

Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	10/23/2024	
Media Program:	Water	
Regulatory Program(s)	Clean Water Act – National Pollutant Discharge Elimination System	
Company Name:	B Jar Construction Inc.	
Site Name:	Unnumbered Tract north of Camino del Llano	
Site Physical Location:	W Frontage Rd, 0.84 miles north of Camino del Llano	
(city, state, zip code)	Belen, NM 87002	
Mailing address:	P.O. Box 1852	
(city, state, zip code)	Los Lunas, 87031	
County/Parish:	Valencia County	
Site Phone Number		
Site Contact:	Brandon Jaramillo	President
	brandon@bjarconstruction.com	
FRS Number:		
Identification/Permit Number:	NMU002204	
Media Identifier Number:		
NAICS:		
SIC:		
Personnel participating in inspection:		
<i>Name</i>	<i>Affiliation/mailcode</i>	<i>Title</i>
Amy Andrews, P.E.	USEPA/6EN-WMH	Lead Inspector/Environmental Engineer
Shawnee Suazo	NMED/SWQB	Inspector
Steven Pettitt	City of Belen	
Steven Tomita	City of Belen	Development Services Director
Roseann Peralta	City of Belen	
Melissa Jaramillo	Valencia County	
Jess Weston	Valencia County	CFM
Lina Benavidez	Valencia County	
Ryan Baca	Valencia County	Land Use Planner
EPA Lead Inspector Signature/Date	 Andrews, Amy 2024.12.17 15:32:18 -07'00'	
	Amy Andrews	Date
Supervisor Signature/Date	 ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2024.12.17 16:36:59 -06'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

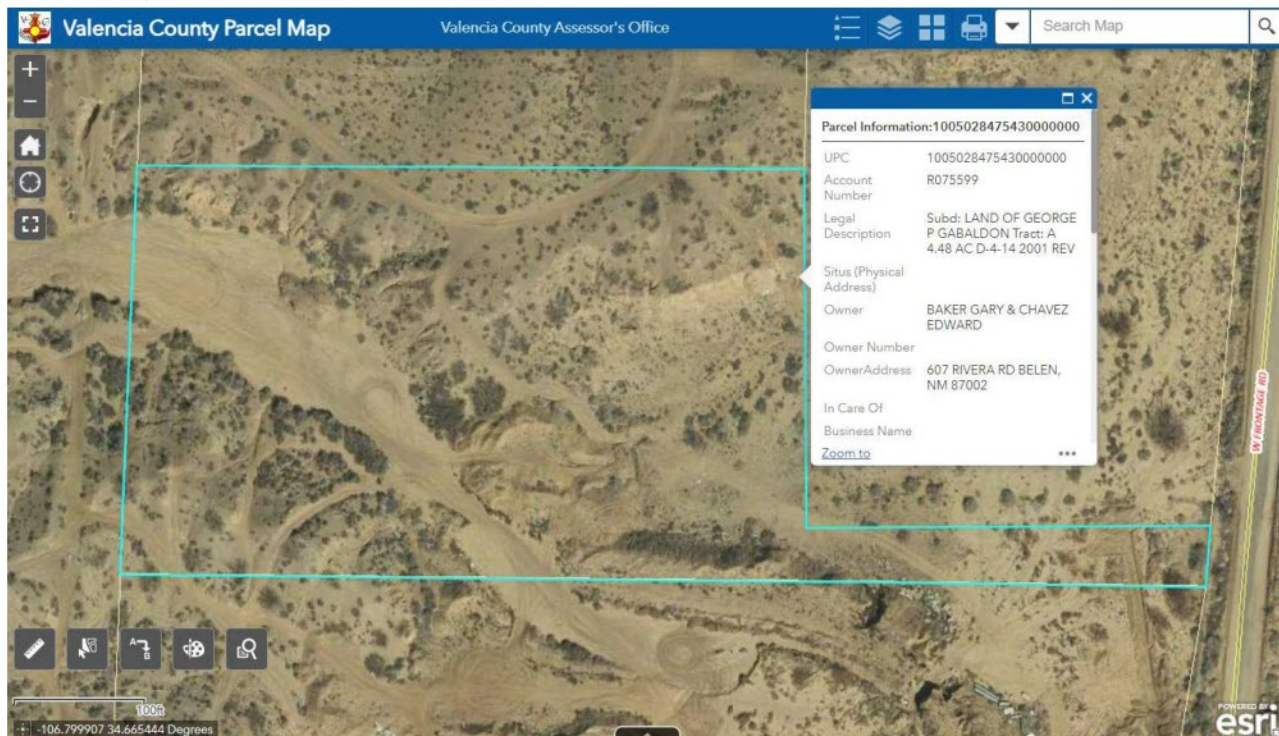
Environmental Protection Agency (EPA) Region 6 inspector Amy Andrews arrived at the undeveloped property (Site) near the City of Belen, New Mexico at 10:15 AM on October 23, 2024, to conduct an unannounced inspection. Also in attendance were personnel from Valencia County, the City of Belen, and the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB), as listed on the cover page of this inspection report. This was an EPA inspection to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permit requirements and the Clean Water Act (CWA). The inspection was conducted under the authority of the NPDES permit program, in accordance with the Federal CWA. This report is based on information supplied by Site representatives, observations made by the EPA inspector, and records and reports maintained by the permittee and/or EPA.

FACILITY DESCRIPTION

The Site is an undeveloped property (Site) located on the West Frontage Road of Interstate-25, approximately three quarters of a mile north of Camino del Llano, directly west of the City of Belen, New Mexico.

Operator Name(s)	B Jar Construction Inc (owned by Brandon Jaramillo) Montoño Earth Moving Rogers Excavating (owned by Roger Montano)
Property Owner Name	Gary Baker and Edward Chavez
Lot Description	UNNUMBERED S: 14 T:5N R: 1E
Lot Zoning	RR1 (Rural Residential)
Disturbed area (acres)	Lot size is 5 acres
NPDES Stormwater Permit Number	unpermitted
Date of Notice of Operations (NOI)	none

Valencia County Parcel information is as shown.



Section II – OBSERVATIONS

Observation: 001	Date: 10/23/2024
On the date of the inspection, a front-end loader was present at the Site, excavating and stockpiling soil from inside a drainage channel on the property that drains into a retention pond owned by the City of Belen. They were also observed loading stockpiled soil into a haul truck and removing soil from the Site. A berm had been built blocking off flow to the natural drainage channel and disrupting flow to the City of Belen retention pond.	
Photo(s): Photo 1 Photo 2 Photo 3	
Observation: 002	Date: 10/23/2024
Neither the City of Belen or Valencia County have coverage as an NPDES Municipal Separate Storm Sewer System (MS4); therefore, EPA is the permitting authority. On the date of the inspection, a Notice of Intent (NOI) had not been filed with EPA for the construction taking place at the Site.	
Photo(s): None	

Section III – AREAS OF CONCERN

Requirement 1

Section 301 (a) of the Federal Water Pollution Control Act states that “Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.” Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: “Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”

EPA signed its 2022 Construction General Permit (CGP) for stormwater discharges from construction activities on January 18, 2022. The 2022 CGP, which became effective on February 17, 2022, provides permit coverage to eligible construction stormwater discharges in the State of New Mexico.

Concern 1

As of the time of this inspection, the Site did not have an NPDES active or expired permit in place for potential stormwater discharges.

Information about the 2022 CGP can be found here:

<https://www.epa.gov/npdes/2022-construction-general-permit-cgp>

Key requirements of the 2022 CGP include:

- Develop a [Stormwater Pollution Prevention Plan \(SWPPP\)](#) and keep it up to date.
- Complete and submit a Notice of Intent (NOI) to EPA via the [NPDES eReporting Tool \(NeT\)](#).
- Implement erosion and sediment controls and pollution prevention practices throughout the entire construction project.
- Conduct required inspections to verify compliance with permit. Inspections may only be conducted by a [qualified person](#) who has either: (1) completed the [EPA construction inspection course](#) and passed the exam, or (2) holds a current construction inspection certification or license from a program that covers the same core material as EPA’s inspection course.
- Conduct routine maintenance and take corrective action to fix problems with controls or discharges.
- Complete [documentation](#) of all site inspections, dewatering inspections, and corrective actions.
- Comply with [turbidity monitoring requirements](#) for dewatering discharges to sensitive waters (if applicable).
- Comply with any State, Tribal, or territory-specific requirements in Part 9 of the permit.

Section IV – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 10/24/2024

Section V – LIST OF APPENDICES

Appendix 1 – Photograph Log – 3 photos taken 10/23/2024

Appendix 1 Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: B Jar Construction Inc.

Unnumbered Tract North of Camino del Llano

W Frontage Rd, 0.84 miles north of Camino del Llano

City: Belen

County: Valencia County

State: New Mexico



Photo File Name: DSCN2545.JPG

Date of Photo: 10/23/2024

Time of Photo: 10:48 AM

Photographer: Amy Andrews

Description: View of retention pond owned and maintained by the City of Belen, with the Site in the background. The front end loader and the stockpiled soil can be seen in the background.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: B Jar Construction Inc.

Unnumbered Tract North of Camino del Llano

W Frontage Rd, 0.84 miles north of Camino del Llano

City: Belen

County: Valencia County

State: New Mexico



Photo File Name: DSCN2555.JPG

Date of Photo: 10/23/2024

Time of Photo: 10:51 AM

Photographer: Amy Andrews

Description: View of front-end loader loading stockpiled soil into a haul truck to be taken offsite.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: B Jar Construction Inc.

Unnumbered Tract North of Camino del Llano

W Frontage Rd, 0.84 miles north of Camino del Llano

City: Belen

County: Valencia County

State: New Mexico



Photo File Name: DSCN2559.JPG

Date of Photo: 10/23/2024

Time of Photo: 10:52 AM

Photographer: Amy Andrews

Description: View of front-end loader loading stockpiled soil into a haul truck to be taken offsite, with City of Belen retention pond off to the right in the photo.