii)
I.D.5.e.(i)(d) Develop an education program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. The permittee shall inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste.	5.2.3 (i)	5.2.3 (i)
I.D.5.e.(i)(e) Establish a hotline to address complaints from the public	5.2.1 (x)	5.2.1 (x)
I.D.5.e.(i)(f) Investigate suspected significant/severe illicit discharges within forty-eight (48) hours of detection and all other discharges as soon as practicable; elimination of such discharges as expeditiously as possible; and, requirement of immediate cessation of illicit discharges upon confirmation of responsible parties.	5.2.1. (vi)	5.2.2 (i); (iii)
I.D.5.e.(i)(g) Review complaint records for the last permit term and develop a targeted source reduction program for those illicit discharge/improper disposal incidents that have occurred more than twice in two (2) or more years from different locations. (Applicable only to class A and B permittees)	5.2.1 (ix)	5.2.2 (i)
I.D.5.e.(iii) The permittee must screen the entire jurisdiction at least once every five (5) years and high priority areas at least once every year. High priority areas include any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months.	5.2.1 (viii)	5.2.2 (iv)
I.D.5.e.(iv) Waste Collection Programs: The permittee must develop, update, and	Not applicable –	Not applicable –

Table 5-1 Cross Walk between control measures for Illicit Discharges and Improper Disposal , the BMPs in Section 5.2.1 and the Measurable Goals in Section 5.2.2

Control Measures for Illicit Discharges and Improper Disposal	Applicable BMPs	Applicable Measurable Goals
implement programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal, and to collect household hazardous waste materials (including paint, solvents, fertilizers, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Where available, collection programs operated by third parties may be a component of the programs.	NMDOT does not have waste collection programs	NMDOT does not have waste collection programs
I.D.5.e.(v) Spill Prevention and Response. The permittee must develop, update and implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The permittees must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit.	5.2.1 (xii)	5.2.2 (vi)
I.D.5.e.(ix) The permittee may enhance the program by using the elements described in I.D.5.e.(ix)(a) through I.D.5.e.(ix)(f).	5.2.3 (i)	5.2.3(i)

5.2.1 Illicit Discharges and Improper Disposal – Proposed BMPs

- i. NMDOT shall continue to implement its current procedures for issuing NMDOT Utility Permits to ensure that proper procedures are in place to prevent the illegal connection to NMDOT's MS4 of any non-stormwater discharges.
- ii. NMDOT shall continue to notify individuals applying for Utility Permits of the prohibition of discharging any unallowable non-stormwater discharges and refer them to NMED if a separate NPDES permit is needed. Prohibited pollutants include, but are not limited to, used motor vehicle fluids and household wastes.
- iii. NMDOT shall continue to implement a program to screen the MS4 for illicit discharges, illegal dumping, and illicit connections in response to citizen (members of the general public) complaints and NMDOT staff observations.
- iv. Implement procedures to identify suspected sources of illicit connections and improper disposal. Notify the adjacent MS4 permittee(s) of illicit connections and improper disposal of materials emanating from their jurisdiction.
- v. NMDOT has a written IDDE procedure. This describes our initial response to a reported or discovered illicit discharge, and additional steps NMDOT can take if needed.
- vi. Suspected significant/severe illicit discharges are investigated within 48 hours of detection. All other discharges are investigated as soon as practicable.
- vii. Enforcement includes sending a letter to or talking to the suspected source summarizing the investigation and the deficiency.
- viii. Screen the NMDOT District 3 storm water conveyances of outfalls (to be provided on an outfall map) with a frequency of at least once every five (5) years and high priority areas at least once every year. High priority areas include any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months, as determined by reviewing the complaint records.
- ix. NMDOT will re-evaluate and modify, as appropriate, the existing procedures for tracing and removing the source of an illicit discharge within the entire permit coverage area.
- x. The NMDOT District 3 main office fields public telephone complaints about illicit discharges. Other hotlines, such as the City of Albuquerque "311" hotline, distribute NMDOT related complaints to the District 3 main office. The complaint records will be reviewed as necessary to

develop a targeted source reduction program for the illicit discharge/improper disposal incidents that have occurred more than two or more years from different locations.

- xi. NMDOT does manage waste collection from its own facilities. Management of these programs is addressed under Pollution Prevention/Good Housekeeping Operations section. There are no commercial facilities located within the NMDOT Right-of-Way.
- xii. NMDOT shall continue to implement its current program to prevent, contain and respond to spills caused by NMDOT that may discharge into the MS4, in accordance with this program area. Spills caused by other parties are the responsibility of the other party; however, if the responsible party has not been identified, NMDOT will immediately notify the NM State Police who have jurisdiction over hazardous waste spills. The NMDOT follows state law in relation to spill prevention and response. NMDOT Patrol personnel are provided with the "2000 Emergency Response Guidebook".

5.2.2 Illicit Discharges and Improper Disposal – Measurable Goals

- i. The NMDOT will review complaint records for the past permit term and develop a targeted source reduction program for those illicit discharge incidents that have occurred more than twice in two (2) or more years from different locations.
- ii. The NMDOT will maintain an outfall map of their portion of the MS4 identifying discharge points into waters of the United States and into major drainage channels draining more than twenty (20) percent of the MS4 area.
- iii. The NMDOT will update the current systematic procedure for system screening, investigation, and follow-up activities associated with locating the source of suspected illicit discharges. The NMDOT will provide the update with the SWMP.
- iv. The NMDOT will develop a list of high priority areas within the entire NMDOT jurisdiction and submit it to EPA, NMED, Pueblo of Sandia, and Isleta Pueblo. This includes any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months. This list will be submitted with the annual report and be updated every five (5) years.
- v. The NMDOT will review and revise, as necessary, the waste collection procedures in place at each facility. The annual stormwater pollution prevention training will include existing and updated waste collection procedures.
- vi. The NMDOT will review and revise, as necessary, the spill prevention and response procedures and the "2000 Emergency Response Guidebook" to ensure that the procedures comply with the requirements in the MS4 permit. The annual stormwater pollution prevention training will include existing and updated spill prevention and response procedures.

5.2.3 Illicit Discharges and Improper Disposal – Cooperative Elements

- i. The NMDOT participates and provides funds for the Mid Rio Grande Stormwater Quality Team (MRGSQT). The MRGSQT combines the efforts from all the entities covered under the MS4 permit and provides education programs that promote, publicize and facilitate public reporting of connections or discharges. The programs developed will emphasize the hazards associated with illegal discharges and improper disposal of waste. The MRGSQT will add a "Who to Contact to Report a Spill" to their website.
- ii. NMDOT supports informal notification of spills to affected jurisdictions and assists in spill cleanup when possible.

6.0 Control of Floatables Discharges

Table 6-1 provides a cross walk between the control measures for control of floatables discharges, the BMPs in Section 6.1 and the Measurable Goals in Section 6.2. Cooperative elements are listed in Section 6.3.

Table 6-1 Cross Walk between control measures for Control of Floatables Discharges the BMPs in Section 6.1 and the Measurable Goals in Section 6.2

Control Measures for Control of Floatables Discharges	Applicable BMPs	Applicable Measurable Goals
I.D.5.f.(i)(a) Develop a schedule for implementation of the program to control floatables in discharges into the MS4.	6.1 (i)	6.2 (i)
I.D.5.f.(i)(b) Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type.	6.1 (ii)	6.2 (ii)

6.1 Control of Floatables Discharges – Proposed BMPs

- i. The NMDOT will continue daily street sweeping, visual inspections, inmate litter clean-up programs and highway adoption programs to address and control floatables in the discharges to the MS4. Street sweeping and visual inspections are performed daily. Inmate litter clean-up programs and highway adoption programs are dependent on sponsor availability.
- ii. The NMDOT will continue to estimate the amount of floatables and trash removed from the NMDOT Right-of-Way and NMDOT water quality structures. The floatables will be characterized and reported in each annual report.

6.2 Control of Floatables Discharges – Measurable Goals

- i. The NMDOT will review current street sweeping routes and schedules to enhance the current program and target high priority areas.
- ii. The NMDOT will continue to estimate the amount of floatables and trash removed from the NMDOT Right-of-Way and NMDOT water quality structures. The floatables will be characterized and reported in each annual report.

6.3 Control of Floatables Discharges – Cooperative Elements

- i. NMDOT District 3 contracts the City of Albuquerque to pick up roadside litter and debris.

7.0 Public Education and Outreach on Stormwater Impacts

NMDOT continues to be a financial contributor and active board member of the Mid Rio Grande Stormwater Quality Team (MRGSQT). The team was formed in 2004 to cooperatively educate and reach out to residents about how they can reduce stormwater pollution to help “Keep the Rio Grande Clean!” The team includes the Albuquerque Metropolitan Arroyo Flood Control Authority, Bernalillo County, the City of Albuquerque, the Ciudad Soil and Water Conservation District, the Southern Sandoval County Arroyo Flood Control Authority, the University of New Mexico and the New Mexico Department of Transportation. **Table 7-1** provides a cross walk between the control measures for public education and outreach on stormwater impacts, the BMPs in Section 7.1 and the Measurable Goals in Section 7.2. Cooperative elements are listed in Section 7.3.

Table 7-1 Cross Walk between control measures for Public Education and Outreach on Stormwater Impacts the BMPs in Section 7.1 and the Measurable Goals in Section 7.2

Control Measures for Public Education and Outreach on Stormwater Impacts	Applicable BMPs	Applicable Measurable Goals
I.D.5.g.(i) The permittee shall, individually or cooperatively, develop, revise, implement, and maintain a comprehensive stormwater program to educate the community, employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.	7.1 (i) 7.3 (i); (ii); (iii); (v)	7.3 (i); (iii); (iv); (v)
I.D.5.g.(ii) The permittee must implement a public education program to distribute educational knowledge to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.	7.3 (i); (ii); (iii); (v)	7.3 (i); (iii); (iv)
The permittee may enhance the program by using the elements described in I.D.5.g.(v) through I.D.5.g.(viii).	7.1 (i) 7.3 (i); (ii); (iii); (v)	7.3 (i); (ii); (iii); (iv); (v)

7.1 Public Education and Outreach on Stormwater Impacts – Proposed BMPs

- i. NMDOT will continue to be an active member and financial supporter of the MRGSQT.

7.2 Public Education and Outreach on Stormwater Impacts – Measurable Goals

- i. The NMDOT has developed an illicit discharge and improper disposal pamphlet and provided a link to the pamphlet on the District 3 website, and the Drainage Design Bureau’s website.
- ii. The NMDOT will update either the District 3 or MRGSQT website with educational materials developed by the NMDOT or the MRGSQT, as necessary.

7.3 Public Education and Outreach on Stormwater Impacts – Cooperative Elements

- i. NMDOT, in conjunction with the other co-permittees and members of the MRGSQT endeavor to identify and examine impediments in implementing an integrated public education program regarding litter reduction, recycling and proper disposal, and green infrastructure practices in the middle Rio Grande area of New Mexico.
- ii. NMDOT, in conjunction with the co-permittees, shall provide relevant information on the Storm Water Team web site to inform businesses and the general public of the impacts of illegal discharges and improper disposal of waste. The Storm Water Team shall update its water quality web site to include any new illicit discharge brochures, updated brochures for utility permittees, and any other materials that are developed by NMDOT that concern illicit discharges.
- iii. The team provides regular information advertisement via radio announcements, television segments, and brochure distribution. This year the team is sponsoring 10 local elementary classrooms to participate in the RiverXchange. RiverXchange is an innovative, year-long project developed in New Mexico which educates fifth graders on river water issues and links them with other fifth-graders from throughout the world through interactive class wikis (social networks).
- iv. The NMDOT is a participant in the promotion and education of green infrastructure through the Green Infrastructure & Low Impact Development Workshops presented around New Mexico sponsored by the Mid Rio Grande Stormwater Quality Team.

- v. NMDOT will continue to work with the other co-permittees and the smaller MS4s to continue to implement its existing educational activities to promote and facilitate reporting by the NMDOT employees and the general public of the presence of illicit connections, illicit discharges, or illegal dumping of materials into the NMDOT MS4.

8.0 Public Involvement and Participation

Table 8-1 provides a cross walk between the control measures for public involvement and participation, the BMPs in Section 8.1 and the Measurable Goals in Section 8.2. Cooperative elements are listed in Section 8.3.

Table 8-1 Cross Walk between control measures for Public Involvement and Participation the BMPs in Section 8.1 and the Measurable Goals in Section 8.2

Control Measures for Public Involvement and Participation	Applicable BMPs	Applicable Measurable Goals
I.D.5.h.(ii) The permittee shall develop, revise, implement and maintain a plan to encourage public involvement and provide opportunities for participation in the review, modification and implementation of the SWMP; develop and implement a process by which public comments to the plan are received and reviewed by the person(s) responsible for the SWMP; and, make the SWMP available to the public and to the operator of any MS4 or Tribal authority receiving discharges from the MS4.	8.1 (i); (ii); (iii); (iv); (vi)	8.2 (i); (ii); (iii)
I.D.5.h.(iii) The plan required in Part I.D.5.h.(ii) shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.	8.1 (i)	8.2 (i); (ii); (iii)
I.D.5.h.(iv) The permittee shall comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.	8.1 (iii)	8.2 (iv)
I.D.5.h.(v) The public participation process must reach out to all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other preexisting programs, or participating in volunteer monitoring efforts.	8.1 (i); 8.3(i)	8.2 (iii); (iv)
I.D.5.h.(vii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.	8.1 (v); (vi)	8.2 (iv)
I.D.5.h.(ix) The permittee may integrate the public Involvement and participation program with existing education and outreach programs in the Middle Rio Grande area. Example of existing programs include: Adopt-A-Stream Programs; Attitude Surveys; Community Hotlines (e.g. establishment of a "311"-type number and system established to handle storm-water-related concerns, setting up a public tracking/reporting system, using phones and social media); Revegetation Programs; Storm Drain Stenciling Programs; Stream cleanup and Monitoring program/events.	8.1 (i); (ii); (vii); 8.2(i); 8.3(i)	8.3 (i); (ii)

8.1 Public Involvement and Participation – Proposed BMPs

- i. NMDOT will develop a plan and implement the program described in the plan to receive feedback from the general public in the review, modification, and implementation of the SWMP. All public comments to the plan will be received and reviewed by the NMDOT MS4 contact person and other responsible parties. The draft SWMP will be made available on the NMDOT District 3

website for public comment. The final SWMP will then be posted on the NMDOT District 3 website.

- ii. NMDOT will work with our IT department to develop an electronic feedback link on the NMDOT web site if it is technically feasible. NMDOT will also evaluate such mechanisms as direct communication with identified stakeholders, informational presentations to the Transportation Commission and other feasible mechanisms.
- iii. NMDOT shall continue to comply with applicable State, Tribal, and local public notice requirements. NMDOT is not aware of any State or Tribal public notice requirements for public involvement programs. NMDOT will continue to actively provide public notice for all public involvement programs to encourage participation.
- iv. NMDOT shall identify key stakeholder groups that would have an interest in NMDOT's Stormwater Management Programs and evaluate mechanisms for public and stakeholder involvement.
- v. The NMDOT shall assess the overall success of the program by documenting public notices, reviewing public participation, and assess the program effectiveness in the annual report.
- vi. NMDOT will continue to encourage further participation in our Adopt-A-Highway program.

8.2 Public Involvement and Participation – Measurable Goals

- i. The NMDOT will post the Notice of Intent (NOI) and Stormwater Management Plan (SWMP) to the District 3 website. The NMDOT will provide an email address to allow for public comments to be received and reviewed by the stormwater contact.
- ii. The NMDOT will provide a list of public comments to the NOI and SWMP, including how each comment was addressed, with the annual report.
- iii. In conjunction with the MRGSQT, the NMDOT shall create a list of interested parties. The NMDOT will also identify key stakeholder groups, within their jurisdiction, that would have an interest in NMDOT's Stormwater Management Programs. The NMDOT will provide information on involvement opportunities to parties through paper mail or email, as appropriate.
- iv. The NMDOT will provide a summary of the involvement and volunteer opportunities provided throughout the year, including our Adopt-A-Highway program, in the annual report.

8.3 Public Involvement and Participation – Cooperative Elements

- i. As part of the MRGSQT, the NMDOT, in conjunction with the other co-permittees and members cooperatively educate and reach out to residents. The NMDOT will facilitate discussion at meetings to develop opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other preexisting programs, or participating in volunteer monitoring efforts.
- ii. The NMDOT, in conjunction with the MRGSQT, may integrate the public involvement and participation program with existing education and outreach programs by providing interested parties information on volunteering for MRGSQT public education and outreach events.

9.0 NOI Public Participation

The NMDOT District 3 draft Notice of Intent to comply with NPDES permit No. NMR04A000 was posted on the NMDOT website and the MRGSQT web site for public review and comment for 30 days from May

New Mexico Department of Transportation District 3
Notice of Intent to Comply with NPDES Permit NMR04A000
Attachment 2: Description of Program Elements

1 to May 30, 2015. An announcement of the availability of the NOI was on the NMDOT District 3 and MRGSQT web sites and by legal advertisement in the Albuquerque Journal. No comments were received.

**New Mexico Department of Transportation
Notice of Intent to Comply with NPDES Permit NMR04A000
Attachment 3: Cooperative Agreement for Storm Water Monitoring and Testing**

Middle Rio Grande Stormwater MS4 Compliance Monitoring Cooperative

INTERGOVERNMENTAL AGREEMENT

AN INTERGOVERNMENTAL AGREEMENT, CREATING THE MIDDLE RIO GRANDE MS4 COMPLIANCE MONITORING COOPERATIVE, IN SUPPORT OF COMPLIANCE EFFORTS FOR A STORMWATER DISCHARGE PERMITTING SYSTEM FOR THE MIDDLE RIO GRANDE VALLEY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT.

THIS AGREEMENT, made and entered into this ____ day of 2015, by and between the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), University of New Mexico, New Mexico Department of Transportation, Bernalillo County, Sandoval County, Village of Corrales, City of Rio Rancho, Los Ranchos de Albuquerque, Kirtland Air Force Base, Town of Bernalillo, State Fairgrounds/Expo New Mexico, Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA), Sandia National Laboratories/Department of Energy, Pueblo of Sandia, Pueblo of Isleta, and Pueblo of Santa Ana, each individually referred to as “Party” and all collectively referred to as “Parties.”

RECITALS

WHEREAS, the United States Environmental Protection Agency (EPA), Region 6 regulates the discharge of stormwater from municipal separate storm sewer systems (MS4s) in New Mexico through the issuance of an MS4 permit for the Middle Rio Grande valley urbanized area under the authority of the National Pollutant Discharge Elimination System (NPDES) regulations (40CFR122); and

WHEREAS, the Parties are all co-permittees under the National Pollution Discharge Elimination System (“NPDES”) proposed General Permit No. NMR04A000 (hereinafter “MS4 Permit”); and,

WHEREAS, each Party holds the legal authority to implement the MS-4 Permit and to control discharge from areas regulated by the MS-4 Permit over which each Party has respective jurisdiction.

WHEREAS, the parties are potentially eligible for authorization under the MS4 Permit, and are eligible to enter into this Intergovernmental Agreement (hereinafter “Agreement”) in furtherance of the requirements of the MS4 PermitParties

WHEREAS, the proposed MS4 Permit encourages cooperative efforts, including compliance monitoring activities, among the Parties to reduce the amount of pollutants discharged with stormwater from the Middle Rio Grande urbanized area MS4s; and

WHEREAS, cooperation among the Parties in the MS4 Permit with regard to monitoring requirements offers the opportunity to reduce each individual Party's monitoring costs by cooperatively developing, funding, and executing a common monitoring plan, the Compliance Monitoring Cooperative ("CMC");

WHEREAS, The Parties desire to set forth this understanding and agreement with each other to facilitate Permit compliance and management of cross-jurisdictional matters related to Permit compliance and the development, funding and execution of a CMC.

In consideration thereof, and in consideration of the mutual covenants contained herein, the Parties agree as follows:

PURPOSE

1. The CMC will serve as the focal point for the development, execution, and, as needed, the amendment of the Monitoring Plan required as part of the MS4 Permit. The intent of the CMC is to provide permit compliance for member Parties with the Monitoring-related elements of the MS4 Permit. The Monitoring Plan will be developed cooperatively among the member Parties of the CMC.

MEMBERSHIP

2. The CMC will include as Members all Parties that have signed this Intergovernmental Agreement. Each Party will designate a staff person to represent the Party's interest on the CMC.

ELIGIBILITY

3. All Parties specifically identified in the MS4 Permit as being required to hold a MS4 Permit are eligible to be Members of the CMC.

VOTING

4. The CMC will be made up of one Member from each Party in good standing, which is defined as having paid their expected contribution, as defined in the Contribution Schedule (attached hereto as Attachment A). Other/outside agencies may participate on the CMC by attending meetings and giving input; however, only the Members in good standing may vote on CMC decisions.

A. A simple majority of the membership of the CMC who are in good standing will constitute a quorum for transacting of business.

- B. Decisions of the CMC will be decided by a simple majority vote of the Members in good standing who are present.

TERM

5. This agreement will remain in effect concurrently with the MS-4 Permit. . This Agreement may be terminated in its entirety at any time upon the mutual agreement of all of the then-existing Members to this Agreement.

FISCAL MATTERS

6. In the first Calendar Year of this Agreement, the CMC will meet to develop a budget based on the costs for implementing the Monitoring Plan for MS4 Permit compliance. To ensure sufficient funding is available to carry out the Monitoring Plan, the budget shall equal 110% of the estimated costs associated with the Monitoring Plan. In subsequent years, the budget will be based on the actual expenditures from the prior year's monitoring activities plus any reasonable increases identified by the CMC. The Contribution Schedule is located in Attachment 1 to this Agreement. This Contribution Schedule may be modified by the CMC annually without requiring modification to this agreement. Any funds remaining at the end of the Agreement Year will be carried into the next Calendar Year of this agreement. The CMC may either elect to keep the funds as a contingency fund or lower the annual contribution schedules for all members.

7. **FISCAL AGENT** will be the fiscal agent for the purposes of this Agreement. All funds will be held in a separate bank account for the purposes of this Agreement. **FISCAL AGENT** shall make available to any interested Party, all records, receipts, and other documentation with respect to all matters concerning this agreement and shall have this account included in its annual audit. The Fiscal Agent shall maintain funds in accordance with all applicable state and Federal statutes.

8. The **FISCAL AGENT** will invoice each Member for their respective participation, minus the values of any CMC approved in-kind contributions at the start of each member entity's Fiscal Year. Each Member will pay such invoices to **FISCAL AGENT** within one hundred twenty (120) days of the date of the invoice. Invoices will be sent to CMC member entities listed in Attachment 1.

9. It is intended that the CMC's operation and function described in this Agreement are ongoing, subject to continued support and authorized funding by each of the Members. Each Member has the option to not participate in this Agreement in the future by sending written notice to all the other participating Members at or before the expiration of the Fiscal Year. In such an event, the terminating Member shall not be entitled to return of any contribution(s) made under this Agreement; and this Agreement shall remain in full force and effect by and among the remaining Members.

10. The CMC may accept contributions from outside funding sources, to be used to support the CMC's mission. Such contributions shall not constitute voting privileges on the CMC.

CONTRACTING

11. Each Member agrees that Contractors will be hired to perform tasks required for stormwater monitoring compliance. Examples of contractor types that may be required include sample collection, analytical laboratory services, and soil or geotechnical services. Each Contractor will be selected through the Request for Proposal ("RFP") process in accordance with the State Procurement Code in advance of a Contractor taking any actions on behalf of the CMC. A Contractor shall not be an employee of **FISCAL AGENT** or any Member of this Agreement. All needed contractor will be hired to provide approved services to help member Parties comply with the monitoring provisions of the MS4 permit. For procurement purposes, the CMC will form a Selection Advisory Committee ("SAC"), composed of representatives from Members in good standing. Each Member in good standing will have one representative on the SAC for the RFP process. The SAC will rank proposals and recommend the top three respondents to the **FISCAL AGENT SELECTION PROCESS**. Upon **FISCAL AGENT** approval, **FISCAL AGENT** will negotiate an agreement with the selected Contractor. The CMC will provide input on scope and fees; however, final negotiations and approval will be the **FISCAL AGENT'S** responsibility.

12. The Members agree that the Stormwater Monitoring contract is an ongoing program. The effectiveness of the Stormwater Monitoring contract, with regard to permit compliance, will be evaluated by the CMC prior to annual renewal(s) or request for proposals.

LIMITATION ON SAMPLING ACTIVITIES

13. The Contractor's scope of services will be limited to the CMC-developed and EPA approved sampling plan and associated reporting. If, in the event of an exceedence during routine monitoring events, additional investigation is required by the EPA to identify the source of a potential contaminant, the CMC may expand their monitoring activities to the degree necessary to locate the likely entry point of the potential contaminants into the Rio Grande. Once the likely entry point is identified, further investigation into the source of the potential contaminant will become the responsibility of the specific Co-permittee(s) having jurisdiction at the location where the likely entry occurred. The CMC shall have no responsibility, fiscal or otherwise, to investigate potential sources of contamination outside of the river or its affiliated Middle Rio Grande Conservancy District-owned water conveyances.

MISCELLANEOUS PROVISIONS

MIDDLE RIO GRANDE STORMWATER
MS4 COMPLIANCE MONITORING COOPERATIVE
INTERGOVERNMENTAL AGREEMENT
DRAFT

1-8-15

14. If any situation arises which adversely affects any Party's participation in this Agreement, said Party shall notify in writing, all other Parties within ten days. Any circumstance that materially affects this Agreement will be promptly and equitably resolved by all Members and if necessary, an amendment to this agreement shall be executed.

15. The obligations of each Member under this Agreement shall be performed in compliance with all applicable laws, statues, and ordinances. Nothing herein is intended to constitute any agreement for the Members to perform any activity in violation of the Constitution or Laws of the State of New Mexico or the Ordinances of any Co-permittee that is a Member of this Agreement.

16. If any clause or provision of this Agreement is illegal, invalid or unenforceable, under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the Members hereto that the remainder of this Agreement shall not be affected thereby.

Third Party Beneficiaries

17. None of the provisions herein are intended to create in the public or any member thereof or in any public or private entity or organization a third party beneficiary right or to authorize anyone not a party to the Agreement to maintain a suit(s) for any reason including but not limited to wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever, pursuant to the provisions of this Agreement.

New Mexico Tort Claims Act

18. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act. No party to this Agreement shall be responsible for liability incurred as a result of any other Party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of New Mexico Tort Claims Act (Section 41-4-1, et seq. N.M.S.A. 1978) and any amendments thereto. This paragraph is intended only to define the liabilities between the Parties hereto and it is not intended to modify, in any way, a Party's liabilities as governed by common law or the New Mexico Tort Claims Act. By entering into this Agreement, the Parties, and their "public employees" of each as defined in the New Mexico Tort Claims Act, do not waive any sovereign immunity

Scope of Agreement

19. This Agreement incorporates all the agreements, covenants, and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the Parties or their agents concerning the subject matter of this Agreement shall be valid or enforceable unless embodied in this Agreement.

Termination or Substitution of a Party

20. In the event that Permit coverage for a party or Parties is terminated, without terminating coverage for the remaining Parties, that Party may be released from this Agreement, effective upon written notice or the date of terminated coverage under the MS-4, whichever occurs later. In addition, the Parties may mutually agree in writing to terminate this Agreement prior to the termination of the MS-4 permit without effecting a change in obligations under the MS-4 Permit. If a new permittee becomes an owner or operator of a portion of the MS-4, that permittee may be added to or substituted for a Party to this Agreement by amendment.

Notice

21. All notices with respect to this Agreement shall be in writing and shall be delivered personally, via confirmed facsimile (“fax”), or sent postage-prepaid by United States mail, via certified mail, return receipt requested, to the addresses set forth below or as may be later specified in writing by that Party

Signatories Authorized

22. Each individual signing for a Party warrants that he/she is an authorized agent of such Party, on whose behalf he/she is executing this Agreement, and is authorized to execute the same.

Equal Opportunity Compliance

23. The Parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Parties agree to assure that no person in the United States shall, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Parties are found to not be in compliance with these requirements during the term of this Agreement, the Parties agree to take appropriate steps to correct these deficiencies.

Amendment

24. This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the Parties hereto.

MIDDLE RIO GRANDE STORMWATER
MS4 COMPLIANCE MONITORING COOPERATIVE
INTERGOVERNMENTAL AGREEMENT
DRAFT

1-8-15

Approved as to Form:

Bernard P. Metzgar
SSCAFCA Attorney

Date: _____

Southern Sandoval County Arroyo Flood Control Authority

Date: _____

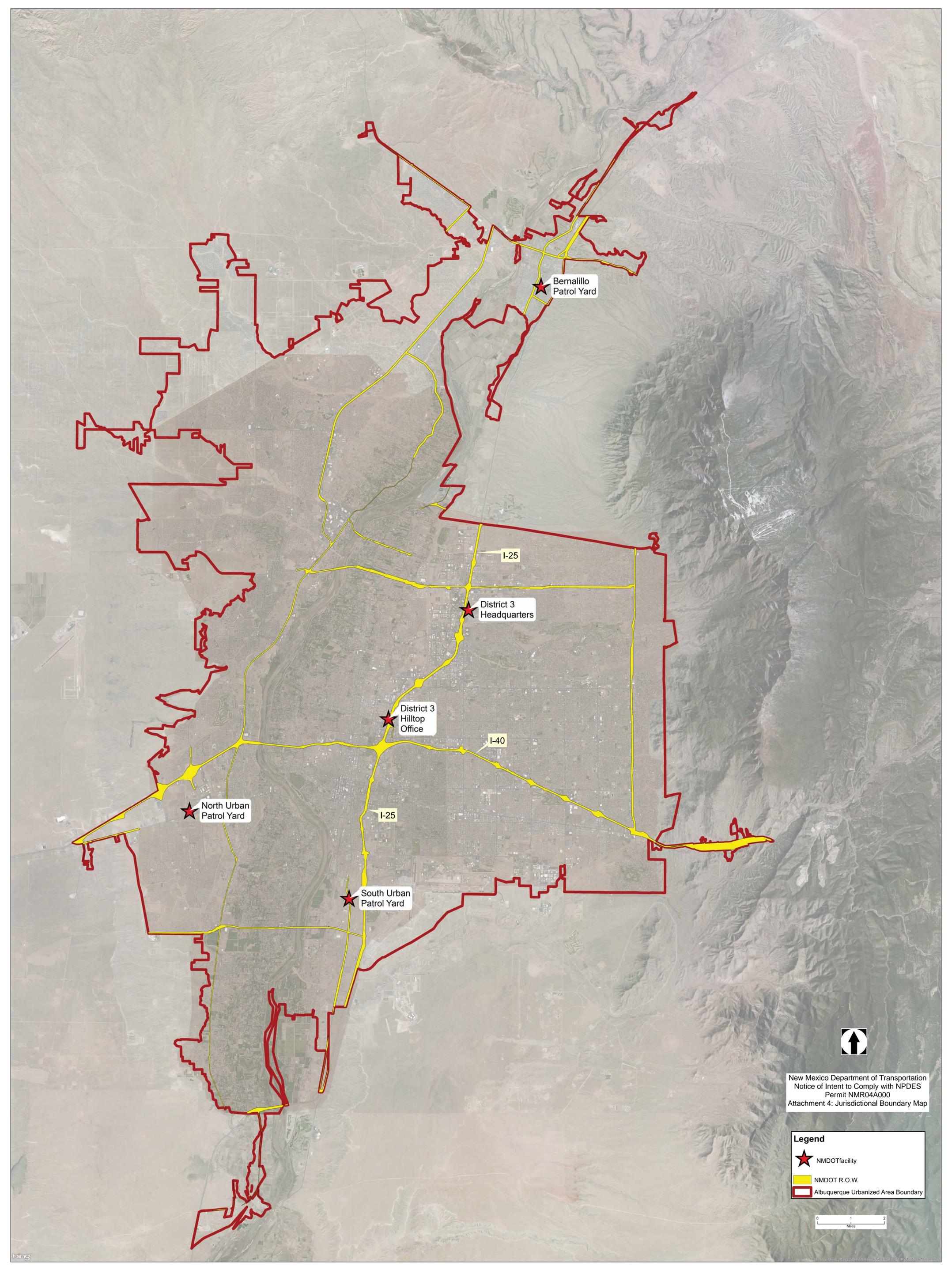
Donald Rudy, Chairman

MIDDLE RIO GRANDE STORMWATER
MS4 COMPLIANCE MONITORING COOPERATIVE
INTERGOVERNMENTAL AGREEMENT
DRAFT

1-8-15

ATTACHMENT 1

CONTRIBUTION SCHEDULE



★ Bernalillo
Patrol Yard

★ District 3
Headquarters

★ District 3
Hilltop
Office

★ North Urban
Patrol Yard

★ South Urban
Patrol Yard

I-25

I-40

I-25



New Mexico Department of Transportation
Notice of Intent to Comply with NPDES
Permit NMR04A000
Attachment 4: Jurisdictional Boundary Map

Legend

- ★ NMDOT facility
- NMDOT R.O.W.
- Albuquerque Urbanized Area Boundary

