

## Region 6 - Enforcement & Compliance Assurance Division

### INSPECTION REPORT

|                                        |                                                                                            |                                                                               |
|----------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Inspection Date(s):                    | September 29, 2021                                                                         |                                                                               |
| Media Program:                         | Water                                                                                      |                                                                               |
| Regulatory Program(s)                  | CWA                                                                                        |                                                                               |
| Company Name:                          | <b>Department of Homeland Security</b>                                                     |                                                                               |
| Facility Name:                         | <b>Federal Law Enforcement Training Center (FLETC)- Office of Artesia Operations (OAO)</b> |                                                                               |
| Facility Physical Location:            | 1300 W. Richey Avenue                                                                      |                                                                               |
| (city, state, zip code)                | Artesia, New Mexico 88210                                                                  |                                                                               |
| Mailing address:                       | DHS/FLETC/MRSD/AAD                                                                         |                                                                               |
| (city, state, zip code)                | Artesia, New Mexico 88210                                                                  |                                                                               |
| County/Parish:                         | Eddy                                                                                       |                                                                               |
| Facility Phone Number                  | 575-748-0591                                                                               |                                                                               |
| Facility Contact:                      | David W. Wengert                                                                           | Facilities Project Manager                                                    |
|                                        | <a href="mailto:david.w.wengert@fletc.dhs.gov">david.w.wengert@fletc.dhs.gov</a>           |                                                                               |
| FRS Number:                            | 110071147344                                                                               |                                                                               |
| Identification/Permit Number:          | NMR100491                                                                                  |                                                                               |
| Media Identifier Number:               | N/A                                                                                        |                                                                               |
| NAICS:                                 | 236116                                                                                     |                                                                               |
| SIC:                                   | 6552                                                                                       |                                                                               |
| Personnel participating in inspection: |                                                                                            |                                                                               |
| David W. Wengert                       | FLETC-OAO                                                                                  | Facilities Project Manager                                                    |
| David Blanchard                        | The Whiting-Turner Contracting Company                                                     | Project Manager                                                               |
| Matthew Brown,                         | The Whiting-Turner Contracting Company                                                     | Superintendent                                                                |
| Anthony Garcia                         | City of Aztec                                                                              | Wastewater Operations Supervisor                                              |
| Susan A. Lucas Kamat                   | NMED                                                                                       | Program Manager, Point Source Regulation Section-Surface Water Quality Bureau |
| David Esparza, PE                      | USEPA/R6-ECDWM                                                                             | Environmental Engineer                                                        |
| EPA Lead Inspector Signature/Date      |                                                                                            |                                                                               |
|                                        | David Esparza                                                                              | Date                                                                          |
| Supervisor Signature/Date              |                                                                                            |                                                                               |
|                                        | Roberto Bernier                                                                            | Date                                                                          |

## **Section I – INTRODUCTION**

### **PURPOSE OF THE INSPECTION**

EPA Region 6 inspector David Esparza, PE, and Ms. Susan A. Lucas Kamat, Program Manager, Point Source Regulation Section, Surface Water Quality Bureau, New Mexico Environment Department (NMED), arrived at the Federal Law Enforcement Training Center, Office of Artesia Operations (FLETC-OAO) at approximately 2:00 PM on September 29, 2021 for an unannounced inspection. We met with Mr. David Wengert, FLETC-OAO Facilities Project Manager, Mr. David Blanchard, Project Manager of The Whiting-Turner Contracting Company (Whiting-Turner), and Mr. Matthew Brown, Superintendent, Whiting-Turner. I presented my credentials and informed them that I was undertaking an EPA inspection to determine the facility's compliance under the Clean Water Act (CWA). The generation of this report is based on information supplied by FLETC-OAO or their contractor representatives, observations made by me, and records and reports maintained by the permittee (Whiting-Turner) and the US EPA. Before leaving the facility, an exit briefing was held with all the above-mentioned persons, to explain areas of concern noted at the time of the inspection.

### **FACILITY DESCRIPTION**

The FLETC-OAO, is one of three (3) FLETC residential training sites in the United States. FLETC acquired the approximate 3,600-acre campus of the former Artesia Christian College in 1989 and includes a full range of facilities for conducting basic and advanced law enforcement training for multiple federal agencies.

In addition, the FLETC-OAO has been the home of the Bureau of Indian Affairs (BIA) Indian Police Academy (IPA) since 1992, where training is conducted by the FLETC- OAO staff for BIA and tribal police.

In support of the significant growth in various training programs, the FLETC-OAO facility has expanded. The site contains basic support facilities such as numerous buildings containing classrooms and labs. The firearms complex includes both indoor and outdoor ranges.

Some facilities include a dining hall, a convenience store, and housing. However, it is the dotted landscape of portable buildings that is the true sign of rapid growth. These buildings were constructed to provide additional labs, classrooms, and office space. Construction and expansion of facilities include several new buildings detention facility, and an Auditorium.

This new project is located at the southeast corner of Beltsville Street and FLETC Avenue (as seen in aerial image #1 below) and will consist of the removal of an existing paved parking lot for the construction of up to 30 new modular type buildings. Additional site activities include relocation of existing utilities, installation of new utilities, and all associated ancillary services and/or appurtenances.



Aerial Image #1 Overall view of the FLETC-OAO Facility. Aerial from Google Earth.

## Section II - OBSERVATIONS

I observed the following and the following information was provided and/or stated

- The Notice of Intent (NOI) for the FLETC-OAO dormitories was filed on September 30, 2021 and became effective on October 14, 2021 in the name of David Blanchard (Whiting-Turner). Additionally, it states the Project Start Date (PSD) as September 6, 2021 and a Project End Date (PED) as August 2, 2022.  
Note: Mr. Blanchard stated he was unaware of the permit requirement at the time of the inspection.
- Whiting-Turner staff, who prepared the FLETC-OAO Dormitory Stormwater Pollution Prevention Plan (SWPPP), was not available on-site. Note: an electronic version of the SWPPP was forwarded via email indicating a completion date of October 7, 2021.

## Section III – SUMMARY/AREAS OF CONCERN

The entire evaluation can be summarized as follows:

- Whiting-Turner on-site contractor at the FLETC-OAO operated without permit coverage for an approximate 1 ½ -month period (September 6, 2021 to October 14, 2021).

- Whiting-Turner prepared FLETC-OAO Dormitory Stormwater Pollution Prevention Plan (SWPPP) was not available on-site.

Note: an electronic version of the SWPPP was forwarded via email indicating a SWPPP completion date of October 7, 2021.

I conducted a closing conference at the FLETC-OAO dormitory project location on September 29, 2021 for the inspection.

#### **Section V – FOLLOW UP**

The following information and/or clarification was received by EPA after exiting the FLETC-OAO on September 29, 2021:

- Electronic copy of the Notice of Intent prepared by Mr. David Blanchard (Whiting-Turner) (NMR-100491) and filed on September 30, 2021.
- Electronic copy of the Whiting-Turner prepared SWPPP, dated October 7, 2021.

#### **Section VI – LIST OF APPENDICES**

Appendix 1 – FLETC-Dormitories (prepared by Contractor) Notice of Intent- **NMR100491**

## Appendix 1

FLETC-Dormitories (prepared by Contractor)  
Notice of Intent- **NMR100491**

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

Permit Information

NPDES ID: NMR100491

State/Territory to which your project/site is discharging: NM

Is your project/site located on federally recognized Indian Country lands? No

Are you requesting coverage under this NOI as a "Federal Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2019-05/documents/final\_2017\_cgp\_appendix\_a\_-\_definitions.pdf)?  
No

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? No

Will you use polymers, flocculants, or other treatment chemicals at your construction site? No

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? Yes

Are you able to demonstrate that you meet one of the criteria listed in Appendix D (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_d\_-\_endangered\_species\_reqs\_508.pdf) with respect to protection of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated critical habitat?  
Yes

Have you completed the screening process in Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_e\_-\_historic\_properties\_reqs\_508.pdf) relating to the protection of historic properties?  
Yes

Indicating "Yes" below, I confirm that I understand that CGP only authorized the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.  
Yes

Operator Information

Operator Information

Operator Name: David Blanchard

Operator Mailing Address:  
Address Line 1: 6305 Ivy Lane  
Address Line 2: City: Greenbelt  
ZIP/Postal Code: 88210 State: MD  
County or Similar Division: Prince George's

Operator Point of Contact Information  
First Name Middle Initial Last Name: David C Blanchard  
Title: Project Manager  
Phone: 443-677-3449 Ext.:  
Email: David.blanchard@whiting-turner.com

NOI Preparer Information

☒ This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: David Blanchard  
Organization: Whiting-Turner Contracting Company  
Phone: 443-677-3449 Ext.:  
Email: david.blanchard@whiting-turner.com

Project/Site Information

Project/Site Name: FLETC-Dormitories

Project/Site Address

Address Line 1: 1300 West Richey Avenue

Address Line 2:

City: Artesia

ZIP/Postal Code: 88210

State: NM

County or Similar Division: Eddy

Latitude/Longitude: 32.8592°N, 104.4169°W

Latitude/Longitude Data Source: AutoCAD Civil 3D

Horizontal Reference Datum: NAD 83

Project Start Date: 09/06/2021

Project End Date: 08/02/2022

Estimated Area to be Disturbed: 3.25

Types of Construction Sites:

- Multi-Family Residential

Will there be demolition of any structure built or renovated before January 1, 1980? No

Was the pre-development land use used for agriculture? No

Have earth-disturbing activities commenced on your project/site? Yes

➤ Is your project an "emergency-related project"? No

Is your project/site located on federally recognized Indian Country lands? No

Is your project/site located on a property of religious or cultural significance to an Indian tribe? No

Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? No

Are any of the waters of the U.S. to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? See Appendix F ([https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_f\\_-\\_tier\\_3\\_tier\\_2\\_and\\_tier\\_2.5\\_waters\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_f_-_tier_3_tier_2_and_tier_2.5_waters_508.pdf))

No

001: Pecos River

Latitude/Longitude: 32.858681°N, 104.417353°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? Yes

Impaired Pollutants:

- E. coli

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

First Name Middle Initial Last Name: Kelly Stedman

Organization:

Title: Woolpert- SWPPP POC

Phone: 618-632-6094

Ext.:

Email: [kellystedman@woolpert.com](mailto:kellystedman@woolpert.com)

Endangered Species Protection

Using the Instructions in Appendix D of the CGP, under which criterion listed in Appendix D are you eligible for coverage under this permit? Criterion A

Provide a brief summary of the basis for criterion selection listed above (the necessary content for a supportive basis statement is provided under the criterion you selected.):

The exiting site is a parking lot. The proposed project consists of removing the parking lot to construct a dormitory for trainees at the federal training center.



Are you installing any stormwater controls as described in Appendix E ([https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_e\\_-\\_historic\\_properties\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf)) that require subsurface earth disturbances? (Appendix E ([https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_e\\_-\\_historic\\_properties\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf)), Step 1)

No



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 have no personal knowledge that the information submitted is other than 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. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

**Certified By:** DAVID BLANCHARD

**Certifier Title:** Project Manager

**Certifier Email:** david.blanchard@whiting-turner.com

**Certified On:** 09/30/2021 2:09 PM ET