Delivery Report

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 12/16/2020 10:27:03 PM
To: Esparza, David [esparza.david@epa.gov]
Subject: Delivered: Double M Properties- Sierra Vista (NMR1002AG)
Attachments: Double M Properties- Sierra Vista (NMR1002AG)

Your message
To: prewitt@swcp.com
CC: Peters, Carol; Jones, Curry; Sarah Holcomb; daniel.valenta@state.nm.us; Esparza, David
Subject: Double M Properties- Sierra Vista (NMR1002AG)
Sent: 12/16/2020 10:27:00 PM

Your message has been delivered to the following recipients:

Esparza, David (esparza.david@epa.gov)

Subject: Double M Properties- Sierra Vista (NMR1002AG)

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 12/16/2020 10:27:00 PM
To: prewitt@swcp.com
CC: Peters, Carol [Peters.Carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Sarah Holcomb [sarah.holcomb@state.nm.us]; daniel.valenta@state.nm.us; Esparza, David [esparza.david@epa.gov]
Subject: Double M Properties- Sierra Vista (NMR1002AG)

Mr. Prewitt:

I am in receipt of an electronic copy of applicable Stormwater Pollution Prevention Plan (SWPPP) in PDF format. As I stated in my previous email the possibility existed that additional information might be requested after receipt and review. Typically, when I review requested information, I have the ability to insert comments for internal discussion. In beginning to read/review the SWPPP document, I realized it was forwarded in a secure format; thus I am unable to insert PDF comments to simplify our internal discussion.

Therefore, I respectfully request an unsecured PDF electronic version of the applicable SWPPP as soon as possible.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm St., Suite 500
Dallas, Texas 75270
(505) 366-8402 (Office)
eMail: esparza.david@epa.gov

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EPA United States Environmental Protection Agency

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	03/11/2022	
Media Program:	Water	
Regulatory Program(s)	NPDES	
Company Name:	**Double M Properties**	
Facility Name:	**Legacy at Sierra Vista**	
Facility Physical Location:	0.43-miles West of Jubilee Blvd on New Mexico State Road 6 (SR-6)	
(city, state, zip code)	Los Lunas, New Mexico	
Mailing address:	4400 Alameda Blvd. NE, Suite E	
(city, state, zip code)	Albuquerque, New Mexico 87113	
County/Parish:	Bernalillo	
Facility Phone Number	505-345-2694	
Facility Contact:	Bob Prewitt	Vice President
	prewitt@swcp.com	
FRS Number:	110070569767	
Identification/Permit Number:	NMR1002AG	
Media Identifier Number:	N/A	
NAICS:	237210	
SIC:	6552	
Personnel participating in inspection:		
Carlos Spiess	Sundance Mechanical & Utility Corp.	Construction Manager
Roy Maxey	Sundance Mechanical & Utility Corp.	Project Manager
Levi Dean	New Mexico Environment Department	Industrial and Stormwater Team Supervisor
David Esparza, PE	USEPA-ECDWM	Environmental Engineer
EPA Lead Inspector Signature/Date		
	David Esparza	Date
Supervisor Signature/Date		
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

United States Environmental Protection Agency (EPA) Region 6 inspector David Esparza, PE, and Levi Dean, New Mexico Environment Department (NMED) – Industrial and Stormwater Team Supervisor, arrived at Legacy at Sierra Vista (Sierra Vista) at approximately 0900 AM on March 11, 2022, for an unannounced inspection. I presented my credentials to Mr. Spiess, Construction Manager and Mr. Maxey, Project Manager both of Sundance Mechanical & Utility Corporation. I informed them that this was an EPA inspection to determine the facility's compliance under the Clean Water Act (CWA) and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the CWA. The generation of this report is based on information supplied by Sierra Vista representatives, observations made by the EPA inspector, NMED and records and reports maintained by the permittee (Sierra Vista), and the EPA. Before leaving the facility on March 11, 2022, an exit briefing was held with Mr. Spiess, and Mr. Maxey to explain areas of concern noted at the time of the inspection.

FACILITY DESCRIPTION

The Sierra Vista project site is located West of Jubilee Blvd on New Mexico State Road 6 (SR-6) in Los Lunas, Valencia County, New Mexico (denoted in **Aerial Image 1** below). Coordinates to the project location are in the vicinity of: Latitude 34˚49'12.72" North, Longitude 106˚48'01.08" West. This location can be further described as approximately 25-miles south of Albuquerque, New Mexico. The proposed subdivision project activities will ultimately be comprised of single-family dwelling units (DUs), apartment buildings and all associated ancillary appurtenances, i.e., curb, gutter, roadways, and utilities.

Aerial Image #1- Overall view of the Legacy at Sierra Vista Development. Aerial from Google Earth (2021).

Section II – OBSERVATIONS

The following points of discussion are derived from review of information provided by Sierra Vista representatives, their consultant, or on-site visual observation. **Note:** the entire Stormwater Pollution Prevention Plan (SWPPP) was reviewed, inclusive of updated versions, inspection reports, product "cut sheets" and site plans/maps.

- Stormwater Pollution Prevention Plan (SWPPP) was originally prepared on June 17, 2019, with respect to 57-acres. The SWPPP was updated on April 3, 2020, to identify 180-acres and updated again on August 26, 2021, to identify 200-acres. Note: the total project acreage is200-acres.
- The original 57-acre, Notice of Intent (NOI) was filed on July 18, 2019, and became effective on August 1, 2019.
- The updated 180-acre NOI was filed on December 10, 2020, and became effective on December 24, 2020.
- The updated 200-acre NOI was filed on August 26, 2021, and became effective on September 9, 2021. Note: This NOI cites the Beginning of Project date (BOP) as August 19, 2019, and the End of Project date (EOP) as December 31, 2021. An additional updated NOI was filed on March 16, 2022 and became effective on March 30, 2022. This NOI cites the Beginning of Project date (BOP) as August 19, 2019, and the End of Project date (EOP) as December 31, 2022. **Appendix 2**
- The duly recorded "Subdivision Plat of Tracts A thru H Sierra Vista (being a Replat of Tract 6 Lands of Huning Limited Partnership Situate within the San Clemente Grant, in projected Sections 23 and 24, Township 7 North, Range 1 East New Mexico Principal Meridian, Village of Los Lunas Valencia County, New Mexico, dated January 2019, indicates "Said tract contains 257.9090 acres more or less".
- SWPPP page 28 states "The following are requirements that apply to all stockpiles, regardless of season or material. If elimination is not possible." "For wind erosion control, apply water or other dust palliatives to stockpiles". Numerous stockpile locations within the development indicated lacking or limited control of stockpiled materials.
- SWPPP pages 30 and 31 define dust control measures but do not define the quantity of acres disturbed. Additionally, the SWPPP states "Spray-on Chemical Soil Treatments (Palliatives) per limited research, the effectiveness of polymer stabilization methods range from 70 percent to 90 percent. Generally, -dust control measures involving application of either water or chemicals require more monitoring than structural or vegetative controls to remain effective. However, on page 37,- the SWPPP states that "Chemical treatment is not employed as a BMP on this project". Additionally, on page 41, the SWPPP states "For areas of disturbance greater than five acres, stabilization must be complete as soon as practicable, but no less than seven (7) calendar days after stabilization has been initiated" (**Appendix 3 SWPPP Stabilization**) Furthermore, the SWPPP refers to stabilization but doesn't indicate quantity of acreage addressed or define which Tracts the SWPPP is referring too. Finally, based on observation numerous areas not currently being worked displayed a total lack of stabilization. **Appendix 1 Photograph #1, Photograph #2, Photograph #3, Photograph #4, and Photograph #5**.
- The updated SWPPP, on page 32,- states "The project has 15% to 18% slopes on the exterior perimeters of Tract F (approximate 5.8 acres) (Vista Manzano) and Tract E (approximately 2.2 acres) (Cerro Vista)". **Appendix 1 Photograph #6 and Photograph #7.**

- The SWPPP on page 35 states "The wire backed silt fence should be cleaned from collected sediment. If the material is damaged- punctured/torn -then it should be replaced. The silt fencing in numerous areas needed cleaning, repair and/or replacement. **Appendix 1 Photograph #6 and Photograph # 8 and Photograph #9.**
- The Sierra Vista project area exhibited vegetation or re-vegetation, though extremely sparse, frail, or non-extent in most areas. NOTE: Sierra Vista representatives stated, Legacy is relying solely on rainfall or a storm event for watering. No mechanical means are utilized, i.e., sprinkler or water truck. Though two (2) water trucks were observed applying water in only areas that were actively being worked. **Appendix 1 Photograph #10, Photograph #11 and Photograph #12** and **Appendix 4 Sierra Vista Fugitive Dust Management.**
- There was no observable concrete wash-out pit/basin, though visible evidence did exist of previous/recent concrete placement, i.e., curbs and gutters. A~~Though a~~ Site Map (provided in the Request for Information (RFI) dated March 15, 2022) denoted the location of the respective washouts/basins (approximately southeast of the Village of Los Lunas WST).
- Several of the E2RC on-site Inspection Reports provided in response to the RFI indicate various deficiencies for the months of August, September and October 2021 and January 2022 (**Appendix 5 E2RC Inspections Reports**).

Section III – SUMMARY/AREAS OF CONCERN

The entire evaluation can be summarized as follows:

- At this juncture it is still not clear what the total surface area of the development project comprises.
- Numerous locations within the development indicated lacking or limited control of stockpiled materials.
- The SWPPP defines dust control measures but does not define the quantity of acres disturbed.
- The SWPPP states "Spray-on Chemical Soil Treatments (Palliatives) per limited research, the effectiveness of polymer stabilization methods range from 70 percent to 90 percent." However, the SWPPP also states, "Chemical treatment is not employed as a BMP on this project".
- The SWPPP states "For areas of disturbance greater than five acres, stabilization must be complete as soon as practicable, but no less than seven (7) calendar days after stabilization has been initiated".
- Numerous areas not currently being worked displayed a total lack of stabilization.
- The silt fencing in numerous areas needed cleaning, repair, and/or replacement.
- The project area exhibited extremely sparse, frail, or non-extent vegetation or re-vegetation. Legacy is relying solely on rainfall or a storm event for watering. No mechanical means were being -utilized.
- There was no concrete wash-out pit/basin.
- Several on-site Inspection Reports- indicate various deficiencies.

EPA Region 6 inspector David Esparza conducted a closing conference at Legacy at Sierra Vista on March 11, 2022, for the inspection.

Section IV – FOLLOW UP

The following information was received by EPA on March 15, 2022, after exiting the Facility on March 11, 2022:

- A current copy of the updated Stormwater Pollution Prevention Plan (SWPPP), inclusive of all on-site inspection reports from August 2021.
- Copies of -Engineering drawings delineating drainage paths, utility piping, stormwater ponds and applicable discharge locations.
- Verification of access to any adjacent stormwater ponds
- A site map identifying the location(s) of concrete wash-out
- The names and points of contact for the builders

Section V – LIST OF APPENDICES

Appendix 1 – Legacy at Sierra Vista Photographic Log- March 11, 2022
Appendix 2 – 200-Acre Notice of Intent
Appendix 3 – SWPPP Stabilization
Appendix 4 – Sierra Vista Fugitive Dust Management
Appendix 5 – E2RC On-site Inspection Reports

ED_013010_00000055-00005

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 4/21/2022 3:50:53 PM
To: Bob Prewitt [prewitt@swcp.com]
CC: Bernier, Roberto [bernier.roberto@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Esparza, David [esparza.david@epa.gov]; Matthews, Rachel [Matthews.Rachel@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]
Subject: EPA CWA NPDES Compliance Evaluation Inspection at the Double M Properties- Legacy at Sierra Vista Project
Attachments: Double M Properties.Legacy at Sierra Vista.SWPPP Inspection.03.11.2022.signed.pdf

Mr. Prewitt:

On March 11, 2022, the United States Environmental Protection Agency (EPA) conducted a Clean Water Act (CWA)/National Pollution Discharge Elimination System (NPDES) Compliance Evaluation Inspection (CEI) at the Legacy at Sierra Vista Project location. A copy of the inspection report, inclusive of appurtenant appendices are attached to this email. EPA will use this report to determine your project's compliance with the applicable CWA/NPDES regulations. Please review the report, note the areas of concern (AOCs), and take any actions necessary to ensure compliance. The attached CEI report will be posted to EPA's public website 10 days from the date of this email.

Thank you for the cooperation extended to EPA personnel while at this project location. If you have any questions about this CEI, please contact David Esparza, 505-366-8402, esparza.david@epa.gov.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

United States Environmental Protection Agency

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

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Facility Contact:	Bob Prewitt	Vice President
	prewitt@swcp.com	
FRS Number:	110070569767	
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Media Identifier Number:	N/A	
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SIC:	6552	
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David Esparza, PE	USEPA-ECDWM	Environmental Engineer
EPA Lead Inspector Signature/Date	DAVID ESPARZA Digitally signed by DAVID ESPARZA Date: 2022.04.19 10:45:03 -06'00'	
	David Esparza	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2022.04.19 17:03:17 -05'00'	
	Roberto Bernier	Date

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- Several of the E2RC on-site Inspection Reports provided in response to the RFI indicate various deficiencies for the months of August, September and October 2021 and January 2022 (**Appendix 5 E2RC Inspections Reports**). E2RC is an environmental consultant hired by Double M properties.

Section III – SUMMARY/AREAS OF CONCERN

The entire evaluation can be summarized as follows:

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- The project area exhibited extremely sparse, frail, or non-extent vegetation or re-vegetation. Legacy is relying solely on rainfall or a storm event for watering. No mechanical means were being utilized.
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EPA Region 6 inspector David Esparza conducted a closing conference at Legacy at Sierra Vista on March 11, 2022, for the inspection.

Section IV – FOLLOW UP

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Appendix 1

Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking towards the Northeast along eastern side of Legacy at Sierra Vista. (DSCN2149) Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of unstabilized embankment located along eastern side of development. (DSCN2150). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of unstabilized excavation and embankment located along eastern side of development. (DSCN2151). Note: The Jubilee subdivision is in the upper portion of the photograph. Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of unstabilized excavation and embankment located along eastern side of development. (DSCN2153). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View indicative of unstabilized land surface, i.e., vagrant earthen material. (DSCN2159). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of stockpiled unstabilized "cut" (earthen material) located along the east side of the Village of Los Lunas WST. (DSCN2165). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of stockpiled unstabilized "cut" (earthen material) located along the east side of the Village of Los Lunas WST. Note: the height of the staged material in comparison to the vehicle and WST. (DSCN2163). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of silt fencing in need of cleaning, repair, or replacement.(DSCN2166). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of silt fencing in need of cleaning, repair, or replacement.(DSCN2173). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

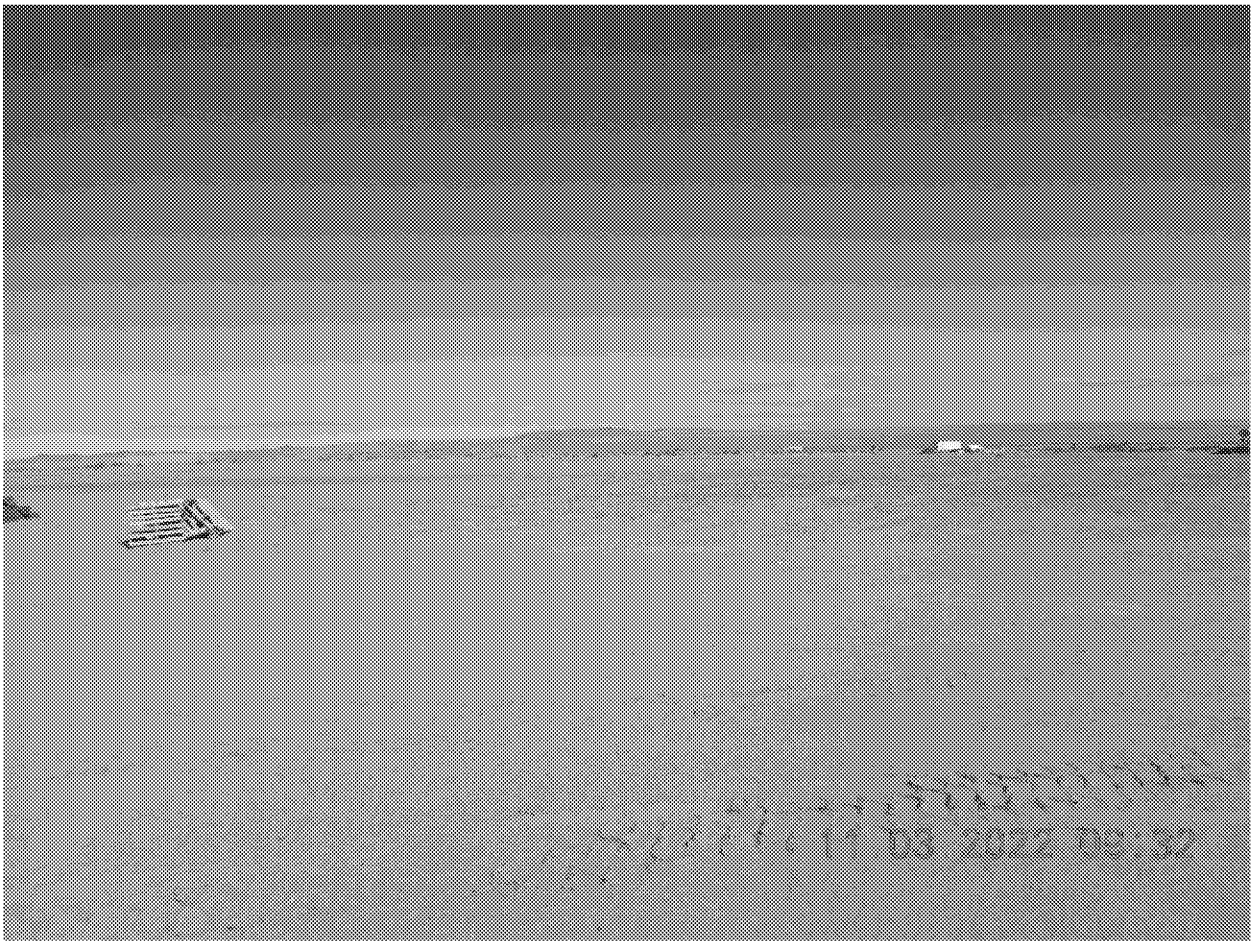
View of the sparse or frail vegetation along the western side of the development. (DSCN2132). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico



View looking approximately north towards New Mexico State Road 6 (SR-6) of the cleared and leveled land surface. Note: the lack of vegetation, no water trucks and that the area was not actively being worked. (DSCN2132). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately West in an area that was actively being worked. Note: The one (1) water truck and Village of Los Lunas WST. (DSCN2164).Photographed by D. Esparza

Appendix 2

200-acre Notice of Intent

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT	FORM Approved OMB No. 2040-0004

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: NMR1002AG

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: Double M. Properties

Operator Mailing Address:

Address Line 1: 4400 Alameda Blvd. NE Suite E

Address Line 2:

City: Albuquerque

ZIP/Postal Code: 87113

State: NM

County or Similar Division: Bernalillo

Operator Point of Contact Information

First Name Middle Initial Last Name: Bob Prewitt

Title: Vice President

Phone: 505-345-2694 **Ext.:**

Email: prewitt@swcp.com

NOI Preparer Information

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

First Name Middle Initial Last Name: Sydney Fetter

Organization: E2RC, LLC.

Phone: (505) 867-4040 **Ext.:**

Email: enoi_certify@e2rc.com

Project/Site Information

Project/Site Name: Legacy at Sierra Vista

Project/Site Address

Address Line 1: 0.43 miles West of Jubilee Blvd. on NM-6

Address Line 2: **City:** Los Lunas

ZIP/Postal Code: 87031 **State:** NM

County or Similar Division: Valencia

Latitude/Longitude: 34.820242°N, 106.800303°W

Latitude/Longitude Data Source: Google Earth **Horizontal Reference Datum:** NAD 83

Project Start Date: 08/19/2019 **Project End Date:** 12/31/2021 **Estimated Area to be Disturbed:** 200

Types of Construction Sites:

- Highway or Road
- Utility

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? 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)? Yes

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? Yes

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)

No

001: Dry Ephemeral Stream

Latitude/Longitude: 34.818538°N, 106.804302°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

002: Unnamed Streamriver

Latitude/Longitude: 34.825786°N, 106.795594°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

First Name Middle Initial Last Name: Kelley V Fetter, P.E., CPSWQ, CPMSM

Organization:

Title: President

Phone: 505-867-4040 **Ext.:**

Email: info@e2rc.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 C

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 U.S. FWS Species Report and IPaC Critical Habitat Mapping portal indicate there are no critical habitats or endangered, threatened or candidate species in the action are. The nearest critical habitat is 4.43 miles east of the project. The Yellow - Billed Cuckoo and Southwestern Willow Flycatcher habitats consists of densely wooded riparian areas near a water source. As aviary species, the bird's movements is not limited by borders or other impediments. However, the action area in question does not provide the preferred habitat or food requirements to support the species the habitat is near the action area.

What federally-listed species or federally-designated critical habitat are located in your *"action area"*?

Rio Grande Silvery Minnow, Yellow-Billed Cuckoo and Southwestern Willow Flycatcher.

What is the distance between your site and the listed species or critical habitat (miles)?

4.43

Copy of your Site Map:

Name	Uploaded Date	Size
Critical Habitat for Threatened & Endangered Species [USFWS].pdf (attachment/1402906)	08/26/2021	689.77 KB

Historic Preservation

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) 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), Step 1)

Yes

Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf), Step 2):

Yes

Certification Information

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: Robert Prewitt

Certifier Title: President

Certifier Email: prewitt@swcp.com

Certified On: 08/26/2021 4:40 PM ET

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2022 NPDES CONSTRUCTION PERMIT	FORM Approved OMB No. 2040-0305

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: NMR1002AG

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"* or a *"Federal Facility"* as defined in Appendix A (https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-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/system/files/documents/2022-01/2022-cgp-final-appendix-d-endangered-species-protection.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/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.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: Double M. Properties

Operator Mailing Address:

Address Line 1: 4400 Alameda Blvd. NE Suite E

Address Line 2:

City: Albuquerque

ZIP/Postal Code: 87113

State: NM

County or Similar Division: Bernalillo

Operator Point of Contact Information

First Name Middle Initial Last Name: Bob Prewitt

Title: Vice President

Phone: 505-345-2694

Ext.:

Email: prewitt@swcp.com

NOI Preparer Information

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

First Name Middle Initial Last Name: Sydney Felter

Organization: E2RC, LLC.

Phone: (505) 867-4040

Ext.:

Email: enoi_certify@e2rc.com

Project/Site Information

Project/Site Name: Legacy at Sierra Vista

Project/Site Address

Address Line 1: 0.43 miles West of Jubilee Blvd. on NM-6

Address Line 2:

City: Los Lunas

ZIP/Postal Code: 87031

State: NM

County or Similar Division: Valencia

Latitude/Longitude: 34.820242°N, 106.800303°W

Latitude/Longitude Data Source: Google Earth **Horizontal Reference Datum:** NAD 83

Project Start Date: 08/19/2019 **Project End Date:** 12/30/2022 **Estimated Area to be Disturbed:** 200

Types of Construction Sites:

- Highway or Road
- Utility

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

Will you be discharging dewatering water from your site? No

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

Are there other operators that are covered under this permit for the same project site? Yes

NPDES permits

NPDES Permit Number
NMR1003X6

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

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? Yes

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 Resources, Tools and Templates (https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates)

No

001: Dry Ephemeral Stream

Latitude/Longitude: 34.818538°N, 106.804302°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

002: Unnamed Streamriver

Latitude/Longitude: 34.825786°N, 106.795694°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

Will all required personnel, including those conducting inspections at your site, meet the training requirements in Part 6 of this permit? Yes

First Name Middle Initial Last Name: Kelley V Fetter, P.E., CPSWQ, CPMSM

Organization:

Title: President

Phone: 505-867-4040 **Ext.:**

Email: info@e2rc.com

Endangered Species Protection Worksheet, Criterion A

Determine ESA Eligibility Criterion

Are your discharges and discharge-related activities already addressed in another operator's valid certification of eligibility for your "action area" under the current 2022 CGP? No

Has consultation between you, a Federal Agency, and the USFWS and/or the NMFS under section 7 of the Endangered Species Act (ESA) concluded? No

Are your construction activities the subject of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat?

No

You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

Determine your Action Area

You must consider the following in determining the action area for your site, and **confirm that all the following are true**:

- **In determining my "action area", I have considered that discharges of pollutants into downstream areas can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.**

  True

- **In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction timing, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.**

  True

Determine is ESA-listed species and/or critical habitat are in your site action area.

ESA-listed species and designated critical habitat are under the purview of the NMFS and the USFWS, and in many cases, you will need to acquire species and critical habitat lists from both federal agencies.

National Marine Fisheries Service (NMFS)

For NMFS species and designated critical habitat information, use the following webpage:

- https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility (https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility)

I have checked the webpage listed above and confirmed that:

- (selected) There are no NMFS-protected species and/or designated critical habitat in my action area.
- ( ) There are NMFS-protected species and/or designated critical habitat in my action area.

U.S. Fish and Wildlife Service (USFWS)

For USFWS species and critical habitat information, use the following webpage.

- https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility (https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility)

I have checked the webpage listed above and confirmed that:

- (selected) There are no FWS-protected species and/or designated critical habitat in my action area.
- ( ) There are FWS-protected species and/or designated critical habitat in my action area.

You are eligible under **Criterion A**.

Identify the USFWS information sources used (Note: state resources are not acceptable):

```
USFWS Online Critical Habitat Mapping Tool
USFWS Online IPaC Report Tool, Project Code: 2022-0020487, Consultation Code: 02ENNM00-2019-SLI-1129
```

Identify the NMFS information sources used (Note: state resources are not acceptable):

```
NMFS Southeast Region Endangered Species List
```

You must attach:

- Aerial image(s) of the site.
- A printout of the species' list(s) showing no ESA-listed species or designated critical habitat in my action area.

Name	Uploaded Date	Size
Species List_ New Mexico Ecological Services Field Office.pdf (attachment/1482846)	03/16/2022	446.36 KB
Critical Habitat for Threatened & Endangered Species [USFWS].pdf (attachment/1482838)	03/16/2022	689.77 KB
Species List_ New Mexico Ecological Services Field Office_2022.pdf (attachment/1482836)	03/16/2022	286.14 KB

Name	Uploaded Date	Size
Aerial View.jpg (attachment/1482835)	03/16/2022	252.36 KB

Have you attached aerial image(s) of the site? Yes

Have you attached a printout of the species' list(s) showing no ESA-listed species or designated critical habitat in my action area? Yes

Have you provided documentation in your SWPPP supporting your eligibility under Criterion A? Yes

Historic Preservation

Are you installing any stormwater controls as described in Appendix E (https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf) that require subsurface earth disturbances? (Appendix E (https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf), Step 1)

Yes

Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf), Step 2):

Yes

Certification Information

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: Robert Prewitt

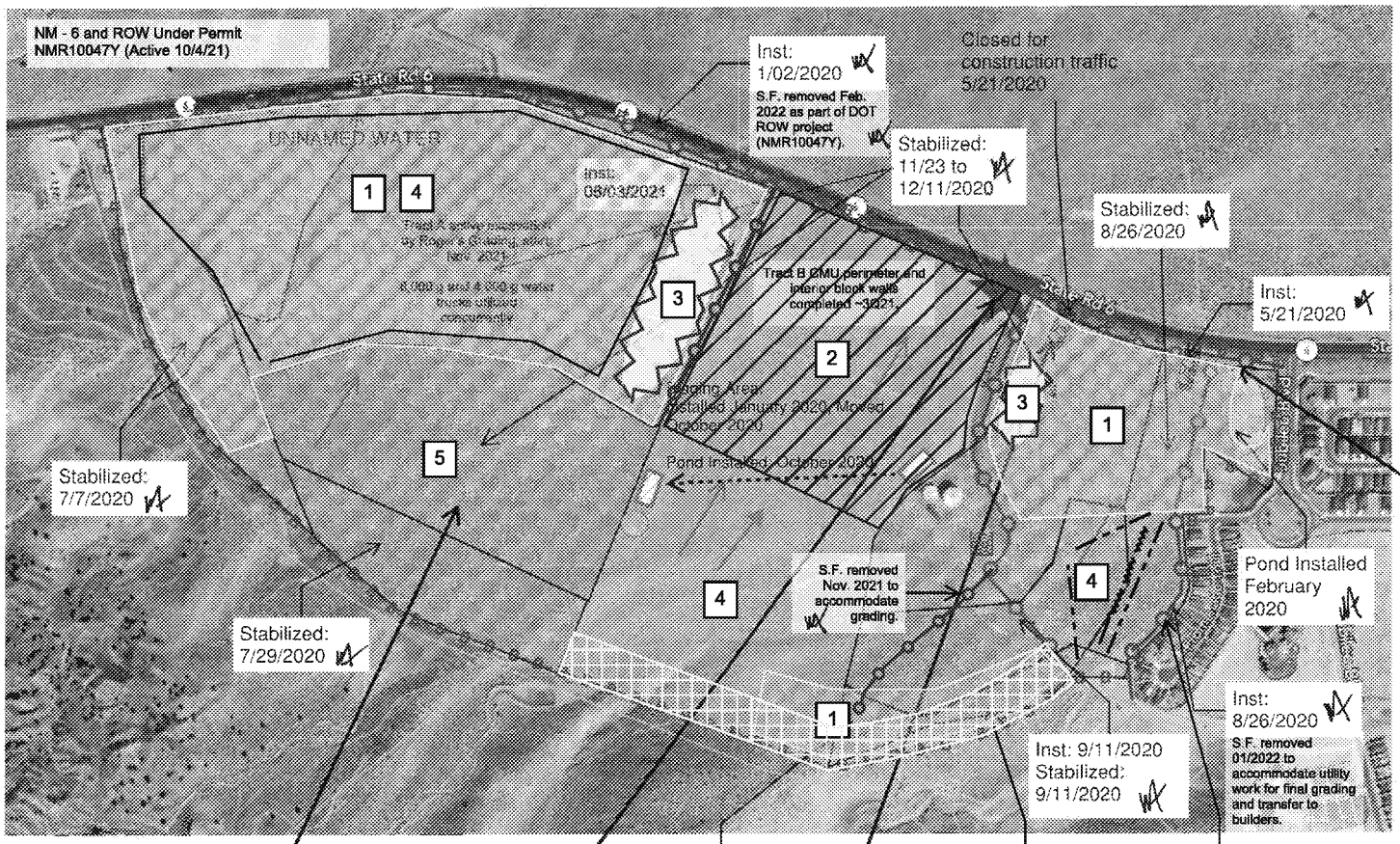
Certifier Title: President

Certifier Email: prewitt@swcp.com

Certified On: 03/16/2022 12:27 PM ET

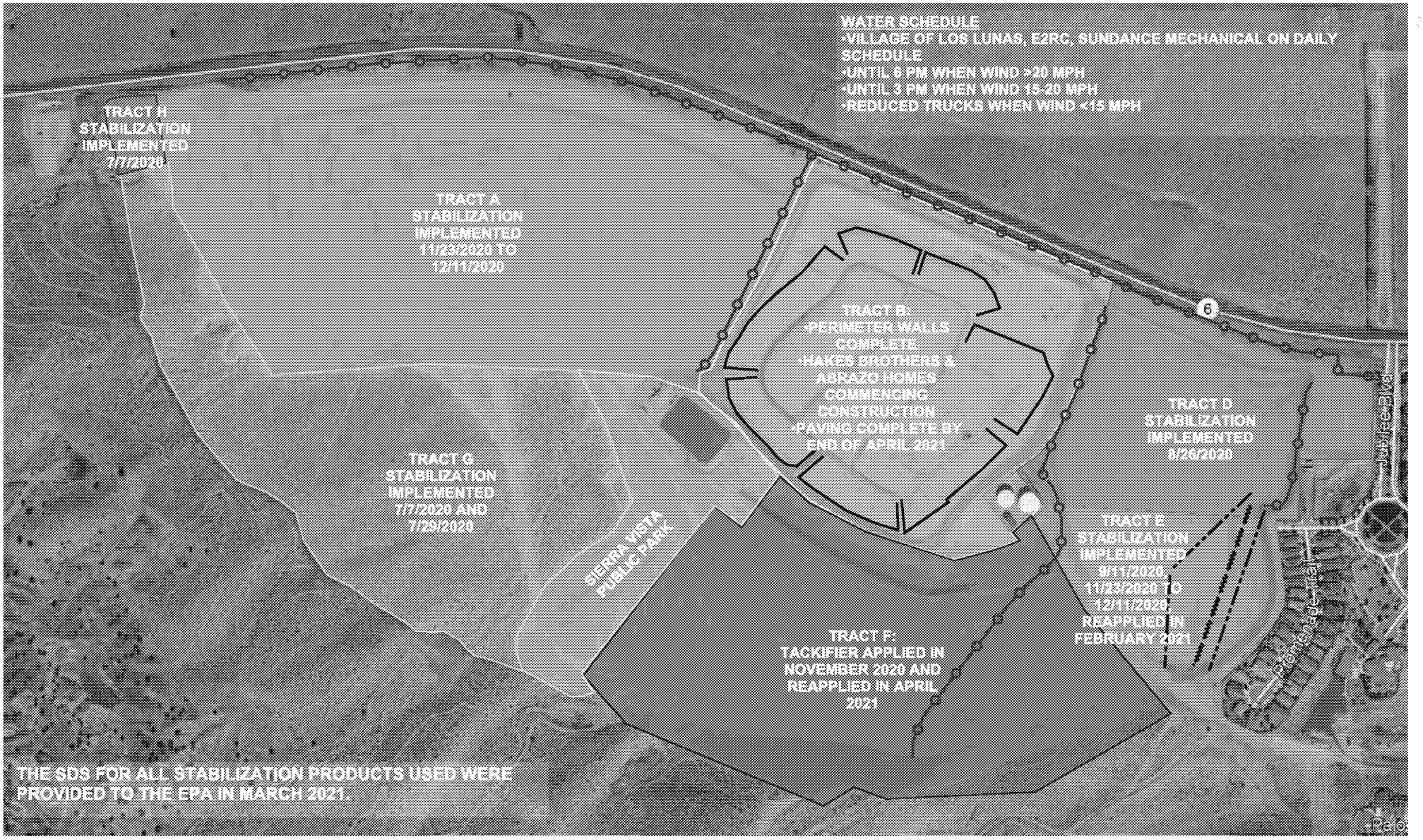
Appendix 3

SWPPP Stabilization


NM - 6 and ROW Under Permit
NMR10047Y (Active 10/4/21)
Inst: 1/02/2020
S.F. removed Feb. 2022 as part of DOT ROW project (NMR10047Y).
Closed for construction traffic 5/21/2020
Stabilized: 11/23 to 12/11/2020
Stabilized: 8/26/2020
Inst: 5/21/2020
UNNAMED WATER
Inst: 06/03/2021
Tract B CMU perimeter and interior block walls completed ~3/2021
Pond Installed October 2020
Stabilized: 7/7/2020
Stabilized: 7/29/2020
S.F. removed Nov. 2021 to accommodate grading.
Pond Installed February 2020
Inst: 8/26/2020
S.F. removed 01/2022 to accommodate utility work for final grading and transfer to builders.
Inst: 9/11/2020
Stabilized: 9/11/2020
Stabilized: 11/19/2020
Coconut Fiber blankets installed March 2022
Hydroseeding with rock mulch in between S.F. and Jubilee wall, Nov. 10, 2021
Wind Fence Inst: 4/5/21, 4/29/21
Rem: 6/29/21, 8/03/21
Rock Berm Inst: 3/17/21
Rem: 9/2/21
SILT FENCE
IMPLEMENTATION
BMP INSTALL
BMP REMOVE
12/31/19
FINAL STABILIZATION
1: Reseeded July 2021
2: Vertical Construction
3: Stockpiles Inst: Sept. 2021
4: Active Grading Work
5: Undisturbed
TEMPORARY SOIL STABILIZER
NPDES PERMITTING
STABILIZED CONSTRUCTION ENTRANCE
0' 400' 800'
N
KELLEY VINCENT FETTER
NEW MEXICO
13750
REGISTERED PROFESSIONAL ENGINEER
4-3-2020
E2RC
SWPPP
Stormwater
Erosion Control
Reclamation
Seeding
www.e2rc.com | 505.867.4040
CPSWQ
1 PLAN EXTENSION ADDED 4/3/2020
REVISION ITEM DATE
LEGACY AT SIERRA VISTA
LOS LUNAS, NM
TESCP
DESIGNED BY: K. FETTER, P.E.
DRAWN BY: S. FETTER
SHEET: 6

Appendix 4

Sierra Vista Fugitive Dust Management



SILT FENCE: MAINTAINED AS OBSERVED AND NEEDED
PERIMETER WALL
ROCK BERM
WIND FENCE: MAINTAINED AS OBSERVED AND NEEDED

SIERRA VISTA FUGITIVE DUST MANAGEMENT

APRIL 2021

Appendix 5

E2RC Inspection Reports

E2RC SWPPP Stormwater Erosion Control Reclamation Seeding

INSPECTION REPORT

GENERAL INFORMATION

DATE OF INSPECTION:	8/19/2021
COMPANY NAME:	Double M Properties
PROJECT NAME:	Legacy at Sierra Vista
LOCATION:	NM 6, 0.4 Miles West of Jubilee Blvd.,Los Lunas,New Mexico,87031
TRACKING NO:	NMR1002AG
COMPLIANCE EVALUATION:	Marginal
TYPE OF INSPECTION:	14Day
START TIME:	12:40 PM
END TIME:	1:05 PM
INSPECTOR'S NAME:	Ray Welton
INSPECTOR'S TITLE:	NPDES Inspector
INSPECTOR'S QUALIFICATIONS:	StormwaterONE
INSPECTOR'S CONTACT:	505-400-7500
PHASE OF CONSTRUCTION:	☑ Clear and Grub ☑ Excavation ☑ Building (vertical) ☐ Rough Grading ☑ Infrastructure ☐ Final Grading ☐ Final Stabilization

WEATHER INFORMATION

HAS A STORM EVENT OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
WEATHER AT TIME OF THIS INSPECTION:	Clear
TEMPERATURE:	82
HAVE ANY DISCHARGES OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
ARE ANY DISCHARGES OCCURRING NOW?	○ Yes ◉ No
ARE ANY PORTIONS OF YOUR SITE UNSAFE TO INSPECT?	○ Yes ◉ No

POLLUTION PREVENTION, SEDIMENT AND EROSION CONTROL BMP'S

#	S&E/P2 CONTROLS	MAINTENANCE	CORRECTIVE ACTION	LOCATION	QUANTITY	UNIT	PHOTO
1	NPDES Permit Notification	None	None	Entrance	1	EA	Yes
2	Inlet Protection	Clean	None	Entrance	1	EA	Yes
	Inlet Protection	Clean	None	Entrance	1	EA	Yes
3	Concrete Washout	Update	None	Onsite	1	EA	Yes

GENERAL SITE INSPECTION ITEMS

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
1	Is the SWPPP signage clearly posted with the correct information and properly displayed at an obvious perimeter location?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	SWPPP signage clearly posted with the correct information and properly displayed at an obvious perimeter location.
2	Are steep slope areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Silt fence mid site is on the border of new excavation, leading to silt fence level. Inlets at entrance require cleaning and sediment removal.
3	Are disturbed areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
4	Are natural resource areas (e.g. streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
5	Are discharge points and receiving waters free of any sediment deposits?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
6	Is trash/litter from work areas collected and placed in covered dumpsters?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
7	Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked and maintained?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	Wash out is onsite. Wash out requires signage indicating contents and location.
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks or any other deleterious material?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
9	Are materials that are potential stormwater contaminants stored inside or in containers?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
10	Are offsite flows entering the construction site?	○ Yes ● No ○ N/A	○ Yes ● No	No offsite flows entering the construction site.
11	Is there any evidence that pollutants are leaving the site or are not properly contained on site?	○ Yes ● No ○ N/A	○ Yes ● No	No evidence that pollutants are leaving the site.
12	Are traffic and parking areas restricted so as to reduce soil erosion and dust?	● Yes ○ No ○ N/A	○ Yes ● No	
13	Are non-stormwater discharges properly controlled?	● Yes ○ No ○ N/A	○ Yes ● No	
14	Is the project being operated in compliance with the SWPPP and with permit conditions at this time?	● Yes ○ No ○ N/A	○ Yes ● No	Wash out is onsite. Wash out requires signage indicating contents and location. Inlets at entrance require cleaning and sediment removal.
15	Are changes to the SWPPP necessary at this time?	○ Yes ● No ○ N/A	○ Yes ● No	No changes to the SWPPP necessary at this time.
16	Are dust control measures being properly implemented?	● Yes ○ No ○ N/A	○ Yes ● No	
17	Are the SWPPP documentation and records up to date and accurately reflect the current conditions? (e.g. Site Map, Inspection Reports, Installation Dates)	● Yes ○ No ○ N/A	○ Yes ● No	Book not viewed onsite.

CERTIFICATION AND SIGNATURE BY INSPECTOR

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.

INSPECTED BY: Ray Welton **DATE:** August 20, 2021

SIGNATURE AND AFFILIATION:

CERTIFICATION AND SIGNATURE BY PERMITTEE

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.

PRINT NAME AND TITLE: Robert Prewitt, VP **DATE:** 9/2/21

SIGNATURE: *Robert C. Prewitt*

E2RC SWPPP Stormwater Erosion Control Reclamation Seeding

INSPECTION REPORT

GENERAL INFORMATION

DATE OF INSPECTION:	9/29/2021
COMPANY NAME:	Double M Properties
PROJECT NAME:	Legacy at Sierra Vista
LOCATION:	NM 6, 0.4 Miles West of Jubilee Blvd.,Los Lunas,New Mexico,87031
TRACKING NO:	NMR1002AG
COMPLIANCE EVALUATION:	Marginal
TYPE OF INSPECTION:	14Day
START TIME:	11:50 AM
END TIME:	12:30 PM
INSPECTOR'S NAME:	Ryan Higdon
INSPECTOR'S TITLE:	Senior NPDES Inspector
INSPECTOR'S QUALIFICATIONS:	CISEC
INSPECTOR'S CONTACT:	505-715-0392
PHASE OF CONSTRUCTION:	☐ Clear and Grub ☑ Excavation ☐ Building (vertical) ☐ Rough Grading ☑ Infrastructure ☐ Final Grading ☐ Final Stabilization

WEATHER INFORMATION

HAS A STORM EVENT OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
WEATHER AT TIME OF THIS INSPECTION:	Clear
TEMPERATURE:	0
HAVE ANY DISCHARGES OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
ARE ANY DISCHARGES OCCURRING NOW?	○ Yes ◉ No
ARE ANY PORTIONS OF YOUR SITE UNSAFE TO INSPECT?	○ Yes ◉ No

POLLUTION PREVENTION, SEDIMENT AND EROSION CONTROL BMP'S

#	S&E/P2 CONTROLS	MAINTENANCE	CORRECTIVE ACTION	LOCATION	QUANTITY	UNIT	PHOTO
1	NPDES Permit Notification	None	None	Entrance	1	EA	
2	Inlet Protection	Clean	None	Various locations along project	6	EA	Yes

GENERAL SITE INSPECTION ITEMS

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
1	Is the SWPPP signage clearly posted with the correct information and properly displayed at an obvious perimeter location?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Swppp information posted rain gauge empty
2	Are steep slope areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
3	Are disturbed areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
4	Are natural resource areas (e.g. streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	No natural resources in general area of construction site
5	Are discharge points and receiving waters free of any sediment deposits?	◉ Yes ○ No ○ N/A	◉ Yes ○ No	Inlets need clean and reset
6	Is trash/litter from work areas collected and placed in covered dumpsters?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Site clean and maintained
7	Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked and maintained?	○ Yes ○ No ◉ N/A	○ Yes ◉ No	Not applicable at time of inspection
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks or any other deleterious material?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	No spills or leaks
9	Are materials that are potential stormwater contaminants stored inside or in containers?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
10	Are offsite flows entering the construction site?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	None observed at time of inspection
11	Is there any evidence that pollutants are leaving the site or are not properly contained on site?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	No pollutants observed leaving site

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
12	Are traffic and parking areas restricted so as to reduce soil erosion and dust?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
13	Are non-stormwater discharges properly controlled?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
14	Is the project being operated in compliance with the SWPPP and with permit conditions at this time?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
15	Are changes to the SWPPP necessary at this time?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	None
16	Are dust control measures being properly implemented?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
17	Are the SWPPP documentation and records up to date and accurately reflect the current conditions? (e.g. Site Map, Inspection Reports, Installation Dates)	◉ Yes ○ No ○ N/A	○ Yes ◉ No	... No personnel onsite unable to confirm..

CERTIFICATION AND SIGNATURE BY INSPECTOR

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.

INSPECTED BY: Ryan Higdon **DATE:** September 30, 2021

SIGNATURE AND AFFILIATION: Ryan Higdon

CERTIFICATION AND SIGNATURE BY PERMITTEE

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.

PRINT NAME AND TITLE: , **DATE:** 9/30/21

SIGNATURE: Robert C. Prewitt

E2RC SWPPP Stormwater Erosion Control Reclamation Seeding

INSPECTION REPORT

GENERAL INFORMATION

DATE OF INSPECTION:	10/13/2021
COMPANY NAME:	Double M Properties
PROJECT NAME:	Legacy at Sierra Vista
LOCATION:	NM 6, 0.4 Miles West of Jubilee Blvd.,Los Lunas,New Mexico,87031
TRACKING NO:	NMR1002AG
COMPLIANCE EVALUATION:	Satisfactory
TYPE OF INSPECTION:	14Day
START TIME:	01:00 PM
END TIME:	01:35 PM
INSPECTOR'S NAME:	Ryan Higdon
INSPECTOR'S TITLE:	Senior NPDES Inspector
INSPECTOR'S QUALIFICATIONS:	CISEC
INSPECTOR'S CONTACT:	505-715-0392
PHASE OF CONSTRUCTION:	☐ Clear and Grub ☑ Excavation ☐ Building (vertical) ☐ Rough Grading ☑ Infrastructure ☐ Final Grading ☐ Final Stabilization

WEATHER INFORMATION

HAS A STORM EVENT OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
WEATHER AT TIME OF THIS INSPECTION:	Clear
TEMPERATURE:	0
HAVE ANY DISCHARGES OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
ARE ANY DISCHARGES OCCURRING NOW?	○ Yes ◉ No
ARE ANY PORTIONS OF YOUR SITE UNSAFE TO INSPECT?	○ Yes ◉ No

POLLUTION PREVENTION, SEDIMENT AND EROSION CONTROL BMP'S

#	S&B/P2 CONTROLS	MAINTENANCE	CORRECTIVE ACTION	LOCATION	QUANTITY	UNIT	PHOTO
1	NPDES Permit Notification	None	None	Entrance	1	EA	Yes
2	Inlet Protection	None	None	Onsite	6	EA	Yes

GENERAL SITE INSPECTION ITEMS

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
1	Is the SWPPP signage clearly posted with the correct information and properly displayed at an obvious perimeter location?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	Swppp information posted rain gauge empty
2	Are steep slope areas not actively being worked properly stabilized?	( ) Yes ( ) No (●) N/A	( ) Yes (●) No	Not applicable
3	Are disturbed areas not actively being worked properly stabilized?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
4	Are natural resource areas (e.g. streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	No natural resources in general area of construction
5	Are discharge points and receiving waters free of any sediment deposits?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
6	Is trash/litter from work areas collected and placed in covered dumpsters?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	Site maintained
7	Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked and maintained?	( ) Yes ( ) No (●) N/A	( ) Yes (●) No	
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks or any other deleterious material?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
9	Are materials that are potential stormwater contaminants stored inside or in containers?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	Yes
10	Are offsite flows entering the construction site?	( ) Yes (●) No ( ) N/A	( ) Yes (●) No	None observed
11	Is there any evidence that pollutants are leaving the site or are not properly contained on site?	( ) Yes (●) No ( ) N/A	( ) Yes (●) No	No pollutants observed leaving site

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
12	Are traffic and parking areas restricted so as to reduce soil erosion and dust?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
13	Are non-stormwater discharges properly controlled?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
14	Is the project being operated in compliance with the SWPPP and with permit conditions at this time?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Some interior silt fence could use some maintenance...
15	Are changes to the SWPPP necessary at this time?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	
16	Are dust control measures being properly implemented?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
17	Are the SWPPP documentation and records up to date and accurately reflect the current conditions? (e.g. Site Map, Inspection Reports, Installation Dates)	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Unable to confirm at time of inspection

CERTIFICATION AND SIGNATURE BY INSPECTOR

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.

INSPECTED BY: Ryan Higdon DATE: October 15, 2021

SIGNATURE AND AFFILIATION: Ryan Higdon

CERTIFICATION AND SIGNATURE BY PERMITTEE

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.

PRINT NAME AND TITLE: Robert Prewitt, VP DATE: 10/15/21

SIGNATURE: Robert C. Prewitt

E2RC SWPPP Stormwater Erosion Control Reclamation Seeding

INSPECTION REPORT

GENERAL INFORMATION

DATE OF INSPECTION:	1/5/2022
COMPANY NAME:	Double M Properties
PROJECT NAME:	Legacy at Sierra Vista
LOCATION:	NM 6, 0.4 Miles West of Jubilee Blvd.,Los Lunas,New Mexico,87031
TRACKING NO:	NMR1002AG
COMPLIANCE EVALUATION:	Marginal
TYPE OF INSPECTION:	14Day
START TIME:	12:00 PM
END TIME:	12:15 PM
INSPECTOR'S NAME:	Ryan Higdon
INSPECTOR'S TITLE:	Senior NPDES Inspector
INSPECTOR'S QUALIFICATIONS:	CISEC
INSPECTOR'S CONTACT:	505-715-0392
PHASE OF CONSTRUCTION:	☐ Clear and Grub ☑ Excavation ☐ Building (vertical) ☐ Rough Grading ☑ Infrastructure ☐ Final Grading ☐ Final Stabilization

WEATHER INFORMATION

HAS A STORM EVENT OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
WEATHER AT TIME OF THIS INSPECTION:	Clear
TEMPERATURE:	0
HAVE ANY DISCHARGES OCCURRED SINCE THE LAST INSPECTION?	○ Yes ◉ No
ARE ANY DISCHARGES OCCURRING NOW?	○ Yes ◉ No
ARE ANY PORTIONS OF YOUR SITE UNSAFE TO INSPECT?	○ Yes ◉ No

POLLUTION PREVENTION, SEDIMENT AND EROSION CONTROL BMP'S

#	S&E/P2 CONTROLS	MAINTENANCE	CORRECTIVE ACTION	LOCATION	QUANTITY	UNIT	PHOTO
1	NPDES Permit Notification	None	None	Entrance	1	EA	Yes
2	Silt Fence	Clean	None	Along NM 6 east of entrance	400	LF	Yes

GENERAL SITE INSPECTION ITEMS

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
1	Is the SWPPP signage clearly posted with the correct information and properly displayed at an obvious perimeter location?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Swppp information posted rain gauge empty
2	Are steep slope areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
3	Are disturbed areas not actively being worked properly stabilized?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
4	Are natural resource areas (e.g. streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	No natural resources in general area of construction site
5	Are discharge points and receiving waters free of any sediment deposits?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
6	Is trash/litter from work areas collected and placed in covered dumpsters?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Site clean and maintained
7	Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked and maintained?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	Not applicable at time of inspection
8	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks or any other deleterious material?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
9	Are materials that are potential stormwater contaminants stored inside or in containers?	◉ Yes ○ No ○ N/A	○ Yes ◉ No	
10	Are offsite flows entering the construction site?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	None observed
11	Is there any evidence that pollutants are leaving the site or are not properly contained on site?	○ Yes ◉ No ○ N/A	○ Yes ◉ No	No pollutants observed leaving site

#	INSPECTION ITEM	INSPECTOR'S OBSERVATION	ACTION REQUIRED?	NOTES
12	Are traffic and parking areas restricted so as to reduce soil erosion and dust?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
13	Are non-stormwater discharges properly controlled?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
14	Is the project being operated in compliance with the SWPPP and with permit conditions at this time?	(●) Yes ( ) No ( ) N/A	(●) Yes ( ) No	Silt fence needs cleaned sediment buildup is going over top of silt fence
15	Are changes to the SWPPP necessary at this time?	( ) Yes (●) No ( ) N/A	( ) Yes (●) No	
16	Are dust control measures being properly implemented?	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	
17	Are the SWPPP documentation and records up to date and accurately reflect the current conditions? (e.g. Site Map, Inspection Reports, Installation Dates)	(●) Yes ( ) No ( ) N/A	( ) Yes (●) No	Unable to confirm at time of inspection

CERTIFICATION AND SIGNATURE BY INSPECTOR

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.

INSPECTED BY: Ryan Higdon DATE: January 06, 2022

SIGNATURE AND AFFILIATION: Ryan Higdon

CERTIFICATION AND SIGNATURE BY PERMITTEE

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.

PRINT NAME AND TITLE: Robert Prewitt, VP DATE: 1/6/22

SIGNATURE: Robert C. Prewitt

INTEGRATED | ENVIRONMENTAL
CONSTRUCTION ENGINEERING
Design | Comply | Restore

Double M. Properties
Legacy at Sierra Vista

Los Lunas, Valencia County, New Mexico

National Pollution Discharge Elimination System

COMPLIANCE DOCUMENTATION

Stormwater Pollution Prevention Plan
& Temporary Erosion Control Plan

June 17, 2019

NPDES PERMIT: NMR1002AG

CERTIFIED PROFESSIONAL
CPSWQ
Kelley Vincent Fetter
No. 0682
IN STORM WATER QUALITY

KELLEY VINCENT FETTER
NEW MEXICO
13150
REGISTERED PROFESSIONAL ENGINEER

Estimated Project Dates:

Project Start Date: August 19, 2019
Project Completion Date: ~~July 3, 2020~~
December 31, 2021

www.e2rc.com ▪ 505-867-4040 ▪ 439 South Hill Road, Bernalillo, NM 87004 ▪ *Fax:* 505-867-4044

Table of Contents

1 INTRODUCTION 6

2 RESPONSIBLE PARTIES 7

2.1 OPERATORS 7

2.2 STORMWATER POLLUTION PREVENTION TEAM 8

3 SITE INFORMATION, ASSESSMENT, AND PLANNING 10

3.1 PROJECT/SITE INFORMATION 10

3.2 DESCRIPTION/NATURE OF CONSTRUCTION ACTIVITY 11

3.3 PROJECT AREA AND AREA OF SOIL DISTURBANCE 11

3.4 DESIGN REQUIREMENTS 11

3.5 SEQUENCE OF SOIL DISTURBING ACTIVITIES 12

3.6 POLLUTANTS FROM SUPPORT ACTIVITIES 13

3.7 DISCHARGE INFORMATION 13

3.8 RECEIVING WATERS 13

3.9 WATERSHEDS, RECEIVING WATER IMPAIRMENT STATUS AND TIER DESIGNATION 14

3.9.1 Tier 2, 2.5, or 3 Waters Designation for Listed Receiving Waters 14

3.10 ALLOWABLE NON-STORMWATER DISCHARGES 14

3.10.1 LIMITATION ON NON-STORMWATER DISCHARGE(S) 16

3.11 SITE MAP(s) 17

3.11.1 PROJECT LOCATION 17

3.11.2 SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN 17

3.11.3 PLANS INCORPORATED BY REFERENCE 17

4 ADDITIONAL FEDERAL REQUIREMENTS 18

4.1 ENDANGERED OR THREATENED SPECIES 18

4.1.1 Supporting Documentation 19

4.2 PRESERVATION OF HISTORICAL SITES 20

4.3 SAFE DRINKING WATER ACT REQUIREMENTS 22

5 EROSION AND SEDIMENT CONTROLS 22

5.1 NATURAL BUFFERS OR EQUIVALENT SEDIMENT CONTROLS 22

5.2 BUFFER COMPLIANCE & COMPLIANCE ALTERNATIVES 23

5.3 BUFFER EXCEPTIONS 23

5.4 DESCRIPTION OF SITE CONTROLS AND BMP SELECTIONS 24

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5.5 PERIMETER CONTROLS 25
5.6 SEDIMENT TRACK-OUT MANAGEMENT 26
5.7 STOCKPILED MATERIALS, SEDIMENT, OR SOIL 28
5.8 MINIMIZE DUST 29
5.9 MINIMIZE STEEP SLOPE DISTURBANCE 32
5.10 STORM DRAIN INLET PROTECTION 33
5.11 CONSTRUCTION STORMWATER CONVEYANCES 35
5.11.1 CHANNEL CONTROLS 35
5.12 CHEMICAL TREATMENT 37
5.13 DEWATERING PRACTICES 37
5.14 OTHER STORMWATER CONTROLS 38
5.14.1 NPDES NOTIFICATION BOARD 38
5.14.2 TEMPORARY SANILET FACILITIES 39
6 SITE STABILIZATION 40
6.1 STABILIZATION INITIATION TIMEFRAME REQUIREMENTS 40
6.2 STABILIZATION – INITIATION ACTIVITIES 40
6.3 STABILIZATION – COMPLETION DEADLINE 41
6.4 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES 41
6.5 PERMANENT STABILIZATION – POST CONSTRUCTION 42
7 POLLUTION PREVENTION STANDARDS 43
7.1 POTENTIAL SOURCES OF POLLUTION 43
7.2 SPILL PREVENTION AND RESPONSE 44
7.3 FUELING AND EQUIPMENT MAINTENANCE 45
7.4 EQUIPMENT OR VEHICLE WASHING 46
7.5 STORAGE, HANDLING AND DISPOSAL OF CONSTRUCTION PRODUCTS, MATERIALS, AND WASTES 47
7.6 WASHING OF APPLICATIONS AND CONTAINERS USED FOR PAINT, CONCRETE OR OTHER MATERIALS 48
7.7 FUELS, OILS, HYDRAULIC FLUIDS, OTHER PETROLEUM PRODUCTS AND CHEMICALS 49
7.8 HAZARDOUS OR TOXIC WASTE 51
7.9 CONSTRUCTION AND DOMESTIC WASTE 52
7.10 SANITARY WASTE 54
7.11 FERTILIZERS 54

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7.12 OTHER POLLUTION PREVENTION PRACTICES 54
8 INSPECTION AND CORRECTIVE ACTION 55
8.1 INSPECTION PERSONNEL AND PROCEDURES 55
8.2 GENERAL SITE AWARENESS 55
8.3 SPECIFIC COMPLIANCE INSPECTION 55
8.4 RAIN GAUGE LOCATION 56
8.5 PERSONNEL RESPONSIBLE FOR INSPECTIONS 56
8.6 INSPECTION SCHEDULE 57
8.6.1 SPECIFIC INSPECTION FREQUENCY 57
8.6.2 REDUCTION IN INSPECTION FREQUENCY 57
8.7 INSPECTION REPORT FORMS 57
8.8 CORRECTIVE ACTION 57
8.8.1 CORRECTIVE ACTION LOG 58
8.8.2 PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS 59
9 STAFF TRAINING REQUIREMENTS 59
10 DELEGATION OF AUTHORITY 59

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1 INTRODUCTION

In compliance with the provisions of the Clean Water Act ("CWA"), the National Pollutant Discharge Elimination System ("NPDES") General Permit authorizes Operators of construction activities to discharge pollutants in accordance with effluent limitations and conditions set forth in the NPDES Construction General Permit ("CGP"). Operators with permit coverage must perform and meet its requirements from the "commencement of earth-disturbing activities" until "final stabilization".

This Storm Water Pollution Prevention Plan ("SWPPP") provides an engineered design for the operations of **Legacy at Sierra Vista**. The United States Environmental Protection Agency ("EPA") requires a SWPPP for Phase II of the current NPDES General Permit for storm water discharges. It is based in good engineering practices as required by the General Permit and defined by the New Mexico Board of Engineering. The designer's professional engineering (PE) seal and recognition as a Certified Storm Water Quality Professional (CPSWQ) support this plan.

This SWPPP recommends appropriate best management practices ("BMPs") and control measures to improve the quality of surface waters by reducing and controlling the amount of pollutants contained in the storm water runoff. The document provides for periodic review and updating of the plan ensuring it complies with the 'living document intent' of the EPA requirements.

This SWPPP documentation intends to:

- Identify potential sources of storm water and non-storm water contamination to the storm water drainage system.
- Design appropriate best management practices to prevent storm water contamination.
- Recommend management practices to reduce pollutants in contaminated storm water prior to discharge by:
  - *Describing the Structural Practices used during the Construction Phases* (e.g., sediment control barriers, sediment traps, and temporary or permanent sediment basins, etc.),
  - *Describing Other Controls* (e.g., waste disposal, procedures to minimize off-site vehicle tracking, dust control, etc.),
- Determine the action(s) needed to either bring non-storm water discharges under compliance or to remove the discharges from the storm drainage system using:
  - *Storm Water Management Controls used for Stabilization* (e.g. detention or retention structures, vegetated swales, etc.) to be installed during the construction process to reduce pollutants in storm water discharging from the site after construction has been completed,
  - *Description of Interim and Permanent Stabilization Practices* (e.g. seeding, mulching, etc.) dependent on the phase of the project when the practice is employed,
- Prescribe an implementation schedule to ensure the storm water management procedures and controls designed for the SWPPP are carried out and evaluated on a regular basis.

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2 RESPONSIBLE PARTIES

2.1 OPERATORS

OPERATOR:

Double M. Properties
4400 Alameda Blvd. NE Suite E
Albuquerque, New Mexico 87113
Office: 505-345-2694
Contact: Bob Prewitt, Vice President

24 – Hour Emergency Contact:

Double M. Properties
Bob Prewitt
505-345-2694

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2.2 STORMWATER POLLUTION PREVENTION TEAM

The storm water pollution prevention team is responsible for developing, implementing, maintaining and revising this SWPPP. The members of the team are familiar with the management and operations of Legacy at Sierra Vista.

Double M. Properties oversees all aspects of this SWPPP development and implementation and requested the origination of this SWPPP. E2RC, LLC is delegated and authorized by Double M. Properties to originate and design the SWPPP for NPDES Compliance. Table 2.2.a identifies the responsible parties. Table 2.2.b provides detailed responsibilities and their associated parties.

Table 2.2.a

NAME & TITLE	POSITION	RESPONSIBILITY
Double M. Properties 505-345-2694	Vice President	Operator
E2RC, LLC 505-867-4040	SWPPP Engineer	SWPPP Development Team
E2RC, LLC 505-867-4040	NPDES Inspector	Site Inspections and NPDES Compliance Team
E2RC, LLC 505-867-4040	Project Manager	Implementation Team
Double M. Properties 505-345-2694	Vice President	Maintenance and Corrections Team
E2RC, LLC 505-867-4040	Project Manager	Maintenance and Corrections Team

The 2017 CGP outlines the eligibility conditions to be considered an "Operator" in Section 1.1.1. Each party which meets one of the conditions is required to attain permit coverage – a Notice of Intent ("NOI") – and abide by the CGP requirements. The eligibility conditions are:

a) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
b) The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

In the event there are multiple Operators, each is equally responsible for ensuring compliance with the regulating permit. The Operators may assign specific responsibilities or compliance activities to specific Operators. However, each is responsible for issues of non-compliance should any occur, regardless of which Operator allowed the non-compliant activity.

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Table 2.2.b

SWPPP Responsibilities	Double M. Properties	E2RC, LLC
1. Provide copies and access to approved construction documents for SWPPP preparation.	X	
2. Provide updated or revised construction documents to appropriate parties.	X	
3. Prepare SWPPP in compliance with EPA 2017 CGP.		X
4. Prepare and submit Notice of Intent ("NOI").		X
5. Certify NOI.	X	
6. Notify MS4 operator that construction will be taking place in their jurisdiction.	X	
7. Provide access/entry to site property.	X	
8. Install erosion and sediment controls.		X
9. Complete BMP Installation logs.	X	
10. Maintain Erosion and Sediment BMPs.	X	
11. Complete temporary stabilization in disturbed areas per applicable deadlines.	X	
12. Remove erosion and sediment controls following permanent stabilization.	X	
13. Complete final stabilization.	X	X
14. Perform daily housekeeping – trash and contaminated soil removal, anchoring sanilets, chemical/material storage, etc.	X	
15. Street sweeping and sediment removal.	X	
16. Daily visual inspections during course of work.	X	
17. Perform SWPPP inspections and complete inspection reports.		X
18. Notify inspecting party of rain events exceeding 0.25".	X	
19. Update SWPPP and site map as changes occur.	X	
20. Complete corrective action reports.	X	
21. Complete SWPPP Amendment log.	X	
22. Conduct onsite SWPPP training and complete training logs.	X	
23. Prepare and submit Notice of Termination ("NOT").		X
24. Certify NOT.	X	

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3 SITE INFORMATION, ASSESSMENT, AND PLANNING

3.1 PROJECT/SITE INFORMATION

Project Name:	Legacy at Sierra Vista
Project Location:	0.43 Miles West of Jubilee Blvd. on NM- 6
City:	Los Lunas
County:	Valencia
State:	New Mexico
ZIP Code:	87031

GPS Location: 34° 49′ 12.87″ N Latitude 106° 48′ 1.09″ W Longitude

Method for determining latitude/longitude: Google Earth

Horizontal Reference Datum: ☐ NAD 27 **X** NAD 83 or WGS 84 ☐ Unknown

Anticipated Hours of Operation: Monday - Friday, 7:00 AM to Close; excluding federal holidays

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe?

No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property:

Not Applicable

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions), information substantiating its occurrence (e.g., state disaster declaration), and a description of the construction necessary to reestablish effective public services:

Not Applicable

Are you applying for permit coverage as a "federal operator" as defined in Appendix A of the 2017 CGP?

No

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3.2 DESCRIPTION/NATURE OF CONSTRUCTION ACTIVITY

Legacy at Sierra Vista will consist of the development of access, infrastructure, utilities, permanent drainage, and permanent stabilization for the construction of infrastructure and utility development for a new subdivision.

Soil Disturbing Activities will include but are not necessarily limited to: Clearing and grubbing, rough grading, installation of perimeter controls as well as other erosion and sediment management control measures, construction of infrastructure, installation of utilities, permanent drainage, and construction of pavement sections for the construction of infrastructure and utility development for a new subdivision.

3.3 PROJECT AREA AND AREA OF SOIL DISTURBANCE

Legacy at Sierra Vista

The project site area is approximately ~~57.00~~ 180 gross acres with an approximate disturbed area of ~~57.00~~ 180 acres for construction. The maximum area of disturbance at any one time will consist of ~~57.00~~ 180 acres. The project will have disturbance in each phase and will be constructed in one phase(s).

Most of the major earth moving and soil disturbing activities are expected to occur during the initial portion of each phase of construction activities. The activities will continue throughout the selected areas of construction with minor amounts of earth moving and soil disturbance occurring during later phasing sequences. The appropriate control measures, practices and implementation schedules have been considered and will be implemented to prevent pollutants and sediments from discharging from the disturbed area into identified drainage reaches and channels during the related construction activities.

For this project, the removal of vegetation (area of soil disturbance) is that area which will be designated for grading, excavation and permanent stabilization.

3.4 DESIGN REQUIREMENTS

Stormwater flow characteristics, design requirements and the effects of each are engineering activities managed by the registration and licensing requirements developed by the controlling state agency. Agencies and reviewers should be alert to the specific requirements of the controlling agency for such work.

The temporary stormwater controls and practices are designed around the two-year, 24-hour event. The individual storm event duration is 30 minutes. The data is based on the latitude and longitude of the site and it is derived from NOAA PFDS reporting. The site-specific data supports the RUSLE

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calculation protocol and output generated from the latest version of NRCS RUSLE programming. The project design hydraulic conditions are significantly greater, likely, from the design hydraulics used for temporary stormwater control development.

The nature of the surface flow, its direction and the factors affecting the flow rates is captured in the RUSLE analysis for the site. Drainage features and flow management devices are included in the design and noted when appropriate.

The soil particle size, erodibility and historical vegetative data are included in the NRCS Soil Report for the project location. This information is derived from data gathered by the NRCS to support the tools utilized to manage lands of the US.

The information specific to the site is found in the 'RUSLE, Engineering, Storm & Soil Data' Section of the SWP3 Document.

3.5 SEQUENCE OF SOIL DISTURBING ACTIVITIES

CONSTRUCTION ACTIVITY	DATE COMPLETED
Begin Project: August 19, 2019 (Approximate)	See Operator(s) Schedule
Install temporary BMPs: Sediment transport barriers, entrances, washouts, notification boards, etc.	
Site Preparation (Including Demolition if applicable)	
Clearing and Grubbing	
Rough Grading	
Infrastructure	
Concrete (As Required and If Applicable)	
Final Grading	
Temporary Stabilization: ***MUST COMMENCE IMMEDIATELY WHEN IT IS KNOWN WORK WILL CEASE FOR 14 CALENDAR DAYS OR MORE***	
Paving (If Applicable)	
Site Clean - Up	
Landscaping, Planting, Seeding or Final Stabilization	
End Project: ~~July 3, 2020~~ (Approximate)	

12/31/2021 ~~2T~~ 4/3/2020

The 'Date Completed' schedule in the nearby table will constitute the initiation date of the succeeding activity. This plan shall be amended by E2RC, LLC as directed by the site operator or pollution prevention team should any major changes of sequence requiring additional BMP'S or the deletion or modification of designed BMP'S. The Operator(s) will ensure the appropriate practices and measures are taken to keep pollutants and sediment onsite by following the recommended BMP'S and installation practices described within this SWPPP.

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Major soils disturbing activities will likely occur at the same time however; construction is a fluid process. Some activities may be performed out of sequence and others presently unidentified may occur depending on site-specific needs. The Operator and Contractors will utilize additional source area controls and appropriate Best Management Practices on a temporary, as required basis, when it's necessary to maintain compliance with the global intent of the SWPPP (e.g., (compost) mulch socks used around temporary spoil piles at excavation locations, temporary earth berms for runoff management and sediment capture in areas where the time of disturbance is limited).

3.6 POLLUTANTS FROM SUPPORT ACTIVITIES

SUPPORT ACTIVITY	LOCATION	CONTACT FOR ACTIVITY
Concrete Plant	Offsite	Double M. Properties
Asphalt Plant	Offsite	Double M. Properties
Equipment Staging Area	Onsite	Double M. Properties
Parking Area	Onsite	Double M. Properties
Material Storage Area	Onsite	Double M. Properties
Excavated Material Disposal Area	Offsite	Double M. Properties
Borrow Area	Offsite	Double M. Properties

3.7 DISCHARGE INFORMATION

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

No

Are there any surface waters that are located within 50 feet of your construction disturbances?

Yes

Are any of the surface waters listed Tier 2, 2.5 or 3 by **the regulating authority**?

No

3.8 RECEIVING WATERS

The name(s) of the first surface water that receives stormwater directly from your site and/or from the MS4 (note: multiple rows are provided where the site has more than one point of discharge that flows to different surface waters). An MS4 is not considered a receiving water. The name of the receiving water to which the MS4 discharges is listed in the second identified water if the project discharges to an MS4 before any other water.

1. **Dry Ephemeral Stream river is 0.00 miles from the site. This is a discharge point.**
2. **Unnamed Stream river is 0.30 miles from the site. This is not an additional discharge point.**

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It is important for the reviewer to note if the waters listed are discharge points. **If none of the waters are discharge points, then there isn't discharge offsite (waters are kept onsite) and the listing is provided to demonstrate the Operator(s) are knowledgeable about the surface waters in proximity of the project. Section 3.8 details the information regarding the surface waters shown in the EPA Watershed Locator Tool.**

3.9 WATERSHEDS, RECEIVING WATER IMPAIRMENT STATUS AND TIER DESIGNATION

13020203; Rio Grande - Albuquerque Watershed

List the Impaired Waters / Total Maximum Daily Loads ("TMDL") for each surface water listed in the Receiving Waters Section:

	Is this surface water listed as "impaired"?	What pollutant(s) cause the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	No	N/A	No	N/A	N/A
2.	No	N/A	No	N/A	N/A

What method(s) was used to determine if the project site discharges to an impaired water?

EPA WATERS GeoViewer, SWQB Mapper and U.S. Fish & Wildlife National Wetlands Inventory

3.9.1 Tier 2, 2.5, or 3 Waters Designation for Listed Receiving Waters

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	No	N/A
2.	No	N/A

3.10 ALLOWABLE NON-STORMWATER DISCHARGES

The following are authorized non-stormwater discharges, provided that this component of the discharge is in compliance with Part 1.2.2, Types of Discharges Authorized, of the 2017 CGP.

Non-Stormwater Discharge	Expected on Project	Control Measure
Discharges from Firefighting Activities	No	Silt Fence Ponds Drill Seeding with Hydromulch
Fire Hydrant Flushing	Yes	Silt Fence Ponds

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		Drill Seeding with Hydromulch
Waters without Detergents to Wash Vehicles	No	Silt Fence Ponds Drill Seeding with Hydromulch
Water used to control dust	Yes	Silt Fence Ponds Drill Seeding with Hydromulch
Potable water including uncontaminated water line flushing	Yes	Silt Fence Ponds Drill Seeding with Hydromulch
Pavement wash waters without detergents (e.g. waters used in sweeping activities) providing spills or leaks of toxic or hazardous materials have not occurred or removed if an occurrence has stopped. *	No	Silt Fence Ponds Drill Seeding with Hydromulch
Uncontaminated air conditioning or compressor condensate.	No	Silt Fence Ponds Drill Seeding with Hydromulch
Uncontaminated, non-turbid discharges or ground water or spring water.	No	Silt Fence Ponds Drill Seeding with Hydromulch
Re-vegetation or landscape irrigation	Potentially	Silt Fence Ponds Drill Seeding with Hydromulch
Foundation and footing drains ****Applies only if expected on project**	No	Silt Fence Ponds Drill Seeding with Hydromulch
Construction Dewatering	No	Silt Fence Ponds Drill Seeding with Hydromulch Pump Water to Location Upstream on Project Site
External building wash-down used without soaps, solvents or detergents and external surfaces do not contain hazardous substances (e.g. paint, chalk).	No	Silt Fence Ponds Drill Seeding with Hydromulch

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*The CGP prohibits the Permittee from directing pavement wash waters directly into any water of the U.S., drain inlet, or stormwater conveyance unless that conveyance is connected to a sediment basin, trap, or similarly effective control.

Foundation and footing drains where a filtering media is attached to the drain outlet or used in a temporary storm water quality unit to capture process materials, solvents, detergents or similar materials. **The media must be inspected during each inspection cycle to ensure it is able to perform adequate absorption through the succeeding inspection. The media must be replaced if it is unable to perform adequate absorption through the next inspection.

Non-Stormwater Discharges (not allowed under this permit) will not occur. However; if it becomes necessary to discharge a substance not covered by this permit, a separate NPDES permit will be obtained.

3.10.1 LIMITATION ON NON-STORMWATER DISCHARGE(S)

The Operator(s) and subcontractors acknowledge by their signature that this plan has coverage limitations on Non-Stormwater Discharges. Limitations include:

1. Post-Construction Discharges
    a. Discharges originating from the site after final stabilization has been acknowledged and documented. An example of post-construction discharge is roof drainage channeled to a stabilized pond.
2. Discharges covered by an individual permit or an alternative permit. An example of this type of discharge is imported deposition from a separate project under construction that is upstream from the site covered by this plan.

Discharges determined by EPA to exceed an applicable water quality standard providing EPA has made its designation prior to the authorization of the 2017 CGP. If EPA identifies discharges that exceed an applicable water quality standard coverage may be extended under the 2017 CGP if appropriate controls, implementation procedures and supporting mechanisms have been developed to comply with the new water quality standard.

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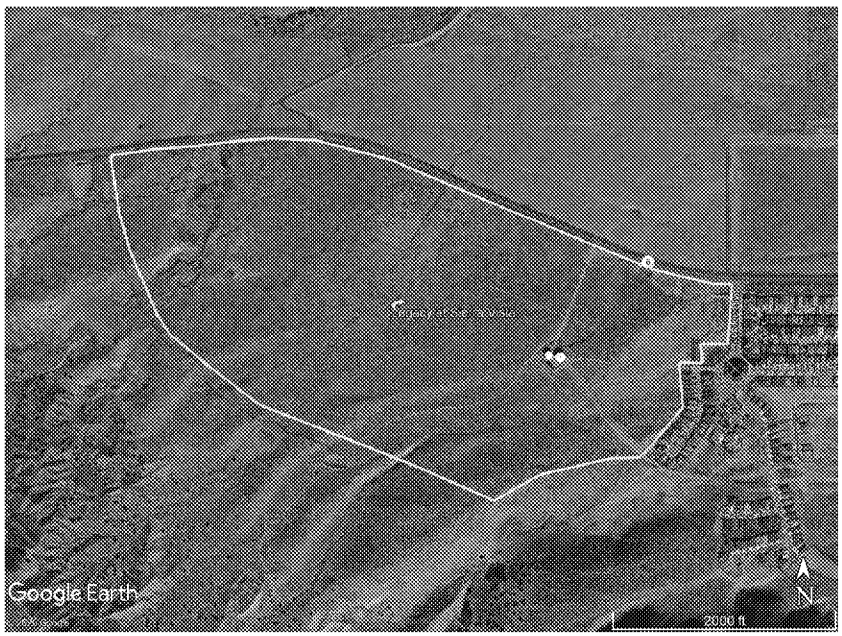
3.11 SITE MAP(s)

3.11.1 PROJECT LOCATION



3.11.2 SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN

The sediment and erosion control management plan is located at the front of the binder. The plan is a living document. The project Operator(s) is responsible for regularly updating the map to reflect the project's current state.

3.11.3 PLANS INCORPORATED BY REFERENCE

The following plan(s) or document(s) is/are incorporated into the SWPPP or by reference:

- General Construction Drawings
- Site Sediment and Erosion Management Drawings
    - Located at the front of this binder
- Temporary Erosion and Sediment Control Measures and Drawings reviewed/developed by E2RC, LLC.
- Specifications per E2RC, LLC including all references:
    - Code of Federal Regulations (CFR)
        - I.e. Occupational Safety and Health Administration (OSHA) Emergency Action Plan (29 CFR 1910) Spill Controls and Countermeasures Requirement (40 CFR 112) etc.
    - New Mexico Administrative Code (NMAC)
    - American Association of Highway Transportation Officials (AASHTO)
    - American Society of Testing Materials (ASTM)

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The engineered and construction drawing prepared by E2RC, LLC and reviewed by E2RC, LLC, have provisions for flow channelization, detention, and general drainage layout to bring the storm water net yields to acceptable levels. Please refer to the drawing(s) for further information. The drawing(s) are incorporated by reference and are the permanent construction plans.

4 ADDITIONAL FEDERAL REQUIREMENTS

4.1 ENDANGERED OR THREATENED SPECIES

The research and documentation for this SWPPP and permit application support selecting criterion C. The SWPPP designer utilized the ESA eligibility procedures outlined in Appendix D. Formal contact, if required by a determination of the USFWS Critical Habitat Mapping Tool – http://criticalhabitat.fws.gov/crithab/, was made with:

Ecological Services Field Office
US Fish and Wildlife
2105 Osuna NE
Albuquerque, NM 87113

For reference purposes, the eligibility criteria listed in Appendix D are:

- **Criterion A:** No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.

- **Criterion B:** The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.

- **Criterion C:** Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and

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discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

- **Criterion D:** Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

- **Criterion E:** Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:

  1. *a biological opinion that concludes that the action in question (considering the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or*

  2. *Written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally listed species or federally designated habitat.*

- **Criterion F:** Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally listed species and federally designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

4.1.1 Supporting Documentation

The *Endangered Species* section of the SWPPP includes the supporting documentation for criterion C. The following documentation supports the selection:

- ✓ IPaC online mapping tool and species report (https://ecos.fws.gov/ipac/)

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✓ ECOS Online Mapping Tool (https://ecos.fws.gov/ecp/report/table/critical-habitat.html)

The basis statement requirements for the selected criterion is:

- **For criterion C**, the ESA – listed species and/or designated habitat located in the project's 'action area' is the Rio Grande Silvery Minnow, Yellow-Billed Cuckoo and Southwestern Willow Flycatcher. The designated habitat is approximately 4.43 miles from the project.

  Basis Statement: The U.S. FWS Species Report and IPaC Critical Habitat Mapping portal indicate there are no critical habitats or endangered, threatened or candidate species in the action are. The nearest critical habitat is 4.43 miles east of the project. The Yellow - Billed Cuckoo and Southwestern Willow Flycatcher habitats consists of densely wooded riparian areas near a water source. As aviary species, the bird's movements is not limited by borders or other impediments. However, the action area in question does not provide the preferred habitat or food requirements to support the species the habitat is near the action area.

4.2 PRESERVATION OF HISTORICAL SITES

It is important for the document user to recall the intent of the NPDES program is to prevent degradation of the Waters of the US. Operators are expected to maintain and improve, if possible, the quality of the surface Waters of the US. Additionally, it is important to ensure locations designated as historically valuable are protected and preserved during the construction process.

Appendix E of the Permit lists specific requirements to determine the effect of in ground storm water controls on a historic property. This is a 'screening process' intended to identify if 'ground disturbing storm water controls' will be used. If the site will not contain any ground disturbing stormwater controls, then the reader is directed review the listing of sites in Valencia County placed in the Historic Register provided in the Endangered Species and Cultural Properties section.

The screening process stops at the successful completion of the appropriate step in the procedure.

STEP	CRITERIA	RESPONSE
1.	Are you installing any stormwater controls described in Appendix E that require subsurface earth disturbances?	Yes
2.	Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties?	No
3.	Have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties?	Yes

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4.	Did the SHPO, THPO, or other tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties?	Yes
4a	Describe the nature of the SHPO response:	
	Written indicated that no historic properties will be affected by the installation of stormwater controls.	Yes
	Written indicated that adverse effect to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.	NA
	No agreement has been reached regarding measures to mitigate affects to historic properties from the installation of stormwater controls.	NA

Stormwater Control	Installed at Project Site
Dike	No
Berm	No
Catch Basin	No
Pond	Yes
Ditches	No
Trenches	Yes
Stormwater Conveyance Channel (e.g., channels, swale)	No
Culvert	No
Other Type of Ground-Disturbing Stormwater Control:	NA

E2RC utilized the National Register of Historic Places supported by the National Park Service. E2RC submitted a formal inquiry to the New Mexico State Historic Preservation Office as a conservative measure although not required by the procedure outlined in Appendix E. The supporting documentation and responses are included in the *Cultural and Historic Properties* section of the SWPPP.

The nature of the SHPO response:

The Department of Cultural Affairs and Historic Preservation Division of New Mexico reviewed the State Register of Historic Places and their archaeological records database. No known cultural or historic properties are on either the State or National Register. However, the project area has not been subject to a cultural resource survey. They also noted there is a known structural prehistoric archaeological site located within .10 miles of the project area. A recommendation has been made for an archaeological

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survey to be completed to ensure that unidentified archaeological sites and unmarked human burials are not adversely affected.

4.3 SAFE DRINKING WATER ACT REQUIREMENTS

The Safe Drinking Water Act has requirements for **controlling injections of storm water into the ground and groundwater**. The rule requires identification of the controls and documented contact between the Operator(s) and the EPA/Responsible State Agency to ensure installation compliance occurs. The process requires identification and selection of the controls that are intended to be used and then contact with the appropriate agency. If none of the controls in the list are designed for use in the project then nothing further is required for compliance.

- **The state contact for Underground Injection Controls is found at:** ***http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm.***

None of the following are designed into the project for storm water management.

No - Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

No - Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow

No - Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

A copy of the contact between the appropriate agency and the applicants under this permit is included in the Engineering Section of this Plan if any of the controls are employed on the project.

5 EROSION AND SEDIMENT CONTROLS

5.1 NATURAL BUFFERS OR EQUIVALENT SEDIMENT CONTROLS

The EPA considers a naturally vegetated 50-foot distance between the site's construction activities and the surface waters as sufficient to filter the potential sediment from the discharge point. The goal for the Operator(s) is to have the sediment reduction delivered by the 50-foot natural barrier or design an equivalent barrier with controls to deliver the same sediment reduction. Operators are reminded the regulation requires the buffer or the establishment of controls supported by calculations to create an equivalent buffer for *any section* of the project that is closer than 50 feet to the surface water.

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It is possible the project may have exceptions to the regulation. It is a requirement to provide documentation supporting the exception if an exception is noted.

5.2 BUFFER COMPLIANCE & COMPLIANCE ALTERNATIVES

Are there any surface waters within 50 feet of the project's earth disturbances?

Yes

The compliance alternative for the site is:

1. **Not chosen:** Surface waters ***are not*** within 50 feet of the project's earth disturbances. Additional engineering beyond the RUSLE calculations are not required. The Site Map indicates the boundary line.

2. **Not Chosen:** Surface waters are nearby. The Operator(s) will provide and maintain a 50-foot undisturbed natural buffer.

3. **Not Chosen:** Surface waters can be found within 50 feet of earth disturbing activities. The Operator will provide and maintain an undisturbed natural buffer that is less than 50 feet. It is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

4. **X:** Surface waters can be found within 50 feet of earth disturbing activities. It is infeasible to provide and maintain an undisturbed natural buffer of any size. The Operator will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

5.3 BUFFER EXCEPTIONS

The EPA acknowledges exceptions to the buffer requirement may exist. Specific information is necessary to support the selection of an exception to the requirement.

The site **will not** qualify for one of the exceptions in Appendix G.2.2 of the CGP. An affirmative selection is supported by a condition chosen in the following list:

1. **Not chosen:** Discharge of the site's stormwater to the surface water that is located 50 feet from my construction disturbances ***does not occur***. Additional engineering beyond the RUSLE calculations are not required.

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2. **Not chosen:** A natural buffer does not exist on the site due to preexisting development disturbances. The development disturbances occurred prior to the initiation of planning for this project.

3. **Not chosen:** For a "linear project", (e.g., a road, bridge or other project defined by a long, narrow area), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the compliance alternatives provided in CGP Part 2.1.2.1.a.

Does not apply.

4. **Not chosen**: The project qualifies as "small residential lot" construction (defined in the 2017 CGP, Appendix G).

5. **Not chosen**: Buffer disturbances are authorized under a CWA Section 404 permit.

6. **Not chosen**: Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). The buffer disturbances in the buffer zone are not applicable. No further documentation is required if this option is selected.

5.4 DESCRIPTION OF SITE CONTROLS AND BMP SELECTIONS

The Operator(s) will use best management practices designed to prevent the 57.00 acres of disturbed area from contaminating stormwater to the maximum extent possible. The site will utilize and implement stormwater management controls, or BMPs, to reduce the amount of pollutants in stormwater discharged from Legacy at Sierra Vista as defined in this SWPPP and the Erosion and Sediment Control Drawing location at the front of this plan.

CONTROL or PRACTICE	CONTRACTOR	IMPLEMENTATION SCHEDULE (ESTIMATED)
NPDES NOTIFICATION BOARD	E2RC, LLC	SEE SCHEDULE NOTE*
CONSTRUCTION ENTRANCE(S)	E2RC, LLC	SEE SCHEDULE NOTE*
CONCRETE WASHOUT (If concrete is used on project)	Double M. Properties	SEE SCHEDULE NOTE*
SANILET PROTECTION	Double M. Properties	SEE SCHEDULE NOTE*
SILT FENCE	E2RC, LLC	SEE SCHEDULE NOTE*
PONDS	Double M. Properties	SEE SCHEDULE NOTE*
DRILL SEEDING WITH HYDROMULCH	E2RC, LLC	SEE SCHEDULE NOTE*
		SEE SCHEDULE NOTE*

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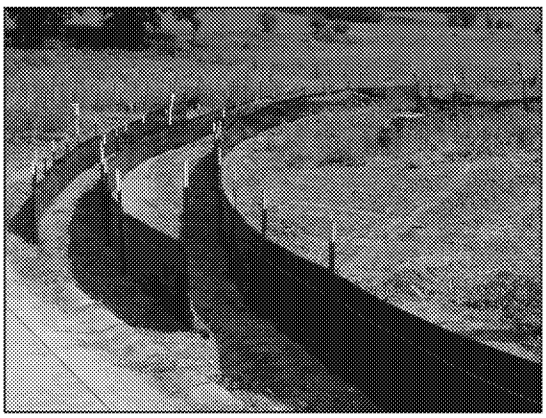
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**

5.5 PERIMETER CONTROLS



COMMON PERIMETER CONTROLS:

- Straw Bale Barrier
- Silt Fence Barrier
- Compacted Berm
- Compost/Wood Chip/Straw/Rock Sock (Wattle)
- Check Structures (Rock/Bale/Geosynthetic)

OBJECTIVE:

To reduce or prevent sediment discharge from the project site and prevent sediment from entering perennial streams. Sediment controls are designed to capture sediment and allow stormwater to flow through the control. Sediment controls are not designed to influence or alleviate drainage issues. Sediment barriers decrease water velocity thereby trapping and slowly metering sediment release through the system. They similarly reduce accelerated stream channel down cutting.

INSTALLATION:

Sediment barriers are effective in locations of highly erodible and sensitive soils and in areas with threats of sedimentation to downstream water quality. Specifically, sediment barriers may be installed:

- Below discharge locations;
- Areas with increased slope gradient resulting in increased sediment flow and water velocity from slope sides;
- Areas without natural sediment catch basins, such as small depressions; or
- Areas without native material, such as rocks or logs.

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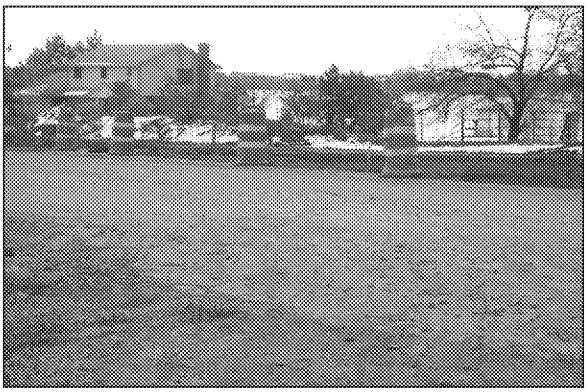
Perimeter sediment barriers should be installed in a way that will not produce concentrated flows.

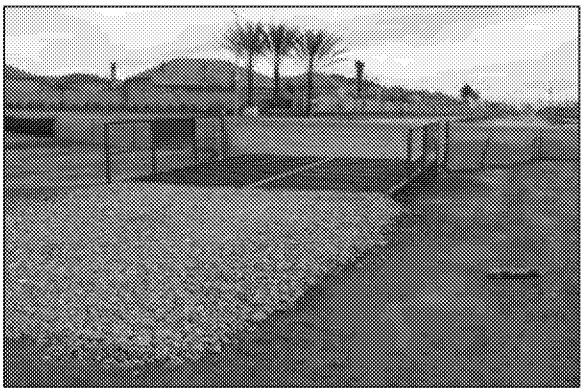
INSPECTION AND MAINTENANCE:

Inspect the sediment barriers and perimeter controls to determine if they were installed correctly and per the applicable specifications (e.g. project engineer or manufacturer specifications). Confirm the control is adequately trenched (if required), backfilled, staked, anchored, tied, etc. There should be no gaps between the sediment barrier and the adjacent ends of the control, or between the control and the soil surface. Are the controls properly spaced and in the correct locations?

Ensure the material is in operating condition and does not present significant gaps, holes, or tears. It is important to determine if runoff is flowing under, over or around the perimeter control. If so, maintenance or re-installation may be necessary to return the control to effective operation. It may also be necessary to determine if, after multiple instances of maintenance or corrective activities, the temporary control is inadequate and should be upgraded. This may occur in areas of high concentrated runoff, wind, or public interference.

5.6 SEDIMENT TRACK-OUT MANAGEMENT





OBJECTIVE:

Sediment track – out is dirt, mud or other debris that is tracked onto an impervious public roadway, generally by a vehicle leaving the construction site. Sediment that leaves a construction site contributes directly to the degradation of air and water quality. As stormwater interacts with the sediment, it may wash into a public conveyance or U.S. water.

A project site's access points experience concentrated and loose sediment. The EPA suggests this directive as a minimum performance guideline, "At a minimum, you must provide for maintenance that meets the following requirement in CGP Part 2.2.4.d: Where sediment has been tracked - out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are

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prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S."

The entrance may utilize several types of controls to capture sediment and prevent its movement offsite. Specifically, rumble mats or round stone approximately ≥4" in diameter have proven as effective dry approaches. Wash stations are effective wet solutions although the expense and maintenance of this method is significantly greater than a dry method.

INSTALLATION:

Stabilize all entrances to a site before construction and site disturbance begin. The stabilized entrances need to be large enough to allow the largest construction vehicle that will enter the site to fit through with room to spare. If many vehicles are expected to use an entrance in any one day, make the site entrance wide enough for two vehicles to pass at the same time with room on either side of each vehicle, and long enough to allow two full tire rotations.

If a site entrance leads to a paved road, make the end of the entrance flared so that long vehicles do not leave the stabilized area when they turn onto or off the paved roadway. If a construction site entrance crosses a stream, swale, or other depression, provide a bridge or culvert to prevent erosion from unprotected banks.

Make sure stone and gravel used to stabilize the construction site entrance are large enough so that they are not carried offsite by vehicles. Avoid sharp-edged stone to reduce the possibility of puncturing tires. Install stone or gravel at a depth of at least 6 inches for the entire length and width of the stabilized construction entrance.

INSPECTION:

Common items to consider when inspecting a rock construction entrance is to determine if the rock is the appropriate size, if the rock is compacted due to frequent use and no longer effective, and if the rock has been placed over a filter cloth or blanket material. Similarly, it is important to determine if the entrance is of sufficient length and width and allow for adequate wheel rotation. Ineffective installation and maintenance of a construction entrance or track – out pad may lead to increased offsite sediment tracking and pollutant discharge.

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5.7 STOCKPILED MATERIALS, SEDIMENT, OR SOIL

OBJECTIVE:

Stockpiles of soil, Portland Cement Concrete (PCC), Asphalt Concrete (AC), Hot Mix Asphalt Cement (HMAC) and rubble are potential storm water pollutants if not properly managed. Eliminate stockpiles whenever possible. Elimination is the most certain method available to prevent sediment discharge. Secondary protection may include perimeter control or covering with blankets to minimize the stockpile's exposure to stormwater and non-stormwater discharge.

The following are requirements that apply to all stockpiles, regardless of season or material, if elimination is not possible:

- Locate stockpiles away from drainage courses, drain inlets or concentrated flows of stormwater.
- For wind erosion control, apply water or other dust palliative to stockpiles.
- Small stockpiles may be covered as an alternative.
- Place bagged materials on pallets and cover them with a tarp or similar material.

Soil Stockpiles

The temporary perimeter sediment barriers (e.g. wattles, dikes, silt fence) will contain any soil stockpiles. The description of the structural practice employed is included in the Perimeter Control section of this document. The design, installation and maintenance requirements are included in the description. In addition to utilizing structural perimeter barriers, perform the following as required by Part 2.2.5 of the CGP:

- Locate all stockpiles outside of any natural buffers and away from stormwater conveyances, drain inlets or areas of concentrated stormwater flow.
- Do not hose down or sweep soil or accumulated sediment into any stormwater conveyance, drain or water of the U.S.
- Cover or temporarily stabilize piles that will not be used for 14 days or more. See Section 6 of this plan for stabilization timeframe requirements.

Year-round, active soil stockpiles are to be protected with temporary linear sediment barriers prior to the onset of rain.

Paving Material & Waste Stockpiles

Stockpiles of PCC, AC/HMAC, aggregate base course, aggregate subgrade materials or rubbles are to be managed as follows:

- Cover non - active stockpiles or protect them with temporary perimeter sediment barriers prior to the onset of rain;

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- Year – round, protect active stockpiles with temporary linear sediment barriers prior to the onset of rain.

Asphalt Stockpiles

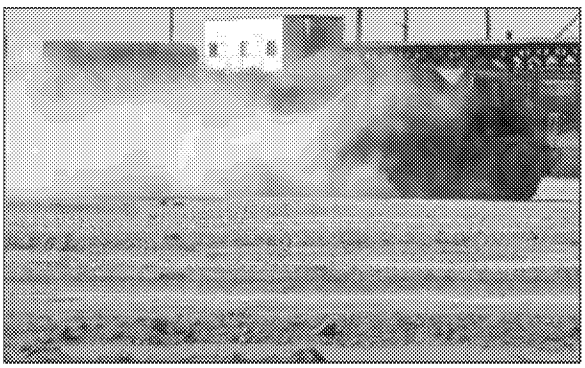
During the non-rainy season, place non-active stockpiles of asphalt on plastic or a comparable material and cover the stockpile prior to the onset of rain.

During the rainy season, place asphalt stockpiles on plastic and always cover them. Year-round, active asphalt stockpiles are to be placed on plastic and covered prior to rain.

INSPECTION AND MAINTENANCE

Inspect stockpiles as part of the routine storm water inspection. The Operator(s) may repair or replace perimeter controls and covers to ensure proper function.

5.8 MINIMIZE DUST



OBJECTIVE:

Dust control BMPs reduce surface activities and air movement that causes dust to be generated from disturbed soil surfaces. Construction sites can generate large areas of soil disturbance and open space for wind to pick up dust particles. Limited research at construction sites has established an average dust emission rate of 1.2 tons/acre/month for active construction (WA Dept. of Ecology, 1992).

Airborne particles pose a dual threat to the environment and human health. First, dust can be carried offsite, thereby increasing soil loss from the construction area and increasing the likelihood of sedimentation and water pollution. Second, blowing dust particles can contribute to respiratory health problems and create an inhospitable working environment.

Dust control measures are applicable to any construction site where there is the potential for air and water pollution from dust traveling across the landscape or through the air. Dust control measures are especially important in arid or semiarid regions, where soil can become extremely dry and vulnerable to transport by high winds.

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INSTALLATION:

Implement dust control measures on all construction sites where there will be major soil disturbances or heavy equipment construction activity such as clearing, excavation, demolition, or excessive vehicle traffic. Earthmoving activities are the major source of dust from construction sites, but traffic and general disturbances can also be major contributors (WA Dept. of Ecology, 1992). The dust control measures that are implemented at a site will depend on the topography and land cover of the site and its soil characteristics and expected rainfall.

DUST CONTROL METHODS

When designing a dust control plan for a site, the amount of soil exposed will dictate the quantity of dust generation and transport. Therefore, construction sequencing and disturbing only small areas at a time can greatly reduce problematic dust from a site. If land must be disturbed, consider using temporary stabilization measures before disturbance. Several methods exist which can be used to control dust from a site but not all will be applicable to a site.

Consider site-specific assessments and weather conditions to determine which method may be most effective. The following lists some control measures and design criteria:

- Sprinkling/Irrigation

  Sprinkling the ground surface with water until it is moist is an effective dust control method for haul roads and other traffic routes. This practice can be applied to almost any site.

- Vegetative Cover

  In areas not expected to handle vehicle traffic, vegetative stabilization of disturbed soil is often desirable. Vegetative cover provides coverage to surface soils and slows wind velocity at the ground surface, thus reducing the potential for dust to become airborne.

- Mulch

  Mulching can be a quick and effective means of dust control for a recently disturbed area and may reduce wind erosion by up to 80 percent.

- Wind Breaks

  Wind breaks are barriers (either natural or constructed) that reduce wind velocity through a site and, therefore, reduce the possibility of suspended particles. Wind breaks can be trees or shrubs left in place during site clearing or constructed barriers such as a wind fence, snow fence, tarp curtain, hay bale, crate wall, or sediment wall.

  For each foot of vertical height, and 8 to 10-foot deposition zone develops on the leeward side of the barrier. The permeability of the barrier will change the breaks effectiveness at capturing windborne sediment.

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- Tillage

  Deep tillage in large open areas brings soil clods to the surface where they rest on top of dust, preventing it from becoming airborne. Roughening the soil can reduce losses by approximately 80 percent in some situations.

- Stone

  Stone can be an effective dust deterrent for construction roads and entrances or as a mulch in areas where vegetation cannot be established. The size of the stones can affect the amount of erosion taking place. In areas of high wind, small stones are not as effective as 20 cm stones, for example.

- Spray-on Chemical Soil Treatments (Palliatives)

  Chemical palliatives should be used only on mineral soils. When considering chemical application to suppress dust, determine whether the chemical is biodegradable or water-soluble and what effect its application could have on the surrounding environment, including waterbodies and wildlife. Per limited research, the effectiveness of polymer stabilization methods range from 70 percent to 90 percent.

  Examples of palliatives include:

  - Guar
  - M-Binder
  - Resin

INSPECTION AND MAINTENANCE:

Because dust controls are dependent on specific site and weather conditions, inspection and maintenance requirements are unique for each site. Generally, however, dust control measures involving application of either water or chemicals require more monitoring than structural or vegetative controls to remain effective. If structural controls are used, inspect them regularly for deterioration to ensure that they are still achieving their intended purpose.

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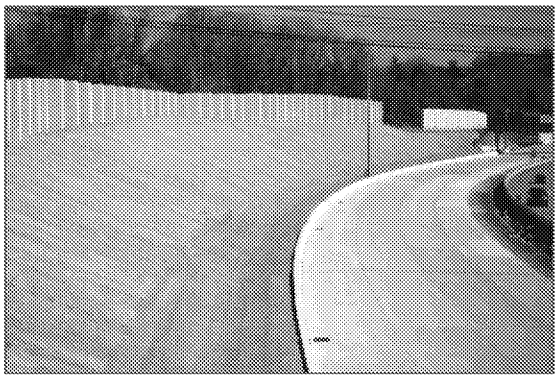
5.9 MINIMIZE STEEP SLOPE DISTURBANCE



The project **does not have** steep slope areas. This section will not apply if the project does not have a steep slope.

Steep slopes have many definitions. Generally, slopes that are 15 percent or greater in grade meet the steep slope requirements of the 2017 CGP unless a state, tribe, local government or industry technical manual has otherwise defined 'steep slope'. The methods of compliance are linked with the phase of construction.

Consider using spray-on chemical treatments as described in Section 5.8 of this plan to minimize steep slope disturbance and erosion. The palliative may be applied by hydraulic methods or executed with a spray truck (hydroseeder).

INSPECTION AND MAINTENANCE:

Inspect the palliative treatment during each regularly scheduled inspection and after each rain event. If there is evidence of erosion or sediment subsistence at the toe of the slope, reapply the temporary treatment.

5.9.1.1 TOPSOIL

This project **has** extensive paving, concrete or other impervious structures.

Topsoil, if the project is not highly impervious, will be stockpiled in an area of the project where it can be preserved by sediment barriers at the base of the pile combined with the mitigation measures described in the Minimization of Dust section in nearby sections of the document. Alternatively, the topsoil pile can be covered with geotextile or other impenetrable barrier to preserve the material in the pile.

INSPECTION AND MAINTENANCE:

Maintenance Requirements for the topsoil pile will follow those listed in the Stockpile discussion included in the document.

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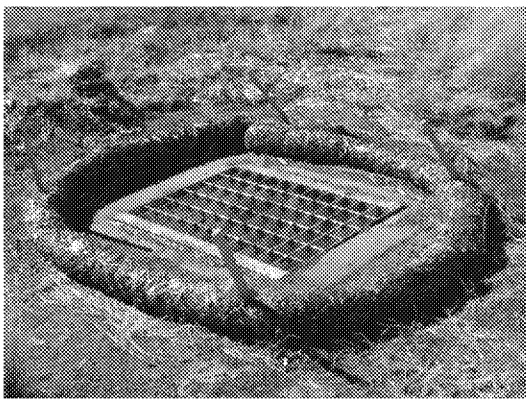
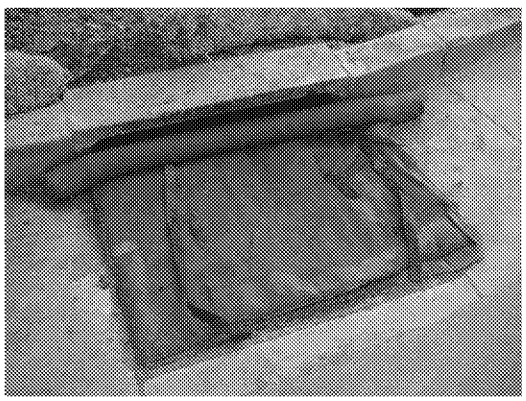
5.9.1.2 SOIL COMPACTION

Where engineered infiltration or vegetation practices are the stabilization methods and compaction has occurred, it is necessary to condition the area to accept the stabilization practice. Determining the level of compaction is a site-specific activity. The area to be vegetated should be marked to prevent traffic and to notify site employees to avoid the area until the vegetation activities take place.

If the conditioning method is not listed in the specification documents, the specification for installation of vegetative means or infiltrations practices will be provided by the provider. The specifications are included in the Product Data section of this binder if available.

5.10 STORM DRAIN INLET PROTECTION

OBJECTIVE:

Storm Drain Inlet Protection devices are structures designed to reduce flow and capture sediment from runoff entering the structure. Inlet protection methods are most effective when used in combination with pavement sweeping programs and maintenance activities focused on ensuring sediment removal at the structure.

INSTALLATION:

Conventional storm drain (drop) inlet protection methods consist of wire-backed silt fence covering the inlet opening and held in place with 1" to 2" round, washed stone to reduce flow velocity.

Alternative methods to stone use include placing a wattle (compost or wood chip sock) across the opening of the inlet or around the perimeter of a median inlet. The wattle is anchored by bags containing washed stone or consistently placed stakes. The rock-filled backs must act as a complete barrier around the entire perimeter of the grated are to interrupt flow and allow sediment deposition.

A final alternative utilizes a natural fiber product cut to fit the grate opening and anchored with a zip-tie or similar mechanism.

To install storm drain inlet protection:

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1. Clean and prepare the inlet:
    a. Remove all sediment from the curb and gutter as it approaches the inlet.
    b. Remove all rocks, trash, sediment, and vegetation along the curb and around the inlet structure.
    c. Confirm the grate and frame is in place.
    d. Ensure the inlet opening is free from any obstructions.
2. Cover the grate opening with wire-backed silt fence. Each end of the fence must extend beyond the frame.
    a. If using gravel, extend the gravel 2' into the roadway area.
    b. If using wattles and rock- filled bags, place the bags around the perimeter of the grate frame. Extend the wire-backed silt fence to the outer edge of the bags.
3. Cover the inlet opening:
    a. If using gravel, wire backed silt fence must cover the entire opening and extend over the inlet top 6" fully covered by gravel.
    b. If using a wattle and rock filled bag, the wattle will cover the inlet opening and will be held in place by at least one rock filled bag on each side of the opening.
4. If using a manufactured product, install the control per the manufacturer's specifications ***AND*** in accordance with project specifications. Project specifications control unless indicated otherwise by project management.

INSPECTION AND MAINTENANCE:

Inspect the inlet protection during each inspection cycle, after each rainfall event and each maintenance activity to ensure the structure can perform per the specifications.

1. If gravel is used and it is filled with sediment to 33% of the height of the opening or pile:
    a. Remove and wash the stone to eliminate the captured sediment.
    b. Replace the stone with washed, sediment free material.
2. If a wattle and rock filled bags are used and the sediment is 50% of the height of the bag:
    a. Remove the bags from around the structure and inspect them for damage.
    b. Replace damaged bags with new material.
    c. Bags that are not damaged should be cleaned to free captured sediment from the surface and re-set around the structure.
    d. Reset the bags around the structure to ensure compliance with the specification and deliver designed performance.
    e. Inspect the wattle and clean it if sediment has accumulated on its surface. The wattle can be re-used if the netting or fabric has minor damage.
        i. Minor damage to netting is a cut or tear, 4" strands or less 'in a row'.
        ii. Minor damage to fabric is a cut or tear 2" or less.
    f. Wattles having more damage than described as minor damage should be discarded and replaced.

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3. The wire backed silt fence should be cleaned from collected sediment. If the material is damaged – punctured/torn – then it should be replaced.

Material damage will be the decision of the Project Engineer. Replacement of damaged materials is considered incidental to the project.

5.11 CONSTRUCTION STORMWATER CONVEYANCES

OBJECTIVE:

Incorporating conveyance channels into a project demonstrates well-developed engineering practices. Control methods must address and prevent channel deterioration to ensure the channel does not contribute to sedimentation and pollution of waters of the U.S. It is equally important to include velocity dissipation measures to ensure:

- The velocity gradient in the channel is moderated
- The geometry of the channel is maintained
- Pollutants are controlled
- Sediment is captured and contained onsite

5.11.1 CHANNEL CONTROLS

5.11.1.1 CHECK DAMS

OBJECTIVE:

Check dams slow the velocity of concentrated water flows. They are relatively small, temporary structures constructed across a swale or channel. As stormwater runoff flows through the structure, the check dam catches sediment from the channel itself or from the contributing drainage area.

However, check dams should not be used as a substitute for other sediment-trapping and erosion-control measures. Check dams are typically constructed out of silt fence, gravel or rock, or wattles. They are most effective when used with other stormwater, erosion, and sediment-control measures.

INSTALLATION:

When using rock, the material diameter should be two to 15-inches. Silt fence should be at least 24" in exposed height from trenching. A check dam should not be more than three-feet high, and the center of the dam should be at least six-inches lower than its edges. This design creates a weir effect that helps to channel flows away from the banks and prevent further erosion. Dams can be made more stable by implanting the material approximately six-inches into the sides and bottom of the channel (VDCR, 1995).

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When installing a series of check dams in a channel, install outlet stabilization measures below the final dam in the series. Because this area is likely to be vulnerable to further erosion, the use of other stabilization measures like riprap or reinforced turf reinforcement blankets are recommended.

INSPECTION AND MAINTENANCE:

When inspecting the check dams, the center should be lower than the two end-points. The top of a lower check dam should be level with the base of the preceding (higher) check dam. If erosion or heavy storm flows cause the ends of the dams to fall to a height equal to or below the center, repair and reset the check dam immediately.

During the inspection, remove large debris, trash or natural material which may alter the stormflow around the check dam structure.

When sediment reaches a height of approximately 50% of the original height of the check dam, remove the accumulated sediment from the upstream side.

Before removing a check dam, remove all accumulated sediment.

After removing check dams, ensure that all dam materials are removed to ensure proper channel flow. Additionally, use permanent vegetation measures to stabilize the area from which the dam material is removed.

5.11.1.2 SEDIMENT BASINS

SEDIMENT BASINS OR TRAPS WILL BE INSTALLED AS A CONTROL IN THE PROJECT.

OBJECTIVE:

Sediment traps are small impoundments that allow sediment to settle from construction runoff. They are usually installed in a drainage way or other discharge point. Sediment traps are most commonly used at channels, slope drains, dewatering locations, construction site entrance wash tracks, conveyance discharge points or any other runoff outlet.

Sediment traps detain sediments in stormwater runoff to protect receiving streams, lakes, drainage systems and the surrounding area. The traps are formed by excavating an area or by placing an earthen embankment across a low area or drainage swale.

Drainage swales, sediment traps or sediment basins capture runoff and sediment on a larger scale than smaller BMPs. They are sized to manage large storm or drainage areas. Sediment basins also allow for the controlled return of surface water in dewatering situations while simultaneously capturing sediment. Lastly, sediment traps provide collections points for sediment at the perimeter of site discharge locations meeting the ELG regulatory requirements.

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INSTALLATION:

When excavating an area for a sediment trap, the side slopes should not be steeper than 2:1 and the top of the embankment no more than 5 feet from the original ground surface.

Ensure stability of side walls, mounds, and barriers by Machine-compacting all embankments. If the trap is created above grade it should be lined with well-graded stone to reduce flow rate from the trap the outlet.

The spillway weir for each temporary sediment trap should be at least 4 feet long for a 1-acre drainage area and increase by 2 feet for each additional drainage acre added, up to a maximum drainage area of 5 acres.

INSPECTION AND MAINTENANCE:

Inspect the sediment basin or trap per the schedule outlined in this plan. At each inspection, ensure the trap is draining properly. Remove sediments when the basin reaches 50% sediment capacity. Inspect the structure for damage from erosion by reviewing the depth of the spillway and maintain it at a minimum of 18 inches below the lowest point of the trap embankment.

Take care to situate sediment traps for easy access by maintenance crews. The primary maintenance consideration for temporary sediment traps is to remove accumulated sediment. Do this periodically to ensure ongoing operation. Perform re-compaction of side walls, mounds, and barriers after extended periods of water retention to ensure each is competent to accept future flows.

5.12 CHEMICAL TREATMENT

Chemical treatment is not employed as a BMP on this project.

5.13 DEWATERING PRACTICES

Dewatering is not required on the project.

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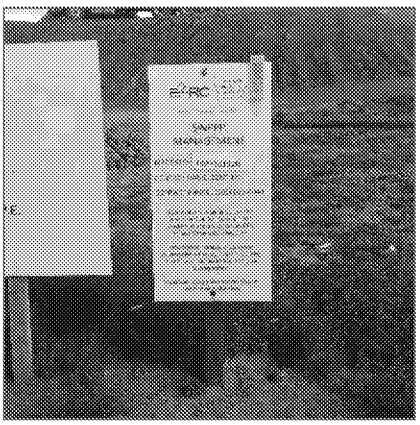
5.14 OTHER STORMWATER CONTROLS

5.14.1 NPDES NOTIFICATION BOARD



OBJECTIVE:

To ensure the soil disturbance information for the project is readily for review and use by the public and site personnel. The NPDES Notification must be large enough to contain information about the project and all notifications and posting. The NPDES Notification must provide all soil disturbance information, including the NPDES tracking number, contact for additional information, directive to the SWPPP location, and a directive to contact the EPA if there is an indication of stormwater pollutants in site discharge or a receiving waterbody, in accordance with Part 1.5 of the 2017 CGP.

INSTALLATION:

The NPDES Notification must be installed or posted at a location which is easily accessible to the public. It must be located so that it is visible from the public road that is nearest the active part of the construction site and it must use font large enough to be readily viewed from public right-of-way.

INSPECTION AND MAINTENANCE:

The NPDES Notification Board will be inspected during the scheduled site inspections per Part 4.2 of the CGP. The board should always be in proper condition with a rain gauge attached. Any identified board maintenance will be scheduled for repair.

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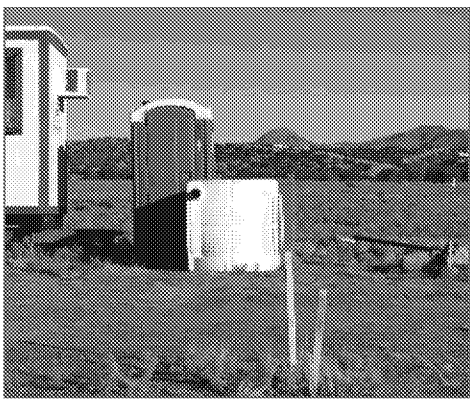
5.14.2 TEMPORARY SANILET FACILITIES



OBJECTIVE:

To provide personal waste facilities for site personnel for the proper collection, disposal, and prevention of waste products in compliance with OSHA regulations. Temporary sanilet facilities encourage good housekeeping measures at the construction site. Their installation meets OSHA regulations and prevents pollution and stormwater contamination.

INSTALLATION:

The sanilet provider may install the device at locations throughout the project site which provide convenient access to both site personnel and equipment maintenance or removal operators. Sanilets should not be installed near any discharge or inlet location, such as on top of or uphill from a storm drain or drop inlet. The sanilet provider should securely anchor the facility to prevent tipping. It may be necessary to install a secondary control measure, such as a wattle perimeter or earth berm, to further ensure minimal runoff.

INSPECTION AND MAINTENANCE:

Inspect sanilet facilities daily to determine if they have reached 50% volume capacity. The facilities should be removed, replaced, or emptied when they have reached or exceeded this amount. Daily inspection should check that all plastic structures are intact and do not show signs of damage from construction, vandalism, or weather – related activities. Inspectors should also determine if the location is appropriate and not near discharge or inlet locations.

Sanilets are designed to promote safe and sanitary use. However, if stored liquids have not been removed and the sanilet is nearing capacity, vacuum and dispose of them in an approved manner - check with the local sanitary sewer authority to determine if there are special disposal requirements.

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6 SITE STABILIZATION

The project is located in an arid, semi-arid or drought-stricken area.

Regardless if the project is located in an arid, semi-arid or drought-stricken area, projects operating in New Mexico, except Indian country, must comply with the temporary stabilization deadlines noted in Parts 2.2.14.

6.1 STABILIZATION INITIATION TIMEFRAME REQUIREMENTS

Per Part 2.2.14 of the CGP, "You must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site."

The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

Per 2.2.14 of the CGP clarifies and defines 'permanently' and 'temporarily' to assist Operators to determine which requirements apply to the project area:

- *"Earth-disturbing activities have **permanently** ceased* when clearing and excavation within any area of your construction site that will not include permanent structures has been completed."
- *"Earth-disturbing activities have **temporarily** ceased* when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future."
    - The 14-calendar day timeframe above begins counting as soon as you know that construction work on a portion of your site will be temporarily ceased. In circumstances where you experience unplanned or unanticipated delays in construction due to circumstances beyond your control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and you do not know at first how long the work stoppage will continue, your requirement to immediately initiate stabilization is triggered as soon as you know with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, you must comply with Parts 2.2.1.1 and 2.2.1.2."

6.2 STABILIZATION – INITIATION ACTIVITIES

If construction work ceases on a portion of the site for a continuous 14-day period, ***but will resume in the future,*** the Permittee will stabilize the disturbed areas with a means shown in the list below.

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Part 2.2.14 of the CGP provides the following list of initiation examples as a guide. This list is not exhaustive:

1. Prepping the soil for vegetative or non-vegetative stabilization;
2. Applying mulch or other non-vegetative product to the exposed area (e.g. temporary soil stabilizer);
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in Parts 2.2.14.

The areas disturbed will exclude locations in which construction has not started or locations in which construction has implemented permanent stabilization. Locations where permanent stabilization practices and controls have been implemented will conform to the design specifications for each or the Stabilization Practices – Post Construction listed herein.

6.3 STABILIZATION – COMPLETION DEADLINE

Per Part 2.2.14 of the CGP, for areas of disturbance less than or equal to five acres stabilization activities must be completed as soon as practicable but no later than 14 calendar days after stabilization has been initiated as discussed above.

For areas of disturbance greater than five acres, stabilization measures must be complete as soon as practicable, but no less than seven (7) calendar days after stabilization has been initiated.

At the close of the stabilization period, the site must exhibit the following:

1. If using vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized have occurred. Such activities may include soil conditioning, applying seed or sod, planting seedlings, applying fertilizer or watering; and/or
2. If using non-vegetative stabilization, all non-vegetative measures are installed or applied.

6.4 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES

Legacy at Sierra Vista may use the following stabilization methods to comply with Part 2.2.14 of the CGP. Descriptions of the mechanism and maintenance protocols for Non-Vegetative Controls are available in BMP Measures and Product Details Tab of this plan. Descriptions of the mechanism and maintenance protocols for Vegetative Controls are available in BMP Measures and Product Details Tab of this plan.

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TABLE 6.0 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES

STABILIZATION PRACTICE	STABILIZATION TYPE	IMPLEMENTATION SCHEDULE (EST.)	CONVERT TO PERMANENT?
Sprayed Water	Non-Vegetative	SEE SCHEDULE NOTE*	No
Temporary Soil Stabilizer	Non-Vegetative	SEE SCHEDULE NOTE*	No
Silt Fence	Non-Vegetative	SEE SCHEDULE NOTE*	No
Pond	Non-Vegetative	SEE SCHEDULE NOTE*	Yes
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**			

6.5 PERMANENT STABILIZATION – POST CONSTRUCTION

The area from which vegetation is removed or the soil disturbed is that area which will be designated for excavation, grading, concrete, paving, vertical construction or landscaping for this project and must be addressed in the design of the entire project.

Stabilization is more than establishing of vegetation. Site stabilization is coverage of the disturbed area with a constructed element (e.g. a building or stabilized channel) or a natural element (e.g. seeding or planted vegetation). It is important for the reviewer to acknowledge sites include both constructed and natural elements that can deliver stabilization equivalent to the 'pre-construction condition'. A representative site evaluation will recognize an appropriately stabilized area prevents the transport of sediment off the site. Prevention of sediment transport is attainable using constructed elements as well as natural elements. The site around which this plan is developed incorporates the contract documents for constructed elements, permanent erosion control or other stabilization means.

If the contract documents do not detail permanent stabilization practices, then permanent stabilization will follow the methods listed in this SWPPP.

It is the intent of the Operator(s) to provide and comply with permitted coverage requirements until 70% of the natural vegetated state (prior to disturbance) is achieved.

> The criteria for final stabilization in Part 2.2.14b is to "Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) that provides 70 percent or more cover that in provided by vegetation native to local undisturbed areas; and/or Implement permanent non-vegetative stabilization measures to provide effective cover."

There is an exception to the above criteria for Arid, semi-arid, and drought- stricken areas:

> Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

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TABLE 6.1 SITE STABILIZATION PRACTICES FOR PERMANENTLY CEASED ACTIVITIES

STABILIZATION PRACTICE	STABILIZATION TYPE	IMPLEMENTATION SCHEDULE (EST.)	CONVERTED FROM TEMPORARY?
Water and Sewer Line	Non-Vegetative	SEE SCHEDULE NOTE*	No
Pond	Non-Vegetative	SEE SCHEDULE NOTE*	Yes
Drill Seeding with Hydromulch	Vegetative	SEE SCHEDULE NOTE*	No
Paving	Non-Vegetative	SEE SCHEDULE NOTE*	No
		SEE SCHEDULE NOTE*	
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**			

7 POLLUTION PREVENTION STANDARDS

7.1 POTENTIAL SOURCES OF POLLUTION

Every site has sources of pollution. Obvious sources of pollution include paving operations, stucco, painting, trash, and others. Activities that are pollution sources, naturally, have identifiable pollutants and types of pollutants requiring control.

Proper stormwater management includes listing of the activities, pollutants, and locations on the site where special attention must be paid to ensure compliance. The following list shows the elements of potential pollution sources specific to the site at the time the plan was generated.

Pollutant Generating Activity	Pollutants or Pollutant Constituents (that could be discharged if exposed to stormwater)	Location on Site (or reference SWPPP site map where this is shown)
Material Stockpiling and Handling	Sediment, pH	Stockpile Areas
Construction Debris and Materials	Material Waste, Worker Waste and Debris	Entire Site
Equipment Activity, Fueling and Maintenance	Oil, Petroleum Distillates, Greases and Fuels	Entire Site
Sanitary Toilets	Bacteria, Parasites and Viruses	Entire Site
Excavation & Grading	Sediment, Aggregate	Excavation Areas
Backfilling	Sediment, Aggregate	Entire Site
Asphalt Paving	Asphalt, Polymerized Asphalt, Oil, Tar, Petroleum Distillates, Admixtures, VOC	Roadway
Trenching	Sediment, pH, Debris	Water and Sewer Line Areas, Silt Fence Installation

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7.2 SPILL PREVENTION AND RESPONSE

The discharge or spill of hazardous substances is not expected to occur due to or during construction activities. The project and its activities are not expected to use any substance in a manner or quantity that might require the reporting of a release in excess of reportable quantities. Substances and reportable values include:

HAZARDOUS SUBSTANCES	WHERE RELEASED	REPORTABLE QUANTITY
Engine Oil, fuel, hydraulic and brake fluids	Land	25 Gallons
Engine Oil, fuel, hydraulic and brake fluids	Water	Visible Sheen
Antifreeze, battery acid, gasoline, engine degreasers, radiator fluid	Air, Land, or Water	100 lbs. or 13 Gallons
Paints, solvents, and thinners	Land	100 lbs. or 13 Gallons
Freon	Air	1 lb.

When an incident (spill of hazardous material in excess of reportable quantities) occurs within the project during construction activities, the following measures will be employed:

THE OPERATOR WILL:	TIME ACTION REQUIRED	RESPONSIBLE EMPLOYEE ONSITE
Stop the source of the spill	Immediate	Site Supervisor(s)
Contain the spill utilizing (compost) mulch socks or soil berms	Immediate	Site Supervisor(s)
Clean up the spill	Once Spill is Contained	Site Supervisor(s)
Dispose of material contaminated by the spill in an approved disposal site	Within 24 Hours	Site Supervisor(s)
Notify both the National Response Center (1-800-424-8802) and the New Mexico Environment's Hazardous and Radioactive Materials Bureau (1-505-827-4300) providing a release of hazardous materials in excess of reportable quantities has occurred.	Within 24 Hours	Project Manager
Submit a description of the incident to the appropriate authorities (SWQB)	14 Calendar Days	Project Manager
Modify SWPPP, if appropriate, and identify prevention measures.	14 Calendar Days	E2RC, LLC

This site does not require a Spill Prevention Control and countermeasure (SPCC) plan. If a plan is required, it will be found in a separate binder at the construction site office.

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7.3 FUELING AND EQUIPMENT MAINTENANCE

OBJECTIVE:

To minimize or eliminate the discharge of fuel spills and other pollutants into the storm water management system on construction sites. Key areas include all construction sites where storage and maintenance occurs on – site, and all fueling areas within a construction site.

INSTALLATION:

Limitations:

- Fuel vehicles on-site only when off-site fueling is impractical.
- Comply with local codes regarding fluid disposal and on-site equipment maintenance.

Standards and Specifications:

- Spill cleanup kits should be available in fueling areas and on fueling trucks. Proper disposal is required.
- A drip pan or absorbent pad should be used unless fueling or maintenance activities occur over an impervious surface.
- When a vehicle is located over a water body (dock, barge) and is planned to be idle for more than one hour, a drip pan or sheet should be placed under the vehicle.
- Fueling areas should be:
    - Located at least 100 feet from waterways, channels, and storm drains.
    - Protected from run-on or runoff.
    - Located on a level-graded area.
    - Attended always during fueling.
    - Fueling equipment should be equipped with an automatic shut-off nozzle to contain drips.
    - Fuel tanks should not be "topped-off".
    - Avoid mobile fueling.
    - Observe federal, state, and local requirements relating to any stationary aboveground storage tanks. Double containment mechanisms should be employed whenever possible.
    - Do not dump fuels and lubricants onto the ground.
    - Do not bury used tires.
    - Do not dispose of oil in a dumpster or pour it down the storm drain.
    - Properly dispose of used batteries.
    - Conduct washing, fueling, and major maintenance off-site whenever possible.
    - Inspect vehicles for leaky hoses, gaskets, or other problems.
    - Locate vehicle services areas away from waterways, storm drains, gutters, and curbs.
    - Use berms, sand bags, or other barriers to contain areas.
    - Do not use detergents, solvents, degreasers, or other chemical products to do on-site cleaning.

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- Use a drip pan or drip cloth if fluids will be drained and replaced on-site.
- Collect all used fluids, store in separate labeled containers, and either recycle or dispose of properly.

INSPECTION AND MAINTENANCE:

- Inspect on all containment structures.
- Maintain waste fluid containers in a leak proof condition.
- Service sumps associated with wash areas regularly.
- Inspect daily for leaks on vehicles and equipment.
- Keep an ample supply of spill cleanup materials available on-site.
- Clean up spills immediately and dispose of waste properly.
- Prevent boil-over by regularly cleaning equipment radiators.

7.4 EQUIPMENT OR VEHICLE WASHING

OBJECTIVE:

To minimize or eliminate the discharge of pollutants entering the storm drain system from vehicle and equipment cleaning operations at all construction sites where vehicle cleaning occurs.

INSTALLATION:

Limitations:

- Wash water discharges may need to be pretreated before release into the sanitary sewer.

Standards and Specifications:

- On-site vehicle and equipment washing is discouraged.
- Do not clean vehicles and equipment with detergent, solvents, or steam on the project site.
- Contain wash water away from storm drain inlets or waterways for evaporative drying or percolation.
- Off-site cleanings are encouraged for all vehicles and equipment that regularly enter and leave the construction site.
- Conduct washing, fueling, and major maintenance off-site whenever possible.
- If equipment or vehicle washing must occur on-site:
    - Locate cleaning area away from storm drain inlets, drainage facilities, or waterways.
    - Perform the washing in a paved area with concrete or asphalt utilizing a berm to contain wash waters and prevent run-on or runoff.
    - Install a sump to collect wash water.
    - Do not discharge wash waters to storm drains or waterways.
    - Use only when necessary.
    - When cleaning vehicles with water:

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- Consider using a high-pressure sprayer or a positive shut-off valve to reduce water usage.

INSPECTION AND MAINTENANCE:

- Inspect the control measure at a minimum of once per week.
- Monitor employees and subcontractors to ensure they are implementing or following proper practices.
- Regularly inspect and maintain the sump. Remove sediments and liquids as needed.

7.5 STORAGE, HANDLING AND DISPOSAL OF CONSTRUCTION PRODUCTS, MATERIALS, AND WASTES

Building Products are not found on the site per CGP Part 2.3.3a. Section 7.9 Construction and Domestic Waste describes the practices utilized for this area.

Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials are not found on the site per CGP Part 2.3.3b. Section 7.7 Fuels, Oils, Hydraulic Fluids, Other Petroleum Products, and Chemicals and Section 7.8 Hazardous and Toxic Waste describes the practices utilized for this area.

OBJECTIVE:

To minimize the exposure of these products to precipitation and stormwater:

PRODUCT/MATERIAL/WASTE	PROTECTION	LOCATION*	DISPOSAL
Building Materials/Products	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Pesticides, Herbicides, Insecticides	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Fertilizers, Landscape Materials	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Fuels, Oils, Hydraulic Fluids, Etc.	Water – tight containers, Spill Kit, Plastic Sheeting, Temporary Roofs or Secondary Containment	Staging Area	Offsite
Hazardous or Toxic Wastes**	Labeled Sealed Containers, Secondary Containment or Store in Covered Area, Spill Kit	See TESC Plan	Offsite

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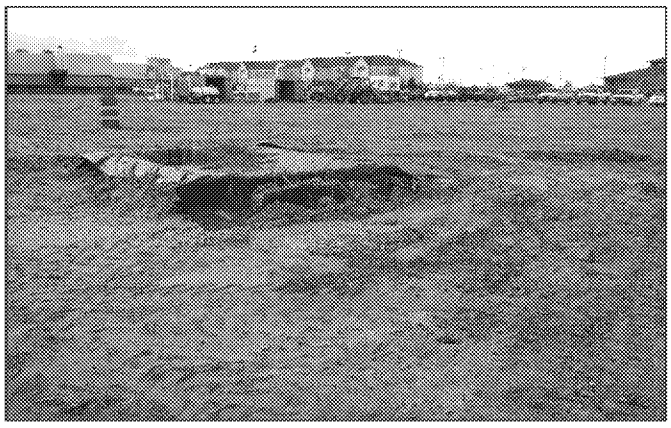
Construction Waste	Closed/Covered Waste Receptacle	See TESC Plan	Offsite
Sanitary Waste	Anchored Portable Toilets	See TESC Plan	Offsite

*The location is a preliminary location as of the design date of this SWPPP. Refer to the updated TESC drawings for current location.

**Separate hazardous waste from construction and domestic waste. Dispose of hazardous and toxic waste in accordance with local, state or federal requirements.

7.6 WASHING OF APPLICATIONS AND CONTAINERS USED FOR PAINT, CONCRETE OR OTHER MATERIALS

ONLY INCORPORATED AND APPLICABLE IF THE PERMITTEE IS UNABLE TO WASHOUT OFFSITE



OBJECTIVE:

Concrete washouts are used to collect and contain concrete and liquids when the chutes of concrete mixers and hoppers of concrete pumps are rinsed after delivery. The washout controls consolidate solids for easier disposal and prevent runoff of liquids. Proper containment prevents caustic material from reaching the soil surface and migrating to surface waters or ground water.

The wash water is alkaline and contains high levels of chromium, which can leach into the ground and contaminate groundwater. It can also migrate to a storm drain, which can increase the pH of area waters and harm aquatic life. Solids that are improperly disposed of can clog storm drain pipes and cause flooding. Installing concrete washout facilities not only prevents pollution but also is a matter of good housekeeping at your construction site.

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INSTALLATION:

Install the washout in an area that is convenient and provides easy access for concrete trucks, preferably near the area in which the concrete is being poured. There are various types of washout containers the Contractor may use at a jobsite to collect and contain wash water. Such methods include but are not limited to chute washout boxes, buckets and pumps, lined washout pits surrounded by an adequate berm or bale barrier, vinyl washout containers, and metal washout containers.

Washout containers should be leak proof and of adequate size to accommodate anticipated material use and waste without causing spillage. Each method should be installed in concurrence with manufacturer specifications of design specifications.

INSPECTION AND MAINTENANCE:

Inspect all concrete washout facilities daily to determine if they have filled to 75 percent capacity, which is when materials need to be removed. Washouts should be inspected daily to ensure that plastic linings are intact and sidewalls have not been damaged by construction activities. Inspectors should also note whether the facilities are being used regularly. If drivers have washed their chutes or hoppers in other locations, place additional washouts in more convenient locations.

Concrete washouts are designed to promote evaporation where feasible. However, if stored liquids have not evaporated and the washout is nearing capacity, vacuum and dispose of the waste in an approved manner. Check with the local sanitary sewer authority to determine if there are special disposal requirements for concrete wash water.

- Remove liquids or cover the structures before predicted rainstorms to prevent overflows.
- Remove hardened solids whole or break them up depending on available equipment for removal and local regulations.
- Following material removal, build a new structure, or if the previous structure is still intact, inspect the structure for signs of weakening or damage and make any necessary repairs.
- Line the concrete structure with new plastic that is free of holes or tears each time concrete removal is performed.
- Replace signage if necessary.

7.7 FUELS, OILS, HYDRAULIC FLUIDS, OTHER PETROLEUM PRODUCTS AND CHEMICALS

OBJECTIVE:

To minimize or eliminate the discharge of hazardous or non-hazardous materials to storm drains, watercourses, or drainage channels. These practices are applicable to all construction sites that have delivery and/or storage of:

- Fuel, oil, grease
- Herbicides, pesticides, fertilizers
- Asphalt, concrete and their components

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- Acids, curing and form compounds
- Other hazardous materials

INSTALLATION:

Limitations:

- All temporary storage buildings must meet building codes.
- Storage must meet fire codes.
- All secondary containment structures and materials should be removed from the site upon completion of the project and disposed of per regulations.

Standards and Specifications:

- Designate a storage area that is not near a storm drain or watercourse.
- Follow manufacturers' instructions on application, storage, and disposal of materials.
- Store on-site only the amount of material necessary for the job.
- Use non-hazardous and environmentally friendly products.
- Provide indoor storage or cover stockpiled materials and wastes with a tarp.
- Provide covered storage for secondary containment of hazardous materials.
- Use secondary storage to prevent soil contamination.
- Monitor employees and subcontractors to ensure that proper practices are being implemented.
- Keep all material in original containers.
- Label all stored materials per state, local and federal regulations.
- Do not store incompatible materials together.
- Keep adequate supply of cleanup materials on site at all times.
- Report all spills.
- Do not apply hazardous chemicals during wet or windy conditions.

INSPECTION AND MAINTENANCE:

- Inspect storage areas weekly to ensure neatness.
- Post proper storage instructions and Material Safety Data Sheets (MSDS) for all currently stored materials.
- Repair and replace damaged secondary containment facilities.
- Remove all empty containers and packaging from site.
- Store materials with adequate clearances for access and emergency response.

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7.8 HAZARDOUS OR TOXIC WASTE

OBJECTIVE:

To minimize or eliminate the discharge of hazardous wastes from construction sites to storm drains, gutters, watercourses, and drainage channels. These practices are applicable to the following products:

- Petroleum products
- Asphalt products
- Concrete products
- Herbicides and pesticides
- Acids for cleaning masonry
- Soil stabilization chemicals
- Septic wastes
- Paints, solvents, stains, and wood preservatives
- Materials that were used to treat or adsorb other wastes
- Hazardous construction wastes such as lead, asbestos, or lead paint

INSTALLATION:

Limitations:

- Does not address preexisting contamination or site assessments.
- Large spills or other serious hazardous wastes require immediate response from specialists.
- Contractor is required to follow all federal, state and local laws regarding handling, storing, and transporting waste materials.

Standards and Specifications:

- Waste containers shall be constructed of a suitable material and properly labeled according to regulations. Labels must include type of material, time of collection and site location.
- Temporary containment for stored materials should be sized at 1.5 times the volume of the stored material. Materials must be stored in sealed drums.
- Temporary containment areas shall be free of accumulated storm water and spills.
- Temporary containment areas shall have room between containers for emergency response and cleanup.
- Incompatible materials shall be stored separately.
- Do not store different materials in the same container.
- Do not locate temporary containment areas near storm drains, gutters, watercourses, or drainage channels.
- Provide adequate access to temporary containment areas.
- Store containers on pallets under a covered, protected area unless containers are watertight.
- Do not dispose of liquid waste in dumpsters or other solid waste containers.

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- Collect water from decontamination procedures, treat it and dispose of it at an appropriate disposal site.
- Educate employees and subcontractors in waste storage and disposal. Ensure that proper procedures are followed.
- Immediately repair all dikes and liners used for storage or containment.
- Recycle materials if appropriate.

INSPECTION AND MAINTENANCE:

- Ensure that all wastes are properly labeled and stored.
- Verify that all hazardous wastes are disposed of properly.
- Hazardous wastes must be collected, labeled, and disposed of at authorized disposal sites.
- Keep supplies on-site for cleanup of spills.
- Post MSDS sheets for all materials stored on-site.
- Immediately repair all dikes and liners used for storage or containment.

7.9 CONSTRUCTION AND DOMESTIC WASTE

DESCRIPTION

Building materials and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes. Practices such as trash disposal, recycling, proper material handling, and spill prevention and cleanup measures can reduce the potential for stormwater runoff to mobilize construction site wastes and contaminate surface or ground water.

APPLICABILITY

The proper management and disposal of wastes should be practiced at every construction site to reduce stormwater runoff. Use waste management practices to properly locate refuse piles, to cover materials that might be displaced by rainfall or stormwater runoff, and to prevent spills and leaks from hazardous materials that were improperly stored.

SITING AND DESIGN CONSIDERATIONS

Solid Wastes:

- Designate a waste collection area on the site that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody.
- Ensure that containers have lids so they can be covered before periods of rain, and keep containers in a covered area whenever possible.
- Schedule waste collection to prevent the containers from overfilling.

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- Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or kitty litter to contain the spill.
- During the demolition phase of construction, provide extra containers and schedule more frequent pickups.
- Collect, remove, and dispose of all construction site wastes at authorized disposal areas. Contact a local environmental agency to identify these disposal sites.

To ensure the proper disposal of contaminated soils that have been exposed to and still contain hazardous substances, consult with state or local solid waste regulatory agencies or private firms. Some landfills might accept contaminated soils, but they require laboratory tests first.

Paint and dirt are often removed from surfaces by sandblasting. Sandblasting grits are the byproducts of this procedure and consist of the sand used and the paint and dirt particles that are removed from the surface. These materials are considered hazardous if they are removed from older structures because they are more likely to contain lead-, cadmium-, or chrome-based paints. Ensure proper disposal of sandblasting grits by contracting with a licensed waste management or transport and disposal firm.

Detergents:

Phosphorous and nitrogen containing detergents are used in wash water for cleaning vehicles. Excesses of these nutrients can be a major source of water pollution. Use detergents only as recommended, and limit their use on the site. Do not dump wash water containing detergents into the storm drain system; direct it to a sanitary sewer or contain it so that it can be treated at a wastewater treatment plant.

LIMITATIONS

An effective waste management system requires training and signage to promote awareness of the hazards of improper storage, handling, and disposal of wastes. The only way to be sure that waste management practices are being followed is to be aware of worker habits and to inspect storage areas regularly. Extra management time may be required to ensure that all workers are following the proper procedures.

MAINTENANCE CONSIDERATIONS

Inspect storage and use areas and identify containers or equipment that could malfunction and cause leaks or spills. Check equipment and containers for leaks, corrosion, support or foundation failure, or other signs of deterioration, and test them for soundness. Immediately repair or replace any that are found to be defective.

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7.10 SANITARY WASTE

OBJECTIVE:

To minimize or eliminate the discharge of sanitary wastes from construction sites to storm drains, gutters, watercourses, and drainage channels. These controls apply to construction sites that have portable or temporary sanitary waste systems.

INSTALLATION:

Limitations:

- To dispose of wastes to the sanitary sewer, the leasing company must be permitted.
- On-site disposal systems must comply with all local, and state regulations.
- Temporary connections to the sanitary sewer should meet codes and regulations.

Standards and Specifications:

- Locate toilets and disposal systems where accidental discharge cannot flow to storm drains, gutters, watercourses, and drainage channels.
- Anchor portable toilets so they do not overturn during high winds.
- All sanitary wastes shall eventually be discharged to a sanitary sewer.
- Employ licensed sanitary services to ensure facilities are in working order at all times.

INSPECTION AND MAINTENANCE:

- Monitor employees and subcontractors to ensure that proper practices are being implemented.
- Sanitary storage and disposal should be inspected at least once per week. Units should be properly maintained, repaired, or replaced.

7.11 FERTILIZERS

Fertilizer is not planned for use on the project.

7.12 OTHER POLLUTION PREVENTION PRACTICES

Unique activities requiring pollution prevention practices do not exist on this project.

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8 INSPECTION AND CORRECTIVE ACTION

8.1 INSPECTION PERSONNEL AND PROCEDURES

Successful SWPPP compliance includes regular BMP control inspections, preventive maintenance, and SWPPP plan review. These inspections will help to uncover conditions that might lead to a release of discharges and non-compliance violations. Planned maintenance should prevent discharges and violations. Revisions to the plan ensure it is viable and effective for the life of the project. The following activities and supporting procedures will be included in the preventive maintenance program.

8.2 GENERAL SITE AWARENESS

The Operator shall continuously (during scheduled and unscheduled specific site visits) monitor the implemented erosion and sediment control measures during site specific (and project) construction activities to ensure the effectiveness and operation condition of the measures. If changes or repairs are needed to improve the effectiveness and operation of a sediment control measure they will be implemented as soon as practicable and in no case greater than seven (7) days after the discovery of the needed corrective action.

8.3 SPECIFIC COMPLIANCE INSPECTION

The Operator or his designee' (qualified personnel) will inspect disturbed areas and structures for erosion and sediment control effectiveness and for the potential of pollutants entering the drainage system. All erosion and sediment control measures not including final stabilization will be inspected and observed to ensure proper operation. Discharge locations will be inspected to assure effectiveness. Inspections will document effectiveness of measures and potential impacts to receiving waters.

All erosion and sediment control structures, measure and practice locations, and site vehicle access (enter and exit) points will be inspected either weekly – removing the rain event requirement - or every fourteen (14) days and within 24 hours after a storm water event of 0.25 inches or greater. Inspectors will review all BMP'S installed onsite and listed in the current plan.

Inspectors will document BMP performance and recommend corrective measures be implemented ONLY for listed BMP'S requiring maintenance or in a failed condition. BMP'S exhibiting acceptable performance (BMP'S that do not require maintenance or are not in a failed (upset) condition) will not be specifically listed in the inspection report and will be considered compliant with the CGP and specific SWPPP documents. Inspectors will document sediment accumulation and if necessary recommend that corrective measures be implemented immediately. Also, if emergency repairs and measures are needed after a significant rainfall (greater than 0.25 inches), such measures and repairs will be performed and completed immediately, and before the next significant rainfall event (if weather, supplies/materials and site conditions will permit).

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Final stabilized areas and sites will be inspected every fourteen - days per the NPDES requirements effective with the project start date until the "NOT" is submitted. Inspectors will ensure control measures are maintained in good operating condition. The inspector will sign the inspection report and must comply with the signatory requirements set forth in the General Construction Permit (GCP). All NPDES documents associated with this project will be kept for three years after the date on the Notice of Termination ("NOT").

8.4 RAIN GAUGE LOCATION

A rain gauge is located on the posting board for the project.

8.5 PERSONNEL RESPONSIBLE FOR INSPECTIONS

INSPECTOR NAME	CERTIFICATIONS	COMPANY
Kelley V. Fetter	P.E., CISEC, CPSWQ, CPMSM	E2RC, LLC
Sydney E. Fetter	ACNM, CISEC	E2RC, LLC
Ryan Higdon	ACNM, CISEC	E2RC, LLC
Fidel Villalobos	ACNM	E2RC, LLC
Angie Baca	ACNM	E2RC, LLC
Pedro Calabaza	ACNM	E2RC, LLC
Kyle Houghton	StormwaterONE	E2RC, LLC
Diana Baltazar	StormwaterONE	E2RC, LLC
3/20/2020 Ray Welton Jr.	StormwaterOne	E2RC, LLC

The supporting certification documentation for the E2RC personnel is available for review in the ***Authorization and Inspector Qualification*** section of the plan.

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1 clarifies that a "qualified person" is a person knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

E2RC encourages inspectors to be certified by StormwaterONE, Envirocert International or CISEC. Each of these providers has developed an instruction platform supported by an examination to ensure the inspector can perform inspections according to the listed requirements.

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8.6 INSPECTION SCHEDULE

8.6.1 SPECIFIC INSPECTION FREQUENCY

Inspections will occur on a fourteen - day basis. Rain events at 0.25" will be inspected as they occur. Inspections will occur only during the project's normal working hours as described in Part 4.1.2.2 of the CGP. **If the site discharges to sediment or nutrient-impaired water or a 'Tier Designated' water the inspection frequency must occur according to a protocol (Part 4.3 of the CGP):**

- Once every 7 calendar days; and
- Within 24 hours of the occurrence of a storm event measuring 0.25" or greater

8.6.2 REDUCTION IN INSPECTION FREQUENCY

If a reduction in inspection frequency is required it must be documented in the SWPPP and comply with Part 4.4.1, 4.4.2, or 4.4.3 of the CGP.

8.7 INSPECTION REPORT FORMS

A copy of the inspection form is included in the Completed Inspection section of the plan. Complete inspection reports are available electronically. Double M. Properties may access complete inspection reports using their unique company account provided by E2RC, LLC. Double M. Properties also receives each report by email.

8.8 CORRECTIVE ACTION

Corrective actions for the site BMPS are noted on each inspection report, if they exist at the time of the inspection. Corrective Actions may also be identified by onsite personnel. Work to complete the corrective actions should be initiated 'immediately'. Immediately is defined by EPA as a requirement of operators to initiate all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. This includes cleaning up any contaminated surfaces to prevent discharges from subsequent events.

Conditions Triggering Corrective Action

1. CGP Part 5.1.1: A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4 of the CGP); or
2. CGP Part 5.1.2: A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. CGP Part 5.1.3: Your discharges are causing and exceedance of applicable water quality standards; or
4. CGP Part 5.1.4: A prohibited discharge has occurred under Part 1.3 of the CGP.

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Corrective Action Deadlines

The EPA provides baseline deadlines to complete corrective activities, according to their severity and level of repair. However, it may occur that local or state agencies establish maintenance or corrective deadlines. In the event both exist and are applicable to a project, the more stringent requirement applies. For example, projects submitted to New Mexico Department of Transportation specifications must complete repairs within three (3) days of discovery.

For any corrective action triggering conditions in Part 5.1 of the CGP, the Operator(s) must:

- Part 5.2.1: Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
- Part 5.2.2: When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;
- Part 5.2.3: When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

8.8.1 CORRECTIVE ACTION LOG

The EPA requires the Permittees complete a Corrective Action Report or log. **A log is included in the Site Housekeeping section of this plan.** The Operator(s) will utilize the Inspection Report to identify the areas where corrective actions are required. The Inspection Report will list the conditions of the site, nature of the conditions identified for correction and the date and time of the identification.

Corrective Action Reports

For each corrective action taken in accordance with Part 5.1, you must complete a report in accordance with the following:

- Part 5.4.1: Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- Part 5.4.2: Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

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- Part 5.4.3: Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.
- Part 5.4.4: You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.
- Part 5.4.5: You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

8.8.2 PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS

Bob Prewitt is the person responsible for coordinating corrective action activities.

9 STAFF TRAINING REQUIREMENTS

Each operator, or group of multiple operators, must assemble a "stormwater team" to carry out compliance activities associated with the requirements in this permit.

Prior to the commencement of construction activities, you must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required in Part 4.1; and
- Personnel who are responsible for taking corrective actions as required in Part 5.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

10 DELEGATION OF AUTHORITY

The EPA accepted delegation of authority letter(s) is included in the ***Delegation of Authority*** section of the plan.

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Message

From: Jones, Curry [jones.curry@epa.gov]
Sent: 1/22/2021 5:02:19 PM
To: Esparza, David [esparza.david@epa.gov]
Subject: FW: Notice of Potential Violation and Opportunity to Confer - NMR1002AG Legacy at Sierra Vista
Attachments: CJohnson - NOPVOC- final letter-Sierra Vista-cj-bsedits eSign 1-22-21.pdf

Importance: High

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

Follow EPA Region 6

From: Jones, Curry
Sent: Friday, January 22, 2021 11:02 AM
To: Sarah Holcomb <sarah.holcomb@state.nm.us>
Cc: Johnson, Carol <johnson.carol@epa.gov>
Subject: Notice of Potential Violation and Opportunity to Confer - NMR1002AG Legacy at Sierra Vista
Importance: High

Hey Sarah,

The NOVOC for Sierra Vista is signed and should go out today. Do you and Daniel have an email address for Double M. Properities?

Curry

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

Follow EPA Region 6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

January 22, 2021

TRANSMITTED VIA EMAIL

Double M Properties
Bob Prewitt, Vice President
4400 Alameda Blvd. NE Suite E
Albuquerque, NM 87113
prewitt@swcp.com

Re: Notice of Potential Violation and Opportunity to Confer
NPDES Permit: NMR1002AG Legacy at Sierra Vista

Dear Mr. Prewitt:

The Environmental Protection Agency (EPA) has recently received an enforcement case referral from the New Mexico Environmental Department (NMED) regarding the above referenced construction project and has identified you as potentially in violation of Section 301 of the Clean Water Act (the Act) as the party responsible.

The potential violation involves Double M Properties' failure to obtain appropriate National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for the entire site, prior to beginning construction activity at the Legacy at Sierra Vista development project located at Los Lunas, Valencia County, New Mexico. In addition, Double M Properties failed to implement Best Management Practices to minimize dust generated from construction activities. The potential violations occurred during the approximate 8-month period from April 2020 to December 2020, with multiple documented citizen complaints of excessive dust going back to July 2020.

By this letter, the EPA is extending to you an opportunity to advise the EPA, via a conference call or in writing, of any further information which should be considered with regards to the potential violation(s). Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge a pollutant from a point source to a water of the United States, except with the authorization of, and in compliance with, a permit issued under the Act.

The permit requires the Permittee to determine the facility's compliance with the permit and applicable regulations. Permittees have a duty to comply with all conditions of the permit and must take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment. If at any time a Permittee becomes aware, or the EPA determines, that their discharge does not meet applicable water quality standards, they must take corrective action(s) and document the corrective actions as required by the permit. Permittees must also comply with any additional requirements that their state or tribe requires.

Under the Act, the EPA can unilaterally seek compliance by imposing regulatory requirements and civil penalties to address violations through administrative actions that include penalty complaints and orders for compliance. However, as a courtesy, the EPA is providing you with the opportunity to confer regarding the matter and to provide any further information that the EPA should consider.

Within 7 days of receipt of this letter, please indicate if you request an opportunity to confer with the EPA regarding this matter by contacting Carol Johnson of my staff at (214) 665-8471 or johnson.carol@epa.gov to discuss the case, and provide any information you feel we should have or discuss our enforcement procedures. If you authorize a consultant to discuss this matter with the EPA on your behalf, please provide us that contact information as soon as possible.

Sincerely,

Bryant Smalley
Chief
Water Enforcement Branch

ec: sarah.holcomb@state.nm.us

Message

From: Kelley Fetter [kfetter@e2rc.com]
Sent: 3/17/2021 8:23:10 PM
To: Johnson, Carol [johnson.carol@epa.gov]; Bob Prewitt [prewitt@swcp.com]
CC: Jones, Curry [jones.curry@epa.gov]; Esparza, David [esparza.david@epa.gov]
Subject: RE: Polymer application
Attachments: ATT00001.txt; FLOMIN™ RDC 400 SE_US_EN.pdf; FLOBOND™ A30_SDS_US-EN.pdf; m-binder_msds.pdf

Hi Carol,

We are thinking in the same lane today. I failed to get this to you after David requested it. I have added him to the message.

We used FloBond in July on the westernmost section. We did not continue with it because it was not a field friendly product for usage. That prompted the switch to FloMin.

M-Binder is a product our DOT specifies as a tackifier. We use it for short term exposure areas or with hydraulic mulch to assist with application and duration after application.

Thanks,

Kelley V. Fetter, P.E., CPSWQ, CPMSM, CISEC | President
439 S. Hill Road
Bernalillo, NM 87004
O: 505-867-4040 ext. 102
F: 505-867-4044
www.e2rc.com
New Mexico | Colorado | Texas | Arizona

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Wednesday, March 17, 2021 2:17 PM
To: Kelley Fetter <kfetter@e2rc.com>; Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>
Subject: re: Polymer application

Good afternoon Kelley and Bob,
I'm just touching base to ask for a copy of the MSDS for the polymer you are using on the exposed tracts.

Thanks!

Carol Johnson
Enforcement and Compliance Assurance Division
US Environmental Protection Agency

1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov

THERE IS NO "WE" IN BACON.

SAFETY DATA SHEET

According to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.

SECTION 1: Identification of the substance/mixture and of the company/undertaking

1.1. Product identifier

Product name: **FLOMIN™ RDC 400 SE**

Type of product: Mixture.

1.2. Relevant identified uses of the substance or mixture and uses advised against

Identified uses: Processing aid for industrial applications.

Uses advised against: None.

1.3. Details of the supplier of the safety data sheet

Company:
SNF Inc.
1 Chemical Plant Road
Riceboro, GA 31323
United States

Telephone: 912-884-3366

Telefax: 912-884-8770

E-mail address: sds@snf.com

1.4. Emergency telephone number

24-hour emergency number: 800-424-9300 CHEMTREC (CCN 20412), Outside U.S. 703-527-3887

SECTION 2: Hazards identification

2.1. Classification of the substance or mixture

Classification according to paragraph (d) of 29 CFR 1910.1200:

Not classified.

2.2. Label elements

Labelling according to paragraph (f) of 29 CFR 1910.1200:

Hazard symbol(s):	None.
Signal word:	None.
Hazard statement(s):	None.
Precautionary statement(s):	None.

2.3. Other hazards

Spills produce extremely slippery surfaces.

SECTION 3: Composition/information on ingredients

3.1. Substances
Not applicable, this product is a mixture.

3.2. Mixtures
This product is a mixture.

Hazardous components

Glycerol

Concentration/ -range:	5 - 60%
CAS Number:	56-81-5
Classification according to paragraph (d) of 29 CFR 1910.1200:	Not classified.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Concentration/ -range:	< 3%
CAS Number:	78330-21-9
Classification according to paragraph (d) of 29 CFR 1910.1200:	Acute Tox. 4;H302, Eye Dam. 1;H318

For explanation of abbreviations see section 16

SECTION 4: First aid measures

4.1. Description of first aid measures

Inhalation:
Move to fresh air. No hazards which require special first aid measures.

Skin contact:
Wash off with soap and plenty of water. Get medical attention if irritation develops and persists.

Eye contact:
Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Get medical attention immediately if irritation develops and persists.

Ingestion:
No hazards which require special first aid measures. Rinse mouth with water. Do NOT induce vomiting.

4.2. Most important symptoms and effects, both acute and delayed

None under normal use.

4.3. Indication of any immediate medical attention and special treatment needed.

None reasonably foreseeable.

Other information:
None.

SECTION 5: Fire-fighting measures

5.1. Extinguishing media

Suitable extinguishing media:
Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide.

Unsuitable extinguishing media:
None.

5.2. Special hazards arising from the substance or mixture

Hazardous decomposition products:
Thermal decomposition may produce: nitrogen oxides (NOx), carbon oxides (COx).

5.3. Advice for fire-fighters

Protective measures:
No special protective equipment required. Wear self contained breathing apparatus for fire fighting if necessary.

Other information:
Spills produce extremely slippery surfaces. Collect contaminated fire extinguishing water separately. This must not be discharged into drains. Fire residues and contaminated fire extinguishing water must be disposed of in accordance with local regulations.

SECTION 6: Accidental release measures

6.1. Personal precautions, protective equipment and emergency procedures

Personal precautions:
Spills produce extremely slippery surfaces. Avoid contact with eyes.

Protective equipment:
Wear adequate personal protective equipment (see Section 8 Exposure Controls/Personal Protection).

Emergency procedures:
Keep people away from spill/leak. Prevent further leakage or spillage if safe to do so.

6.2. Environmental precautions

As with all chemical products, do not flush into surface water.

6.3. Methods and material for containment and cleaning up

Small spills:
Do not flush with water.Clean up promptly by sweeping or vacuum. Keep in suitable, closed containers for disposal. After cleaning, flush away traces with water.

Large spills:
Do not flush with water.Clean up promptly by sweeping or vacuum. Keep in suitable, closed containers for disposal. After cleaning, flush away traces with water.

Residues:
After cleaning, flush away traces with water.

6.4. Reference to other sections

SECTION 7: Handling and storage; SECTION 8: Exposure controls/personal protection; SECTION 9: Physical and chemical properties; SECTION 13: Disposal considerations;

SECTION 7: Handling and storage

7.1. Precautions for safe handling

Avoid contact with eyes. Wear necessary protective equipment. Handle in accordance with good industrial hygiene and safety practice.

7.2. Conditions for safe storage, including any incompatibilities

Keep in a dry place. Keep container closed when not in use. Incompatible with strong acids and oxidizing agents. Materials to avoid : Aluminium. Ferrous metals. Zinc, Sodium.

7.3. Specific end use(s)

No information available.

SECTION 8: Exposure controls/personal protection

8.1. Control parameters

Occupational exposure limits:

Glycerol

OSHA: 5 mg/m³ (8 hours)

8.2. Exposure controls

Appropriate engineering controls:

Use local exhaust if misting occurs. Natural ventilation is adequate in absence of mists.

Individual protection measures, such as personal protective equipment:

a) Eye/face protection:
Safety glasses with side-shields.

b) Skin protection:
i) Hand protection: Impervious gloves. Be aware that liquid may permeate gloves, frequent change is advised. Suitable gloves can be recommended by the glove supplier.
ii) Other: Chemical resistant apron or protective suit if splashing or repeated contact with solution is likely.

c) Respiratory protection:
Not required ; except in case of aerosol formation.

d) Additional advice:
Handle in accordance with good industrial hygiene and safety practice.

Environmental exposure controls:

Do not allow uncontrolled discharge of product into the environment.

SECTION 9: Physical and chemical properties

9.1. Information on basic physical and chemical properties

a) Appearance:	Liquid, Brown.
b) Odour:	Slight. Sweet
c) Odour Threshold:	Not applicable.
d) pH:	8 - 11
e) Melting point/freezing point:	No data available.
f) Initial boiling point and boiling range:	> 100°C
g) Flash point:	Does not flash.
h) Evaporation rate:	No data available.
i) Flammability (solid, gas):	Not applicable.
j) Upper/lower flammability or explosive limits:	Not expected to create explosive atmospheres.
k) Vapour pressure:	No data available.

m) Relative density:	1.2 - 1.3 @ 20°C
n) Solubility(ies):	Completely miscible in water.
o) Partition coefficient:	No data available.
p) Autoignition temperature:	Does not self-ignite (based on the chemical structure).
q) Decomposition temperature:	No data available.
r) Viscosity:	< 100 cP
r) Viscosity:	No data available.
s) Explosive properties:	Not expected to be explosive based on the chemical structure.
t) Oxidizing properties:	Not expected to be oxidising based on the chemical structure.

9.2. Other information

None.

SECTION 10: Stability and reactivity

10.1. Reactivity

Stable at normal conditions.

10.2. Chemical stability

Stable under normal conditions.

10.3. Possibility of hazardous reactions

Oxidizing agents may cause exothermic reactions.

10.4. Conditions to avoid

Keep away from heat and sources of ignition.

10.5. Incompatible materials

Strong acids. Oxidizing agents. Brass. Ferrous metals. Mild steel. Zinc, Sodium.

10.6. Hazardous decomposition products

Thermal decomposition may produce: nitrogen oxides (NOx), carbon oxides (COx).

SECTION 11: Toxicological information

11.1. Information on toxicological effects

Information on the product as supplied:

Acute oral toxicity: LD50/oral/rat > 5000 mg/kg (Estimated)

Acute dermal toxicity:	LD50/dermal/rabbit > 5000 mg/kg. (Estimated)
Acute inhalation toxicity:	The product is not expected to be toxic by inhalation.
Skin corrosion/irritation:	Not irritating.
Serious eye damage/eye irritation:	By analogy with similar products, this product is not expected to be irritating.
Respiratory/skin sensitisation:	The product is not expected to be sensitizing.
Mutagenicity:	Based on available data, product is not expected to be mutagenic.
Carcinogenicity:	Based on available data, product is not expected to be carcinogenic.
Reproductive toxicity:	Based on available data, product is not expected to be toxic for reproduction.
STOT - Single exposure:	No known effects.
STOT - Repeated exposure:	No known effect.
Aspiration hazard:	No hazards resulting from the material as supplied.

Relevant information on the hazardous components:

Glycerol

Acute oral toxicity:	LD50/oral/rat = 12600 mg/kg
Acute dermal toxicity:	LD50/dermal/rabbit > 10000 mg/kg.
Acute inhalation toxicity:	LC50/inhalation/1 hours/rat > 11 mg/L
Skin corrosion/irritation:	Not irritating.
Serious eye damage/eye irritation:	Not irritating.
Respiratory/skin sensitisation:	The product is not expected to be sensitizing.
Mutagenicity:	Negative in the Ames Test (OECD 471). Negative in the In Vitro Mammalian Chromosome Aberration Test (OECD 473). Negative in the In vitro Mammalian Cell Gene Mutation Test (OECD 476). Not mutagenic. (OECD 482)
Carcinogenicity:	Animal testing did not show any carcinogenic effects.
Reproductive toxicity:	NOAEL/rat >= 2000 mg/kg/day NOAEL/Maternal toxicity/rat = 1310 mg/kg/day NOAEL/Developmental toxicity/rat = 1310 mg/kg/day
STOT - Single exposure:	No known effects.
STOT - Repeated exposure:	NOAEL/oral/rat/730 days = 8000 - 10000 mg/kg/day
Aspiration hazard:	No known effects.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Acute oral toxicity:	LD50/oral/rat = 500 - 2000 mg/kg
Acute dermal toxicity:	LD50/dermal/rat > 5000 mg/kg.
Acute inhalation toxicity:	Inhalation Risk Test (IRT): No mortality within 7 hours as shown in animal studies.
Skin corrosion/irritation:	Not irritating. (OECD 404)
Serious eye damage/eye irritation:	Risk of serious damage to eyes. (OECD 405)
Respiratory/skin sensitisation:	The product is not expected to be sensitizing.
Mutagenicity:	By analogy with similar products, this product is not expected to to be mutagenic.
Carcinogenicity:	By analogy with similar substances, this substance is not expected to be carcinogenic.
Reproductive toxicity:	No data available.
STOT - Single exposure:	No known effects.
STOT - Repeated exposure:	No known effect.
Aspiration hazard:	No known effects.

SECTION 12: Ecological information

12.1. Toxicity

Information on the product as supplied:

Acute toxicity to fish:	LC50/Oncorhynchus mykiss/96 hours > 100 mg/L. (Estimated)
Acute toxicity to invertebrates:	EC50/Daphnia magna/48 hours > 100 mg/L. (Estimated)
Acute toxicity to algae:	IC50/Algae/72 hours > 100 mg/L (Estimated)
Chronic toxicity to fish:	No data available.
Chronic toxicity to invertebrates:	No data available.
Toxicity to microorganisms:	No data available.
Effects on terrestrial organisms:	No data available.
Sediment toxicity:	No data available.

Relevant information on the hazardous components:

Glycerol

Acute toxicity to fish:	LC50/Oncorhynchus mykiss/96 hours = 54000 mg/L.
Acute toxicity to invertebrates:	EC50/Daphnia magna/24 hours > 10000 mg/L.
Acute toxicity to algae:	IC3/Scenedesmus quadricauda/192 hours > 10000 mg/L
Chronic toxicity to fish:	No data available.
Chronic toxicity to invertebrates:	No data available.
Toxicity to microorganisms:	EC50/activated sludge/3 hours > 1000 mg/L
Effects on terrestrial organisms:	No data available.
Sediment toxicity:	No data available.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Acute toxicity to fish:	LC50/Leuciscus idus/96 hours = 1 - 10 mg/L
Acute toxicity to invertebrates:	EC50/Daphnia magna/48 hours = 1 - 10 mg/L.
Acute toxicity to algae:	IC50/Algae/72 hours = 1 - 10 mg/L
Chronic toxicity to fish:	NOEC/Fish/30 days = 0.1 - 1 mg/L
Chronic toxicity to invertebrates:	NOEC/Daphnia magna/21 days = 0.1 - 1 mg/L
Toxicity to microorganisms:	EC10/Pseudomonas putida / 17 h > 10000 mg/L (DIN 38412-8)
Effects on terrestrial organisms:	No data available.
Sediment toxicity:	No data available.

12.2. Persistence and degradability

Information on the product as supplied:

Degradation:	No data available.
Hydrolysis:	No data available.
Photolysis:	No data available.

Relevant information on the hazardous components:

Glycerol

Degradation:	Readily biodegradable. 82% / 20 days (OECD 301 D)

Hydrolysis: No data available.

Photolysis: No data available.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Degradation: Readily biodegradable. > 70% / 28 days (OECD 301 B)

Hydrolysis: No data available.

Photolysis: No data available.

12.3. Bioaccumulative potential

Information on the product as supplied:

The product is not expected to bioaccumulate.

Partition co-efficient (Log Pow): No data available.

Bioconcentration factor (BCF): No data available.

Relevant information on the hazardous components:

Glycerol

Partition co-efficient (Log Pow): -1.76

Bioconcentration factor (BCF): No data available.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Partition co-efficient (Log Pow): Not applicable.

Bioconcentration factor (BCF): No data available.

12.4. Mobility in soil

Information on the product as supplied:

No data available.

Relevant information on the hazardous components:

Glycerol

Koc: No data available.

Alcohols, C11-14-iso-, C13-rich, ethoxylated

Koc: No data available.

12.5. Other adverse effects

None known.

SECTION 13: Disposal considerations

13.1. Waste treatment methods

Waste from residues/unused products:

Dispose in accordance with local and national regulations. Can be landfilled or incinerated, when in compliance with local regulations.

Contaminated packaging:

If recycling is not practicable, dispose of in compliance with local regulations. Can be landfilled or incinerated, when in compliance with local regulations.

Recycling:

In accordance with local and national regulations.

SECTION 14: Transport information

Land transport (DOT)

Not classified.

Sea transport (IMDG)

Not classified.

Air transport (IATA)

Not classified.

SECTION 15: Regulatory information

15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture

Information on the product as supplied:

TSCA Chemical Substances Inventory:

All components of this product are either listed on the inventory or are exempt from listing.

US SARA Reporting Requirements:

SARA (Section 311/312) hazard class:
Acute.

SARA Title III Sections:

Section 302 (TPQ) - Reportable Quantity:
Not concerned.

Section 304 - Reportable Quantity:
Not concerned.

Section 313 (De minimis concentration):
Not concerned.

Clean Water Act

Section 311 Hazardous Substances (40 CFR 117.3) - Reportable Quantity:
Not concerned.

Clean Air Act

Section 112(r) Accidental release prevention requirements (40 CFR 68) - Reportable Quantity:
Not concerned.

CERCLA

Hazardous Substances List (40 CFR 302.4) - Reportable Quantity:
Not concerned.

RCRA status :

Not RCRA hazardous.

California Proposition 65 Information:

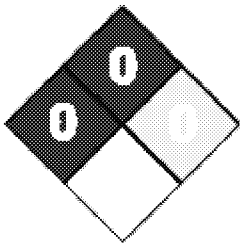
WARNING! This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm, 1,4-Dioxane, Ethylene oxide, Methanol

SECTION 16: Other information

NFPA and HMIS Ratings:

NFPA:

Health:	0
Flammability:	0
Instability:	0



HMIS:

Health:	0
Flammability:	0
Physical Hazard:	0
PPE Code:	B

This data sheet contains changes from the previous version in section(s):

SECTION 1. Identification of the substance/mixture and of the company/undertaking, SECTION 2. Hazards identification, SECTION 3. Composition/information on ingredients, SECTION 4. First aid measures, SECTION 5. Fire-fighting measures, SECTION 6. Accidental release measures, SECTION 7. Handling and storage, SECTION 8. Exposure controls/personal protection, SECTION 9. Physical and chemical properties, SECTION 10. Stability and reactivity, SECTION 11. Toxicological information, SECTION 12. Ecological information, SECTION 13. Disposal considerations, SECTION 14. Transport information, SECTION 15. Regulatory information, SECTION 16. Other Information.

Key or legend to abbreviations and acronyms used in the safety data sheet:

Acronyms
STOT = Specific target organ toxicity

Abbreviations
Acute Tox. 4 = Acute toxicity Category Code 4
Eye Dam 1 = Serious eye damage/eye irritation Category Code 1

Hazard statements
H302 - Harmful if swallowed
H318 - Causes serious eye damage

Training advice:

Do not handle until all safety precautions have been read and understood.

This SDS was prepared in accordance with the following:

U.S. Code of Federal Regulations 29 CFR 1910.1200

Version: 17.01.a

LDMS220

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

SAFETY DATA SHEET

According to U.S. Code of Federal Regulations 29 CFR 1910.1200, Hazard Communication.

SECTION 1: Identification of the substance/mixture and of the company/undertaking

1.1. Product identifier

Product name:	**FLOBOND™ A30**
Type of product:	Mixture

1.2. Relevant identified uses of the substance or mixture and uses advised against

Identified uses:	Processing aid for industrial applications.
Uses advised against:	None.

1.3. Details of the supplier of the safety data sheet

Company:	SNF Inc. 1 Chemical Plant Road Riceboro, GA 31323 United States
Telephone:	912-884-3366
Telefax:	912-884-8770
E-mail address:	info@snfhc.com

1.4. Emergency telephone number

24-hour emergency number:	800-424-9300 CHEMTREC (CCN 20412), Outside U.S. 703-527-3887

SECTION 2. Hazards identification

2.1. Classification of the substance or mixture

Classification according to paragraph (d) of 29 CFR 1910.1200:

Not classified.

2.2. Label elements

Labelling according to paragraph (f) of 29 CFR 1910.1200:

Hazard symbol(s): None.

Signal word: None.

Hazard statement(s): None.

Precautionary statement(s): None.

2.3. Other hazards

Aqueous solutions or powders that become wet render surfaces extremely slippery.

SECTION 3. Composition/information on ingredients

3.1 Substances
Not applicable, this product is not a substance.

3.2 Mixtures

Hazardous components
Contains no reportable hazardous substances.

SECTION 4: First aid measures

4.1. Description of first aid measures

Inhalation:
Move to fresh air. No hazards which require special first aid measures.

Skin contact:
Wash off with soap and plenty of water. Get medical attention if irritation develops and persists.

Eye contact:
Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. In case of persistent eye irritation, consult a physician.

Ingestion:
Rinse mouth with water. Do NOT induce vomiting. No hazards which require special first aid measures.

4.2. Most important symptoms and effects, both acute and delayed

None.

4.3. Indication of any immediate medical attention and special treatment needed.

None reasonably foreseeable.

Other information:
Aqueous solutions or powders that become wet render surfaces extremely slippery.

SECTION 5. Fire-fighting measures

5.1. Extinguishing media

Suitable extinguishing media:
Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide.

Unsuitable extinguishing media:
None.

5.2. Special hazards arising from the substance or mixture

Hazardous decomposition products:
Thermal decomposition may produce: nitrogen oxides (NOx), carbon oxides (COx). Hydrogen cyanide (hydrocyanic acid) may be produced in the event of combustion in an oxygen deficient atmosphere.

5.3. Advice for fire-fighters

Protective measures:
In the event of fire, wear self-contained breathing apparatus.

Other information:
Aqueous solutions or powders that become wet render surfaces extremely slippery.

SECTION 6: Accidental release measures

6.1. Personal precautions, protective equipment and emergency procedures

Personal precautions:
Aqueous solutions or powders that become wet render surfaces extremely slippery.

Protective equipment:
Wear adequate personal protective equipment (see Section 8 Exposure Controls/Personal Protection).

Emergency procedures:
Keep people away from spill/leak.

6.2. Environmental precautions

As with all chemical products, do not flush into surface water.

6.3. Methods and material for containment and cleaning up

Small spills:
Do not flush with water. Clean up promptly by sweeping or vacuum. Keep in suitable, closed containers for disposal. After cleaning, flush away traces with water.

Large spills:
Do not flush with water. Clean up promptly by sweeping or vacuum. Keep in suitable, closed containers for disposal. After cleaning, flush away traces with water.

Residues:
Flush away with large quantities of water.

6.4. Reference to other sections

SECTION 7: Handling and storage; SECTION 8: Exposure controls/personal protection; SECTION 9: Physical and chemical properties; SECTION 13: Disposal considerations;

SECTION 7. Handling and storage

7.1. Precautions for safe handling

Aqueous solutions or powders that become wet render surfaces extremely slippery. Use personal protective equipment.

7.2. Conditions for safe storage, including any incompatibilities.

Keep in a dry place. Keep container closed when not in use. Incompatible with oxidizing agents.

7.3. Specific end use(s)

None.

SECTION 8. Exposure controls/personal protection

8.1. Control parameters

Occupational exposure limits:

None.

8.2. Exposure controls

Appropriate engineering controls:

Use local exhaust if dusting occurs. Natural ventilation is adequate in absence of dusts.

Individual protection measures, such as personal protective equipment:

a) Eye/face protection:
Safety glasses with side-shields.

b) Skin protection:
Workclothes protecting arms, legs and body.

i) Hand protection:
PVC or other plastic material gloves.

c) Respiratory protection:
No personal respiratory protective equipment normally required. Dust safety masks recommended where working powder concentration is more than 10 mg/m^3.

d) Additional advice:
Handle in accordance with good industrial hygiene and safety practice.

Environmental exposure controls:

Do not allow uncontrolled discharge of product into the environment. Do not flush into surface water.

SECTION 9. Physical and chemical properties

9.1. Information on basic physical and chemical properties

a) Appearance:	Granular solid, White.
b) Odour:	None.
c) Odour Threshold:	Not applicable.
d) pH:	5 - 9 @ 5 g/L
e) Melting point/freezing point:	> 150°C
f) Initial boiling point and boiling range:	Not applicable.
g) Flash point:	Not applicable.
h) Evaporation rate:	Not applicable.
i) Flammability (solid, gas):	No data available.
j) Upper/lower flammability or explosive limits:	Not expected to create explosive atmospheres.
k) Vapour pressure:	Not applicable.
l) Vapour density:	Not applicable.
m) Relative density:	0.6 - 0.9
n) Solubility(ies):	Soluble in water.
o) Partition coefficient:	-2
p) Autoignition temperature:	Does not self-ignite (based on the chemical structure).
q) Decomposition temperature:	> 150°C
r) Viscosity:	See Technical Bulletin.
s) Explosive properties:	Kst = 0 Non-flammable to ignition sources of less than 2.5 kJ.
t) Oxidizing properties:	Not expected to be oxidising based on the chemical structure.

9.2. Other information

None.

SECTION 10. Stability and reactivity

10.1. Reactivity

None known.

10.2. Chemical stability

Stable under normal conditions.

10.3. Possibility of hazardous reactions

Oxidizing agents may cause exothermic reactions.

10.4. Conditions to avoid

None known.

10.5. Incompatible materials

Incompatible with oxidizing agents.

10.6. Hazardous decomposition products

Thermal decomposition may produce: nitrogen oxides (NOx), carbon oxides (COx), hydrogen cyanide (hydrocyanic acid).

SECTION 11. Toxicological information

11.1. Information on toxicological effects

Information on the product as supplied:

Acute oral toxicity:	LD50/oral/rat > 5000 mg/kg
Acute dermal toxicity:	LD50/dermal/rat > 5000 mg/kg
Acute inhalation toxicity:	The product is not expected to be toxic by inhalation.
Skin corrosion/irritation:	Not irritating.
Serious eye damage/eye irritation:	Not irritating.
Respiratory/skin sensitisation:	Not sensitizing.
Mutagenicity:	Not mutagenic.
Carcinogenicity:	Not carcinogenic.
Reproductive toxicity:	Not toxic for reproduction.
STOT - single exposure:	No known effects.
STOT - repeated exposure:	No known effects.
Aspiration hazard:	No hazards resulting from the material as supplied.

SECTION 12. Ecological information

12.1. Toxicity

Information on the product as supplied:

Acute toxicity to fish:	LC50/Danio rerio/96 hours > 100 mg/L (OECD 203) LC50/Fathead minnow/96 hours > 100 mg/L (OECD 203)
Acute toxicity to invertebrates:	EC50/Daphnia magna/48 hours > 100 mg/L (OECD 202)
Acute toxicity to algae:	IC50/Scenedesmus subspicatus/72 hours > 100 mg/L (OECD 201)
Chronic toxicity to fish:	No data available.
Chronic toxicity to invertebrates:	No data available.
Toxicity to microorganisms:	No data available.
Effects on terrestrial organisms:	No known effects.
Sediment toxicity:	No data available.

12.2. Persistence and degradability

Information on the product as supplied:

Degradation:	Not readily biodegradable.
Hydrolysis:	Does not hydrolyse.
Photolysis:	No data available.

12.3. Bioaccumulative potential

Information on the product as supplied:

Not bioaccumulating.

Partition co-efficient (Log Pow):	-2
Bioconcentration factor (BCF):	~0

12.4. Mobility in soil

Information on the product as supplied:

None.

12.5. Other adverse effects

None known.

SECTION 13. Disposal considerations

13.1. Waste treatment methods

Waste from residues / unused products:

Dispose in accordance with local and national regulations. Can be landfilled or incinerated, when in compliance with local regulations.

Contaminated packaging:

Rinse empty containers with water and use the rinse-water to prepare the working solution. Dispose in accordance with local and national regulations. Can be landfilled or incinerated, when in compliance with local regulations.

Recycling:

The product and its packaging are not suitable for recycling.

SECTION 14. Transport information

Land transport (DOT)

Not classified.

Sea transport (IMDG)

Not classified.

Air transport (IATA)

Not classified.

SECTION 15. Regulatory information

15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture

Information on the product as supplied:

TSCA Chemical Substances Inventory:

All components of this product are either listed on the inventory or are exempt from listing.

US SARA Reporting Requirements:

SARA (Section 311/312) hazard class:
Not concerned.

RCRA status :
Not RCRA hazardous.

California Proposition 65 Information:

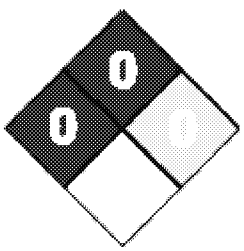
WARNING! This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm, Acrylamide.

SECTION 16. Other information

NFPA and HMIS Ratings:

NFPA:

Health:	0
Flammability:	0
Instability:	0



HMIS:

Health:	0
Flammability:	0
Physical Hazard:	0
PPE Code:	B

This data sheet contains changes from the previous version in section(s):

SECTION 2. Hazards identification, SECTION 3. Composition/information on ingredients, SECTION 4. First aid measures, SECTION 11. Toxicological information, SECTION 16. Other Information.

Key or legend to abbreviations and acronyms used in the safety data sheet:

None.

This SDS was prepared in accordance with the following:

U.S. Code of Federal Regulations 29 CFR 1910.1200

Version: 15.01.a

PRAC001

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

Ecology Controls M-Binder

Material Safety Data Sheet

I Product Identification

1. Trade Name: Ecology Control M-Binder
2. Chemical Name, Common Names: Organic Plant and seed concentrate
3. Manufacturer or Distributor Name: ***Ecology Controls***
4. Address: ***P.O. Box 1275, Carpinteria, CA 93013***
5. Business Phone: ***805/684-0436***
6. Date this Materials Safety Data Sheet was prepared 2/11/02

II Hazardous Ingredients: Chemical Name, Cas No,. ACGIH. (TLV) OSHA (PEL)

No toxic chemicals subject to reporting requirements of the OSHA Hazard Communication Standard are present.

III Physical Properties

1. Vapor Density (air = 1): N/A
2. Specific Gravity: > 1
3. Solubility in Water: Negligible
4. Vapor Pressure, mmHg at 20° C: N/A
5. Evaporation Rate (Butyl Acetate = 1): N/A
6. Melting Point or Range, °F: Not Established
7. Boiling Point or Range, °F: N/A
8. Appearance and Odor: Tan, powdered material. No odor.
9. How to detect this substance (warning properties of substance as a gas, vapor, dust, or mist): Airborne dust may be irritating to eyes and respiratory tract.

IV Fire and Explosion Hazard Data

1. Flash Point, °F (method): N/A
2. Autoignition Temperature, °F: Not established
3. Flammable Limits in Air, volume %: Lower: N/A Upper: N/A
4. Fire Extinguishing Materials: Water and carbon dioxide
5. Special Fire Fighting Procedures: None
6. Unusual Fire and Explosion Hazards: This material is combustible. Airborne dust may explode when in contact with an ignition source.

V Health Hazard Information

1. Symptoms of Overexposure for Each Potential Route of Exposure:
   a. Inhaled: Inhalation of this product's dust may cause irritation of upper respiratory tract
   b. Contact with Skin and Eyes: None Known
   c. Absorbed Through Skin: No

d. Swallowed: No available data

2. Health Effects or Risks from Exposure:
   a. Acute: Irritation of upper respiratory tract
   b. Chronic: Irritation of upper respiratory tract
3. First Aid: Emergency Procedures
   a. Eye Contact: If product's dust gets into the eyes, flush with water for at least 15 minutes. If irritation persists, contact a physician.
   b. Skin Contact: Wash and soap and water
   c. Inhaled: Move exposed person to fresh air and perform artificial respiration. Call physician.
   d. Swallowed: If symptoms arise, call physician.
4. Suspected Cancer Agent? X No:This product's ingredients are not found in the lists.
   Federal OSHANTP IARC CAL/OSHA
5. Medical Conditions Aggravated by Exposure: Respiratory conditions and eye conditions

VI Reactivity Data

1. Stability: Stable
2. Conditions to avoid: heat, flame, sparks, and other ignition sources. This product is combustible.
3. Incompatibility (Materials to Avoid): Strong oxidizing agents.
4. Hazardous Decomposition Products (Including combustion products): Carbon monoxide and partially oxygenated hydrocarbons.
5. Hazardous Polymerization: Will not occur.
6. Conditions to avoid: None

VIII. Spill, Leak and Disposal Procedures

1. Spill Response Procedures (Including Employee Protection Measures): Sweep up dust. Keep away from sources of heat, flame, sparks or other ignition sources.
2. Preparing Wastes for Disposal: Can be disposed with normal domestic waste.

IX. Special Handling Information

1. Ventilation and Engineering Controls: General ventilation should be adequate under normal use conditions.
2. Respiratory Protection: If airborne dust concentration causes irritation or discomfort, use a NIOSH approved respirator.
3. Eye Protection: Goggles
4. Gloves: Normal work gloves should be adequate
5. Other Clothing and Equipment: Normal work attire
6. Work Practices, Hygienic Practices: Avoid inhalation of dust.

7. Other Handling and Storage Requirement: Store in sealed containers. Keep away from sources of ignition.
8. Protective Measures During Maintenance of Contaminated Equipment: N/A

N/A = Not Applicable

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 5, 2021

TRANSMITTED VIA EMAIL

Double M Properties
Bob Prewitt, Vice President
4400 Alameda Blvd. NE Suite E
Albuquerque, NM 87113
prewitt@swcp.com

Re: Administrative Order; Docket Number: CWA-06-2021-1717
NPDES Facility Number: NMR1002AG

Dear Mr. Prewitt:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning Double M Properties' Legacy at Sierra Vista. The Order requires Double M Properties (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that the Respondent immediately confirm receipt of this Order by a response e-mail to johnson.carol@epa.gov.

On January 23, 2021, EPA issued a Notice of Potential Violation Opportunity to Confer (NOPVOC) to the Respondent for violations involving Double M Properties' failure to obtain appropriate National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for the entire site, prior to beginning construction activity at the Legacy at Sierra Vista development project located at Los Lunas, Valencia County, New Mexico. In addition, the NOPVOC noted the Respondents' failure to implement Best Management Practices to minimize dust generated from construction activities.

This Order is being issued to the Respondent for violations of the Clean Water Act (CWA) 33 U.S.C. §§ 1251-1387. The EPA finds that the Respondent owns or operates a construction site and violated its National Pollutant Discharge Elimination System (NPDES) permit from April 2020-December 2020. The Order requires the Respondent to provide a compliance plan to EPA for review and approval, which will correct the violations.

The Order does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty(30) days of receipt of this Order. The Order also contains other compliance deadlines and specified information. EPA is committed to ensuring compliance with the requirements of NPDES program and my staff will assist you in any way possible. Please reference Administrative Order Docket Number CWA-06-2021-1717 and NPDES Facility Number NMR1002AG in your response.

The EPA acknowledges that the COVID-19 pandemic may impact your operations. If this is the case, please contact us regarding any specific issues you need to discuss. If you need assistance, or have questions regarding this Order, please contact Carol Johnson, of my staff, at (214) 665-8471.

Sincerely,

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER, 0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.05.05 16:48:21 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division

ec: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

Susan Lucas Kamat
Municipal Team Supervisor
susan.lucaskamat@state.nm.us

Levi Dean
Supervisor
levi.dean@state.nm.us

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
	§	
Double M Properties	§	
	§	DOCKET NO. CWA-06-2021-1717
	§	
Respondent	§	
	§	
NPDES ID. No. NMR1002AG	§	

ADMINISTRATIVE ORDER

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act (Act), 33 U.S.C. § d 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Double M Properties (Respondent) is a "person" as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violations alleged herein (relevant time period), Respondent owned or operated Legacy at Sierra Vista development, a 180 acre construction site, located at 0.43 miles West of Jubilee Blvd. on NM -6, Los Lunas, Valencia County, New Mexico (facility) and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) & (14) of the Act, 33 U.S.C. §1362(12) & (14), to the receiving waters of an Unnamed Ephemeral Stream, thence to an Unnamed Stream, thence to the Hubbell Channel, thence to the Rio Grande, which is a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.

4. The facility is considered an industry under 40 C.F.R.§ 122.26(b)(14)(x), and as such, is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by EPA on May 14, 2019.

5. Respondent applied for and was issued coverage under the Construction General Permit and was assigned NPDES Permit No. NMR1002AG by the EPA e-NOI Center on August 1, 2019 for 57 acres. However, beginning April 3, 2020, Respondent cleared and graded an extra 123 acres which it did not obtain coverage for until December 10, 2020. On December 24, 2020, Respondent was authorized to discharge pollutants to waters of the United States for 180 acres, but only in compliance with the specific terms and conditions of the permit.

6. On December 16, 2020, the facility was reviewed by an EPA storm water inspector. As a result of this review, the facility was found to be in violation of its NPDES permit.

7. Pursuant to Part 2.2.6 of the NPDES Construction General Permit, permittee shall, on areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

8. Pursuant to Part 2.2.14 of the NPDES Construction General Permit, permittee shall implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydro-mulch, gravel) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

9. Pursuant to part 1.4.3 of the NPDES Construction General Permit, permittee shall submit their NOI at least 14 calendar days before commencing construction activities.

10. Violations of the permit are as follows:

    a. Part 2.2.6 of the permit was violated in that the permittee failed to minimize dust due to insufficient BMPs for the occuring construction activity.

b. Part 2.2.14 of the permit was violated in that the Permittee failed to establish stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days.

c. Part 1.4.3 of the permit was violated in that there was a failure to obtain NPDES Construction General Permit (CGP) coverage for eight months for additional project area/phases prior to beginning construction activity.

11. Each violation of the conditions of the permit described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a compliance plan and schedule to address the violations specified in paragraph 10.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a written certification of compliance with this Order to EPA Region 6 describing all actions taken to correct the deficiencies listed in paragraph 10.

All correspondence should be addressed to:

Ms. Carol Johnson
Water Enforcement Branch (6ECD-WR)
EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
johnson.carol@epa.gov

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Violation of any term of this Section 1414(g) Compliance Order may subject Respondent to an administrative civil penalty of up to $41,120 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than $59,017 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

Date: May 3, 2021

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER, 0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.05.03 18:04:32 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

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Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 8/17/2021 9:24:12 PM
To: Bob Prewitt [prewitt@swcp.com]
CC: Bernier, Roberto [bernier.roberto@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Esparza, David [esparza.david@epa.gov]; daniel.valenta@state.nm.us; Dean, Levi, NMENV [Levi.Dean@state.nm.us]
Subject: Legacy at Sierra Vista

Mr. Prewitt:

This is to confirm our discussion the afternoon regarding your request to be notified of our on-site visit. As we discussed I will be on-site at 8:00 AM (MST) on August 18, 2021to observe and document the current activities. Additionally, as I mentioned NMED personnel will accompany me.

Thank you

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Bob Prewitt [prewitt@swcp.com]
Sent: 8/17/2021 9:41:47 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Bernier, Roberto [bernier.roberto@epa.gov]; Jones, Curry [jones.curry@epa.gov]; daniel.valenta@state.nm.us; 'Dean, Levi, NMENV' [Levi.Dean@state.nm.us]; Kelley Fetter [kfetter@e2rc.com]
Subject: RE: Legacy at Sierra Vista

David – We will meet you at the entry.

BP

From: Esparza, David <esparza.david@epa.gov>
Sent: Tuesday, August 17, 2021 3:24 PM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Bernier, Roberto <bernier.roberto@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Esparza, David <esparza.david@epa.gov>; daniel.valenta@state.nm.us; Dean, Levi, NMENV <Levi.Dean@state.nm.us>
Subject: Legacy at Sierra Vista

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David A. Esparza, P.E.
Environmental Engineer
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Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Jones, Curry [jones.curry@epa.gov]
Sent: 12/10/2021 10:00:12 PM
To: Christopher Yates [cbenya.yates@aol.com]
CC: callahane@loslunasnm.gov; griegoc@loslunasnm.gov; marting@loslunasnm.gov; ortizc@loslunasnm.gov; Esparza, David [esparza.david@epa.gov]; daniel.valenta@state.nm.us; linsey.hurst@state.nm.us; dadarling1@verizon.net; delconroylaw@gmail.com; rms1954retired@gmail.com; milton44@protonmail.com; pia441@gmail.com; petersen_g@hotmail.com; lopeza@loslunasnm.gov; aguilarm@loslunasnm.gov; Seager, Cheryl [Seager.Cheryl@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; alex_eubanks@heinrich.senate.gov
Subject: Re:

Hey Chris, this is Corey Jones. I just talk with Mr. Prewitt. They should be in the process of having three watering trucks run this afternoon. Could you please send me photos of the watering trucks. He indicated that the trucks would be running up through late this evening. He also indicated that if the winds were still high tomorrow, they would run tomorrow as well.

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

On Dec 10, 2021, at 3:08 PM, Christopher Yates <cbenya.yates@aol.com> wrote:

Curry and Erin

I spoke to you both this afternoon. No watering; result SAND BLASTING.

Please ensure the Developer of Sierra Vista is doing his job by protecting the 55+ Jubilee Community at Los Lunas New Mexico.

Winds have been over 30mph and probably gusting to well over 40-50 mph but we have not seen any evidence of watering recently, certainly none on the East side of their development. This storm forecast was well known several days in advance and yet here we are again with another mess to clean up.

Chris Yates

-----Original Message-----
From: cbenya.yates <cbenya.yates@aol.com>
To: cbenya.yates@aol.com
Sent: Fri, Dec 10, 2021 1:37 pm

Sent from my Verizon, Samsung Galaxy smartphone

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 10/26/2021 3:51:09 PM
To: LucasKamat, Susan, NMENV [Susan.LucasKamat@state.nm.us]
CC: Bernier, Roberto [bernier.roberto@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Esparza, David [esparza.david@epa.gov]
Subject: Completed R6-ECD Compliance Report
Attachments: Double M Properties.Legacy at Sierra Vista Project.Inspection Report.06.14.2021.08.18.2021-signed.pdf

FYI

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

EPA United States Environmental Protection Agency

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	06/14/2021- 08/18/2021	
Media Program:	Water	
Regulatory Program(s)	NPDES	
Company Name:	**Double M Properties**	
Facility Name:	**Legacy at Sierra Vista**	
Facility Physical Location:	0.43-miles West of Jubilee Blvd on New Mexico State Road 6 (SR-6)	
(city, state, zip code)	Los Lunas, New Mexico	
Mailing address:	4400 Alameda Blvd. NE, Suite E	
(city, state, zip code)	Albuquerque, New Mexico 87113	
County/Parish:	Bernalillo	
Facility Phone Number	505-345-2694	
Facility Contact:	Bob Prewitt	Vice President
	prewitt@swcp.com	
FRS Number:	110070569767	
Identification/Permit Number:	NMR1002AG	
Media Identifier Number:	N/A	
NAICS:	237210	
SIC:	6552	
Personnel participating in inspection:		
Sam Schneider	Sundance Mechanical & Utility Corp.	Construction Manager
Roy Maxey	Sundance Mechanical & Utility Corp.	Project Manager
Daniel Valenta	New Mexico Environment Department	Environmental Scientist-Specialist
Levi Dean	New Mexico Environment Department	Industrial and Stormwater Team Supervisor
Bob Prewitt	Double M Properties- Owner	Vice-President
Kelly Fetter	E2RC-SWPPP Consultant	President
David Esparza, PE	USEPA-ECDWM	Environmental Engineer
EPA Lead Inspector Signature/Date	DAVID ESPARZA Digitally signed by DAVID ESPARZA DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=DAVID ESPARZA, 0.9.2342.19200300.100.1.1=68001003655879 Date: 2021.10.25 09:56:39 -06'00'	
	David Esparza	Date
Supervisor Signature/Date	Bernier, Roberto Digitally signed by Bernier, Roberto DN: cn=Bernier, Roberto, email=bernier.roberto@epa.gov Date: 2021.10.25 11:05:14 -05'00'	
	Roberto Bernier	Date

6ENFORM-020-R8.2 (02/12/2020)

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

United States Environmental Protection Agency (EPA) Region 6 inspector David Esparza, PE, and Daniel Valenta, New Mexico Environment Department –Industrial Team-Surface Water Quality Bureau (NMED) arrived at the Double M Properties (Double M) Legacy at Sierra Vista (Sierra Vista) project location at approximately 0800 AM on June 14, 2021 for an unannounced inspection. I presented my credentials to Mr. Schneider, Construction Manager and Mr. Maxey, Project Manager both of Sundance Mechanical & Utility Corporation (contractors for Double M) and informed them that this was an EPA inspection to determine the facility's compliance under the Clean Water Act (CWA) and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. This Compliance Evaluation Inspection (CEI) was conducted under the authority of §308 of the CWA. A follow-up coordinated inspection was conducted on August 18, 2021 with Mr. Levi Dean, NMED-Industrial and Stormwater Team Supervisor, Mr. Bob Prewitt, Vice-President, Double M Properties and Mr. Kelly Fetter, President, E2RC (consultant for Double M) to confirm progress statements of Double M representatives. The generation of this report is based on information supplied by Double M representatives, observations made by the EPA inspector, NMED and records and reports maintained by the permittee (Double M), and the EPA. Before leaving the facility on June 14, 2021, an exit briefing was held with Mr. Schneider, and Mr. Maxey to explain areas of concern noted at the time of the inspection. Additionally, prior to leaving the facility on August 18, 2021, an exit briefing was held with Mr. Prewitt, and Mr. Fetter to explain areas of concern noted at the time of the inspection

FACILITY DESCRIPTION

The Sierra Vista project site is located West of Jubilee Blvd on New Mexico State Road 6 (SR-6) in Los Lunas, Valencia County, New Mexico (denoted in **Aerial Image 1** below). Coordinates to the project location are in the vicinity of: Latitude 34˚49'12.72" North, Longitude 106˚48'01.08" West. This location can be further described as approximately 25-miles south of Albuquerque, New Mexico. The proposed subdivision project activities will ultimately be comprised of single-family dwelling units (DUs), apartment buildings and all associated ancillary appurtenances, i.e., curb, gutter, roadways, and utilities.

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Aerial Image #1- Overall view of the Legacy at Sierra Vista Development. Aerial from Google Earth (2021).

Section II – OBSERVATIONS

The following points of discussion are derived from review of information provided by Double M representatives, their consultant, or on-site visual observation. **Note:** the entire Stormwater Pollution Prevention Plan (SWPPP) was reviewed, inclusive of inspection reports, product "cut sheets" and site plans/maps.

- Stormwater Pollution Prevention Plan (SWPPP) was originally prepared on June 17, 2019 with respect to the 57-acres. The SWPPP was updated on April 3, 2020 and identifies 180-acres. See SWPPP pages 11 of 60, 24 of 60 and 29 of 60 (**Appendix 7-** SWPPP "Legacy at Sierra Vista). The Site Map's pages 4 and 5 indicate the 57-acres. Site Map (page 6) indicates "stabilized areas" with respect to various dates but does not define the number of acres (**Appendix 8-** Legacy at Sierra Vista Site Plan: Sheets #4, #5 and #6).
- The original 57-acre, Notice of Intent (NOI) was filed on July 18, 2019 and became effective on August 1, 2019 (**Appendix 3- 57-acre Notice of Intent**) in the name of Double M Properties.
- The updated 180-acre NOI was filed on December 10, 2020 and became effective on December 24, 2020 (**Appendix 4- 180-acre Notice of Intent**) in the name of Double M Properties.
- The duly recorded "Subdivision Plat of Tracts A thru H Sierra Vista (being a Replat of Tract 6 Lands of Huning Limited Partnership Situate within the San Clemente Grant, in projected Sections 23 and 24, Township 7 North, Range 1 East New Mexico Principal Meridian, Village of Los Lunas Valencia County, New Mexico, dated January 2019, indicates "Said tract contains 257.9090 acres more or less" (**Appendix 5- Subdivision Plat of Tracts A thru H Sierra Vista**).

- SWPPP pages 30 and 31 of 60 define dust control measures, but do not define the quantity of acres disturbed (**Appendix 7-** SWPPP "Legacy at Sierra Vista).
- SWPPP page 32 of 60 states "The project does not have steep slope areas (**Appendix 1- Photograph #4 and Photograph #5**) and (**Appendix 7-** SWPPP "Legacy at Sierra Vista).
- SWPPP pages 41 and 42 of 60 refers to stabilization, but doesn't indicate quantity of acreage addressed (**Appendix 7-** SWPPP "Legacy at Sierra Vista)
- Southeast corner Tract E (~13.5-acres- adjacent to the Jubilee Subdivision) is currently undergoing earthwork preparation for the construction of single-family dwelling units (DU's). Mr. Prewitt stated "Per your request, attached is the phasing plan for Vista Manzano. Our plan is to grade all the lots on the south border, build the wall at the rear of the lots, and permanently stabilize the slope. Utilities/streets will be constructed in Phase 1 only at this time." Water is being applied in active earthwork area only (**Appendix 6- Phasing Plan for Vista Manzano**).
- Utilities are in the ground with an expected delivery completion date of March-April 2022.
- Development of Tract E will be in phases. Phase 2 (north side of Tract) and Phase 3 (west side of Tract) are currently on hold. Mr. Prewitt stated the construction of a concrete masonry unit (CMU-"cinder block") wall along eastern edge of Tract E is estimated to be completed in roughly one week, CMU wall footings and rebar were in-place. Refer to attached Vista Manzano Phasing document (**Appendix 6- Phasing Plan for Vista Manzano**).
- Entire Tract F has been cleared, leveled and re-vegetated (approximately in November-December 2020). There was no evidence of recent tackifier application (the ground was not stabilized (felt soft and squishy). Mr. Fetter (E2RC) mentioned that last application of tackifier was in May 2021. Seed mix in tract was an American Public Works Association (APWA) "westside" seed mix. (**Appendix 2- Photograph #2**)
- The entire Sierra Vista project area exhibited vegetation or re-vegetation, though extremely sparse in most areas. NOTE: Double M is relying solely on rainfall or a storm event for watering. No mechanical means are utilized, i.e., sprinkler or water truck. Tract D and A were seeded with "Sudan-sorghum" seed mix at the beginning of July (**Appendix 2- Photograph #3, Photograph #4, and Photograph #5**).
- Tract D- cleared and leveled and will have an approximate 40-unit apartment complex when completed.
- The stone berm/wall previously in-place along the eastern side (Jubilee: north-south direction) has been relocated to north side of the active earthwork area in an east-west direction.
- The orange construction fence (not silt) observed along the east side (Jubilee) in a north-south direction needed maintenance (**Appendix 1- Photograph #6 Photograph #7 and Photograph #8**).
- No silt fencing or retention basins were observed on west half of Tract A.

Section III – SUMMARY/AREAS OF CONCERN

The entire evaluation can be summarized as follows:

- During the approximate 8-month period (April 2020-December 2020) Double M Properties operated without benefit of permit coverage (**Appendix 4- 180-acre Notice of Intent**).

- It is not clear what the total surface area of the project comprises. Refer to the August 2019 NOI, the December 2020 NOI, versus the duly recorded "Subdivision Plat of Tracts A thru H Sierra Vista (being a Replat of Tract 6 Lands of Huning Limited Partnership Situate within the San Clemente Grant, in projected Sections 23 and 24, Township 7 North, range 1 East New Mexico Principal Meridian, Village of Los Lunas Valencia County, New Mexico, dated January 2019.
- The entire Sierra Vista project exhibited vegetation or re-vegetation, though extremely sparse in most areas. NOTE: Double M is relying solely on rainfall or a storm event for watering. No mechanical means are utilized, i.e., sprinkler or water truck. Tract D and A were seeded with "Sudan-sorghum" seed mix at the beginning of July.
- The orange construction fence (not silt) fencing previously observed remains in-place along the east side (Jubilee) in a north-south direction. The fencing needed maintenance (**Appendix 1- Photograph #6 Photograph #7 and Photograph #8**).

EPA Region 6 inspector David Esparza conducted a closing conference at the Double M Legacy at Sierra Vista project location on June 14, 2021 and August 18, 2021 for the inspection.

Section IV – FOLLOW UP

The following information was received by EPA on June 24, June 28, July 1, and July 18, 2021, after exiting the Facility on August 18, 2021:

- Construction pond dimensions and evaporation calculations
- Totalizing (water) meter information/readings
- Vista Manzano Phasing plan

Section V – LIST OF APPENDICES

Appendix 1 – Legacy at Sierra Vista Initial Photographic Log- June 14, 2021
Appendix 2 – Legacy at Sierra Vista Follow-up Photographic Log- August 18, 2021
Appendix 3 – 57-Acre Notice of Intent
Appendix 4 – 180-Acre Notice of Intent
Appendix 5 – Subdivision Plat of Tract A thru H
Appendix 6 – Phasing Plan for Vista Manzano
Appendix 7 – SWPPP "Legacy at Sierra Vista"
Appendix 8 – Legacy at Sierra Vista Site Plan: Sheets #4, #5 and #6

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Appendix 1

Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking towards the East along New Mexico State Road 6 (SR-6). June 14, 2021 (DSCF4884) 8:17 AM Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately Southeast. Note: Village WST as reference. June 14, 2021 (DSCF4903). 9:34 AM Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View from west side looking approximately due East. June 14, 2021 (DSCF4906) 9:41 AM Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately Northwest from the top of the hill located along the southeast side. Note: the difference in elevation. June 14, 2021 (DSCF4909). 9:43 AM Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

Another view looking approximately East along hilltop. June 14, 2021 (DSCF4911). 9:53 AM
Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

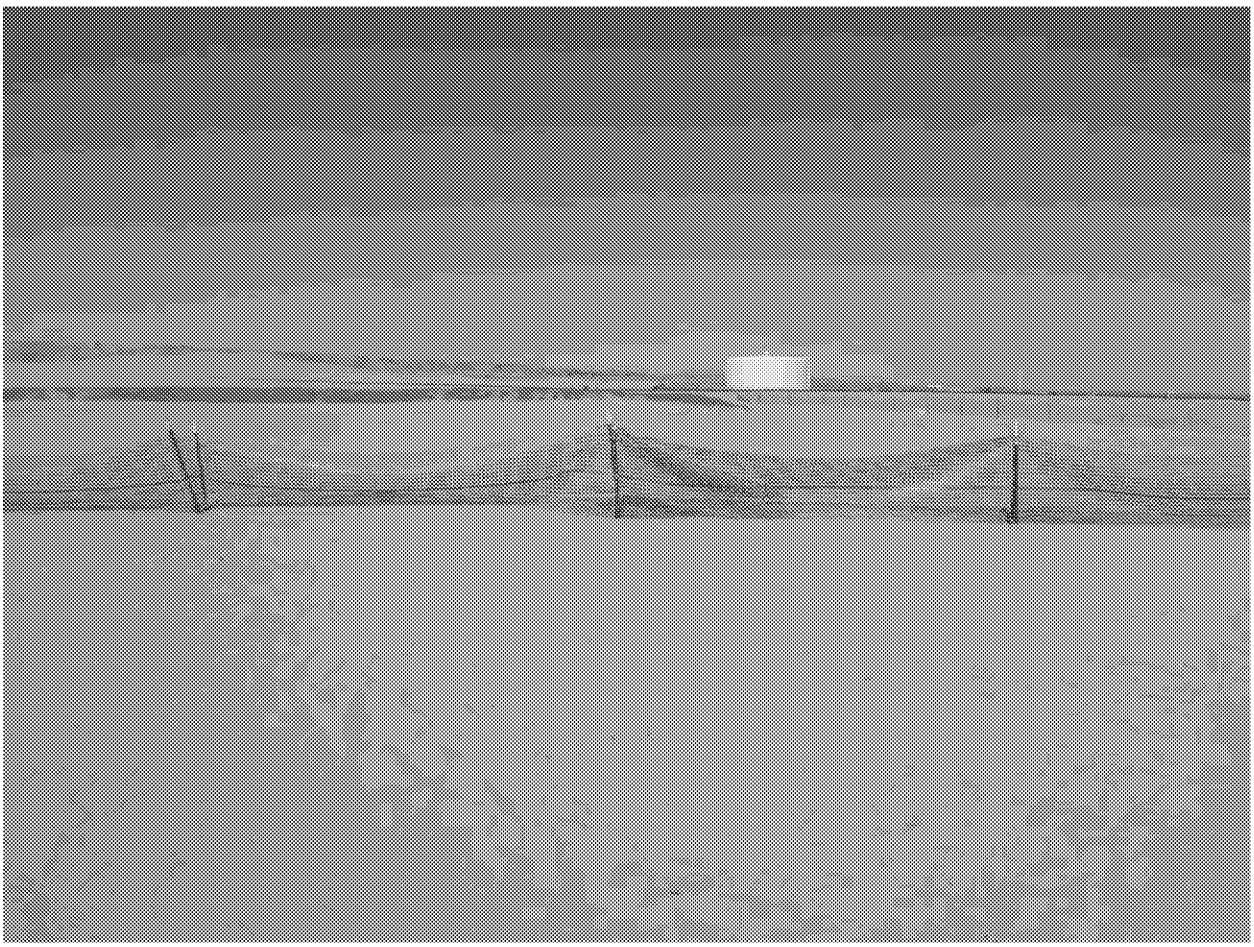
View looking approximately South along Jubilee Subdivision fence. Note: orange construction fencing in right side of photograph and difference in elevation. June 14, 2021 (DSCF4919). 10:07 AM Photographed by D. Valenta (NMED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico



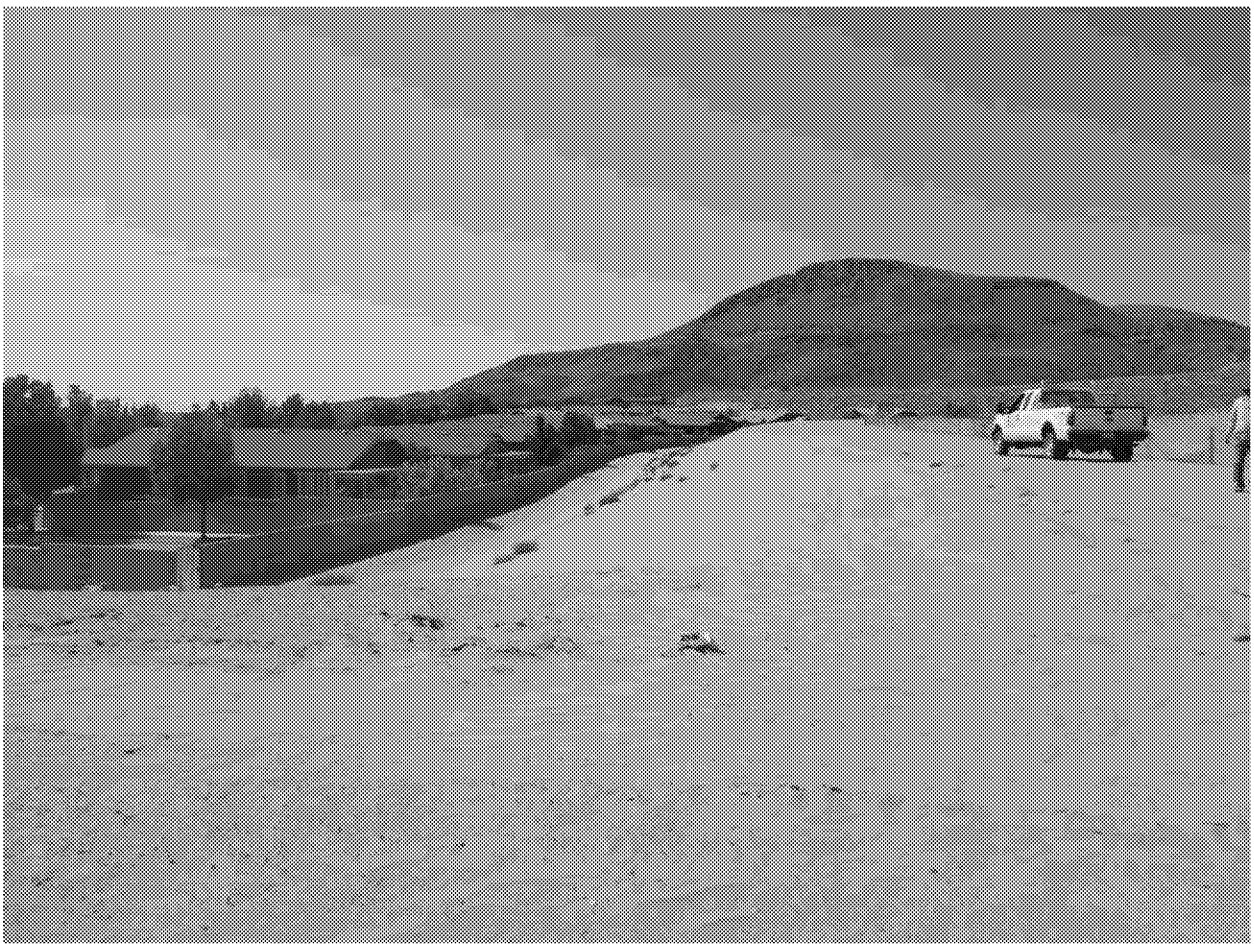
View looking approximately West towards the Village of Los Lunas WST. Note: orange construction type fencing indicated in previous photograph. June 14, 2021 (DSCN1809). 10:03 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico



View looking approximately South along Jubilee Subdivision fence. Note: orange construction fencing in right side of photograph, areas of disrepair and difference in elevation. June 14, 2021 (DSCN1810). 10:03 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View of an accumulation of wind-blown overburden material and compromised silt fencing along Northside of Jubilee Subdivision. June 14, 2021 (DSCN1812) 10:11 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking west from El Cerro del Los Lunas Preserve Trailhead Northeast along SR-6. June 14, 2021 (DSCN1773). 8:04 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View from El Cerro del Los Lunas Preserve Trailhead looking approximately Southeast. Note: Village WST in center as reference. Also refer to Photograph #10 Appendix 2. June 14, 2021 (DSCN1774). 8:04 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately North-Northeast inside of Tract G. Note: The Village of Los Lunas WST as reference June 14, 2021 (DSCN1790). 8:12 AM Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately South from SR-6. June 14, 2021 (DSCN1787). 8:11 AM Photographed by D. Esparza

Appendix 2

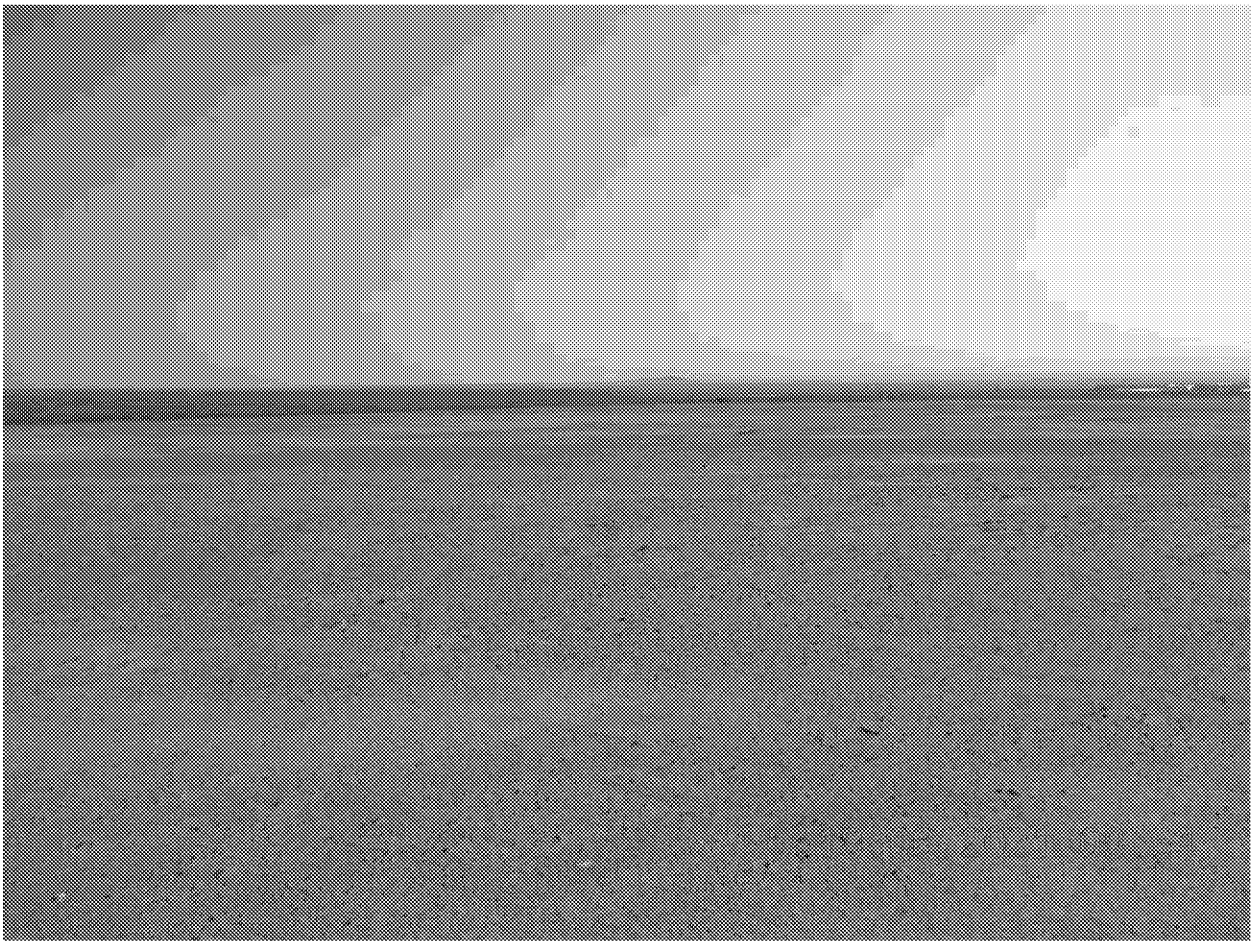
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico



View looking towards the Northeast. August 18, 2021 (DSCN1932). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately Southeast. Note: Village WST as reference. August 18, 2021 (DSCN1933). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View from west side looking approximately Northeast. Note: transition to "seeded area. August 18, 2021 (DSCN1935) Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking north. Note: "stubble" of seeded Tract along NM-6 and wind-blown sand. August 18, 2021 (DSCN1936). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

Close-up of sparce “stubble” vegetated area. August 18, 2021 (DSCN1937). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

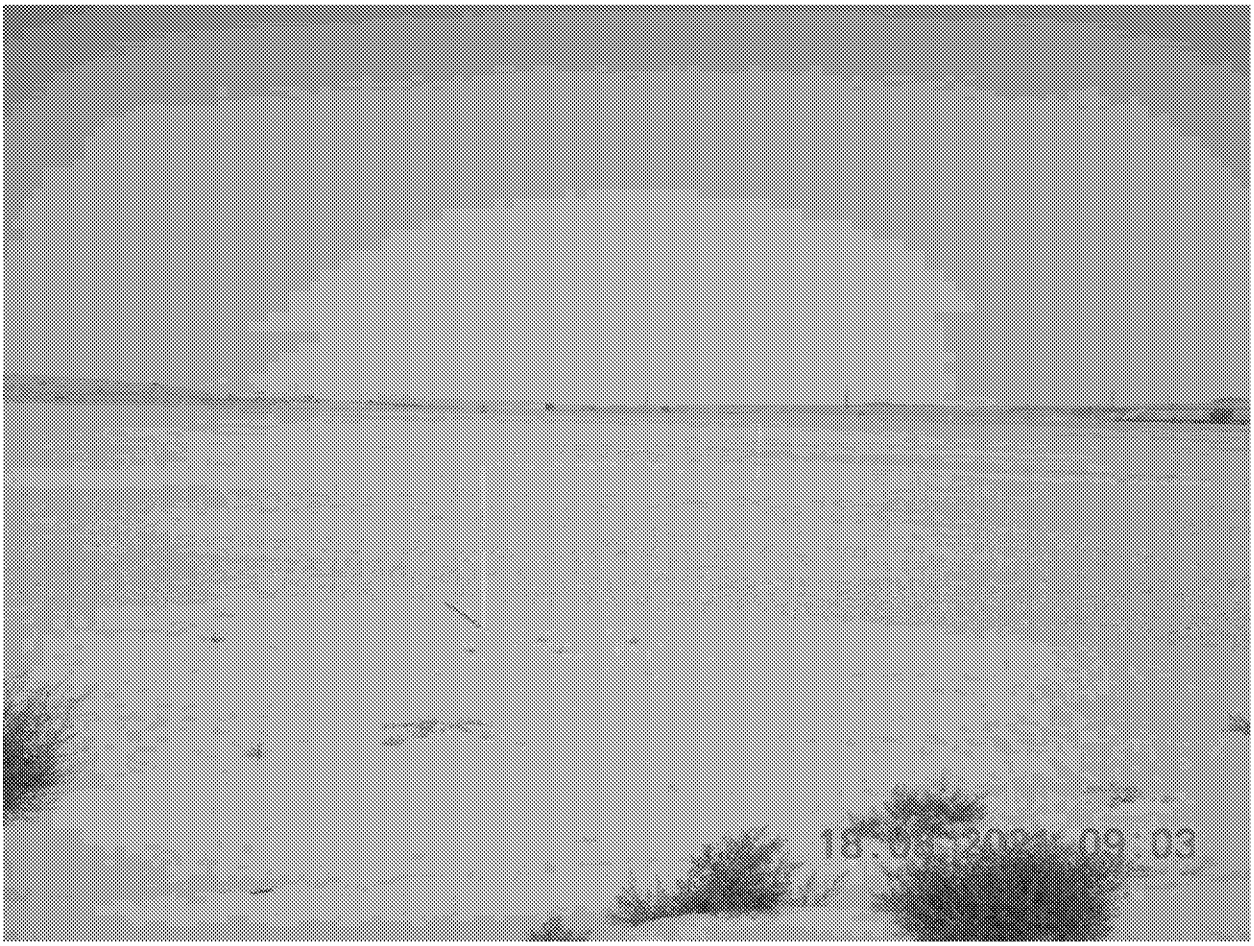
View looking approximately southwest towards Project trailer. August 18, 2021 (DSCN1939).
Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico



View looking approximately Northwest towards NM-6. August 18, 2021 (DSCN1940). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately Northwest towards NM-6. Note: the transition in land surface covering (seeded versus non-seeded.) August 18, 2021 (DSCN1941). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking west from El Cerro del Los Lunas Preserve Trailhead . Note: Village WST in upper right as reference. August 18, 2021 (DSCN1944). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View from El Cerro del Los Lunas Preserve Trailhead looking approximately Southeast. Note: Village WST in center as reference. August18, 2021 (DSCN1945). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately East-Southeast inside of Tract G. Note: the sparce vegetation, with overburden. August 18, 2021 (DSCN1946). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking West-Southwest along NM-6. El Cerro del Los Lunas Preserve in upper right center. August 18, 2021 (DSCN1947). Photographed by D. Esparza

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: Legacy at Sierra Vista		
City: Los Lunas	County/Parish: Valencia	State: New Mexico

View looking approximately Southwest in Right-of-Way of NM-6. El Cerro del Los Lunas Preserve in upper right as reference. August 18, 2021 (DSCN1948). Photographed by D. Esparza

Appendix 3

57-acre Notice of Intent

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT	FORM Approved OMB No. 2040-0004

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: NMR1002AG

State where your construction site is located: NM

Is your construction site located on Indian Country Lands? ☐ YES ☑ 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)?

☐ YES ☑ NO

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? ☐ YES ☑ NO

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ YES ☑ NO

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? ☑ YES ☐ NO

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 ☐ NO

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 ☐ NO

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 ☐ NO

Operator Information

Operator Information

Operator Name: Double M Properties

Operator Mailing Address:

Address Line 1: 4400 Alameda Blvd. NE Suite E

Address Line 2:

City: Albuquerque

ZIP/Postal Code: 87113

State: NM

County or Similar Division: BERNALILLO

Operator Point of Contact Information

First Name, Middle Initial, LastName: Bob Prewitt

Title: Vice President

Phone: 505-345-2694

Ext.

Email: prewitt@swcp.com

Project/Site Information

Project/Site Name: Legacy at Sierra Vista

Project/Site Address

ED_013010_00000765-00035

Address Line 1: 0.43 miles West of Jubilee Blvd. on NM-6

Address Line 2:

City: Los Lunas

ZIP/Postal Code: 87031

State: NM

County or Similar Division: VALENCIA

Latitude/Longitude: 34.8202°N, 106.8003°W

Latitude/Longitude Data Source: Google Earth

Horizontal Reference Datum: NAD 83

Project Start Date: 2019-08-19

Project End Date: 2020-07-03

Estimated Area to be Disturbed: 57

Types of Construction Sites:

- Highway or Road
- Utility

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ YES ☑ NO

Was the pre-development land use used for agriculture? ☐ YES ☑ NO

Have earth-disturbing activities commenced on your project/site? ☐ YES ☑ NO

Is your project located on a property of religious or cultural significance to an Indian tribe? ☐ YES ☑ NO

Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☑ YES ☐ NO

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☑ YES ☐ 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)

☐ YES ☑ NO

001: Dry Ephemeral Stream

Latitude/Longitude: 34.8185°N, 106.8043°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? ☐ YES ☑ NO

Has a TMDL been completed for this receiving waterbody? ☐ YES ☑ NO

002: Unnamed Streamriver

Latitude/Longitude: 34.8258°N, 106.7956°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? ☐ YES ☑ NO

Has a TMDL been completed for this receiving waterbody? ☐ YES ☑ NO

Stormwater Pollution Prevention Plan (SWPPP)

First Name, Middle Initial, LastName: Kelley V Fetter, P.E., CPSWQ, CPMSM

Title: President

Phone: 505-867-4040

Ext.

Email: info@e2rc.com

Endangered Species Protection

Appendix 4

180-acre Notice of Intent

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT	FORM Approved OMB No. 2040-0004

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: NMR1002AG

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: Double M. Properties

Operator Mailing Address:

Address Line 1: 4400 Alameda Blvd. NE Suite E

Address Line 2:

City: Albuquerque

ZIP/Postal Code: 87113

State: NM

County or Similar Division: Bernalillo

ED_013010_00000765-00038

Operator Point of Contact Information

First Name Middle Initial Last Name: Bob Prewitt

Title: Vice President

Phone: 505-345-2694 **Ext.:**

Email: prewitt@swcp.com

NOI Preparer Information

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

First Name Middle Initial Last Name: Sydney Fetter

Organization: E2RC, LLC.

Phone: (505) 867-4040 **Ext.:**

Email: enoi_certify@e2rc.com

Project/Site Information

Project/Site Name: Legacy at Sierra Vista

Project/Site Address

Address Line 1: 0.43 miles West of Jubilee Blvd. on NM-6

Address Line 2: **City:** Los Lunas

ZIP/Postal Code: 87031 **State:** NM

County or Similar Division: Valencia

Latitude/Longitude: 34.820242°N, 106.800303°W

Latitude/Longitude Data Source: Google Earth **Horizontal Reference Datum:** NAD 83

Project Start Date: 08/19/2019 **Project End Date:** 12/31/2021 **Estimated Area to be Disturbed:** 180

Types of Construction Sites:

- Highway or Road
- Utility

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? 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)? Yes

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? Yes

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)

No

001: Dry Ephemeral Stream

Latitude/Longitude: 34.818538°N, 106.804302°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

002: Unnamed Streamriver

Latitude/Longitude: 34.825786°N, 106.795594°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

First Name Middle Initial Last Name: Kelley V Fetter, P.E., CPSWQ, CPMSM

Organization:

Title: President

Phone: 505-867-4040 **Ext.:**

Email: info@e2rc.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 C

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 U.S. FWS Species Report and IPaC Critical Habitat Mapping portal indicate there are no critical habitats or endangered, threatened or candidate species in the action are. The nearest critical habitat is 4.43 miles east of the project. The Yellow - Billed Cuckoo and Southwestern Willow Flycatcher habitats consists of densely wooded riparian areas near a water source. As aviary species, the bird's movements is not limited by borders or other impediments. However, the action area in question does not provide the preferred habitat or food requirements to support the species the habitat is near the action area.

What federally-listed species or federally-designated critical habitat are located in your *"action area"*?

Rio Grande Silvery Minnow, Yellow-Billed Cuckoo and Southwestern Willow Flycatcher.

What is the distance between your site and the listed species or critical habitat (miles)?

4.43

Copy of your Site Map:

Name	Uploaded Date	Size
Critical Habitat for Threatened & Endangered Species [USFWS].pdf (attachment/1298537)	12/10/2020	689.77 KB

Historic Preservation

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) 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), Step 1)

Yes

Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf), Step 2):

Yes

Certification Information

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: Robert Prewitt

Certifier Title: President

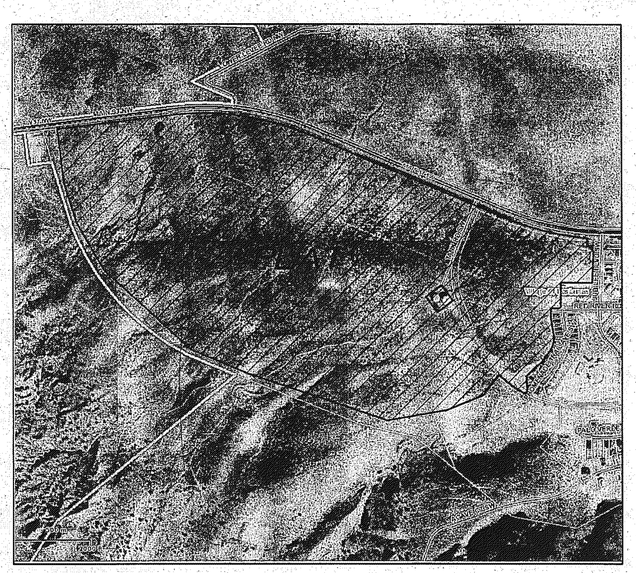
Certifier Email: prewitt@swcp.com

Certified On: 12/10/2020 12:39 PM ET

Appendix 5

Subdivision Plat of Tracts A thru H Sierra Vista

201904637



N

VICINITY MAP
Not to Scale

GENERAL NOTES

1. Bearings are grid and based on the New Mexico State Plane Coordinate System, Central Zone (NAD83).
2. Distances are ground.
3. Record or platted information where it differs from that found in the field survey is shown in parenthesis (xxx).
4. All corners are a 5/8" rebar and survcap stamped "HUGG LS 9750" unless otherwise indicated. Found corners are so indicated.
5. Distances along curved lines are arc lengths.

PURPOSE OF PLAT:

1. Create 8 new Tracts as shown hereon.
2. Grant the public easements as shown hereon.

SUBDIVISION DATA

1. Total number of existing Tracts: 1
2. Total number of Tracts created: 8
3. Gross Subdivision acreage: 257.9090 acres.
4. Total Public right of way dedicated: none
5. Mileage of Public Streets created: none

190013. DWG

TAX CERTIFICATE

We the undersigned, certify that a search of the tax records for the parcel of land shown hereon has determined that all taxes due and payable for the previous ten (10) years have been paid.

Jessica Lichlen 4/22/2019
Title Company Representative Date
B219099

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.

B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.

C. Plateau Telcomm for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.

D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

E. QWest Corporation d/b/a CenturyLink for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to ground pedestals and closures.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

DISCLAIMER

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

VALENCIA COUNTY CLERK

Filed in the office of the Valencia County Clerk this 7 day of MAY, 2019, in Cabinet M No. 425
Book _____ Page _____ by _____ Deputy.

PEGGY CARABASAL
County Clerk

LEGAL DESCRIPTION

All of Tract 6, Lands of Huning Limited Partnership, as the same is shown and designated on the plat entitled "SUBDIVISION PLAT OF TRACTS 1 THRU 6 AND TRACTS G-1 AND J, LANDS OF HUNING LIMITED PARTNERSHIP (BEING A REPLAT OF TRACTS D, E, G AND PREVIOUSLY UNPLATTED LANDS OF HUNING LIMITED PARTNERSHIP) SITUATE WITHIN THE SAN CLEMENTE GRANT IN PROJECTED SECTIONS 23 AND 24, TOWNSHIP 7 NORTH, RANGE 1 EAST, NEW MEXICO PRINCIPAL MERIDIAN, VILLAGE OF LOS LUNAS, VALENCIA COUNTY, NEW MEXICO", filed in the Office of the County Clerk of Valencia County, New Mexico on January 31, 2006 in Plat Cabinet "J", Page 647.

Said tract contains 257.9090 acres, more or less.

FREE CONSENT AND DEDICATION

SURVEYED and REPLATTED and now comprising, "SUBDIVISION PLAT OF TRACTS A THRU H, SIERRA VISTA (BEING A REPLAT OF TRACT 6, LANDS OF HUNING LIMITED PARTNERSHIP) SITUATE WITHIN THE SAN CLEMENTE GRANT IN PROJECTED SECTIONS 23 AND 24, TOWNSHIP 7 NORTH, RANGE 1 EAST, NEW MEXICO PRINCIPAL MERIDIAN, VILLAGE OF LOS LUNAS, VALENCIA COUNTY, NEW MEXICO", with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. Said owner(s) and proprietor(s) do hereby grant the public easements as shown hereon. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNER
Sierra Vista-Los Lunas, LLC
a New Mexico limited liability company

By: Mike Mechenbler, Managing Member

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF Valencia

This instrument was acknowledged before me this 12th day of March, 2019, by Mike Mechenbler

Lisa Encinias
Notary Public

My commission expires:
5/8/2021

OFFICIAL SEAL
Lisa Encinias
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 5/8/2021

SIERRA VISTA-LOS LUNAS, LLC
3211 HIGHWAY 47
LOS LUNAS, NEW MEXICO 87031

SUBDIVISION PLAT OF

TRACTS A THRU H
SIERRA VISTA

(BEING A REPLAT OF TRACT 6, LANDS OF HUNING LIMITED PARTNERSHIP)
SITUATE WITHIN
THE SAN CLEMENTE GRANT
IN
PROJECTED SECTIONS 23 AND 24, TOWNSHIP 7 NORTH, RANGE 1 EAST
NEW MEXICO PRINCIPAL MERIDIAN
VILLAGE OF LOS LUNAS
VALENCIA COUNTY, NEW MEXICO
JANUARY, 2019

APPROVALS

VILLAGE OF LOS LUNAS PLANNING AND ZONING COMMISSION

Approved this 20 day of February 2019
5-1-19 (P&Z Commission Chairman)

Community Development Director — Date 5/3/19

VILLAGE OF LOS LUNAS VILLAGE COUNCIL

Approved this 1 day of March, 2019

P&Z 05/06/19

Gregory D. Martinez — Village Administrator — Date 4/29/2019

Mayor — Date 5/2/19

UTILITIES

Public Service Company of New Mexico — Date 3-29-19

New Mexico Gas Company — Date 4/16/19

Plateau Telecomm — Date

Comcast — Date 4/16/19

Village of Los Lunas Water and Sewer Department — Date 4/26/19

QWest Corporation d/b/a CenturyLink — Date 03/29/2019

JURISDICTIONAL AFFIDAVIT

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that the property shown hereon does lie within the territorial jurisdiction of the Village of Los Lunas, Valencia County, New Mexico.

Russ P. Hugg
NMPS No. 9750
January 16, 2019

SURVEYORS CERTIFICATION

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my supervision; that it meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements for surveys and monumentation of the Village of Los Lunas and Valencia County Subdivision Ordinances; and that it is true and correct to the best of my knowledge and belief.

Russ P. Hugg
NMPS No. 9750
January 16, 2019

PROFESSIONAL SURVEYOR STATE OF NEW MEXICO No. 9750 RUSS P. HUGG

SHEET 1 OF 2

SURVOTEK, INC.
Consulting Surveyors
9384 Valley View Drive, N.W. Albuquerque, New Mexico 87114
Phone: 505-897-3366
Fax: 505-897-3377

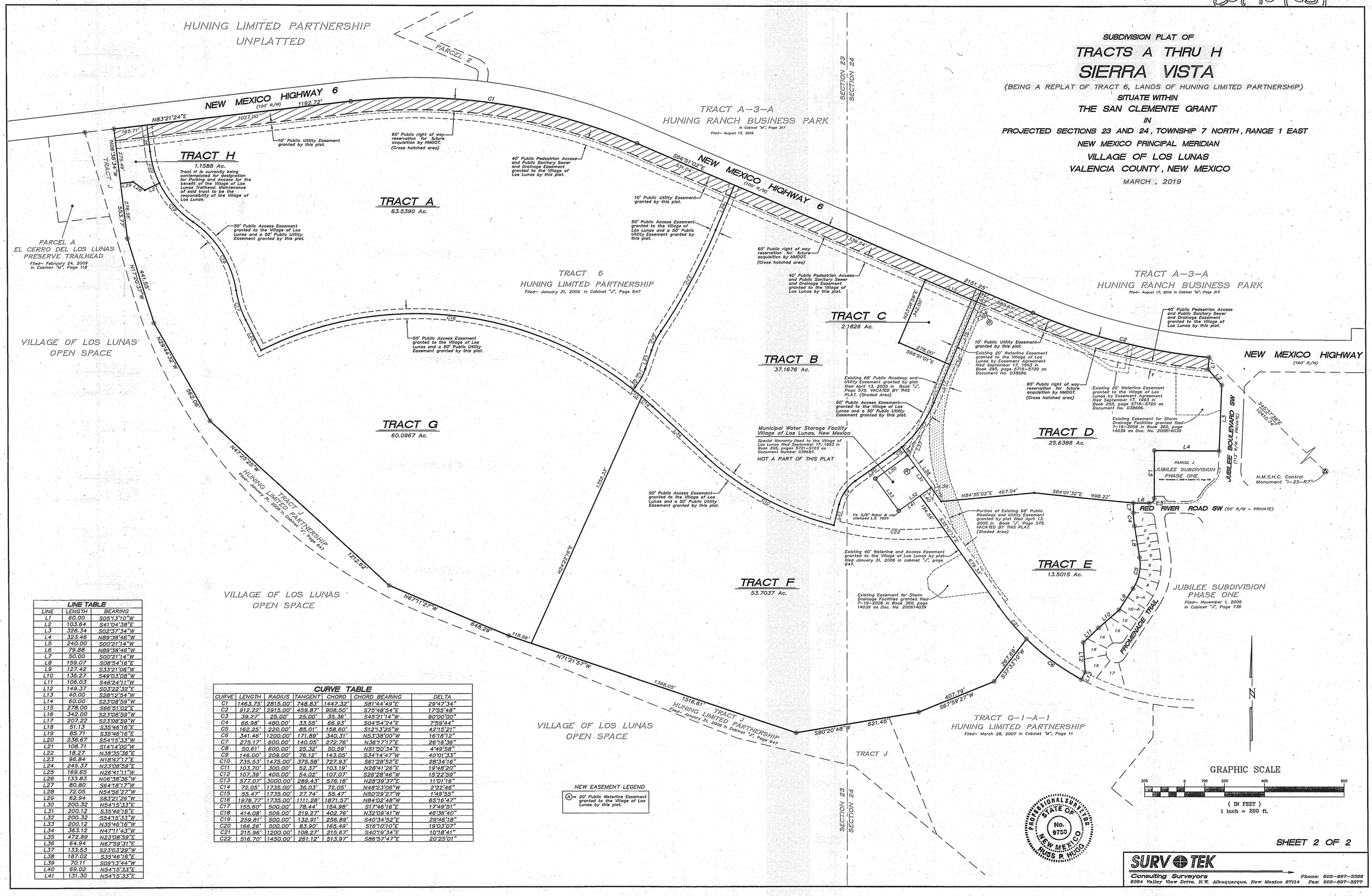
M 425

201904637

SUBDIVISION PLAT OF

TRACTS A THRU H
SIERRA VISTA

(BEING A REPLAT OF TRACT 6, LANDS OF HUNING LIMITED PARTNERSHIP)
SITUATE WITHIN
THE SAN CLEMENTE GRANT
IN
PROJECTED SECTIONS 23 AND 24, TOWNSHIP 7 NORTH, RANGE 1 EAST
NEW MEXICO PRINCIPAL MERIDIAN
VILLAGE OF LOS LUNAS
VALENCIA COUNTY, NEW MEXICO
MARCH , 2019



LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	S05°13'10"W
L2	103.64	S41°04'38"E
L3	328.34	S02°37'34"W
L4	323.46	N89°38'46"W
L5	240.00	S00°21'14"W
L6	79.88	N89°38'46"W
L7	50.00	S00°21'14"W
L8	159.07	S08°54'16"E
L9	127.42	S33°21'06"W
L10	136.27	S49°03'08"W
L11	106.03	S46°24'11"W
L12	149.37	S03°22'32"E
L13	40.00	S28°12'54"W
L14	60.00	S23°08'59"W
L15	278.00	S66°51'02"E
L16	342.00	S23°08'59"W
L17	207.22	S23°08'59"W
L18	51.13	S35°46'16"E
L19	65.71	S35°46'16"E
L20	238.67	S54°15'33"W
L21	108.71	S14°14'00"W
L22	18.27	N38°35'36"E
L23	96.84	N18°42'17"E
L24	245.37	N23°08'59"E
L25	169.65	N26°41'11"W
L26	133.83	N06°38'36"W
L27	80.80	S64°18'17"W
L28	72.05	N54°56'27"W
L29	62.94	S83°21'26"W
L30	200.32	N54°15'33"E
L31	200.12	S35°46'16"E
L32	200.32	S54°15'33"W
L33	200.12	N35°46'16"W
L34	363.12	N47°11'43"W
L35	472.89	N23°08'59"E
L36	64.94	N67°59'31"E
L37	133.63	S23°03'29"W
L38	187.02	S35°46'16"E
L39	70.11	S09°13'44"W
L40	69.02	N54°15'33"E
L41	131.30	N54°15'33"E

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	1463.75'	2815.00'	748.83'	1447.32'	S81°44'49"E	29°47'34"
C2	912.22'	2915.00'	459.87'	908.50'	S75°48'54"E	17°55'48"
C3	39.27'	25.00'	25.00'	35.36'	S45°21'14"W	90°00'00"
C4	66.98'	480.00'	33.55'	66.93'	S04°54'24"E	7°59'44"
C5	162.25'	220.00'	85.01'	158.60'	S12°13'25"W	42°15'21"
C6	341.46'	1200.00'	171.89'	340.31'	N53°38'00"W	16°18'12"
C7	275.17'	600.00'	140.05'	272.76'	N36°17'17"E	26°16'36"
C8	50.61'	600.00'	25.32'	50.59'	N51°50'34"E	4°49'58"
C9	146.00'	209.00'	76.12'	143.05'	S34°14'47"W	40°01'33"
C10	735.53'	1475.00'	375.58'	727.93'	S61°28'52"E	28°34'16"
C11	103.70'	300.00'	52.37'	103.19'	N28°41'26"E	19°48'20"
C12	107.39'	400.00'	54.02'	107.07'	S26°28'46"W	15°22'59"
C13	577.07'	3000.00'	289.43'	576.18'	N28°39'37"E	11°01'16"
C14	72.05'	1735.00'	36.03'	72.05'	N48°23'08"W	2°22'46"
C15	55.47'	1735.00'	27.74'	55.47'	N50°29'27"W	1°49'55"
C16	1976.77'	1735.00'	1111.28'	1871.57'	N84°02'48"W	65°16'47"
C17	155.60'	500.00'	78.44'	154.98'	S17°46'16"E	17°49'51"
C18	414.08'	509.00'	219.27'	402.76'	N32°09'41"W	46°36'40"
C19	259.81'	500.00'	132.91'	256.89'	S40°34'52"E	29°46'18"
C20	166.26'	500.00'	83.90'	165.49'	S16°10'10"E	19°03'07"
C21	215.96'	1200.00'	108.27'	215.67'	S40°19'34"E	10°18'41"
C22	516.70'	1450.00'	261.12'	513.97'	S86°57'47"E	20°25'01"

NEW EASEMENT LEGEND

(A) = 20' Public Waterline Easement granted to the Village of Los Lunas by this plat.

SHEET 2 OF 2

SURVTEK
Consulting Surveyors
9384 Valley View Drive, N.W. Albuquerque, New Mexico 87114
Phone: 505-897-3388
Fax: 505-897-3377

M 425

"ALTA/NSPS LAND TITLE SURVEY FOR"

TRACT 6
LANDS OF HUNING LIMITED PARTNERSHIP

WITHIN THE
SAN CLEMENTE GRANT
PROJECTED SECTIONS 23 & 24
TOWNSHIP 7 NORTH, RANGE 1 EAST, NMPM
VILLAGE OF LOS LUNAS
VALENCIA COUNTY, NEW MEXICO
APRIL, 2017

DESCRIPTION

Tract numbered Six (6), Subdivision Plat of LANDS OF HUNING LIMITED PARTNERSHIP, situate within the San Clemente Grant, Village of Los Lunas, Valencia County, New Mexico, as the same is shown and designated on the Plat of said Subdivision, filed in the office of the County Clerk of Valencia County, New Mexico, on January 31, 2006, in Cabinet "J", folio 647.

NOTES

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone).
2. Distances are ground distances.
3. Bearings and distances in parenthesis are record.
4. Basis of boundary are the following plats and documents of record entitled:

   PLAT FOR "TRACTS B, C AND D, LANDS OF HUNING LIMITED PARTNERSHIP",
   (04–13–2005, J–575)

   PLAT FOR "TRACTS E AND F, LANDS OF HUNING LIMITED PARTNERSHIP",
   (05–26–2005, J–587)

   PLAT FOR "TRACTS 1 THRU 6 AND TRACTS G–1 AND J, LANDS OF HUNING LIMITED PARTNERSHIP",
   (01–31–2006, J–647)

   PLAT FOR "JUBILEE SUBDIVISION – PHASE ONE",
   (11–01–2006, J–736)

   ANNEXATION EXHIBIT FOR "LANDS OF HUNING LIMITED PARTNERSHIP",
   (08–06–2008, L–956)

   PLAT FOR "TRACTS 1–D–2–A, 1–E–1–A AND G–1–A–1, LANDS OF HUNING LIMITED PARTNERSHIP",
   (03–28–2007, M–11)

   PLAT FOR "PARCEL A, EL CERRO DE LOS LUNAS PRESERVE TRAILHEAD",
   (02–24–2009, M–116)

   PLAT FOR "LOTS 9–A AND 10–A, JUBILEE SUBDIVISION – PHASE ONE",
   (03–10–2014, M–246)

   PLAT FOR "TRACTS A–3–A & A–3–B, HUNING RANCH BUSINESS PARK",
   (08–17–2016, M–317)

   all being records of Valencia County, New Mexico.
5. Field Survey completed April 6, 2017.
6. Title Report: provided by Old Republic National Title insurance Company,
   File No.: 1602636 (Effective Date: January 23, 2017)
7. Address of Property: None provided.
8. Village of Los Lunas, New Mexico Zone: S–U
9. 100 Year Flood Zone Designation: ZONE X, as shown on Panel 210 of 725,
   Flood Insurance Rate Map, Village of Los Lunas, Valencia County, New Mexico.
10. Encroachments: Walls and landscaping near northeast corner as shown hereon.

TO:

CLIENT: Michael Mechenbier

TITLE CO.: Old Republic National Title Insurance Company

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, 8 and 11(a) of Table A thereof. The field work was completed on April 6, 2017.

Timothy Aldrich, NMPLS NO. 7719 — 04–13–2017 Date

Timothy Aldrich — New Mexico — 7719 — Registered Professional Land Surveyor

Drawn By:	TA	Date:	04–13–17
Checked By:	TA	Drawing Name:	17033ALT.DWG
Job No.:	17–033	Sheet:	1 of 3

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505–884–1990

"ALTA/ACSM LAND TITLE SURVEY FOR"

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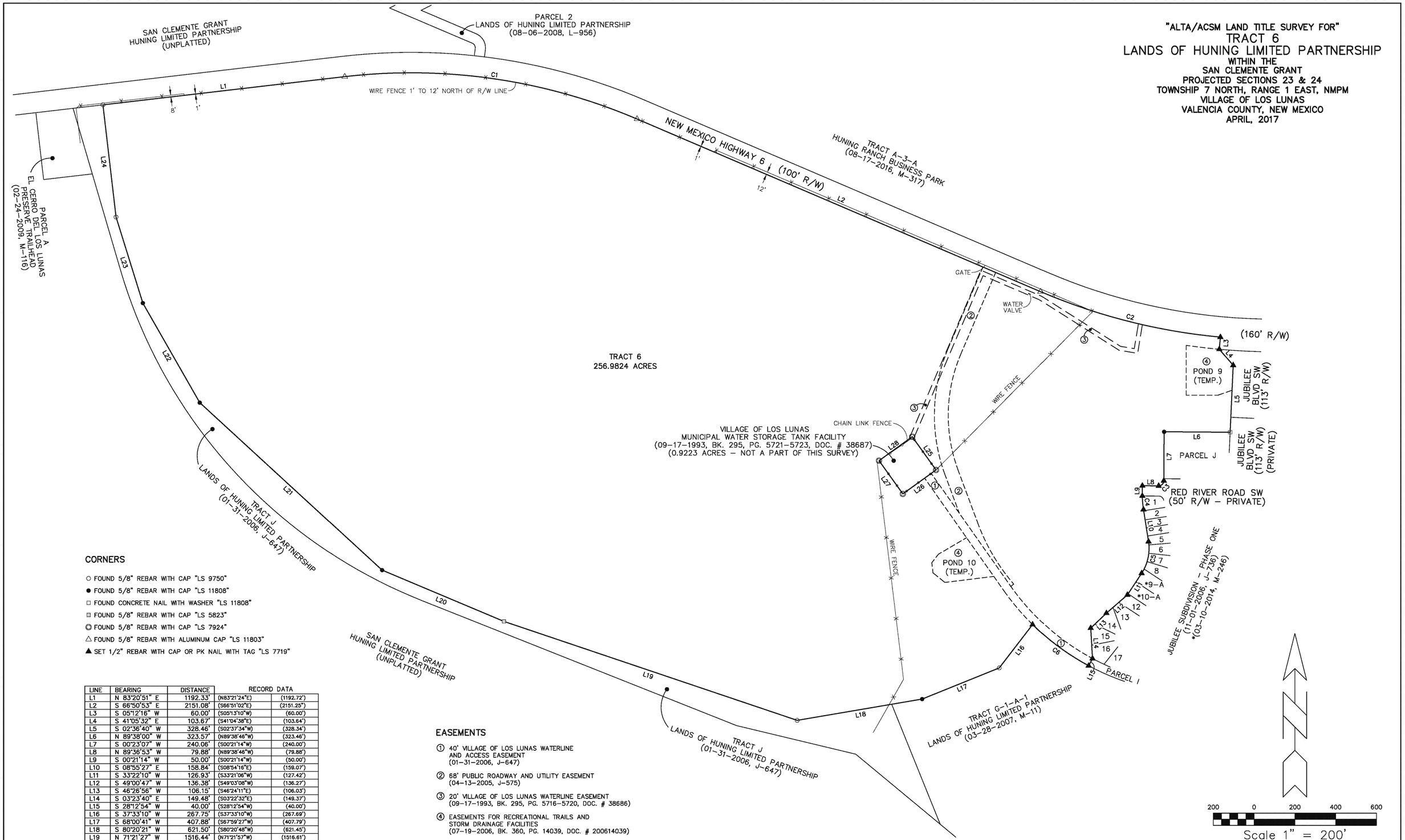
APRIL, 2017



CORNERS

- ○ FOUND 5/8" REBAR WITH CAP "LS 9750"
- ● FOUND 5/8" REBAR WITH CAP "LS 11808"
- □ FOUND CONCRETE NAIL WITH WASHER "LS 11808"
- ▨ FOUND 5/8" REBAR WITH CAP "LS 5823"
- ◎ FOUND 5/8" REBAR WITH CAP "LS 7924"
- △ FOUND 5/8" REBAR WITH ALUMINUM CAP "LS 11803"
- ▲ SET 1/2" REBAR WITH CAP OR PK NAIL WITH TAG "LS 7719"

LINE	BEARING	DISTANCE	RECORD DATA	
L1	N 83°20'51" E	1192.33'	(N83°21'24"E)	(1192.72')
L2	S 66°50'53" E	2151.08'	(S66°51'02"E)	(2151.25")
L3	S 05°12'16" W	60.00'	(S05°13'10"W)	(60.00')
L4	S 41°05'32" E	103.67'	(S41°04'38"E)	(103.64')
L5	S 02°36'40" W	328.46'	(S02°37'34"W)	(328.34')
L6	N 89°38'00" W	323.57'	(N89°38'46"W)	(323.46')
L7	S 00°23'07" W	240.06'	(S00°21'14"W)	(240.00')
L8	N 89°36'53" W	79.88'	(N89°38'46"W)	(79.88')
L9	S 00°21'14" W	50.00'	(S00°21'14"W)	(50.00')
L10	S 08°55'27" E	158.84'	(S08°54'16"E)	(159.07')
L11	S 33°22'10" W	126.93'	(S33°21'06"W)	(127.42')
L12	S 49°00'47" W	136.38'	(S49°03'08"W)	(136.27')
L13	S 46°26'56" W	106.15'	(S46°24'11"E)	(106.03')
L14	S 03°23'40" E	149.48'	(S03°22'32"E)	(149.37')
L15	S 28°12'54" W	40.00'	(S28°12'54"W)	(40.00')
L16	S 37°33'10" W	267.75'	(S37°33'10"W)	(267.69')
L17	S 68°00'41" W	407.88'	(S67°59'27"W)	(407.79')
L18	S 80°20'21" W	621.50'	(S80°20'48"W)	(621.45')
L19	N 71°21'27" W	1516.44'	(N71°21'57"W)	(1516.61')
L20	N 67°11'37" W	648.29'	(N67°11'27"W)	(648.29')
L21	N 47°25'32" W	1212.70'	(N47°25'26"W)	(1212.62')
L22	N 29°44'47" W	562.01'	(N29°44'32"W)	(562.06')
L23	N 17°19'26" W	441.55'	(N17°20'37"W)	(441.55')
L24	N 06°39'31" W	553.57'	(N06°38'34"W)	(553.77')
L25	S 35°39'05" E	200.28'	(S35°45'16"E)	(200.12')
L26	S 54°11'48" W	200.60'	(S54°15'33"W)	(200.32')
L27	N 35°39'05" W	200.28'	(N35°45'16"W)	(200.12')
L28	N 54°11'48" E	200.60'	(N54°15'33"E)	(200.32')

EASEMENTS

① 40' VILLAGE OF LOS LUNAS WATERLINE AND ACCESS EASEMENT (01-31-2006, J-647)

② 68' PUBLIC ROADWAY AND UTILITY EASEMENT (04-13-2005, J-575)

③ 20' VILLAGE OF LOS LUNAS WATERLINE EASEMENT (09-17-1993, BK. 295, PG. 5716-5720, DOC. # 38686)

④ EASEMENTS FOR RECREATIONAL TRAILS AND STORM DRAINAGE FACILITIES (07-19-2006, BK. 360, PG. 14039, DOC. # 200614039)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	RECORD DATA				
C1	1464.33'	2815.00'	29°48'17"	S 81°45'01" E	1447.88'	(1463.75')	(2815.00')	(29°47'34")	(S81°44'49"E)	(1447.32')
C2	912.22'	2915.00'	17°55'49"	N 75°48'47" W	908.50'	(912.22')	(2915.00')	(17°55'48")	(S75°48'54"E)	(908.50')
C3	39.27'	25.00'	90°00'00"	S 45°23'07" W	35.36'	(39.27')	(25.00')	(90°00'00")	(S45°21'14"W)	(35.36')
C4	67.13'	480.00'	08°00'45"	N 04°55'04" W	67.07'	(66.98')	(480.00')	(07°59'44")	(S04°54'24"E)	(66.93')
C5	162.40'	220.00'	42°17'37"	S 12°13'22" W	158.73'	(162.25')	(220.00')	(42°15'21")	(S12°13'25"W)	(158.60')
C6	341.36'	1200.00'	16°17'55"	N 53°38'08" W	340.21'	(341.46')	(1200.00')	(16°18'12")	(N53°38'00"W)	(340.31')

Drawn By:	TA	Date:	04-13-17
Checked By:	TA	Drawing Name:	17033ALT.DWG
Job No.:	17-033	Sheet:	2 of 3

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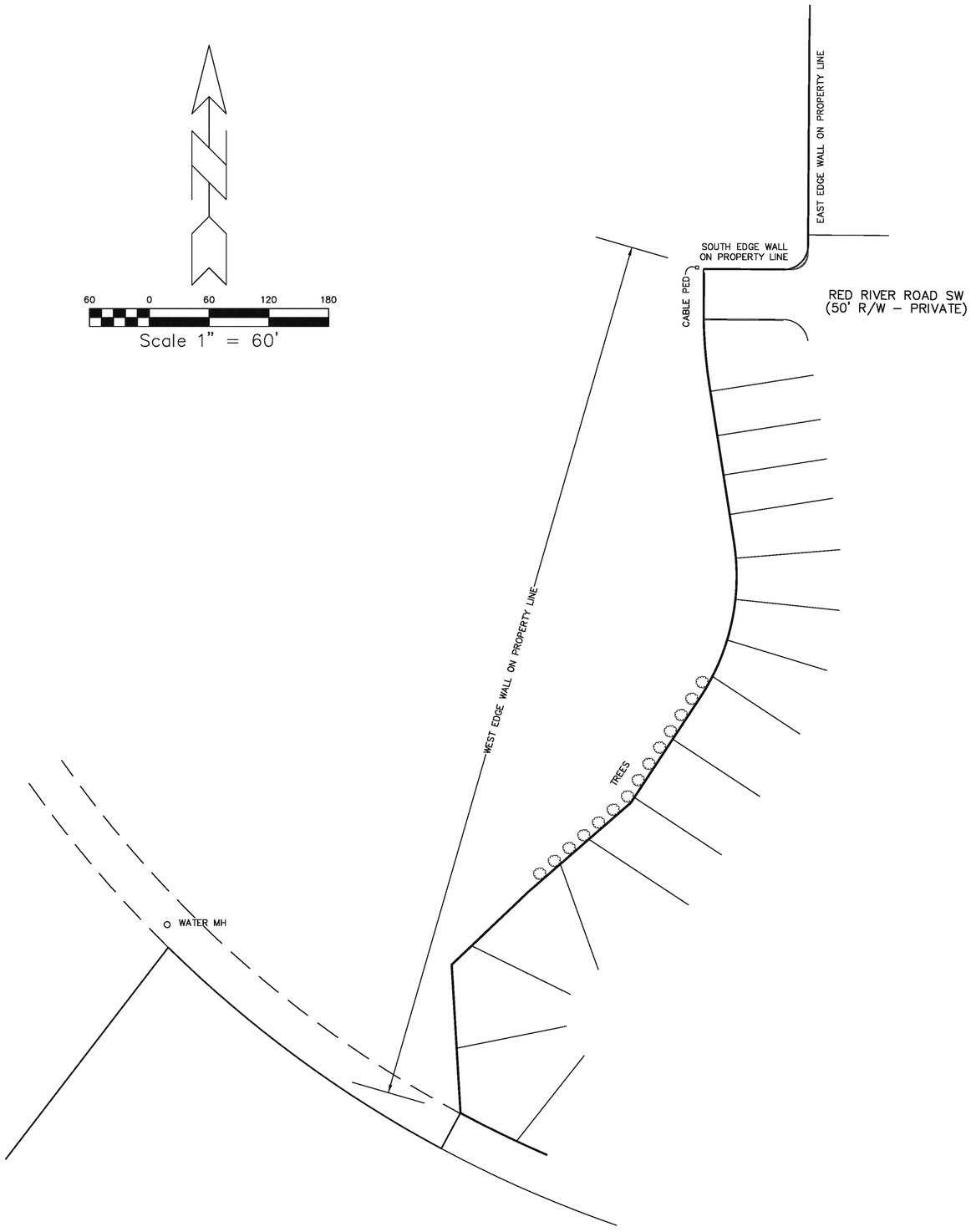

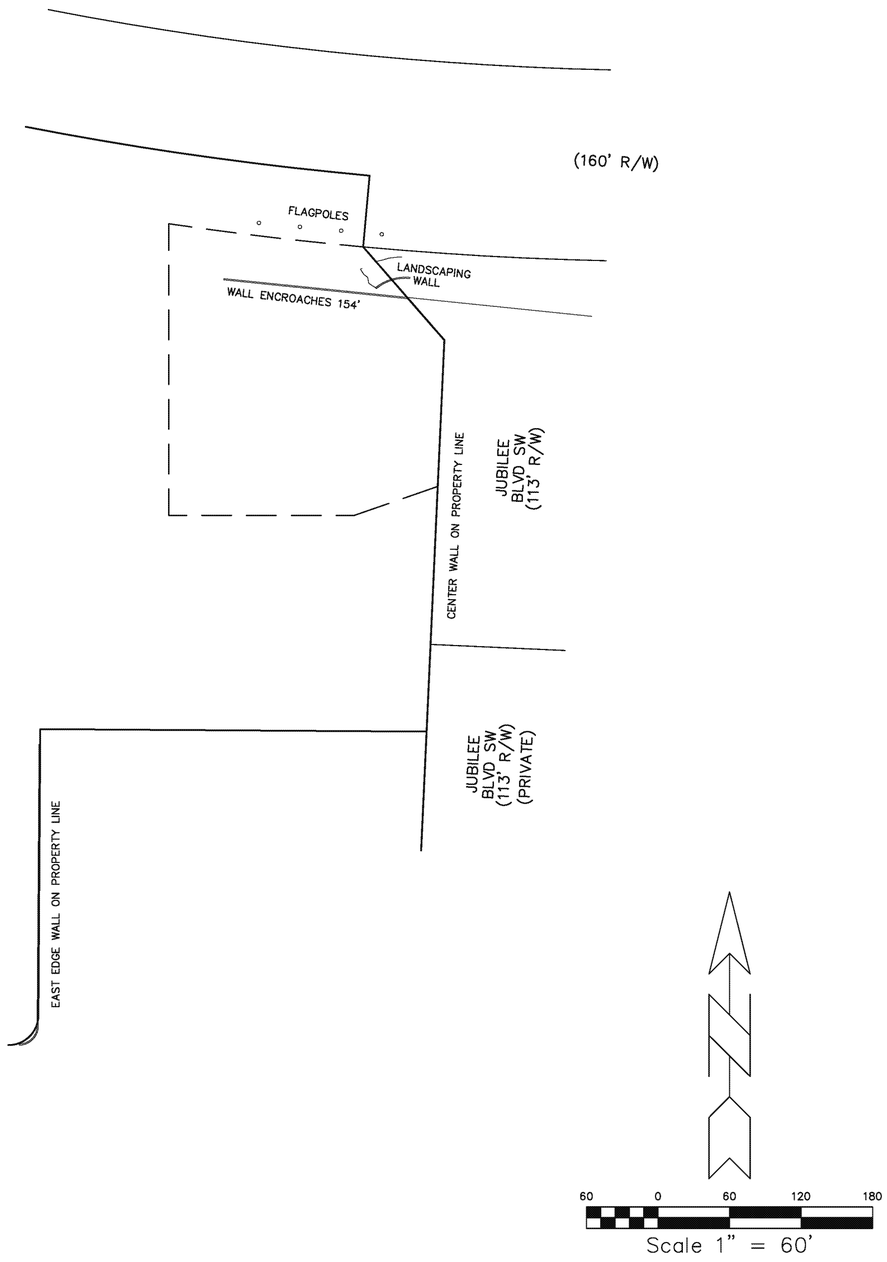

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Checked By:	TA	Drawing Name:	17033ALT.DWG
Job No.:	17–033	Sheet:	3 of 3

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Appendix 6

Phasing Plan for Vista Manzano

KEYED NOTES

A. END CURB & GUTTER, PAVING, AND SIDEWALK. INSTALL CUT OFF WALL AND TYPE III BARRICADES.

B. CAP WATERLINE 10' PAST PAVING.

C. INSTALL SAS MH 41 WITH PHASE 1. INSTALL & PLUG 10' WEST OF PAVING.

D. INSTALL SAS MH 23 WITH PHASE 1. INSTALL & PLUG 10' STUB WEST.

E. UPON CONSTRUCTION OF NEXT PHASE REMOVE EXISTING CUT OFF WALL. TIE TO EXISTING WATERLINE AND SANITARY SEWER.

Isaacson & Arfman, Inc.
Civil Engineering Consultants
128 Monroe Street NE
Albuquerque, NM 87108
505-268-8828 | www.iacivil.com

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VISTA MANZANO AT SIERRA VISTA

LOS LUNAS, NM

PHASING PLAN

Date:	No.	Revision:	Date:	Job No.
05/2021	1	REVISED PHASE LIMITS	07/13/21	2340
Drawn By: Lhor				6
Ckd By: GLD/FCA				OF 51

ED_013010_00000765-00049

Appendix 7

SWPPP "Legacy at Sierra Vista"

INTEGRATED | ENVIRONMENTAL
CONSTRUCTION ENGINEERING
Design | Comply | Restore

Double M. Properties
Legacy at Sierra Vista

Los Lunas, Valencia County, New Mexico

National Pollution Discharge Elimination System

COMPLIANCE DOCUMENTATION

Stormwater Pollution Prevention Plan
& Temporary Erosion Control Plan

June 17, 2019

NPDES PERMIT: NMR1002AG

CERTIFIED PROFESSIONAL
CPSWQ
Kelley Vincent Fetter
No. 0682
IN STORM WATER QUALITY

KELLEY VINCENT FETTER
13150
REGISTERED PROFESSIONAL ENGINEER

Estimated Project Dates:

Project Start Date: August 19, 2019
Project Completion Date: ~~July 3, 2020~~
December 31, 2021

www.e2rc.com ▪ 505-867-4040 ▪ 439 South Hill Road, Bernalillo, NM 87004 ▪ *Fax:* 505-867-4044

Table of Contents

1 INTRODUCTION 6
2 RESPONSIBLE PARTIES 7
2.1 OPERATORS 7
2.2 STORMWATER POLLUTION PREVENTION TEAM 8
3 SITE INFORMATION, ASSESSMENT, AND PLANNING 10
3.1 PROJECT/SITE INFORMATION 10
3.2 DESCRIPTION/NATURE OF CONSTRUCTION ACTIVITY 11
3.3 PROJECT AREA AND AREA OF SOIL DISTURBANCE 11
3.4 DESIGN REQUIREMENTS 11
3.5 SEQUENCE OF SOIL DISTURBING ACTIVITIES 12
3.6 POLLUTANTS FROM SUPPORT ACTIVITIES 13
3.7 DISCHARGE INFORMATION 13
3.8 RECEIVING WATERS 13
3.9 WATERSHEDS, RECEIVING WATER IMPAIRMENT STATUS AND TIER DESIGNATION 14
3.9.1 Tier 2, 2.5, or 3 Waters Designation for Listed Receiving Waters 14
3.10 ALLOWABLE NON-STORMWATER DISCHARGES 14
3.10.1 LIMITATION ON NON-STORMWATER DISCHARGE(S) 16
3.11 SITE MAP(s) 17
3.11.1 PROJECT LOCATION 17
3.11.2 SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN 17
3.11.3 PLANS INCORPORATED BY REFERENCE 17
4 ADDITIONAL FEDERAL REQUIREMENTS 18
4.1 ENDANGERED OR THREATENED SPECIES 18
4.1.1 Supporting Documentation 19
4.2 PRESERVATION OF HISTORICAL SITES 20
4.3 SAFE DRINKING WATER ACT REQUIREMENTS 22
5 EROSION AND SEDIMENT CONTROLS 22
5.1 NATURAL BUFFERS OR EQUIVALENT SEDIMENT CONTROLS 22
5.2 BUFFER COMPLIANCE & COMPLIANCE ALTERNATIVES 23
5.3 BUFFER EXCEPTIONS 23
5.4 DESCRIPTION OF SITE CONTROLS AND BMP SELECTIONS 24

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5.5 PERIMETER CONTROLS 25
5.6 SEDIMENT TRACK-OUT MANAGEMENT 26
5.7 STOCKPILED MATERIALS, SEDIMENT, OR SOIL 28
5.8 MINIMIZE DUST 29
5.9 MINIMIZE STEEP SLOPE DISTURBANCE 32
5.10 STORM DRAIN INLET PROTECTION 33
5.11 CONSTRUCTION STORMWATER CONVEYANCES 35
5.11.1 CHANNEL CONTROLS 35
5.12 CHEMICAL TREATMENT 37
5.13 DEWATERING PRACTICES 37
5.14 OTHER STORMWATER CONTROLS 38
5.14.1 NPDES NOTIFICATION BOARD 38
5.14.2 TEMPORARY SANILET FACILITIES 39
6 SITE STABILIZATION 40
6.1 STABILIZATION INITIATION TIMEFRAME REQUIREMENTS 40
6.2 STABILIZATION – INITIATION ACTIVITIES 40
6.3 STABILIZATION – COMPLETION DEADLINE 41
6.4 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES 41
6.5 PERMANENT STABILIZATION – POST CONSTRUCTION 42
7 POLLUTION PREVENTION STANDARDS 43
7.1 POTENTIAL SOURCES OF POLLUTION 43
7.2 SPILL PREVENTION AND RESPONSE 44
7.3 FUELING AND EQUIPMENT MAINTENANCE 45
7.4 EQUIPMENT OR VEHICLE WASHING 46
7.5 STORAGE, HANDLING AND DISPOSAL OF CONSTRUCTION PRODUCTS, MATERIALS, AND WASTES 47
7.6 WASHING OF APPLICATIONS AND CONTAINERS USED FOR PAINT, CONCRETE OR OTHER MATERIALS 48
7.7 FUELS, OILS, HYDRAULIC FLUIDS, OTHER PETROLEUM PRODUCTS AND CHEMICALS 49
7.8 HAZARDOUS OR TOXIC WASTE 51
7.9 CONSTRUCTION AND DOMESTIC WASTE 52
7.10 SANITARY WASTE 54
7.11 FERTILIZERS 54

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7.12 OTHER POLLUTION PREVENTION PRACTICES 54
8 INSPECTION AND CORRECTIVE ACTION 55
8.1 INSPECTION PERSONNEL AND PROCEDURES 55
8.2 GENERAL SITE AWARENESS 55
8.3 SPECIFIC COMPLIANCE INSPECTION 55
8.4 RAIN GAUGE LOCATION 56
8.5 PERSONNEL RESPONSIBLE FOR INSPECTIONS 56
8.6 INSPECTION SCHEDULE 57
8.6.1 SPECIFIC INSPECTION FREQUENCY 57
8.6.2 REDUCTION IN INSPECTION FREQUENCY 57
8.7 INSPECTION REPORT FORMS 57
8.8 CORRECTIVE ACTION 57
8.8.1 CORRECTIVE ACTION LOG 58
8.8.2 PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS 59
9 STAFF TRAINING REQUIREMENTS 59
10 DELEGATION OF AUTHORITY 59

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1 INTRODUCTION

In compliance with the provisions of the Clean Water Act ("CWA"), the National Pollutant Discharge Elimination System ("NPDES") General Permit authorizes Operators of construction activities to discharge pollutants in accordance with effluent limitations and conditions set forth in the NPDES Construction General Permit ("CGP"). Operators with permit coverage must perform and meet its requirements from the "commencement of earth-disturbing activities" until "final stabilization".

This Storm Water Pollution Prevention Plan ("SWPPP") provides an engineered design for the operations of **Legacy at Sierra Vista**. The United States Environmental Protection Agency ("EPA") requires a SWPPP for Phase II of the current NPDES General Permit for storm water discharges. It is based in good engineering practices as required by the General Permit and defined by the New Mexico Board of Engineering. The designer's professional engineering (PE) seal and recognition as a Certified Storm Water Quality Professional (CPSWQ) support this plan.

This SWPPP recommends appropriate best management practices ("BMPs") and control measures to improve the quality of surface waters by reducing and controlling the amount of pollutants contained in the storm water runoff. The document provides for periodic review and updating of the plan ensuring it complies with the 'living document intent' of the EPA requirements.

This SWPPP documentation intends to:

- Identify potential sources of storm water and non-storm water contamination to the storm water drainage system.
- Design appropriate best management practices to prevent storm water contamination.
- Recommend management practices to reduce pollutants in contaminated storm water prior to discharge by:
  - *Describing the Structural Practices used during the Construction Phases* (e.g., sediment control barriers, sediment traps, and temporary or permanent sediment basins, etc.),
  - *Describing Other Controls* (e.g., waste disposal, procedures to minimize off-site vehicle tracking, dust control, etc.),
- Determine the action(s) needed to either bring non-storm water discharges under compliance or to remove the discharges from the storm drainage system using:
  - *Storm Water Management Controls used for Stabilization* (e.g. detention or retention structures, vegetated swales, etc.) to be installed during the construction process to reduce pollutants in storm water discharging from the site after construction has been completed,
  - *Description of Interim and Permanent Stabilization Practices* (e.g. seeding, mulching, etc.) dependent on the phase of the project when the practice is employed,
- Prescribe an implementation schedule to ensure the storm water management procedures and controls designed for the SWPPP are carried out and evaluated on a regular basis.

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2 RESPONSIBLE PARTIES

2.1 OPERATORS

OPERATOR:

Double M. Properties
4400 Alameda Blvd. NE Suite E
Albuquerque, New Mexico 87113
Office: 505-345-2694
Contact: Bob Prewitt, Vice President

24 – Hour Emergency Contact:

Double M. Properties
Bob Prewitt
505-345-2694

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2.2 STORMWATER POLLUTION PREVENTION TEAM

The storm water pollution prevention team is responsible for developing, implementing, maintaining and revising this SWPPP. The members of the team are familiar with the management and operations of Legacy at Sierra Vista.

Double M. Properties oversees all aspects of this SWPPP development and implementation and requested the origination of this SWPPP. E2RC, LLC is delegated and authorized by Double M. Properties to originate and design the SWPPP for NPDES Compliance. Table 2.2.a identifies the responsible parties. Table 2.2.b provides detailed responsibilities and their associated parties.

Table 2.2.a

NAME & TITLE	POSITION	RESPONSIBILITY
Double M. Properties **505-345-2694**	Vice President	Operator
E2RC, LLC **505-867-4040**	SWPPP Engineer	SWPPP Development Team
E2RC, LLC **505-867-4040**	NPDES Inspector	Site Inspections and NPDES Compliance Team
E2RC, LLC **505-867-4040**	Project Manager	Implementation Team
Double M. Properties **505-345-2694**	Vice President	Maintenance and Corrections Team
E2RC, LLC **505-867-4040**	Project Manager	Maintenance and Corrections Team

The 2017 CGP outlines the eligibility conditions to be considered an "Operator" in Section 1.1.1. Each party which meets one of the conditions is required to attain permit coverage – a Notice of Intent ("NOI") – and abide by the CGP requirements. The eligibility conditions are:

a) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
b) The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

In the event there are multiple Operators, each is equally responsible for ensuring compliance with the regulating permit. The Operators may assign specific responsibilities or compliance activities to specific Operators. However, each is responsible for issues of non-compliance should any occur, regardless of which Operator allowed the non-compliant activity.

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Table 2.2.b

SWPPP Responsibilities	Double M. Properties	E2RC, LLC
1. Provide copies and access to approved construction documents for SWPPP preparation.	X	
2. Provide updated or revised construction documents to appropriate parties.	X	
3. Prepare SWPPP in compliance with EPA 2017 CGP.		X
4. Prepare and submit Notice of Intent ("NOI").		X
5. Certify NOI.	X	
6. Notify MS4 operator that construction will be taking place in their jurisdiction.	X	
7. Provide access/entry to site property.	X	
8. Install erosion and sediment controls.		X
9. Complete BMP Installation logs.	X	
10. Maintain Erosion and Sediment BMPs.	X	
11. Complete temporary stabilization in disturbed areas per applicable deadlines.	X	
12. Remove erosion and sediment controls following permanent stabilization.	X	
13. Complete final stabilization.	X	X
14. Perform daily housekeeping – trash and contaminated soil removal, anchoring sanilets, chemical/material storage, etc.	X	
15. Street sweeping and sediment removal.	X	
16. Daily visual inspections during course of work.	X	
17. Perform SWPPP inspections and complete inspection reports.		X
18. Notify inspecting party of rain events exceeding 0.25".	X	
19. Update SWPPP and site map as changes occur.	X	
20. Complete corrective action reports.	X	
21. Complete SWPPP Amendment log.	X	
22. Conduct onsite SWPPP training and complete training logs.	X	
23. Prepare and submit Notice of Termination ("NOT").		X
24. Certify NOT.	X	

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3 SITE INFORMATION, ASSESSMENT, AND PLANNING

3.1 PROJECT/SITE INFORMATION

Project Name:	Legacy at Sierra Vista
Project Location:	0.43 Miles West of Jubilee Blvd. on NM- 6
City:	Los Lunas
County:	Valencia
State:	New Mexico
ZIP Code:	87031

GPS Location: 34° 49′ 12.87″ N Latitude 106° 48′ 1.09″ W Longitude

Method for determining latitude/longitude: Google Earth

Horizontal Reference Datum: ☐ NAD 27 **X** NAD 83 or WGS 84 ☐ Unknown

Anticipated Hours of Operation: Monday - Friday, 7:00 AM to Close; excluding federal holidays

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe?

No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property:

Not Applicable

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions), information substantiating its occurrence (e.g., state disaster declaration), and a description of the construction necessary to reestablish effective public services:

Not Applicable

Are you applying for permit coverage as a "federal operator" as defined in Appendix A of the 2017 CGP?

No

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3.2 DESCRIPTION/NATURE OF CONSTRUCTION ACTIVITY

Legacy at Sierra Vista will consist of the development of access, infrastructure, utilities, permanent drainage, and permanent stabilization for the construction of infrastructure and utility development for a new subdivision.

Soil Disturbing Activities will include but are not necessarily limited to: Clearing and grubbing, rough grading, installation of perimeter controls as well as other erosion and sediment management control measures, construction of infrastructure, installation of utilities, permanent drainage, and construction of pavement sections for the construction of infrastructure and utility development for a new subdivision.

3.3 PROJECT AREA AND AREA OF SOIL DISTURBANCE

Legacy at Sierra Vista

The project site area is approximately ~~57.00~~ 180 gross acres with an approximate disturbed area of ~~57.00~~ 180 acres for construction. The maximum area of disturbance at any one time will consist of ~~57.00~~ 180 acres. The project will have disturbance in each phase and will be constructed in one phase(s).

Most of the major earth moving and soil disturbing activities are expected to occur during the initial portion of each phase of construction activities. The activities will continue throughout the selected areas of construction with minor amounts of earth moving and soil disturbance occurring during later phasing sequences. The appropriate control measures, practices and implementation schedules have been considered and will be implemented to prevent pollutants and sediments from discharging from the disturbed area into identified drainage reaches and channels during the related construction activities.

For this project, the removal of vegetation (area of soil disturbance) is that area which will be designated for grading, excavation and permanent stabilization.

3.4 DESIGN REQUIREMENTS

Stormwater flow characteristics, design requirements and the effects of each are engineering activities managed by the registration and licensing requirements developed by the controlling state agency. Agencies and reviewers should be alert to the specific requirements of the controlling agency for such work.

The temporary stormwater controls and practices are designed around the two-year, 24-hour event. The individual storm event duration is 30 minutes. The data is based on the latitude and longitude of the site and it is derived from NOAA PFDS reporting. The site-specific data supports the RUSLE

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calculation protocol and output generated from the latest version of NRCS RUSLE programming. The project design hydraulic conditions are significantly greater, likely, from the design hydraulics used for temporary stormwater control development.

The nature of the surface flow, its direction and the factors affecting the flow rates is captured in the RUSLE analysis for the site. Drainage features and flow management devices are included in the design and noted when appropriate.

The soil particle size, erodibility and historical vegetative data are included in the NRCS Soil Report for the project location. This information is derived from data gathered by the NRCS to support the tools utilized to manage lands of the US.

The information specific to the site is found in the 'RUSLE, Engineering, Storm & Soil Data' Section of the SWP3 Document.

3.5 SEQUENCE OF SOIL DISTURBING ACTIVITIES

CONSTRUCTION ACTIVITY	DATE COMPLETED
Begin Project: August 19, 2019 (Approximate)	See Operator(s) Schedule
Install temporary BMPs: Sediment transport barriers, entrances, washouts, notification boards, etc.	
Site Preparation (Including Demolition if applicable)	
Clearing and Grubbing	
Rough Grading	
Infrastructure	
Concrete (As Required and If Applicable)	
Final Grading	
Temporary Stabilization: ***MUST COMMENCE IMMEDIATELY WHEN IT IS KNOWN WORK WILL CEASE FOR 14 CALENDAR DAYS OR MORE***	
Paving (If Applicable)	
Site Clean - Up	
Landscaping, Planting, Seeding or Final Stabilization	
End Project: ~~July 3, 2020~~ (Approximate)	

12/31/2021 4/3/2020

The 'Date Completed' schedule in the nearby table will constitute the initiation date of the succeeding activity. This plan shall be amended by E2RC, LLC as directed by the site operator or pollution prevention team should any major changes of sequence requiring additional BMP'S or the deletion or modification of designed BMP'S. The Operator(s) will ensure the appropriate practices and measures are taken to keep pollutants and sediment onsite by following the recommended BMP'S and installation practices described within this SWPPP.

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Major soils disturbing activities will likely occur at the same time however; construction is a fluid process. Some activities may be performed out of sequence and others presently unidentified may occur depending on site-specific needs. The Operator and Contractors will utilize additional source area controls and appropriate Best Management Practices on a temporary, as required basis, when it's necessary to maintain compliance with the global intent of the SWPPP (e.g., (compost) mulch socks used around temporary spoil piles at excavation locations, temporary earth berms for runoff management and sediment capture in areas where the time of disturbance is limited).

3.6 POLLUTANTS FROM SUPPORT ACTIVITIES

SUPPORT ACTIVITY	LOCATION	CONTACT FOR ACTIVITY
Concrete Plant	Offsite	Double M. Properties
Asphalt Plant	Offsite	Double M. Properties
Equipment Staging Area	Onsite	Double M. Properties
Parking Area	Onsite	Double M. Properties
Material Storage Area	Onsite	Double M. Properties
Excavated Material Disposal Area	Offsite	Double M. Properties
Borrow Area	Offsite	Double M. Properties

3.7 DISCHARGE INFORMATION

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

No

Are there any surface waters that are located within 50 feet of your construction disturbances?

Yes

Are any of the surface waters listed Tier 2, 2.5 or 3 by **the regulating authority**?

No

3.8 RECEIVING WATERS

The name(s) of the first surface water that receives stormwater directly from your site and/or from the MS4 (note: multiple rows are provided where the site has more than one point of discharge that flows to different surface waters). An MS4 is not considered a receiving water. The name of the receiving water to which the MS4 discharges is listed in the second identified water if the project discharges to an MS4 before any other water.

1. **Dry Ephemeral Stream river is 0.00 miles from the site. This is a discharge point.**
2. **Unnamed Stream river is 0.30 miles from the site. This is not an additional discharge point.**

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It is important for the reviewer to note if the waters listed are discharge points. **If none of the waters are discharge points, then there isn't discharge offsite (waters are kept onsite) and the listing is provided to demonstrate the Operator(s) are knowledgeable about the surface waters in proximity of the project. Section 3.8 details the information regarding the surface waters shown in the EPA Watershed Locator Tool.**

3.9 WATERSHEDS, RECEIVING WATER IMPAIRMENT STATUS AND TIER DESIGNATION

13020203; Rio Grande - Albuquerque Watershed

List the Impaired Waters / Total Maximum Daily Loads ("TMDL") for each surface water listed in the Receiving Waters Section:

	Is this surface water listed as "impaired"?	What pollutant(s) cause the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	No	N/A	No	N/A	N/A
2.	No	N/A	No	N/A	N/A

What method(s) was used to determine if the project site discharges to an impaired water?

EPA WATERS GeoViewer, SWQB Mapper and U.S. Fish & Wildlife National Wetlands Inventory

3.9.1 Tier 2, 2.5, or 3 Waters Designation for Listed Receiving Waters

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	No	N/A
2.	No	N/A

3.10 ALLOWABLE NON-STORMWATER DISCHARGES

The following are authorized non-stormwater discharges, provided that this component of the discharge is in compliance with Part 1.2.2, Types of Discharges Authorized, of the 2017 CGP.

Non-Stormwater Discharge	Expected on Project	Control Measure
Discharges from Firefighting Activities	No	Silt Fence Ponds Drill Seeding with Hydromulch
Fire Hydrant Flushing	Yes	Silt Fence Ponds

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		Drill Seeding with Hydromulch
Waters without Detergents to Wash Vehicles	No	Silt Fence Ponds Drill Seeding with Hydromulch
Water used to control dust	Yes	Silt Fence Ponds Drill Seeding with Hydromulch
Potable water including uncontaminated water line flushing	Yes	Silt Fence Ponds Drill Seeding with Hydromulch
Pavement wash waters without detergents (e.g. waters used in sweeping activities) providing spills or leaks of toxic or hazardous materials have not occurred or removed if an occurrence has stopped. *	No	Silt Fence Ponds Drill Seeding with Hydromulch
Uncontaminated air conditioning or compressor condensate.	No	Silt Fence Ponds Drill Seeding with Hydromulch
Uncontaminated, non-turbid discharges or ground water or spring water.	No	Silt Fence Ponds Drill Seeding with Hydromulch
Re-vegetation or landscape irrigation	Potentially	Silt Fence Ponds Drill Seeding with Hydromulch
Foundation and footing drains ****Applies only if expected on project**	No	Silt Fence Ponds Drill Seeding with Hydromulch
Construction Dewatering	No	Silt Fence Ponds Drill Seeding with Hydromulch Pump Water to Location Upstream on Project Site
External building wash-down used without soaps, solvents or detergents and external surfaces do not contain hazardous substances (e.g. paint, chalk).	No	Silt Fence Ponds Drill Seeding with Hydromulch

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*The CGP prohibits the Permittee from directing pavement wash waters directly into any water of the U.S., drain inlet, or stormwater conveyance unless that conveyance is connected to a sediment basin, trap, or similarly effective control.

Foundation and footing drains where a filtering media is attached to the drain outlet or used in a temporary storm water quality unit to capture process materials, solvents, detergents or similar materials. **The media must be inspected during each inspection cycle to ensure it is able to perform adequate absorption through the succeeding inspection. The media must be replaced if it is unable to perform adequate absorption through the next inspection.

Non-Stormwater Discharges (not allowed under this permit) will not occur. However; if it becomes necessary to discharge a substance not covered by this permit, a separate NPDES permit will be obtained.

3.10.1 LIMITATION ON NON-STORMWATER DISCHARGE(S)

The Operator(s) and subcontractors acknowledge by their signature that this plan has coverage limitations on Non-Stormwater Discharges. Limitations include:

1. Post-Construction Discharges
    a. Discharges originating from the site after final stabilization has been acknowledged and documented. An example of post-construction discharge is roof drainage channeled to a stabilized pond.
2. Discharges covered by an individual permit or an alternative permit. An example of this type of discharge is imported deposition from a separate project under construction that is upstream from the site covered by this plan.

Discharges determined by EPA to exceed an applicable water quality standard providing EPA has made its designation prior to the authorization of the 2017 CGP. If EPA identifies discharges that exceed an applicable water quality standard coverage may be extended under the 2017 CGP if appropriate controls, implementation procedures and supporting mechanisms have been developed to comply with the new water quality standard.

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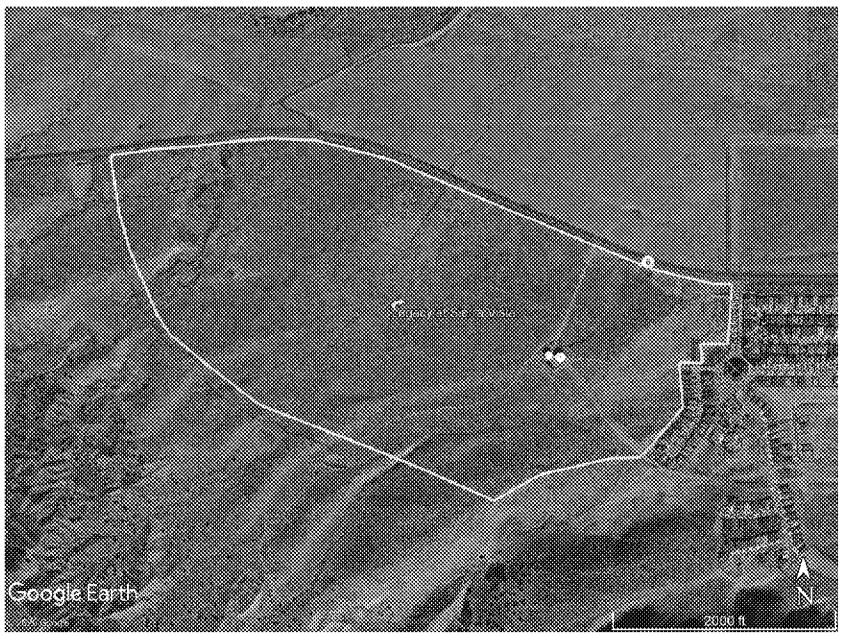
3.11 SITE MAP(s)

3.11.1 PROJECT LOCATION



3.11.2 SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN

The sediment and erosion control management plan is located at the front of the binder. The plan is a living document. The project Operator(s) is responsible for regularly updating the map to reflect the project's current state.

3.11.3 PLANS INCORPORATED BY REFERENCE

The following plan(s) or document(s) is/are incorporated into the SWPPP or by reference:

- General Construction Drawings
- Site Sediment and Erosion Management Drawings
    - Located at the front of this binder
- Temporary Erosion and Sediment Control Measures and Drawings reviewed/developed by E2RC, LLC.
- Specifications per E2RC, LLC including all references:
    - Code of Federal Regulations (CFR)
        - I.e. Occupational Safety and Health Administration (OSHA) Emergency Action Plan (29 CFR 1910) Spill Controls and Countermeasures Requirement (40 CFR 112) etc.
    - New Mexico Administrative Code (NMAC)
    - American Association of Highway Transportation Officials (AASHTO)
    - American Society of Testing Materials (ASTM)

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The engineered and construction drawing prepared by E2RC, LLC and reviewed by E2RC, LLC, have provisions for flow channelization, detention, and general drainage layout to bring the storm water net yields to acceptable levels. Please refer to the drawing(s) for further information. The drawing(s) are incorporated by reference and are the permanent construction plans.

4 ADDITIONAL FEDERAL REQUIREMENTS

4.1 ENDANGERED OR THREATENED SPECIES

The research and documentation for this SWPPP and permit application support selecting criterion C. The SWPPP designer utilized the ESA eligibility procedures outlined in Appendix D. Formal contact, if required by a determination of the USFWS Critical Habitat Mapping Tool – http://criticalhabitat.fws.gov/crithab/, was made with:

Ecological Services Field Office
US Fish and Wildlife
2105 Osuna NE
Albuquerque, NM 87113

For reference purposes, the eligibility criteria listed in Appendix D are:

- **Criterion A:** No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.

- **Criterion B:** The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.

- **Criterion C:** Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and

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discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

- **Criterion D:** Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

- **Criterion E:** Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:

    1. *a biological opinion that concludes that the action in question (considering the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or*

    2. *Written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally listed species or federally designated habitat.*

- **Criterion F:** Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally listed species and federally designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

4.1.1 Supporting Documentation

The *Endangered Species* section of the SWPPP includes the supporting documentation for criterion C. The following documentation supports the selection:

- ✓ IPaC online mapping tool and species report (https://ecos.fws.gov/ipac/)

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✓ ECOS Online Mapping Tool (https://ecos.fws.gov/ecp/report/table/critical-habitat.html)

The basis statement requirements for the selected criterion is:

- **For criterion C**, the ESA – listed species and/or designated habitat located in the project's 'action area' is the Rio Grande Silvery Minnow, Yellow-Billed Cuckoo and Southwestern Willow Flycatcher. The designated habitat is approximately 4.43 miles from the project.

  Basis Statement: The U.S. FWS Species Report and IPaC Critical Habitat Mapping portal indicate there are no critical habitats or endangered, threatened or candidate species in the action are. The nearest critical habitat is 4.43 miles east of the project. The Yellow - Billed Cuckoo and Southwestern Willow Flycatcher habitats consists of densely wooded riparian areas near a water source. As aviary species, the bird's movements is not limited by borders or other impediments. However, the action area in question does not provide the preferred habitat or food requirements to support the species the habitat is near the action area.

4.2 PRESERVATION OF HISTORICAL SITES

It is important for the document user to recall the intent of the NPDES program is to prevent degradation of the Waters of the US. Operators are expected to maintain and improve, if possible, the quality of the surface Waters of the US. Additionally, it is important to ensure locations designated as historically valuable are protected and preserved during the construction process.

Appendix E of the Permit lists specific requirements to determine the effect of in ground storm water controls on a historic property. This is a 'screening process' intended to identify if 'ground disturbing storm water controls' will be used. If the site will not contain any ground disturbing stormwater controls, then the reader is directed review the listing of sites in Valencia County placed in the Historic Register provided in the Endangered Species and Cultural Properties section.

The screening process stops at the successful completion of the appropriate step in the procedure.

STEP	CRITERIA	RESPONSE
1.	Are you installing any stormwater controls described in Appendix E that require subsurface earth disturbances?	Yes
2.	Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties?	No
3.	Have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties?	Yes

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4.	Did the SHPO, THPO, or other tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties?	Yes
4a	Describe the nature of the SHPO response:	
	Written indicated that no historic properties will be affected by the installation of stormwater controls.	Yes
	Written indicated that adverse effect to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.	NA
	No agreement has been reached regarding measures to mitigate affects to historic properties from the installation of stormwater controls.	NA

Stormwater Control	Installed at Project Site
Dike	No
Berm	No
Catch Basin	No
Pond	Yes
Ditches	No
Trenches	Yes
Stormwater Conveyance Channel (e.g., channels, swale)	No
Culvert	No
Other Type of Ground-Disturbing Stormwater Control:	NA

E2RC utilized the National Register of Historic Places supported by the National Park Service. E2RC submitted a formal inquiry to the New Mexico State Historic Preservation Office as a conservative measure although not required by the procedure outlined in Appendix E. The supporting documentation and responses are included in the *Cultural and Historic Properties* section of the SWPPP.

The nature of the SHPO response:

The Department of Cultural Affairs and Historic Preservation Division of New Mexico reviewed the State Register of Historic Places and their archaeological records database. No known cultural or historic properties are on either the State or National Register. However, the project area has not been subject to a cultural resource survey. They also noted there is a known structural prehistoric archaeological site located within .10 miles of the project area. A recommendation has been made for an archaeological

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survey to be completed to ensure that unidentified archaeological sites and unmarked human burials are not adversely affected.

4.3 SAFE DRINKING WATER ACT REQUIREMENTS

The Safe Drinking Water Act has requirements for **controlling injections of storm water into the ground and groundwater**. The rule requires identification of the controls and documented contact between the Operator(s) and the EPA/Responsible State Agency to ensure installation compliance occurs. The process requires identification and selection of the controls that are intended to be used and then contact with the appropriate agency. If none of the controls in the list are designed for use in the project then nothing further is required for compliance.

- **The state contact for Underground Injection Controls is found at:** ***http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm.***

None of the following are designed into the project for storm water management.

No - Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

No - Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow

No - Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

A copy of the contact between the appropriate agency and the applicants under this permit is included in the Engineering Section of this Plan if any of the controls are employed on the project.

5 EROSION AND SEDIMENT CONTROLS

5.1 NATURAL BUFFERS OR EQUIVALENT SEDIMENT CONTROLS

The EPA considers a naturally vegetated 50-foot distance between the site's construction activities and the surface waters as sufficient to filter the potential sediment from the discharge point. The goal for the Operator(s) is to have the sediment reduction delivered by the 50-foot natural barrier or design an equivalent barrier with controls to deliver the same sediment reduction. Operators are reminded the regulation requires the buffer or the establishment of controls supported by calculations to create an equivalent buffer for *any section* of the project that is closer than 50 feet to the surface water.

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It is possible the project may have exceptions to the regulation. It is a requirement to provide documentation supporting the exception if an exception is noted.

5.2 BUFFER COMPLIANCE & COMPLIANCE ALTERNATIVES

Are there any surface waters within 50 feet of the project's earth disturbances?

Yes

The compliance alternative for the site is:

1. **Not chosen:** Surface waters ***are not*** within 50 feet of the project's earth disturbances. Additional engineering beyond the RUSLE calculations are not required. The Site Map indicates the boundary line.

2. **Not Chosen:** Surface waters are nearby. The Operator(s) will provide and maintain a 50-foot undisturbed natural buffer.

3. **Not Chosen:** Surface waters can be found within 50 feet of earth disturbing activities. The Operator will provide and maintain an undisturbed natural buffer that is less than 50 feet. It is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

4. **X:** Surface waters can be found within 50 feet of earth disturbing activities. It is infeasible to provide and maintain an undisturbed natural buffer of any size. The Operator will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

5.3 BUFFER EXCEPTIONS

The EPA acknowledges exceptions to the buffer requirement may exist. Specific information is necessary to support the selection of an exception to the requirement.

The site **will not** qualify for one of the exceptions in Appendix G.2.2 of the CGP. An affirmative selection is supported by a condition chosen in the following list:

1. **Not chosen:** Discharge of the site's stormwater to the surface water that is located 50 feet from my construction disturbances ***does not occur***. Additional engineering beyond the RUSLE calculations are not required.

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2. **Not chosen:** A natural buffer does not exist on the site due to preexisting development disturbances. The development disturbances occurred prior to the initiation of planning for this project.

3. **Not chosen:** For a "linear project", (e.g., a road, bridge or other project defined by a long, narrow area), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the compliance alternatives provided in CGP Part 2.1.2.1.a.

Does not apply.

4. **Not chosen**: The project qualifies as "small residential lot" construction (defined in the 2017 CGP, Appendix G).

5. **Not chosen**: Buffer disturbances are authorized under a CWA Section 404 permit.

6. **Not chosen**: Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). The buffer disturbances in the buffer zone are not applicable. No further documentation is required if this option is selected.

5.4 DESCRIPTION OF SITE CONTROLS AND BMP SELECTIONS

The Operator(s) will use best management practices designed to prevent the 57.00 acres of disturbed area from contaminating stormwater to the maximum extent possible. The site will utilize and implement stormwater management controls, or BMPs, to reduce the amount of pollutants in stormwater discharged from Legacy at Sierra Vista as defined in this SWPPP and the Erosion and Sediment Control Drawing location at the front of this plan.

CONTROL or PRACTICE	CONTRACTOR	IMPLEMENTATION SCHEDULE (ESTIMATED)
NPDES NOTIFICATION BOARD	E2RC, LLC	SEE SCHEDULE NOTE*
CONSTRUCTION ENTRANCE(S)	E2RC, LLC	SEE SCHEDULE NOTE*
CONCRETE WASHOUT (If concrete is used on project)	Double M. Properties	SEE SCHEDULE NOTE*
SANILET PROTECTION	Double M. Properties	SEE SCHEDULE NOTE*
SILT FENCE	E2RC, LLC	SEE SCHEDULE NOTE*
PONDS	Double M. Properties	SEE SCHEDULE NOTE*
DRILL SEEDING WITH HYDROMULCH	E2RC, LLC	SEE SCHEDULE NOTE*
		SEE SCHEDULE NOTE*

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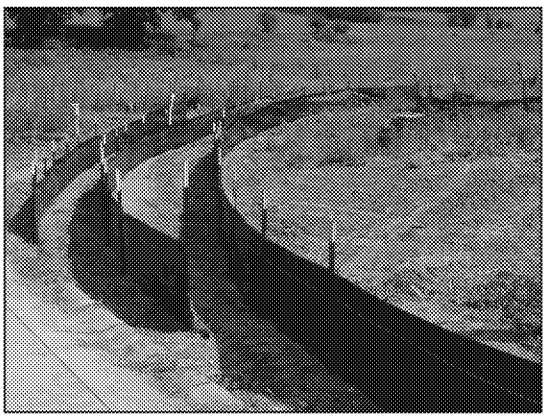
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**

5.5 PERIMETER CONTROLS



COMMON PERIMETER CONTROLS:

- Straw Bale Barrier
- Silt Fence Barrier
- Compacted Berm
- Compost/Wood Chip/Straw/Rock Sock (Wattle)
- Check Structures (Rock/Bale/Geosynthetic)

OBJECTIVE:

To reduce or prevent sediment discharge from the project site and prevent sediment from entering perennial streams. Sediment controls are designed to capture sediment and allow stormwater to flow through the control. Sediment controls are not designed to influence or alleviate drainage issues. Sediment barriers decrease water velocity thereby trapping and slowly metering sediment release through the system. They similarly reduce accelerated stream channel down cutting.

INSTALLATION:

Sediment barriers are effective in locations of highly erodible and sensitive soils and in areas with threats of sedimentation to downstream water quality. Specifically, sediment barriers may be installed:

- Below discharge locations;
- Areas with increased slope gradient resulting in increased sediment flow and water velocity from slope sides;
- Areas without natural sediment catch basins, such as small depressions; or
- Areas without native material, such as rocks or logs.

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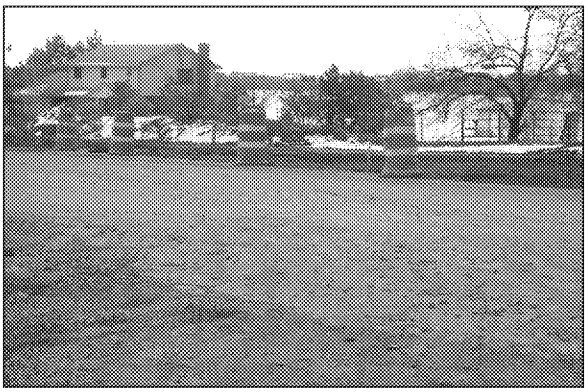
Perimeter sediment barriers should be installed in a way that will not produce concentrated flows.

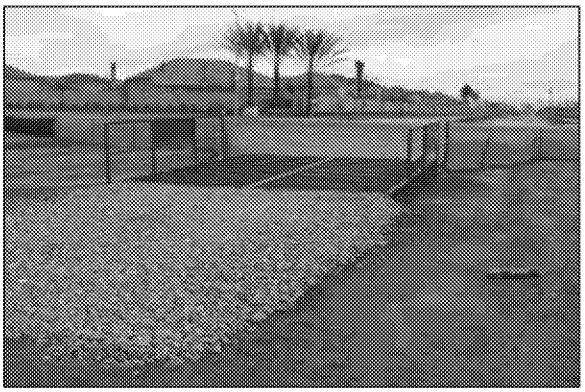
INSPECTION AND MAINTENANCE:

Inspect the sediment barriers and perimeter controls to determine if they were installed correctly and per the applicable specifications (e.g. project engineer or manufacturer specifications). Confirm the control is adequately trenched (if required), backfilled, staked, anchored, tied, etc. There should be no gaps between the sediment barrier and the adjacent ends of the control, or between the control and the soil surface. Are the controls properly spaced and in the correct locations?

Ensure the material is in operating condition and does not present significant gaps, holes, or tears. It is important to determine if runoff is flowing under, over or around the perimeter control. If so, maintenance or re-installation may be necessary to return the control to effective operation. It may also be necessary to determine if, after multiple instances of maintenance or corrective activities, the temporary control is inadequate and should be upgraded. This may occur in areas of high concentrated runoff, wind, or public interference.

5.6 SEDIMENT TRACK-OUT MANAGEMENT





OBJECTIVE:

Sediment track – out is dirt, mud or other debris that is tracked onto an impervious public roadway, generally by a vehicle leaving the construction site. Sediment that leaves a construction site contributes directly to the degradation of air and water quality. As stormwater interacts with the sediment, it may wash into a public conveyance or U.S. water.

A project site's access points experience concentrated and loose sediment. The EPA suggests this directive as a minimum performance guideline, "At a minimum, you must provide for maintenance that meets the following requirement in CGP Part 2.2.4.d: Where sediment has been tracked - out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are

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prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S."

The entrance may utilize several types of controls to capture sediment and prevent its movement offsite. Specifically, rumble mats or round stone approximately ≥4" in diameter have proven as effective dry approaches. Wash stations are effective wet solutions although the expense and maintenance of this method is significantly greater than a dry method.

INSTALLATION:

Stabilize all entrances to a site before construction and site disturbance begin. The stabilized entrances need to be large enough to allow the largest construction vehicle that will enter the site to fit through with room to spare. If many vehicles are expected to use an entrance in any one day, make the site entrance wide enough for two vehicles to pass at the same time with room on either side of each vehicle, and long enough to allow two full tire rotations.

If a site entrance leads to a paved road, make the end of the entrance flared so that long vehicles do not leave the stabilized area when they turn onto or off the paved roadway. If a construction site entrance crosses a stream, swale, or other depression, provide a bridge or culvert to prevent erosion from unprotected banks.

Make sure stone and gravel used to stabilize the construction site entrance are large enough so that they are not carried offsite by vehicles. Avoid sharp-edged stone to reduce the possibility of puncturing tires. Install stone or gravel at a depth of at least 6 inches for the entire length and width of the stabilized construction entrance.

INSPECTION:

Common items to consider when inspecting a rock construction entrance is to determine if the rock is the appropriate size, if the rock is compacted due to frequent use and no longer effective, and if the rock has been placed over a filter cloth or blanket material. Similarly, it is important to determine if the entrance is of sufficient length and width and allow for adequate wheel rotation. Ineffective installation and maintenance of a construction entrance or track – out pad may lead to increased offsite sediment tracking and pollutant discharge.

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5.7 STOCKPILED MATERIALS, SEDIMENT, OR SOIL

OBJECTIVE:

Stockpiles of soil, Portland Cement Concrete (PCC), Asphalt Concrete (AC), Hot Mix Asphalt Cement (HMAC) and rubble are potential storm water pollutants if not properly managed. Eliminate stockpiles whenever possible. Elimination is the most certain method available to prevent sediment discharge. Secondary protection may include perimeter control or covering with blankets to minimize the stockpile's exposure to stormwater and non-stormwater discharge.

The following are requirements that apply to all stockpiles, regardless of season or material, if elimination is not possible:

- Locate stockpiles away from drainage courses, drain inlets or concentrated flows of stormwater.
- For wind erosion control, apply water or other dust palliative to stockpiles.
- Small stockpiles may be covered as an alternative.
- Place bagged materials on pallets and cover them with a tarp or similar material.

Soil Stockpiles

The temporary perimeter sediment barriers (e.g. wattles, dikes, silt fence) will contain any soil stockpiles. The description of the structural practice employed is included in the Perimeter Control section of this document. The design, installation and maintenance requirements are included in the description. In addition to utilizing structural perimeter barriers, perform the following as required by Part 2.2.5 of the CGP:

- Locate all stockpiles outside of any natural buffers and away from stormwater conveyances, drain inlets or areas of concentrated stormwater flow.
- Do not hose down or sweep soil or accumulated sediment into any stormwater conveyance, drain or water of the U.S.
- Cover or temporarily stabilize piles that will not be used for 14 days or more. See Section 6 of this plan for stabilization timeframe requirements.

Year-round, active soil stockpiles are to be protected with temporary linear sediment barriers prior to the onset of rain.

Paving Material & Waste Stockpiles

Stockpiles of PCC, AC/HMAC, aggregate base course, aggregate subgrade materials or rubbles are to be managed as follows:

- Cover non - active stockpiles or protect them with temporary perimeter sediment barriers prior to the onset of rain;

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- Year – round, protect active stockpiles with temporary linear sediment barriers prior to the onset of rain.

Asphalt Stockpiles

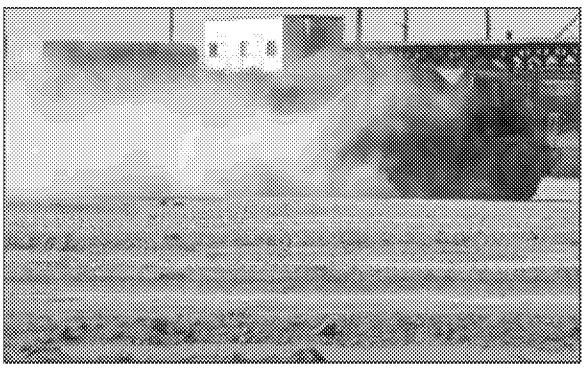
During the non-rainy season, place non-active stockpiles of asphalt on plastic or a comparable material and cover the stockpile prior to the onset of rain.

During the rainy season, place asphalt stockpiles on plastic and always cover them. Year-round, active asphalt stockpiles are to be placed on plastic and covered prior to rain.

INSPECTION AND MAINTENANCE

Inspect stockpiles as part of the routine storm water inspection. The Operator(s) may repair or replace perimeter controls and covers to ensure proper function.

5.8 MINIMIZE DUST



OBJECTIVE:

Dust control BMPs reduce surface activities and air movement that causes dust to be generated from disturbed soil surfaces. Construction sites can generate large areas of soil disturbance and open space for wind to pick up dust particles. Limited research at construction sites has established an average dust emission rate of 1.2 tons/acre/month for active construction (WA Dept. of Ecology, 1992).

Airborne particles pose a dual threat to the environment and human health. First, dust can be carried offsite, thereby increasing soil loss from the construction area and increasing the likelihood of sedimentation and water pollution. Second, blowing dust particles can contribute to respiratory health problems and create an inhospitable working environment.

Dust control measures are applicable to any construction site where there is the potential for air and water pollution from dust traveling across the landscape or through the air. Dust control measures are especially important in arid or semiarid regions, where soil can become extremely dry and vulnerable to transport by high winds.

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INSTALLATION:

Implement dust control measures on all construction sites where there will be major soil disturbances or heavy equipment construction activity such as clearing, excavation, demolition, or excessive vehicle traffic. Earthmoving activities are the major source of dust from construction sites, but traffic and general disturbances can also be major contributors (WA Dept. of Ecology, 1992). The dust control measures that are implemented at a site will depend on the topography and land cover of the site and its soil characteristics and expected rainfall.

DUST CONTROL METHODS

When designing a dust control plan for a site, the amount of soil exposed will dictate the quantity of dust generation and transport. Therefore, construction sequencing and disturbing only small areas at a time can greatly reduce problematic dust from a site. If land must be disturbed, consider using temporary stabilization measures before disturbance. Several methods exist which can be used to control dust from a site but not all will be applicable to a site.

Consider site-specific assessments and weather conditions to determine which method may be most effective. The following lists some control measures and design criteria:

- Sprinkling/Irrigation

  Sprinkling the ground surface with water until it is moist is an effective dust control method for haul roads and other traffic routes. This practice can be applied to almost any site.

- Vegetative Cover

  In areas not expected to handle vehicle traffic, vegetative stabilization of disturbed soil is often desirable. Vegetative cover provides coverage to surface soils and slows wind velocity at the ground surface, thus reducing the potential for dust to become airborne.

- Mulch

  Mulching can be a quick and effective means of dust control for a recently disturbed area and may reduce wind erosion by up to 80 percent.

- Wind Breaks

  Wind breaks are barriers (either natural or constructed) that reduce wind velocity through a site and, therefore, reduce the possibility of suspended particles. Wind breaks can be trees or shrubs left in place during site clearing or constructed barriers such as a wind fence, snow fence, tarp curtain, hay bale, crate wall, or sediment wall.

  For each foot of vertical height, and 8 to 10-foot deposition zone develops on the leeward side of the barrier. The permeability of the barrier will change the breaks effectiveness at capturing windborne sediment.

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- Tillage

  Deep tillage in large open areas brings soil clods to the surface where they rest on top of dust, preventing it from becoming airborne. Roughening the soil can reduce losses by approximately 80 percent in some situations.

- Stone

  Stone can be an effective dust deterrent for construction roads and entrances or as a mulch in areas where vegetation cannot be established. The size of the stones can affect the amount of erosion taking place. In areas of high wind, small stones are not as effective as 20 cm stones, for example.

- Spray-on Chemical Soil Treatments (Palliatives)

  Chemical palliatives should be used only on mineral soils. When considering chemical application to suppress dust, determine whether the chemical is biodegradable or water-soluble and what effect its application could have on the surrounding environment, including waterbodies and wildlife. Per limited research, the effectiveness of polymer stabilization methods range from 70 percent to 90 percent.

  Examples of palliatives include:

  - Guar
  - M-Binder
  - Resin

INSPECTION AND MAINTENANCE:

Because dust controls are dependent on specific site and weather conditions, inspection and maintenance requirements are unique for each site. Generally, however, dust control measures involving application of either water or chemicals require more monitoring than structural or vegetative controls to remain effective. If structural controls are used, inspect them regularly for deterioration to ensure that they are still achieving their intended purpose.

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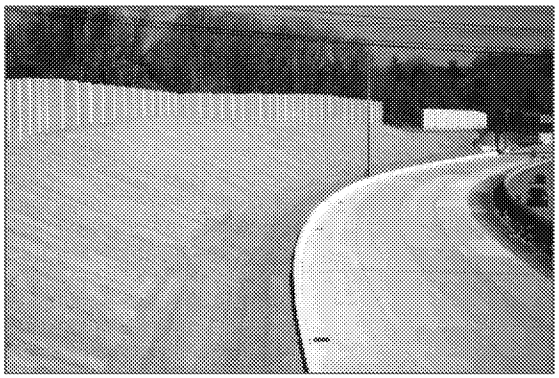
5.9 MINIMIZE STEEP SLOPE DISTURBANCE



The project **does not have** steep slope areas. This section will not apply if the project does not have a steep slope.

Steep slopes have many definitions. Generally, slopes that are 15 percent or greater in grade meet the steep slope requirements of the 2017 CGP unless a state, tribe, local government or industry technical manual has otherwise defined 'steep slope'. The methods of compliance are linked with the phase of construction.

Consider using spray-on chemical treatments as described in Section 5.8 of this plan to minimize steep slope disturbance and erosion. The palliative may be applied by hydraulic methods or executed with a spray truck (hydroseeder).

INSPECTION AND MAINTENANCE:

Inspect the palliative treatment during each regularly scheduled inspection and after each rain event. If there is evidence of erosion or sediment subsistence at the toe of the slope, reapply the temporary treatment.

5.9.1.1 TOPSOIL

This project **has** extensive paving, concrete or other impervious structures.

Topsoil, if the project is not highly impervious, will be stockpiled in an area of the project where it can be preserved by sediment barriers at the base of the pile combined with the mitigation measures described in the Minimization of Dust section in nearby sections of the document. Alternatively, the topsoil pile can be covered with geotextile or other impenetrable barrier to preserve the material in the pile.

INSPECTION AND MAINTENANCE:

Maintenance Requirements for the topsoil pile will follow those listed in the Stockpile discussion included in the document.

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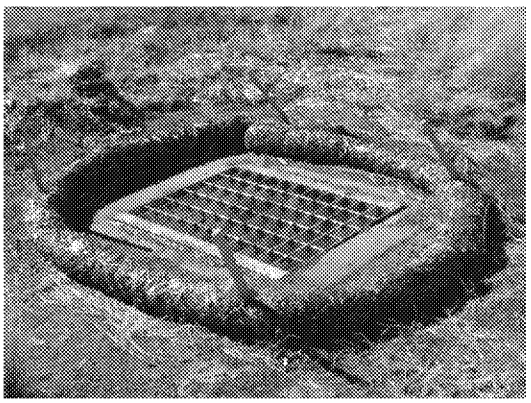
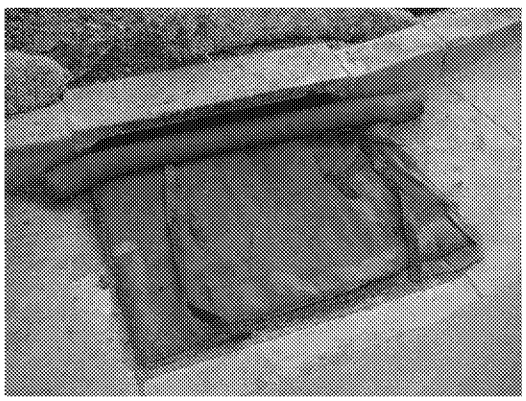
5.9.1.2 SOIL COMPACTION

Where engineered infiltration or vegetation practices are the stabilization methods and compaction has occurred, it is necessary to condition the area to accept the stabilization practice. Determining the level of compaction is a site-specific activity. The area to be vegetated should be marked to prevent traffic and to notify site employees to avoid the area until the vegetation activities take place.

If the conditioning method is not listed in the specification documents, the specification for installation of vegetative means or infiltrations practices will be provided by the provider. The specifications are included in the Product Data section of this binder if available.

5.10 STORM DRAIN INLET PROTECTION

OBJECTIVE:

Storm Drain Inlet Protection devices are structures designed to reduce flow and capture sediment from runoff entering the structure. Inlet protection methods are most effective when used in combination with pavement sweeping programs and maintenance activities focused on ensuring sediment removal at the structure.

INSTALLATION:

Conventional storm drain (drop) inlet protection methods consist of wire-backed silt fence covering the inlet opening and held in place with 1" to 2" round, washed stone to reduce flow velocity.

Alternative methods to stone use include placing a wattle (compost or wood chip sock) across the opening of the inlet or around the perimeter of a median inlet. The wattle is anchored by bags containing washed stone or consistently placed stakes. The rock-filled backs must act as a complete barrier around the entire perimeter of the grated are to interrupt flow and allow sediment deposition.

A final alternative utilizes a natural fiber product cut to fit the grate opening and anchored with a zip-tie or similar mechanism.

To install storm drain inlet protection:

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1. Clean and prepare the inlet:
    a. Remove all sediment from the curb and gutter as it approaches the inlet.
    b. Remove all rocks, trash, sediment, and vegetation along the curb and around the inlet structure.
    c. Confirm the grate and frame is in place.
    d. Ensure the inlet opening is free from any obstructions.
2. Cover the grate opening with wire-backed silt fence. Each end of the fence must extend beyond the frame.
    a. If using gravel, extend the gravel 2' into the roadway area.
    b. If using wattles and rock- filled bags, place the bags around the perimeter of the grate frame. Extend the wire-backed silt fence to the outer edge of the bags.
3. Cover the inlet opening:
    a. If using gravel, wire backed silt fence must cover the entire opening and extend over the inlet top 6" fully covered by gravel.
    b. If using a wattle and rock filled bag, the wattle will cover the inlet opening and will be held in place by at least one rock filled bag on each side of the opening.
4. If using a manufactured product, install the control per the manufacturer's specifications ***AND*** in accordance with project specifications. Project specifications control unless indicated otherwise by project management.

INSPECTION AND MAINTENANCE:

Inspect the inlet protection during each inspection cycle, after each rainfall event and each maintenance activity to ensure the structure can perform per the specifications.

1. If gravel is used and it is filled with sediment to 33% of the height of the opening or pile:
    a. Remove and wash the stone to eliminate the captured sediment.
    b. Replace the stone with washed, sediment free material.
2. If a wattle and rock filled bags are used and the sediment is 50% of the height of the bag:
    a. Remove the bags from around the structure and inspect them for damage.
    b. Replace damaged bags with new material.
    c. Bags that are not damaged should be cleaned to free captured sediment from the surface and re-set around the structure.
    d. Reset the bags around the structure to ensure compliance with the specification and deliver designed performance.
    e. Inspect the wattle and clean it if sediment has accumulated on its surface. The wattle can be re-used if the netting or fabric has minor damage.
        i. Minor damage to netting is a cut or tear, 4" strands or less 'in a row'.
        ii. Minor damage to fabric is a cut or tear 2" or less.
    f. Wattles having more damage than described as minor damage should be discarded and replaced.

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3. The wire backed silt fence should be cleaned from collected sediment. If the material is damaged – punctured/torn – then it should be replaced.

Material damage will be the decision of the Project Engineer. Replacement of damaged materials is considered incidental to the project.

5.11 CONSTRUCTION STORMWATER CONVEYANCES

OBJECTIVE:

Incorporating conveyance channels into a project demonstrates well-developed engineering practices. Control methods must address and prevent channel deterioration to ensure the channel does not contribute to sedimentation and pollution of waters of the U.S. It is equally important to include velocity dissipation measures to ensure:

- The velocity gradient in the channel is moderated
- The geometry of the channel is maintained
- Pollutants are controlled
- Sediment is captured and contained onsite

5.11.1 CHANNEL CONTROLS

5.11.1.1 CHECK DAMS

OBJECTIVE:

Check dams slow the velocity of concentrated water flows. They are relatively small, temporary structures constructed across a swale or channel. As stormwater runoff flows through the structure, the check dam catches sediment from the channel itself or from the contributing drainage area.

However, check dams should not be used as a substitute for other sediment-trapping and erosion-control measures. Check dams are typically constructed out of silt fence, gravel or rock, or wattles. They are most effective when used with other stormwater, erosion, and sediment-control measures.

INSTALLATION:

When using rock, the material diameter should be two to 15-inches. Silt fence should be at least 24" in exposed height from trenching. A check dam should not be more than three-feet high, and the center of the dam should be at least six-inches lower than its edges. This design creates a weir effect that helps to channel flows away from the banks and prevent further erosion. Dams can be made more stable by implanting the material approximately six-inches into the sides and bottom of the channel (VDCR, 1995).

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When installing a series of check dams in a channel, install outlet stabilization measures below the final dam in the series. Because this area is likely to be vulnerable to further erosion, the use of other stabilization measures like riprap or reinforced turf reinforcement blankets are recommended.

INSPECTION AND MAINTENANCE:

When inspecting the check dams, the center should be lower than the two end-points. The top of a lower check dam should be level with the base of the preceding (higher) check dam. If erosion or heavy storm flows cause the ends of the dams to fall to a height equal to or below the center, repair and reset the check dam immediately.

During the inspection, remove large debris, trash or natural material which may alter the stormflow around the check dam structure.

When sediment reaches a height of approximately 50% of the original height of the check dam, remove the accumulated sediment from the upstream side.

Before removing a check dam, remove all accumulated sediment.

After removing check dams, ensure that all dam materials are removed to ensure proper channel flow. Additionally, use permanent vegetation measures to stabilize the area from which the dam material is removed.

5.11.1.2 SEDIMENT BASINS

SEDIMENT BASINS OR TRAPS WILL BE INSTALLED AS A CONTROL IN THE PROJECT.

OBJECTIVE:

Sediment traps are small impoundments that allow sediment to settle from construction runoff. They are usually installed in a drainage way or other discharge point. Sediment traps are most commonly used at channels, slope drains, dewatering locations, construction site entrance wash tracks, conveyance discharge points or any other runoff outlet.

Sediment traps detain sediments in stormwater runoff to protect receiving streams, lakes, drainage systems and the surrounding area. The traps are formed by excavating an area or by placing an earthen embankment across a low area or drainage swale.

Drainage swales, sediment traps or sediment basins capture runoff and sediment on a larger scale than smaller BMPs. They are sized to manage large storm or drainage areas. Sediment basins also allow for the controlled return of surface water in dewatering situations while simultaneously capturing sediment. Lastly, sediment traps provide collections points for sediment at the perimeter of site discharge locations meeting the ELG regulatory requirements.

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INSTALLATION:

When excavating an area for a sediment trap, the side slopes should not be steeper than 2:1 and the top of the embankment no more than 5 feet from the original ground surface.

Ensure stability of side walls, mounds, and barriers by Machine-compacting all embankments. If the trap is created above grade it should be lined with well-graded stone to reduce flow rate from the trap the outlet.

The spillway weir for each temporary sediment trap should be at least 4 feet long for a 1-acre drainage area and increase by 2 feet for each additional drainage acre added, up to a maximum drainage area of 5 acres.

INSPECTION AND MAINTENANCE:

Inspect the sediment basin or trap per the schedule outlined in this plan. At each inspection, ensure the trap is draining properly. Remove sediments when the basin reaches 50% sediment capacity. Inspect the structure for damage from erosion by reviewing the depth of the spillway and maintain it at a minimum of 18 inches below the lowest point of the trap embankment.

Take care to situate sediment traps for easy access by maintenance crews. The primary maintenance consideration for temporary sediment traps is to remove accumulated sediment. Do this periodically to ensure ongoing operation. Perform re-compaction of side walls, mounds, and barriers after extended periods of water retention to ensure each is competent to accept future flows.

5.12 CHEMICAL TREATMENT

Chemical treatment is not employed as a BMP on this project.

5.13 DEWATERING PRACTICES

Dewatering is not required on the project.

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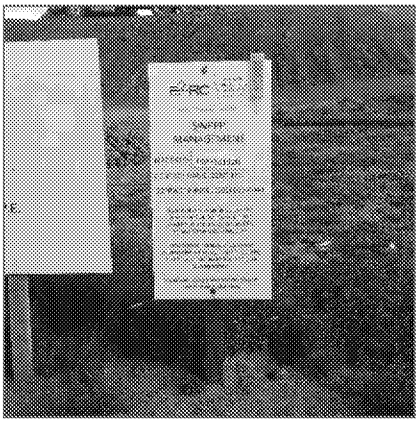
5.14 OTHER STORMWATER CONTROLS

5.14.1 NPDES NOTIFICATION BOARD



OBJECTIVE:

To ensure the soil disturbance information for the project is readily for review and use by the public and site personnel. The NPDES Notification must be large enough to contain information about the project and all notifications and posting. The NPDES Notification must provide all soil disturbance information, including the NPDES tracking number, contact for additional information, directive to the SWPPP location, and a directive to contact the EPA if there is an indication of stormwater pollutants in site discharge or a receiving waterbody, in accordance with Part 1.5 of the 2017 CGP.

INSTALLATION:

The NPDES Notification must be installed or posted at a location which is easily accessible to the public. It must be located so that it is visible from the public road that is nearest the active part of the construction site and it must use font large enough to be readily viewed from public right-of-way.

INSPECTION AND MAINTENANCE:

The NPDES Notification Board will be inspected during the scheduled site inspections per Part 4.2 of the CGP. The board should always be in proper condition with a rain gauge attached. Any identified board maintenance will be scheduled for repair.

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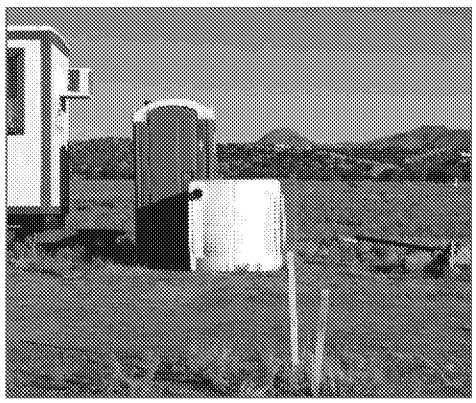
5.14.2 TEMPORARY SANILET FACILITIES



OBJECTIVE:

To provide personal waste facilities for site personnel for the proper collection, disposal, and prevention of waste products in compliance with OSHA regulations. Temporary sanilet facilities encourage good housekeeping measures at the construction site. Their installation meets OSHA regulations and prevents pollution and stormwater contamination.

INSTALLATION:

The sanilet provider may install the device at locations throughout the project site which provide convenient access to both site personnel and equipment maintenance or removal operators. Sanilets should not be installed near any discharge or inlet location, such as on top of or uphill from a storm drain or drop inlet. The sanilet provider should securely anchor the facility to prevent tipping. It may be necessary to install a secondary control measure, such as a wattle perimeter or earth berm, to further ensure minimal runoff.

INSPECTION AND MAINTENANCE:

Inspect sanilet facilities daily to determine if they have reached 50% volume capacity. The facilities should be removed, replaced, or emptied when they have reached or exceeded this amount. Daily inspection should check that all plastic structures are intact and do not show signs of damage from construction, vandalism, or weather – related activities. Inspectors should also determine if the location is appropriate and not near discharge or inlet locations.

Sanilets are designed to promote safe and sanitary use. However, if stored liquids have not been removed and the sanilet is nearing capacity, vacuum and dispose of them in an approved manner - check with the local sanitary sewer authority to determine if there are special disposal requirements.

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6 SITE STABILIZATION

The project is located in an arid, semi-arid or drought-stricken area.

Regardless if the project is located in an arid, semi-arid or drought-stricken area, projects operating in New Mexico, except Indian country, must comply with the temporary stabilization deadlines noted in Parts 2.2.14.

6.1 STABILIZATION INITIATION TIMEFRAME REQUIREMENTS

Per Part 2.2.14 of the CGP, "You must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site."

The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

Per 2.2.14 of the CGP clarifies and defines 'permanently' and 'temporarily' to assist Operators to determine which requirements apply to the project area:

- *"Earth-disturbing activities have **permanently** ceased* when clearing and excavation within any area of your construction site that will not include permanent structures has been completed."
- *"Earth-disturbing activities have **temporarily** ceased* when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future."
    - The 14-calendar day timeframe above begins counting as soon as you know that construction work on a portion of your site will be temporarily ceased. In circumstances where you experience unplanned or unanticipated delays in construction due to circumstances beyond your control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and you do not know at first how long the work stoppage will continue, your requirement to immediately initiate stabilization is triggered as soon as you know with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, you must comply with Parts 2.2.1.1 and 2.2.1.2."

6.2 STABILIZATION – INITIATION ACTIVITIES

If construction work ceases on a portion of the site for a continuous 14-day period, ***but will resume in the future,*** the Permittee will stabilize the disturbed areas with a means shown in the list below.

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Part 2.2.14 of the CGP provides the following list of initiation examples as a guide. This list is not exhaustive:

1. Prepping the soil for vegetative or non-vegetative stabilization;
2. Applying mulch or other non-vegetative product to the exposed area (e.g. temporary soil stabilizer);
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in Parts 2.2.14.

The areas disturbed will exclude locations in which construction has not started or locations in which construction has implemented permanent stabilization. Locations where permanent stabilization practices and controls have been implemented will conform to the design specifications for each or the Stabilization Practices – Post Construction listed herein.

6.3 STABILIZATION – COMPLETION DEADLINE

Per Part 2.2.14 of the CGP, for areas of disturbance less than or equal to five acres stabilization activities must be completed as soon as practicable but no later than 14 calendar days after stabilization has been initiated as discussed above.

For areas of disturbance greater than five acres, stabilization measures must be complete as soon as practicable, but no less than seven (7) calendar days after stabilization has been initiated.

At the close of the stabilization period, the site must exhibit the following:

1. If using vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized have occurred. Such activities may include soil conditioning, applying seed or sod, planting seedlings, applying fertilizer or watering; and/or
2. If using non-vegetative stabilization, all non-vegetative measures are installed or applied.

6.4 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES

Legacy at Sierra Vista may use the following stabilization methods to comply with Part 2.2.14 of the CGP. Descriptions of the mechanism and maintenance protocols for Non-Vegetative Controls are available in BMP Measures and Product Details Tab of this plan. Descriptions of the mechanism and maintenance protocols for Vegetative Controls are available in BMP Measures and Product Details Tab of this plan.

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TABLE 6.0 SITE STABILIZATION PRACTICES FOR TEMPORARILY CEASED ACTIVITIES

STABILIZATION PRACTICE	STABILIZATION TYPE	IMPLEMENTATION SCHEDULE (EST.)	CONVERT TO PERMANENT?
Sprayed Water	Non-Vegetative	SEE SCHEDULE NOTE*	No
Temporary Soil Stabilizer	Non-Vegetative	SEE SCHEDULE NOTE*	No
Silt Fence	Non-Vegetative	SEE SCHEDULE NOTE*	No
Pond	Non-Vegetative	SEE SCHEDULE NOTE*	Yes
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**			

6.5 PERMANENT STABILIZATION – POST CONSTRUCTION

The area from which vegetation is removed or the soil disturbed is that area which will be designated for excavation, grading, concrete, paving, vertical construction or landscaping for this project and must be addressed in the design of the entire project.

Stabilization is more than establishing of vegetation. Site stabilization is coverage of the disturbed area with a constructed element (e.g. a building or stabilized channel) or a natural element (e.g. seeding or planted vegetation). It is important for the reviewer to acknowledge sites include both constructed and natural elements that can deliver stabilization equivalent to the 'pre-construction condition'. A representative site evaluation will recognize an appropriately stabilized area prevents the transport of sediment off the site. Prevention of sediment transport is attainable using constructed elements as well as natural elements. The site around which this plan is developed incorporates the contract documents for constructed elements, permanent erosion control or other stabilization means.

If the contract documents do not detail permanent stabilization practices, then permanent stabilization will follow the methods listed in this SWPPP.

It is the intent of the Operator(s) to provide and comply with permitted coverage requirements until 70% of the natural vegetated state (prior to disturbance) is achieved.

> The criteria for final stabilization in Part 2.2.14b is to "Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) that provides 70 percent or more cover that in provided by vegetation native to local undisturbed areas; and/or Implement permanent non-vegetative stabilization measures to provide effective cover."

There is an exception to the above criteria for Arid, semi-arid, and drought- stricken areas:

> Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

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TABLE 6.1 SITE STABILIZATION PRACTICES FOR PERMANENTLY CEASED ACTIVITIES

STABILIZATION PRACTICE	STABILIZATION TYPE	IMPLEMENTATION SCHEDULE (EST.)	CONVERTED FROM TEMPORARY?
Water and Sewer Line	Non-Vegetative	SEE SCHEDULE NOTE*	No
Pond	Non-Vegetative	SEE SCHEDULE NOTE*	Yes
Drill Seeding with Hydromulch	Vegetative	SEE SCHEDULE NOTE*	No
Paving	Non-Vegetative	SEE SCHEDULE NOTE*	No
		SEE SCHEDULE NOTE*	
***SEE THE CONTRACTOR'S SCHEDULE FOR EXACT ACTIVITY DATES. ALTERNATIVELY, THE INSTALLATION DATES FOR BMPs ARE AVAILABLE IN THE SWPPP SITE MAP, IN THE INSPECTION REPORTS OR PROJECT BMP INSTALLATION LOG.**			

7 POLLUTION PREVENTION STANDARDS

7.1 POTENTIAL SOURCES OF POLLUTION

Every site has sources of pollution. Obvious sources of pollution include paving operations, stucco, painting, trash, and others. Activities that are pollution sources, naturally, have identifiable pollutants and types of pollutants requiring control.

Proper stormwater management includes listing of the activities, pollutants, and locations on the site where special attention must be paid to ensure compliance. The following list shows the elements of potential pollution sources specific to the site at the time the plan was generated.

Pollutant Generating Activity	Pollutants or Pollutant Constituents (that could be discharged if exposed to stormwater)	Location on Site (or reference SWPPP site map where this is shown)
Material Stockpiling and Handling	Sediment, pH	Stockpile Areas
Construction Debris and Materials	Material Waste, Worker Waste and Debris	Entire Site
Equipment Activity, Fueling and Maintenance	Oil, Petroleum Distillates, Greases and Fuels	Entire Site
Sanitary Toilets	Bacteria, Parasites and Viruses	Entire Site
Excavation & Grading	Sediment, Aggregate	Excavation Areas
Backfilling	Sediment, Aggregate	Entire Site
Asphalt Paving	Asphalt, Polymerized Asphalt, Oil, Tar, Petroleum Distillates, Admixtures, VOC	Roadway
Trenching	Sediment, pH, Debris	Water and Sewer Line Areas, Silt Fence Installation

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7.2 SPILL PREVENTION AND RESPONSE

The discharge or spill of hazardous substances is not expected to occur due to or during construction activities. The project and its activities are not expected to use any substance in a manner or quantity that might require the reporting of a release in excess of reportable quantities. Substances and reportable values include:

HAZARDOUS SUBSTANCES	WHERE RELEASED	REPORTABLE QUANTITY
Engine Oil, fuel, hydraulic and brake fluids	Land	25 Gallons
Engine Oil, fuel, hydraulic and brake fluids	Water	Visible Sheen
Antifreeze, battery acid, gasoline, engine degreasers, radiator fluid	Air, Land, or Water	100 lbs. or 13 Gallons
Paints, solvents, and thinners	Land	100 lbs. or 13 Gallons
Freon	Air	1 lb.

When an incident (spill of hazardous material in excess of reportable quantities) occurs within the project during construction activities, the following measures will be employed:

THE OPERATOR WILL:	TIME ACTION REQUIRED	RESPONSIBLE EMPLOYEE ONSITE
Stop the source of the spill	Immediate	Site Supervisor(s)
Contain the spill utilizing (compost) mulch socks or soil berms	Immediate	Site Supervisor(s)
Clean up the spill	Once Spill is Contained	Site Supervisor(s)
Dispose of material contaminated by the spill in an approved disposal site	Within 24 Hours	Site Supervisor(s)
Notify both the National Response Center (1-800-424-8802) and the New Mexico Environment's Hazardous and Radioactive Materials Bureau (1-505-827-4300) providing a release of hazardous materials in excess of reportable quantities has occurred.	Within 24 Hours	Project Manager
Submit a description of the incident to the appropriate authorities (SWQB)	14 Calendar Days	Project Manager
Modify SWPPP, if appropriate, and identify prevention measures.	14 Calendar Days	E2RC, LLC

This site does not require a Spill Prevention Control and countermeasure (SPCC) plan. If a plan is required, it will be found in a separate binder at the construction site office.

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7.3 FUELING AND EQUIPMENT MAINTENANCE

OBJECTIVE:

To minimize or eliminate the discharge of fuel spills and other pollutants into the storm water management system on construction sites. Key areas include all construction sites where storage and maintenance occurs on – site, and all fueling areas within a construction site.

INSTALLATION:

Limitations:

- Fuel vehicles on-site only when off-site fueling is impractical.
- Comply with local codes regarding fluid disposal and on-site equipment maintenance.

Standards and Specifications:

- Spill cleanup kits should be available in fueling areas and on fueling trucks. Proper disposal is required.
- A drip pan or absorbent pad should be used unless fueling or maintenance activities occur over an impervious surface.
- When a vehicle is located over a water body (dock, barge) and is planned to be idle for more than one hour, a drip pan or sheet should be placed under the vehicle.
- Fueling areas should be:
    - Located at least 100 feet from waterways, channels, and storm drains.
    - Protected from run-on or runoff.
    - Located on a level-graded area.
    - Attended always during fueling.
    - Fueling equipment should be equipped with an automatic shut-off nozzle to contain drips.
    - Fuel tanks should not be "topped-off".
    - Avoid mobile fueling.
    - Observe federal, state, and local requirements relating to any stationary aboveground storage tanks. Double containment mechanisms should be employed whenever possible.
    - Do not dump fuels and lubricants onto the ground.
    - Do not bury used tires.
    - Do not dispose of oil in a dumpster or pour it down the storm drain.
    - Properly dispose of used batteries.
    - Conduct washing, fueling, and major maintenance off-site whenever possible.
    - Inspect vehicles for leaky hoses, gaskets, or other problems.
    - Locate vehicle services areas away from waterways, storm drains, gutters, and curbs.
    - Use berms, sand bags, or other barriers to contain areas.
    - Do not use detergents, solvents, degreasers, or other chemical products to do on-site cleaning.

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- Use a drip pan or drip cloth if fluids will be drained and replaced on-site.
- Collect all used fluids, store in separate labeled containers, and either recycle or dispose of properly.

INSPECTION AND MAINTENANCE:

- Inspect on all containment structures.
- Maintain waste fluid containers in a leak proof condition.
- Service sumps associated with wash areas regularly.
- Inspect daily for leaks on vehicles and equipment.
- Keep an ample supply of spill cleanup materials available on-site.
- Clean up spills immediately and dispose of waste properly.
- Prevent boil-over by regularly cleaning equipment radiators.

7.4 EQUIPMENT OR VEHICLE WASHING

OBJECTIVE:

To minimize or eliminate the discharge of pollutants entering the storm drain system from vehicle and equipment cleaning operations at all construction sites where vehicle cleaning occurs.

INSTALLATION:

Limitations:

- Wash water discharges may need to be pretreated before release into the sanitary sewer.

Standards and Specifications:

- On-site vehicle and equipment washing is discouraged.
- Do not clean vehicles and equipment with detergent, solvents, or steam on the project site.
- Contain wash water away from storm drain inlets or waterways for evaporative drying or percolation.
- Off-site cleanings are encouraged for all vehicles and equipment that regularly enter and leave the construction site.
- Conduct washing, fueling, and major maintenance off-site whenever possible.
- If equipment or vehicle washing must occur on-site:
    - Locate cleaning area away from storm drain inlets, drainage facilities, or waterways.
    - Perform the washing in a paved area with concrete or asphalt utilizing a berm to contain wash waters and prevent run-on or runoff.
    - Install a sump to collect wash water.
    - Do not discharge wash waters to storm drains or waterways.
    - Use only when necessary.
    - When cleaning vehicles with water:

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- Consider using a high-pressure sprayer or a positive shut-off valve to reduce water usage.

INSPECTION AND MAINTENANCE:

- Inspect the control measure at a minimum of once per week.
- Monitor employees and subcontractors to ensure they are implementing or following proper practices.
- Regularly inspect and maintain the sump. Remove sediments and liquids as needed.

7.5 STORAGE, HANDLING AND DISPOSAL OF CONSTRUCTION PRODUCTS, MATERIALS, AND WASTES

Building Products are not found on the site per CGP Part 2.3.3a. Section 7.9 Construction and Domestic Waste describes the practices utilized for this area.

Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials are not found on the site per CGP Part 2.3.3b. Section 7.7 Fuels, Oils, Hydraulic Fluids, Other Petroleum Products, and Chemicals and Section 7.8 Hazardous and Toxic Waste describes the practices utilized for this area.

OBJECTIVE:

To minimize the exposure of these products to precipitation and stormwater:

PRODUCT/MATERIAL/WASTE	PROTECTION	LOCATION*	DISPOSAL
Building Materials/Products	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Pesticides, Herbicides, Insecticides	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Fertilizers, Landscape Materials	Covered Containers, Conex Boxes, Plastic Sheeting or Temporary Roofing	See TESC Plan	Offsite
Fuels, Oils, Hydraulic Fluids, Etc.	Water – tight containers, Spill Kit, Plastic Sheeting, Temporary Roofs or Secondary Containment	Staging Area	Offsite
Hazardous or Toxic Wastes**	Labeled Sealed Containers, Secondary Containment or Store in Covered Area, Spill Kit	See TESC Plan	Offsite

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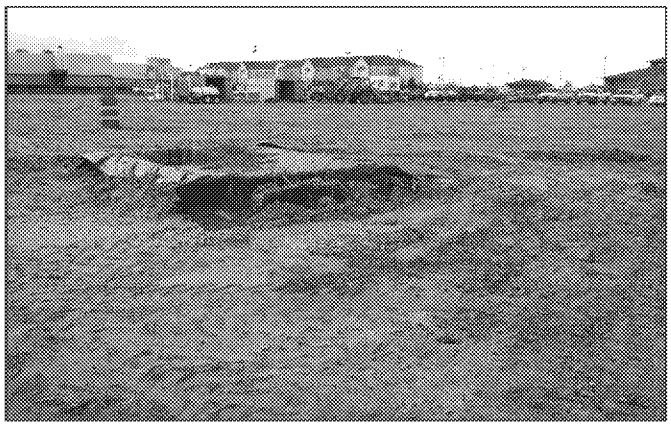
Construction Waste	Closed/Covered Waste Receptacle	See TESC Plan	Offsite
Sanitary Waste	Anchored Portable Toilets	See TESC Plan	Offsite

*The location is a preliminary location as of the design date of this SWPPP. Refer to the updated TESC drawings for current location.

**Separate hazardous waste from construction and domestic waste. Dispose of hazardous and toxic waste in accordance with local, state or federal requirements.

7.6 WASHING OF APPLICATIONS AND CONTAINERS USED FOR PAINT, CONCRETE OR OTHER MATERIALS

ONLY INCORPORATED AND APPLICABLE IF THE PERMITTEE IS UNABLE TO WASHOUT OFFSITE



OBJECTIVE:

Concrete washouts are used to collect and contain concrete and liquids when the chutes of concrete mixers and hoppers of concrete pumps are rinsed after delivery. The washout controls consolidate solids for easier disposal and prevent runoff of liquids. Proper containment prevents caustic material from reaching the soil surface and migrating to surface waters or ground water.

The wash water is alkaline and contains high levels of chromium, which can leach into the ground and contaminate groundwater. It can also migrate to a storm drain, which can increase the pH of area waters and harm aquatic life. Solids that are improperly disposed of can clog storm drain pipes and cause flooding. Installing concrete washout facilities not only prevents pollution but also is a matter of good housekeeping at your construction site.

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INSTALLATION:

Install the washout in an area that is convenient and provides easy access for concrete trucks, preferably near the area in which the concrete is being poured. There are various types of washout containers the Contractor may use at a jobsite to collect and contain wash water. Such methods include but are not limited to chute washout boxes, buckets and pumps, lined washout pits surrounded by an adequate berm or bale barrier, vinyl washout containers, and metal washout containers.

Washout containers should be leak proof and of adequate size to accommodate anticipated material use and waste without causing spillage. Each method should be installed in concurrence with manufacturer specifications of design specifications.

INSPECTION AND MAINTENANCE:

Inspect all concrete washout facilities daily to determine if they have filled to 75 percent capacity, which is when materials need to be removed. Washouts should be inspected daily to ensure that plastic linings are intact and sidewalls have not been damaged by construction activities. Inspectors should also note whether the facilities are being used regularly. If drivers have washed their chutes or hoppers in other locations, place additional washouts in more convenient locations.

Concrete washouts are designed to promote evaporation where feasible. However, if stored liquids have not evaporated and the washout is nearing capacity, vacuum and dispose of the waste in an approved manner. Check with the local sanitary sewer authority to determine if there are special disposal requirements for concrete wash water.

- Remove liquids or cover the structures before predicted rainstorms to prevent overflows.
- Remove hardened solids whole or break them up depending on available equipment for removal and local regulations.
- Following material removal, build a new structure, or if the previous structure is still intact, inspect the structure for signs of weakening or damage and make any necessary repairs.
- Line the concrete structure with new plastic that is free of holes or tears each time concrete removal is performed.
- Replace signage if necessary.

7.7 FUELS, OILS, HYDRAULIC FLUIDS, OTHER PETROLEUM PRODUCTS AND CHEMICALS

OBJECTIVE:

To minimize or eliminate the discharge of hazardous or non-hazardous materials to storm drains, watercourses, or drainage channels. These practices are applicable to all construction sites that have delivery and/or storage of:

- Fuel, oil, grease
- Herbicides, pesticides, fertilizers
- Asphalt, concrete and their components

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- Acids, curing and form compounds
- Other hazardous materials

INSTALLATION:

Limitations:

- All temporary storage buildings must meet building codes.
- Storage must meet fire codes.
- All secondary containment structures and materials should be removed from the site upon completion of the project and disposed of per regulations.

Standards and Specifications:

- Designate a storage area that is not near a storm drain or watercourse.
- Follow manufacturers' instructions on application, storage, and disposal of materials.
- Store on-site only the amount of material necessary for the job.
- Use non-hazardous and environmentally friendly products.
- Provide indoor storage or cover stockpiled materials and wastes with a tarp.
- Provide covered storage for secondary containment of hazardous materials.
- Use secondary storage to prevent soil contamination.
- Monitor employees and subcontractors to ensure that proper practices are being implemented.
- Keep all material in original containers.
- Label all stored materials per state, local and federal regulations.
- Do not store incompatible materials together.
- Keep adequate supply of cleanup materials on site at all times.
- Report all spills.
- Do not apply hazardous chemicals during wet or windy conditions.

INSPECTION AND MAINTENANCE:

- Inspect storage areas weekly to ensure neatness.
- Post proper storage instructions and Material Safety Data Sheets (MSDS) for all currently stored materials.
- Repair and replace damaged secondary containment facilities.
- Remove all empty containers and packaging from site.
- Store materials with adequate clearances for access and emergency response.

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7.8 HAZARDOUS OR TOXIC WASTE

OBJECTIVE:

To minimize or eliminate the discharge of hazardous wastes from construction sites to storm drains, gutters, watercourses, and drainage channels. These practices are applicable to the following products:

- Petroleum products
- Asphalt products
- Concrete products
- Herbicides and pesticides
- Acids for cleaning masonry
- Soil stabilization chemicals
- Septic wastes
- Paints, solvents, stains, and wood preservatives
- Materials that were used to treat or adsorb other wastes
- Hazardous construction wastes such as lead, asbestos, or lead paint

INSTALLATION:

Limitations:

- Does not address preexisting contamination or site assessments.
- Large spills or other serious hazardous wastes require immediate response from specialists.
- Contractor is required to follow all federal, state and local laws regarding handling, storing, and transporting waste materials.

Standards and Specifications:

- Waste containers shall be constructed of a suitable material and properly labeled according to regulations. Labels must include type of material, time of collection and site location.
- Temporary containment for stored materials should be sized at 1.5 times the volume of the stored material. Materials must be stored in sealed drums.
- Temporary containment areas shall be free of accumulated storm water and spills.
- Temporary containment areas shall have room between containers for emergency response and cleanup.
- Incompatible materials shall be stored separately.
- Do not store different materials in the same container.
- Do not locate temporary containment areas near storm drains, gutters, watercourses, or drainage channels.
- Provide adequate access to temporary containment areas.
- Store containers on pallets under a covered, protected area unless containers are watertight.
- Do not dispose of liquid waste in dumpsters or other solid waste containers.

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- Collect water from decontamination procedures, treat it and dispose of it at an appropriate disposal site.
- Educate employees and subcontractors in waste storage and disposal. Ensure that proper procedures are followed.
- Immediately repair all dikes and liners used for storage or containment.
- Recycle materials if appropriate.

INSPECTION AND MAINTENANCE:

- Ensure that all wastes are properly labeled and stored.
- Verify that all hazardous wastes are disposed of properly.
- Hazardous wastes must be collected, labeled, and disposed of at authorized disposal sites.
- Keep supplies on-site for cleanup of spills.
- Post MSDS sheets for all materials stored on-site.
- Immediately repair all dikes and liners used for storage or containment.

7.9 CONSTRUCTION AND DOMESTIC WASTE

DESCRIPTION

Building materials and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes. Practices such as trash disposal, recycling, proper material handling, and spill prevention and cleanup measures can reduce the potential for stormwater runoff to mobilize construction site wastes and contaminate surface or ground water.

APPLICABILITY

The proper management and disposal of wastes should be practiced at every construction site to reduce stormwater runoff. Use waste management practices to properly locate refuse piles, to cover materials that might be displaced by rainfall or stormwater runoff, and to prevent spills and leaks from hazardous materials that were improperly stored.

SITING AND DESIGN CONSIDERATIONS

Solid Wastes:

- Designate a waste collection area on the site that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody.
- Ensure that containers have lids so they can be covered before periods of rain, and keep containers in a covered area whenever possible.
- Schedule waste collection to prevent the containers from overfilling.

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- Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or kitty litter to contain the spill.
- During the demolition phase of construction, provide extra containers and schedule more frequent pickups.
- Collect, remove, and dispose of all construction site wastes at authorized disposal areas. Contact a local environmental agency to identify these disposal sites.

To ensure the proper disposal of contaminated soils that have been exposed to and still contain hazardous substances, consult with state or local solid waste regulatory agencies or private firms. Some landfills might accept contaminated soils, but they require laboratory tests first.

Paint and dirt are often removed from surfaces by sandblasting. Sandblasting grits are the byproducts of this procedure and consist of the sand used and the paint and dirt particles that are removed from the surface. These materials are considered hazardous if they are removed from older structures because they are more likely to contain lead-, cadmium-, or chrome-based paints. Ensure proper disposal of sandblasting grits by contracting with a licensed waste management or transport and disposal firm.

Detergents:

Phosphorous and nitrogen containing detergents are used in wash water for cleaning vehicles. Excesses of these nutrients can be a major source of water pollution. Use detergents only as recommended, and limit their use on the site. Do not dump wash water containing detergents into the storm drain system; direct it to a sanitary sewer or contain it so that it can be treated at a wastewater treatment plant.

LIMITATIONS

An effective waste management system requires training and signage to promote awareness of the hazards of improper storage, handling, and disposal of wastes. The only way to be sure that waste management practices are being followed is to be aware of worker habits and to inspect storage areas regularly. Extra management time may be required to ensure that all workers are following the proper procedures.

MAINTENANCE CONSIDERATIONS

Inspect storage and use areas and identify containers or equipment that could malfunction and cause leaks or spills. Check equipment and containers for leaks, corrosion, support or foundation failure, or other signs of deterioration, and test them for soundness. Immediately repair or replace any that are found to be defective.

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7.10 SANITARY WASTE

OBJECTIVE:

To minimize or eliminate the discharge of sanitary wastes from construction sites to storm drains, gutters, watercourses, and drainage channels. These controls apply to construction sites that have portable or temporary sanitary waste systems.

INSTALLATION:

Limitations:

- To dispose of wastes to the sanitary sewer, the leasing company must be permitted.
- On-site disposal systems must comply with all local, and state regulations.
- Temporary connections to the sanitary sewer should meet codes and regulations.

Standards and Specifications:

- Locate toilets and disposal systems where accidental discharge cannot flow to storm drains, gutters, watercourses, and drainage channels.
- Anchor portable toilets so they do not overturn during high winds.
- All sanitary wastes shall eventually be discharged to a sanitary sewer.
- Employ licensed sanitary services to ensure facilities are in working order at all times.

INSPECTION AND MAINTENANCE:

- Monitor employees and subcontractors to ensure that proper practices are being implemented.
- Sanitary storage and disposal should be inspected at least once per week. Units should be properly maintained, repaired, or replaced.

7.11 FERTILIZERS

Fertilizer is not planned for use on the project.

7.12 OTHER POLLUTION PREVENTION PRACTICES

Unique activities requiring pollution prevention practices do not exist on this project.

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8 INSPECTION AND CORRECTIVE ACTION

8.1 INSPECTION PERSONNEL AND PROCEDURES

Successful SWPPP compliance includes regular BMP control inspections, preventive maintenance, and SWPPP plan review. These inspections will help to uncover conditions that might lead to a release of discharges and non-compliance violations. Planned maintenance should prevent discharges and violations. Revisions to the plan ensure it is viable and effective for the life of the project. The following activities and supporting procedures will be included in the preventive maintenance program.

8.2 GENERAL SITE AWARENESS

The Operator shall continuously (during scheduled and unscheduled specific site visits) monitor the implemented erosion and sediment control measures during site specific (and project) construction activities to ensure the effectiveness and operation condition of the measures. If changes or repairs are needed to improve the effectiveness and operation of a sediment control measure they will be implemented as soon as practicable and in no case greater than seven (7) days after the discovery of the needed corrective action.

8.3 SPECIFIC COMPLIANCE INSPECTION

The Operator or his designee' (qualified personnel) will inspect disturbed areas and structures for erosion and sediment control effectiveness and for the potential of pollutants entering the drainage system. All erosion and sediment control measures not including final stabilization will be inspected and observed to ensure proper operation. Discharge locations will be inspected to assure effectiveness. Inspections will document effectiveness of measures and potential impacts to receiving waters.

All erosion and sediment control structures, measure and practice locations, and site vehicle access (enter and exit) points will be inspected either weekly – removing the rain event requirement - or every fourteen (14) days and within 24 hours after a storm water event of 0.25 inches or greater. Inspectors will review all BMP'S installed onsite and listed in the current plan.

Inspectors will document BMP performance and recommend corrective measures be implemented ONLY for listed BMP'S requiring maintenance or in a failed condition. BMP'S exhibiting acceptable performance (BMP'S that do not require maintenance or are not in a failed (upset) condition) will not be specifically listed in the inspection report and will be considered compliant with the CGP and specific SWPPP documents. Inspectors will document sediment accumulation and if necessary recommend that corrective measures be implemented immediately. Also, if emergency repairs and measures are needed after a significant rainfall (greater than 0.25 inches), such measures and repairs will be performed and completed immediately, and before the next significant rainfall event (if weather, supplies/materials and site conditions will permit).

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Final stabilized areas and sites will be inspected every fourteen - days per the NPDES requirements effective with the project start date until the "NOT" is submitted. Inspectors will ensure control measures are maintained in good operating condition. The inspector will sign the inspection report and must comply with the signatory requirements set forth in the General Construction Permit (GCP). All NPDES documents associated with this project will be kept for three years after the date on the Notice of Termination ("NOT").

8.4 RAIN GAUGE LOCATION

A rain gauge is located on the posting board for the project.

8.5 PERSONNEL RESPONSIBLE FOR INSPECTIONS

INSPECTOR NAME	CERTIFICATIONS	COMPANY
Kelley V. Fetter	P.E., CISEC, CPSWQ, CPMSM	E2RC, LLC
Sydney E. Fetter	ACNM, CISEC	E2RC, LLC
Ryan Higdon	ACNM, CISEC	E2RC, LLC
Fidel Villalobos	ACNM	E2RC, LLC
Angie Baca	ACNM	E2RC, LLC
Pedro Calabaza	ACNM	E2RC, LLC
Kyle Houghton	StormwaterONE	E2RC, LLC
Diana Baltazar	StormwaterONE	E2RC, LLC
Ray Welton Jr.	StormwaterOne	E2RC, LLC

3/20/2020 H

The supporting certification documentation for the E2RC personnel is available for review in the ***Authorization and Inspector Qualification*** section of the plan.

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1 clarifies that a "qualified person" is a person knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

E2RC encourages inspectors to be certified by StormwaterONE, Envirocert International or CISEC. Each of these providers has developed an instruction platform supported by an examination to ensure the inspector can perform inspections according to the listed requirements.

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8.6 INSPECTION SCHEDULE

8.6.1 SPECIFIC INSPECTION FREQUENCY

Inspections will occur on a fourteen - day basis. Rain events at 0.25" will be inspected as they occur. Inspections will occur only during the project's normal working hours as described in Part 4.1.2.2 of the CGP. **If the site discharges to sediment or nutrient-impaired water or a 'Tier Designated' water the inspection frequency must occur according to a protocol (Part 4.3 of the CGP):**

- Once every 7 calendar days; and
- Within 24 hours of the occurrence of a storm event measuring 0.25" or greater

8.6.2 REDUCTION IN INSPECTION FREQUENCY

If a reduction in inspection frequency is required it must be documented in the SWPPP and comply with Part 4.4.1, 4.4.2, or 4.4.3 of the CGP.

8.7 INSPECTION REPORT FORMS

A copy of the inspection form is included in the Completed Inspection section of the plan. Complete inspection reports are available electronically. Double M. Properties may access complete inspection reports using their unique company account provided by E2RC, LLC. Double M. Properties also receives each report by email.

8.8 CORRECTIVE ACTION

Corrective actions for the site BMPS are noted on each inspection report, if they exist at the time of the inspection. Corrective Actions may also be identified by onsite personnel. Work to complete the corrective actions should be initiated 'immediately'. Immediately is defined by EPA as a requirement of operators to initiate all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. This includes cleaning up any contaminated surfaces to prevent discharges from subsequent events.

Conditions Triggering Corrective Action

1. CGP Part 5.1.1: A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4 of the CGP); or
2. CGP Part 5.1.2: A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. CGP Part 5.1.3: Your discharges are causing and exceedance of applicable water quality standards; or
4. CGP Part 5.1.4: A prohibited discharge has occurred under Part 1.3 of the CGP.

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Corrective Action Deadlines

The EPA provides baseline deadlines to complete corrective activities, according to their severity and level of repair. However, it may occur that local or state agencies establish maintenance or corrective deadlines. In the event both exist and are applicable to a project, the more stringent requirement applies. For example, projects submitted to New Mexico Department of Transportation specifications must complete repairs within three (3) days of discovery.

For any corrective action triggering conditions in Part 5.1 of the CGP, the Operator(s) must:

- Part 5.2.1: Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
- Part 5.2.2: When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;
- Part 5.2.3: When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

8.8.1 CORRECTIVE ACTION LOG

The EPA requires the Permittees complete a Corrective Action Report or log. **A log is included in the Site Housekeeping section of this plan.** The Operator(s) will utilize the Inspection Report to identify the areas where corrective actions are required. The Inspection Report will list the conditions of the site, nature of the conditions identified for correction and the date and time of the identification.

Corrective Action Reports

For each corrective action taken in accordance with Part 5.1, you must complete a report in accordance with the following:

- Part 5.4.1: Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- Part 5.4.2: Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

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- Part 5.4.3: Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.
- Part 5.4.4: You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.
- Part 5.4.5: You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

8.8.2 PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS

Bob Prewitt is the person responsible for coordinating corrective action activities.

9 STAFF TRAINING REQUIREMENTS

Each operator, or group of multiple operators, must assemble a "stormwater team" to carry out compliance activities associated with the requirements in this permit.

Prior to the commencement of construction activities, you must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required in Part 4.1; and
- Personnel who are responsible for taking corrective actions as required in Part 5.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

10 DELEGATION OF AUTHORITY

The EPA accepted delegation of authority letter(s) is included in the ***Delegation of Authority*** section of the plan.

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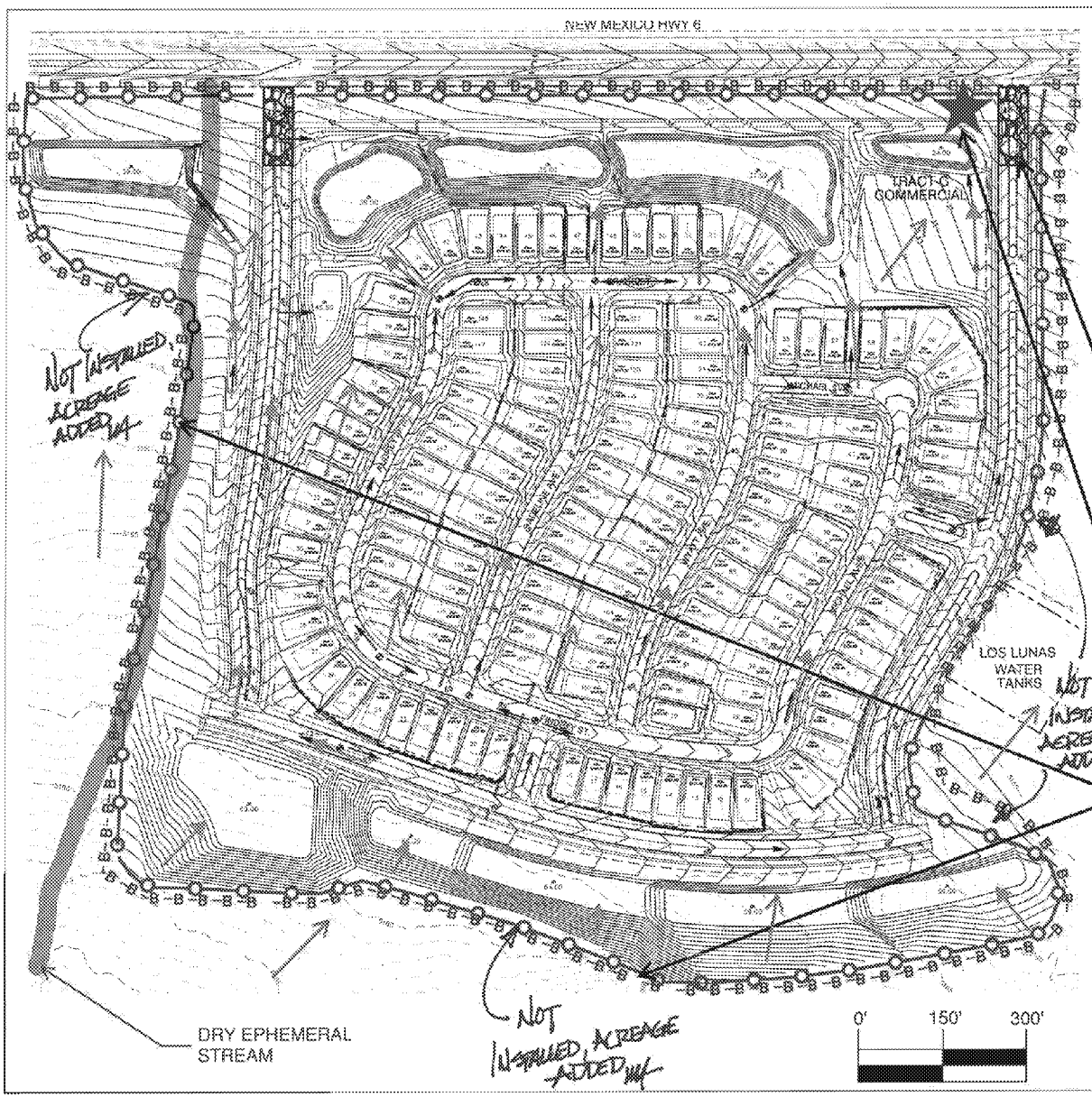
Appendix 8

Legacy at Sierra Vista Site Plan: Sheets #4, #5 and #6



1. SPOIL PILE PROTECTION MEASURES ARE APPLIED AS NEEDED AND ONLY IF A SPOILE PILE EXISTS.

2. PARKING AND STAGING AREAS ARE LOCATED OFF SITE IF NOT INDICATED ON THIS DRAWING SET. BMP'S WILL BE PLACED IF AREAS ARE DISTURBED.

3. ITEMS SHOWN IN THE LEGEND ARE INCLUDED SO THAT ALTERNATIVE BMP'S MAY BE INCORPORATED INTO THE PROJECT AFTER THE INITIAL SET UP, SOME BMP'S SHOWN ARE AVAILABLE BUT NOT NECESSARILY UTILIZED AT THE ONSET OF CONSTRUCTION.

4. NATURAL BUFFER WILL BE USED AS THE INITIAL BMP WHEN APPROPRIATE.

5. WATTLES AND/OR SILT FENCE ARE ONLY REQUIRED IF THERE IS NO 50 FOOT SECTION OF UNDISTURBED VEGETATION.

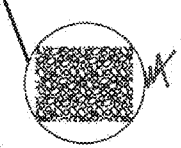
6. RECEIVING WATER = DRY EPHEMERAL STREAM, UNNAMED STREAM

7. GPS COORDINATES = 34.820242, -106.800303

8. DISTURBED AREA = 57 AC

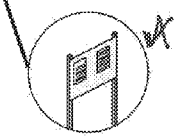
9. ENDANGERED SPECIES = RIO GRANDE SILVERY MINNOW, SOUTHWESTERN WILLOW FLYCATCHER, YELLOW SILLED CUCKOO

10. NPDES ID = NMR1002AG



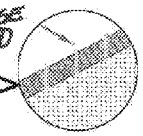
STABILIZED CONSTRUCTION ENTRANCE

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
12/31/19	
FINAL STABILIZATION	



NPDES PERMITTING

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
12/31/19	
FINAL STABILIZATION	



SILT FENCE

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
FINAL STABILIZATION	

LEGEND

- POST - CONSTRUCTION FLOW
- PRE - CONSTRUCTION FLOW
- SILT FENCE
- WATTLE OR SOCK
- SPOILS PILE PROTECTION
- EARTHEN BERM
- INLET PROTECTION
- NATURAL BUFFER
- PARKING AND STAGING AREA
- CONCRETE WASHOUT
- STABILIZED CONSTRUCTION ENTRANCE
- VEGETATIVE STABILIZATION
- ENDANGERED/THREATENED SPECIES
- C CHEMICAL STORAGE
- TEMP TOILET
- LOCATION FOR PUBLIC NOTIFICATION OF NPDES
- PROJECT BOUNDRY
- DISTURBED AREA
- PROJECT AND DISTURBED BOUNDRY
- CHECK DAM

PARKING AND STAGING AREA, CHEMICAL STORAGE AND CONCRETE WASHOUT IN APPROXIMATE LOCATION. THESE AREAS ARE TO REMAIN TOGETHER IF MOVED. AREAS CAN BE MOVED AFTER START OF CONSTRUCTION.

No	Revision Item	Date

E2RC INTEGRATED ENVIRONMENTAL CONSTRUCTION ENGINEERING

Design | Comply | Restore

KELLEY VINCENT FETTER 13450 REGISTERED PROFESSIONAL ENGINEER

CPSWQ

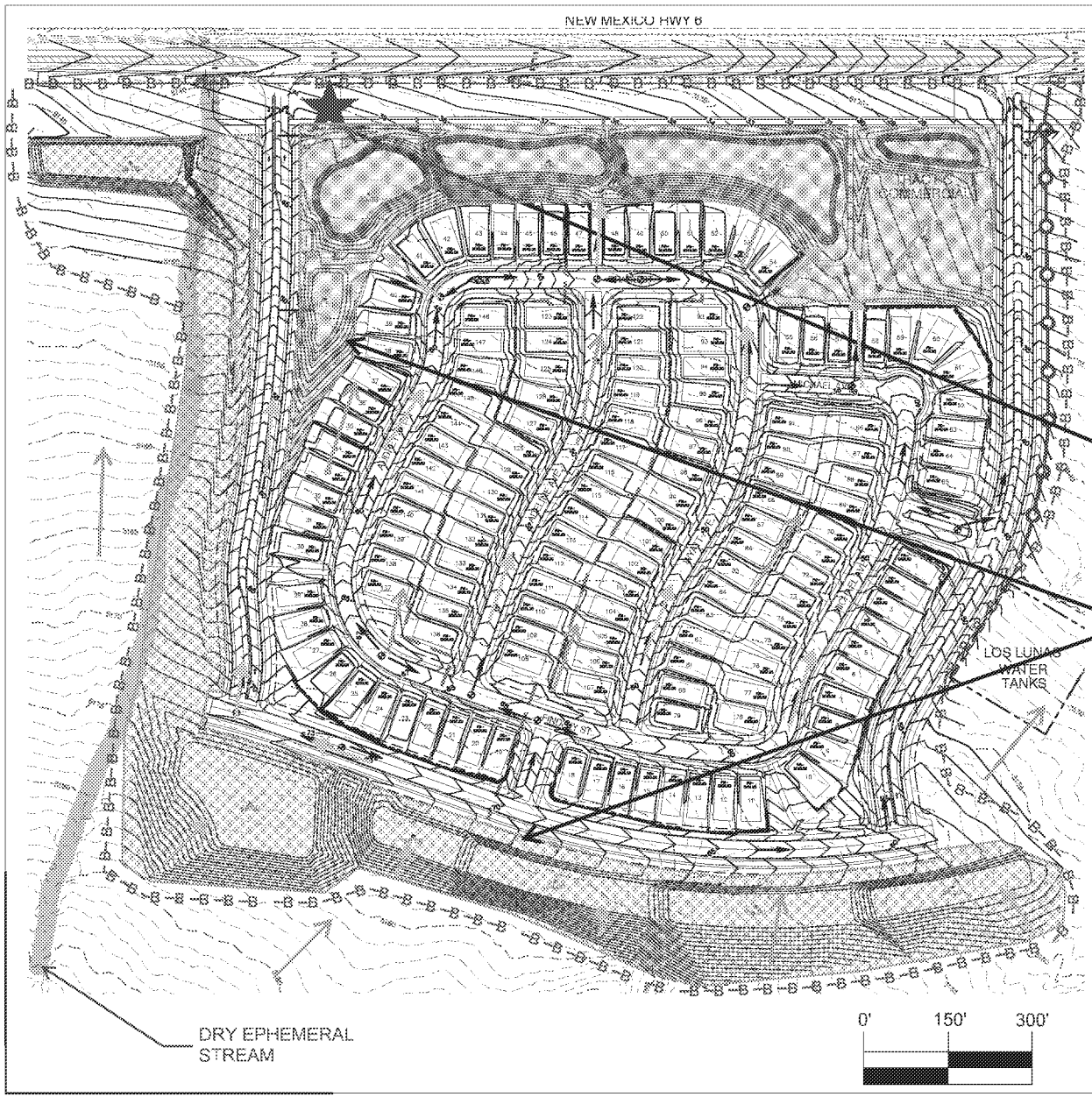
LEGACY AT SIERRA VISTA
LOS LUNAS, VALENCIA COUNTY, NM

STORMWATER POLLUTION PREVENTION PLAN

C. FETTER PINNEY

JUNE 17, 2019

4



1. SPOIL PILE PROTECTION MEASURES ARE APPLIED AS NEEDED AND ONLY IF A SPOILE PILE EXISTS.

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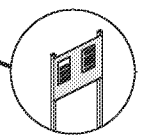
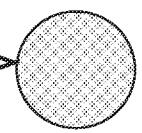
9. ENDANGERED SPECIES = RIO GRANDE SILVERY MINNOW, SOUTHWESTERN WILLOW FLYCATCHER, YELLOW BILLED CUCKOO

10. NPDES ID = NMR1002AG



NPDES PERMITTING

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
FINAL STABILIZATION	



DRILL SEEDING WITH HYDROMULCH

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
FINAL STABILIZATION	

LEGEND

- POST - CONSTRUCTION FLOW
- PRE - CONSTRUCTION FLOW
- SILT FENCE
- WATTLE OR SOCK
- SPOILS PILE PROTECTION
- EARTHEN BERM
- INLET PROTECTION
- NATURAL BUFFER
- PARKING AND STAGING AREA
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- STABILIZED CONSTRUCTION ENTRANCE
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- ENDANGERED/THREATENED SPECIES
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- PROJECT BOUNDRY
- DISTURBED AREA
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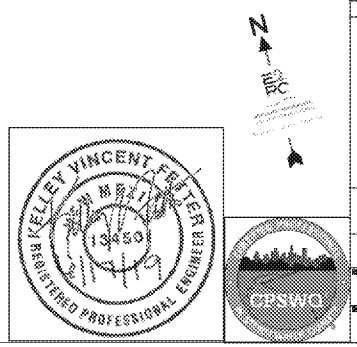
- CHECK DAM

PARKING AND STAGING AREA, CHEMICAL STORAGE AND CONCRETE WASHOUT IN APPROXIMATE LOCATION. THESE AREAS ARE TO REMAIN TOGETHER IF MOVED. AREAS CAN BE MOVED AFTER START OF CONSTRUCTION.

No	Revision Item	Date



E2RC INTEGRATED ENVIRONMENTAL CONSTRUCTION ENGINEERING

Design | Comply | Restore

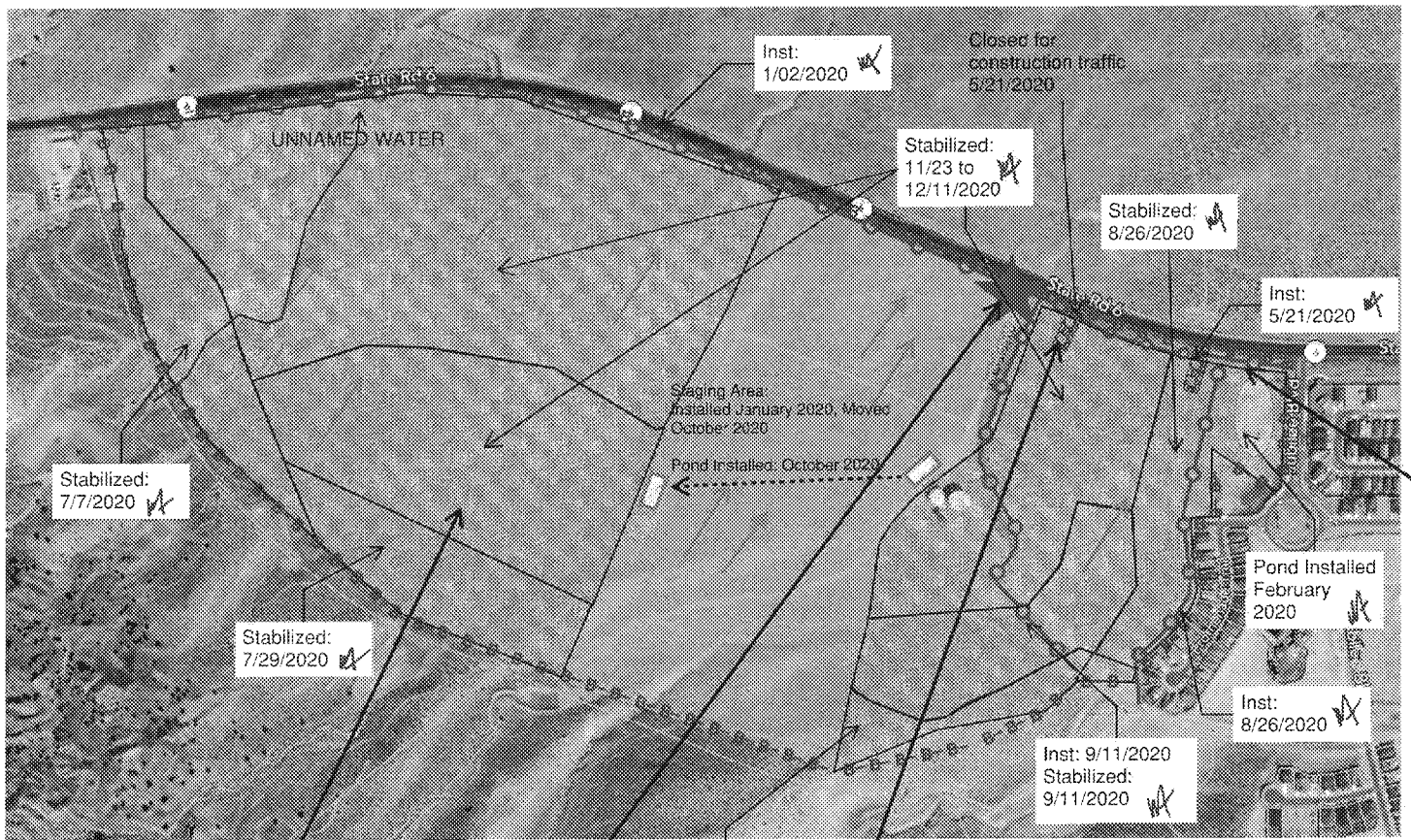
LEGACY AT SIERRA VISTA
LOS LUNAS, VALENCIA COUNTY, NM

REGEVEGETATION PLAN

C. FETTER PINNEY

JUNE 17, 2019

5



N

0' 400' 800'

TEMPORARY SOIL STABILIZER

NPDES PERMITTING

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
12/31/19	
FINAL STABILIZATION	

STABILIZED CONSTRUCTION ENTRANCE

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
12/31/19	
FINAL STABILIZATION	

SILT FENCE

IMPLEMENTATION	
BMP INSTALL	BMP REMOVE
12/31/19	
FINAL STABILIZATION	

JOSEPH KELLEY VINCENT FETTER
NEW MEXICO
13459
LICENSED PROFESSIONAL ENGINEER
4-3-2020

e2RC

SWPPP
Stormwater
Erosion Control
Reclamation
Seeding

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CPSWQ

#	REVISION ITEM	DATE
1	PLAT EXTENSION ADDED	4/3/2020

LEGACY AT SIERRA VISTA
LOS LUNAS, NM
TESCP

DESIGNED BY:
K. FETTER, P.E.
DRAWN BY:
S. FETTER

SHEET:
6

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 12/16/2020 5:15:09 PM
To: prewitt@swcp.com
CC: Peters, Carol [Peters.Carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Esparza, David [esparza.david@epa.gov]; Sarah Holcomb [sarah.holcomb@state.nm.us]; daniel.valenta@state.nm.us
Subject: Double M Properties- Sierra Vista Site (NMR1002AG)
Attachments: NMR1002AGCopyOfRecord.pdf; ATPFile_CE6EEE48-3663-4393-AEBB-9A55F7C1723F.token

Mr. Prewitt:

This is to reiterate my understanding of our telephone conversation this morning:

- The New Mexico Environment Department (NMED) had previously requested a complete copy of your Stormwater Pollution Prevention Plan (SWPPP). As of the date NMED has not received the requested information. Even though you stated the information had been forwarded.
- You stated the SWPPP could be forwarded to me immediately.

Therefore, to restate my request please ensure the following information is forwarded as soon as possible, but no later the close of business (COB) on Friday, December 18, 2020.

- A complete electronic copy of the appropriate Sierra Vista SWPPP;
- Complete copies of all applicable inspection reports, inclusive of any corrective actions;
- Description of applicable soil stabilization efforts, inclusive of any subsequent activities

Please understand that after receipt and review of the requested information additional information may be requested.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm St., Suite 500
Dallas, Texas 75270
(505) 366-8402 (Office)
eMail: esparza.david@epa.gov

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NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT	FORM Approved OMB No. 2040-0004

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: NMR1002AG

State where your construction site is located: NM

Is your construction site located on Indian Country Lands? ☐ YES ☑ 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)?

☐ YES ☑ NO

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? ☐ YES ☑ NO

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ YES ☑ NO

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? ☑ YES ☐ NO

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 ☐ NO

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 ☐ NO

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 ☐ NO

Operator Information

Operator Information

Operator Name: Double M. Properties

Operator Mailing Address:

Address Line 1: 4400 Alameda Blvd. NE Suite E

Address Line 2:

City: Albuquerque

ZIP/Postal Code: 87113

State: NM

County or Similar Division: BERNALILLO

Operator Point of Contact Information

First Name, Middle Initial, LastName: Bob Prewitt

Title: Vice President

Phone: 505-345-2694

Ext.

Email: prewitt@swcp.com

Project/Site Information

Project/Site Name: Legacy at Sierra Vista

Project/Site Address

ED_013010_00000799-00001

Address Line 1: 0.43 miles West of Jubilee Blvd. on NM-6

Address Line 2:

City: Los Lunas

ZIP/Postal Code: 87031

State: NM

County or Similar Division: VALENCIA

Latitude/Longitude: 34.8202°N, 106.8003°W

Latitude/Longitude Data Source: Google Earth

Horizontal Reference Datum: NAD 83

Project Start Date: 2019-08-19

Project End Date: 2020-07-03

Estimated Area to be Disturbed: 57

Types of Construction Sites:

- Highway or Road
- Utility

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ YES ☑ NO

Was the pre-development land use used for agriculture? ☐ YES ☑ NO

Have earth-disturbing activities commenced on your project/site? ☐ YES ☑ NO

Is your project located on a property of religious or cultural significance to an Indian tribe? ☐ YES ☑ NO

Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☑ YES ☐ NO

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☑ YES ☐ 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)

☐ YES ☑ NO

001: Dry Ephemeral Stream

Latitude/Longitude: 34.8185°N, 106.8043°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? ☐ YES ☑ NO

Has a TMDL been completed for this receiving waterbody? ☐ YES ☑ NO

002: Unnamed Streamriver

Latitude/Longitude: 34.8258°N, 106.7956°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? ☐ YES ☑ NO

Has a TMDL been completed for this receiving waterbody? ☐ YES ☑ NO

Stormwater Pollution Prevention Plan (SWPPP)

First Name, Middle Initial, LastName: Kelley V Fetter, P.E., CPSWQ, CPMSM

Title: President

Phone: 505-867-4040

Ext.

Email: info@e2rc.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 C

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 U.S. FWS Species Report and IPaC Critical Habitat Mapping portal indicate there are no critical habitats or endangered, threatened or candidate species in the action are. The nearest critical habitat is 4.43 miles east of the project. The Yellow - Billed Cuckoo and Southwestern Willow Flycatcher habitats consists of densely wooded riparian areas near a water source. As aviary species, the bird's movements is not limited by borders or other impediments. However, the action area in question does not provide the preferred habitat or food requirements to support the species the habitat is near the action area.

What federally-listed species or federally-designated critical habitat are located in your *"action area"*?

Rio Grande Silvery Minnow, Yellow-Billed Cuckoo and Southwestern Willow Flycatcher.

What is the distance between your site and the listed species or critical habitat (miles)?

4.43

Copy of your Site Map:

Name	Created Date	Size
Critical Habitat for Threatened & Endangered Species [USFWS].pdf	06/17/2019 3:42 PM	689.77 KB

Historic Preservation

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) 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), Step 1)

☑ YES ☐ NO

Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf), Step 2):

☑ YES ☐ NO

Certification Information

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: Robert Prewitt

Certifier Title: President

Certifier Email: prewitt@swcp.com

Certified On: 07/18/2019 5:31 PM

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 3/14/2022 5:54:54 PM
To: Bob Prewitt [prewitt@swcp.com]
CC: Jones, Curry [jones.curry@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Esparza, David [esparza.david@epa.gov]
Subject: Legacy at Sierra Vista

Mr. Prewitt:

This is a follow-up to my on-site visit on March 11, 2022. I spoke to Mr. Carlos Spiess and Mr. Roy Maxey and requested the following information:

- A current copy of your updated Stormwater Pollution Prevention Plan (SWPPP), inclusive of all on-site inspection reports from August 2021
- Copies of your Engineering drawings delineating drainage paths, utility piping, stormwater ponds and applicable discharge locations, inclusive stormwater discharge
- Verification of access to any adjacent stormwater ponds
- A site map identifying the location(s) of your concrete wash-out
- The names and points of contact for the builders

Therefore, please ensure the above requested information is forwarded as soon as possible, but no later the close of business (COB) on Wednesday, March 16, 2022. Additionally, after receipt and review of the requested information additional information may be requested.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 5, 2021

TRANSMITTED VIA EMAIL

Double M Properties
Bob Prewitt, Vice President
4400 Alameda Blvd. NE Suite E
Albuquerque, NM 87113
prewitt@swcp.com

Re: Administrative Order; Docket Number: CWA-06-2021-1717
NPDES Facility Number: NMR1002AG

Dear Mr. Prewitt:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning Double M Properties' Legacy at Sierra Vista. The Order requires Double M Properties (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that the Respondent immediately confirm receipt of this Order by a response e-mail to johnson.carol@epa.gov.

On January 23, 2021, EPA issued a Notice of Potential Violation Opportunity to Confer (NOPVOC) to the Respondent for violations involving Double M Properties' failure to obtain appropriate National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for the entire site, prior to beginning construction activity at the Legacy at Sierra Vista development project located at Los Lunas, Valencia County, New Mexico. In addition, the NOPVOC noted the Respondents' failure to implement Best Management Practices to minimize dust generated from construction activities.

This Order is being issued to the Respondent for violations of the Clean Water Act (CWA) 33 U.S.C. §§ 1251-1387. The EPA finds that the Respondent owns or operates a construction site and violated its National Pollutant Discharge Elimination System (NPDES) permit from April 2020-December 2020. The Order requires the Respondent to provide a compliance plan to EPA for review and approval, which will correct the violations.

The Order does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty(30) days of receipt of this Order. The Order also contains other compliance deadlines and specified information. EPA is committed to ensuring compliance with the requirements of NPDES program and my staff will assist you in any way possible. Please reference Administrative Order Docket Number CWA-06-2021-1717 and NPDES Facility Number NMR1002AG in your response.

The EPA acknowledges that the COVID-19 pandemic may impact your operations. If this is the case, please contact us regarding any specific issues you need to discuss. If you need assistance, or have questions regarding this Order, please contact Carol Johnson, of my staff, at (214) 665-8471.

Sincerely,

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER, 0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.05.05 16:48:21 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division

ec: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

Susan Lucas Kamat
Municipal Team Supervisor
susan.lucaskamat@state.nm.us

Levi Dean
Supervisor
levi.dean@state.nm.us

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
	§	
Double M Properties	§	
	§	DOCKET NO. CWA-06-2021-1717
	§	
Respondent	§	
	§	
NPDES ID. No. NMR1002AG	§	

ADMINISTRATIVE ORDER

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act (Act), 33 U.S.C. § d 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Double M Properties (Respondent) is a "person" as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violations alleged herein (relevant time period), Respondent owned or operated Legacy at Sierra Vista development, a 180 acre construction site, located at 0.43 miles West of Jubilee Blvd. on NM -6, Los Lunas, Valencia County, New Mexico (facility) and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) & (14) of the Act, 33 U.S.C. §1362(12) & (14), to the receiving waters of an Unnamed Ephemeral Stream, thence to an Unnamed Stream, thence to the Hubbell Channel, thence to the Rio Grande, which is a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.

4. The facility is considered an industry under 40 C.F.R.§ 122.26(b)(14)(x), and as such, is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by EPA on May 14, 2019.

5. Respondent applied for and was issued coverage under the Construction General Permit and was assigned NPDES Permit No. NMR1002AG by the EPA e-NOI Center on August 1, 2019 for 57 acres. However, beginning April 3, 2020, Respondent cleared and graded an extra 123 acres which it did not obtain coverage for until December 10, 2020. On December 24, 2020, Respondent was authorized to discharge pollutants to waters of the United States for 180 acres, but only in compliance with the specific terms and conditions of the permit.

6. On December 16, 2020, the facility was reviewed by an EPA storm water inspector. As a result of this review, the facility was found to be in violation of its NPDES permit.

7. Pursuant to Part 2.2.6 of the NPDES Construction General Permit, permittee shall, on areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

8. Pursuant to Part 2.2.14 of the NPDES Construction General Permit, permittee shall implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydro-mulch, gravel) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

9. Pursuant to part 1.4.3 of the NPDES Construction General Permit, permittee shall submit their NOI at least 14 calendar days before commencing construction activities.

10. Violations of the permit are as follows:
    a. Part 2.2.6 of the permit was violated in that the permittee failed to minimize dust due to insufficient BMPs for the occuring construction activity.

b. Part 2.2.14 of the permit was violated in that the Permittee failed to establish stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days.

c. Part 1.4.3 of the permit was violated in that there was a failure to obtain NPDES Construction General Permit (CGP) coverage for eight months for additional project area/phases prior to beginning construction activity.

11. Each violation of the conditions of the permit described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a compliance plan and schedule to address the violations specified in paragraph 10.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a written certification of compliance with this Order to EPA Region 6 describing all actions taken to correct the deficiencies listed in paragraph 10.

All correspondence should be addressed to:

Ms. Carol Johnson
Water Enforcement Branch (6ECD-WR)
EPA, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270
johnson.carol@epa.gov

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Violation of any term of this Section 1414(g) Compliance Order may subject Respondent to an administrative civil penalty of up to $41,120 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than $59,017 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

Date: May 3, 2021

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER, 0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.05.03 18:04:32 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 6/17/2021 12:56:59 PM
To: Bob Prewitt [prewitt@swcp.com]
CC: Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Williams, Mike [Williams.Mike@epa.gov]; Lemon, Shelly, NMENV [shelly.lemon@state.nm.us]; Dean, Levi, NMENV [Levi.Dean@state.nm.us]; daniel.valenta@state.nm.us
Subject: Legacy at Sierra Vista (NMR1002AG)

Mr. Prewitt:

Regarding receipt of the requested documents. I have not received one (1) item identified in my request for information (RFI). Specifically, an electronic copy the New Mexico Office of the State Engineer (NMOSE) well permit, inclusive of the well drillers log. I did receive the applicable metering data for the previous calendar year and the first quarter of the year.

As I stated previously, after receipt and review of the requested information additional information may be requested. With respect to that statement can you also provide the approximate size (surface area) of the on-site construction pond?

Thank you in advance.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Bob Prewitt [prewitt@swcp.com]
Sent: 6/15/2021 5:16:54 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Smalley, Bryant [smalley.bryant@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Williams, Mike [Williams.Mike@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; daniel.valenta@state.nm.us; 'LucasKamat, Susan, NMENV' [Susan.LucasKamat@state.nm.us]
Subject: RE: Legacy at Sierra Vista (NMR1002AG)
Attachments: Well meter readings 061521.pdf

David – Per your request, attached are the meter readings for last year and the first quarter of this year.

BP

From: Esparza, David <esparza.david@epa.gov>
Sent: Tuesday, June 15, 2021 6:45 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Williams, Mike <Williams.Mike@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; daniel.valenta@state.nm.us; 'LucasKamat, Susan, NMENV' <Susan.LucasKamat@state.nm.us>
Subject: RE: Legacy at Sierra Vista (NMR1002AG)

Mr. Prewitt:

In response to your to question regarding the on-site water well, I request the information for the following reason. It is my understanding that water from this on-site well is pumped to an on-site lined construction pond in the near vicinity of the construction equipment trailer. Water from this pond is then extracted/pumped to 2-4k and 2-2K gallon water trucks (totaling some 12K gallons). This water is then used for project site watering. The metered water quantity, exclusive of evaporative pond losses is an attempt to calculate an estimated water application amount.

Thank you for your earliest consideration and please let me know if this clarifies my request.

David Esparza

From: Bob Prewitt <prewitt@swcp.com>
Sent: Monday, June 14, 2021 4:31 PM
To: Esparza, David <esparza.david@epa.gov>
Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Williams, Mike <Williams.Mike@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; daniel.valenta@state.nm.us; 'LucasKamat, Susan, NMENV' <Susan.LucasKamat@state.nm.us>
Subject: RE: Legacy at Sierra Vista (NMR1002AG)

David – May I inquire why you are asking for documentation on the well? I don't understand what relation that has to stormwater management.

Per your request, attached is the copy of the Bulk Plat (Plan set pages 3&4), and a copy of the Survey.

BP

From: Esparza, David <esparza.david@epa.gov>
Sent: Monday, June 14, 2021 3:48 PM
To: prewitt@swcp.com
Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Williams, Mike <Williams.Mike@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; Esparza, David <esparza.david@epa.gov>; daniel.valenta@state.nm.us; LucasKamat, Susan, NMENV <Susan.LucasKamat@state.nm.us>
Subject: Legacy at Sierra Vista (NMR1002AG)

Mr. Prewitt:

This is to reiterate our telephone conversation this morning:

- As I mentioned EPA/R6 and NMED personnel were onsite at the Legacy at Sierra Vista properties this morning. We spoke to Mr. Sam Schneider and Mr. Roy Maxey, after introductions and presentation of credentials we asked to tour the project location. Additionally, we requested clarification of various cleared and leveled land areas.

Therefore, to restate my request please ensure the following information is forwarded as soon as possible, but no later the close of business (COB) on Wednesday, June 16, 2021.

- A complete electronic copy of the appropriately prepared Boundary Survey;
- Electronic copies of the Plan set Sheets 3 of 85 and 4 of 85, also identified as "Recorded Plat Sheets 1 & 2";
- An electronic copy the New Mexico Office of the State Engineer (NMOSE) well permit , inclusive of the well drillers log. Additionally, any applicable metering data for the previous calendar year.

Please understand that after receipt and review of the requested information additional information may be requested.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Sierra Vista

Water Well Meter Readings

		WELL RG 98687 Gallons	Usage	Acre Ft. Usage To Date	Total For Year
Beginning Reading		1567600			
2020					
4/1/2020		9651500	24.80858	24.80858	
7/1/2020		12064100	7.403998	32.21258	
8/18/2020		23854400	36.1831	68.39568	
10/1/2020	New Meter	3220600	9.883658	78.27934	
12/31/2020		6562400	10.25561	88.53494	88.5349
4/1/2021		13198800	20.36636	20.36636	

Message

From: Bob Prewitt [prewitt@swcp.com]
Sent: 6/28/2021 8:34:33 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Williams, Mike [Williams.Mike@epa.gov]; Lemon, Shelly, NMENV [shelly.lemon@state.nm.us]; 'Dean, Levi, NMENV' [Levi.Dean@state.nm.us]; daniel.valenta@state.nm.us
Subject: RE: Legacy at Sierra Vista (NMR1002AG)
Attachments: ATT00001.txt

David – Per your request, here is information on the pond. I think the slopes are 3:1, and it is rarely filled to the top. My engineer offered to calculate evaporation, and I will send it to you when I get it, but your estimate will probably be just as good.

Length: 300'
Width: 200'
Depth: ~8'

Top of pond elevation: 5176.00
Bottom of pond elevation: 5168.00

From: Esparza, David <esparza.david@epa.gov>
Sent: Thursday, June 17, 2021 6:57 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; Bernier, Roberto <bernier.roberto@epa.gov>; Williams, Mike <Williams.Mike@epa.gov>; Lemon, Shelly, NMENV <shelly.lemon@state.nm.us>; Dean, Levi, NMENV <Levi.Dean@state.nm.us>; daniel.valenta@state.nm.us
Subject: Legacy at Sierra Vista (NMR1002AG)

Mr. Prewitt:

Regarding receipt of the requested documents. I have not received one (1) item identified in my request for information (RFI). Specifically, an electronic copy the New Mexico Office of the State Engineer (NMOSE) well permit, inclusive of the well drillers log. I did receive the applicable metering data for the previous calendar year and the first quarter of the year.

As I stated previously, after receipt and review of the requested information additional information may be requested. With respect to that statement can you also provide the approximate size (surface area) of the on-site construction pond?

Thank you in advance.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Bob Prewitt [prewitt@swcp.com]
Sent: 7/1/2021 6:17:37 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Williams, Mike [Williams.Mike@epa.gov]; Lemon, Shelly, NMENV [shelly.lemon@state.nm.us]; 'Dean, Levi, NMENV' [Levi.Dean@state.nm.us]; daniel.valenta@state.nm.us
Subject: Sierra Vista (NMR1002AG)
Attachments: SKM_C360i21070112050.pdf

David – New meter reading this morning. Looks like we used well over 8 million gallons during our windiest quarter.

Bob Prewitt
(505) 345-2694 Albququerque office
(505) 388-2902 Los Lunas office
(505) 604-5844 Cell

More info

Sierra Vista

Water Well Meter Readings Meter Badger 20852386

Leased Water

	Diversion
SD-04046-A	67.83
SD-08553 & SD-08402	19.36
Total	87.19

		WELL RG 98687 Gallons	Usage	Acre Ft. Usage To Date	Total For Year
Beginning Reading		1567600			
2020					
4/1/2020		9651500	24.80858	24.80858	
7/1/2020		12064100	7.403998	32.21258	
8/18/2020		23854400	36.1831	68.39568	
10/1/2020	New Meter	3220600	9.883658	78.27934	
12/31/2020		6562400	10.25561	88.53494	88.5349
4/1/2021		13198800	20.36636	20.36636	20.3664
7/1/2021		14891700	5.195319	5.195319	25.5617

Message

From: Bob Prewitt [prewitt@swcp.com]
Sent: 7/1/2021 9:19:03 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Jones, Curry [jones.curry@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Williams, Mike [Williams.Mike@epa.gov]; Lemon, Shelly, NMENV [shelly.lemon@state.nm.us]; 'Dean, Levi, NMENV' [Levi.Dean@state.nm.us]; daniel.valenta@state.nm.us
Subject: Sierra Vista (NMR1002AG)
Attachments: Pond evap calculations 070121.pdf

David – Just received the evaporation calculations from the engineer. Surprised me that it is so high. Looks like we lose about 8 acre feet a year to evaporation.

Bob Prewitt
(505) 345-2694 Albququerque office
(505) 388-2902 Los Lunas office
(505) 604-5844 Cell

Sierra Vista Construction Water Pond
Evaporation Volume Calculations
1-Jul-21

Construction Water Pond:

Dimensions - Max. W/S		Avg. W/S (6'Full)
Width=	300'	288'
Length=	200'	188'
Depth=	8'	6'
Max. Area=	60,000 sf	W/S Area= 54,144 sf

Evaporation Rate:

PAN Evaporation Rate for Los Lunas, NM was eatablihed at 80 in./yr. as produced by the University of New Mexico Civil Engineering Department, Water Resources Engineering, Dated Feb. 8, 2020,

80"/yr. = 6.67 ft/yr

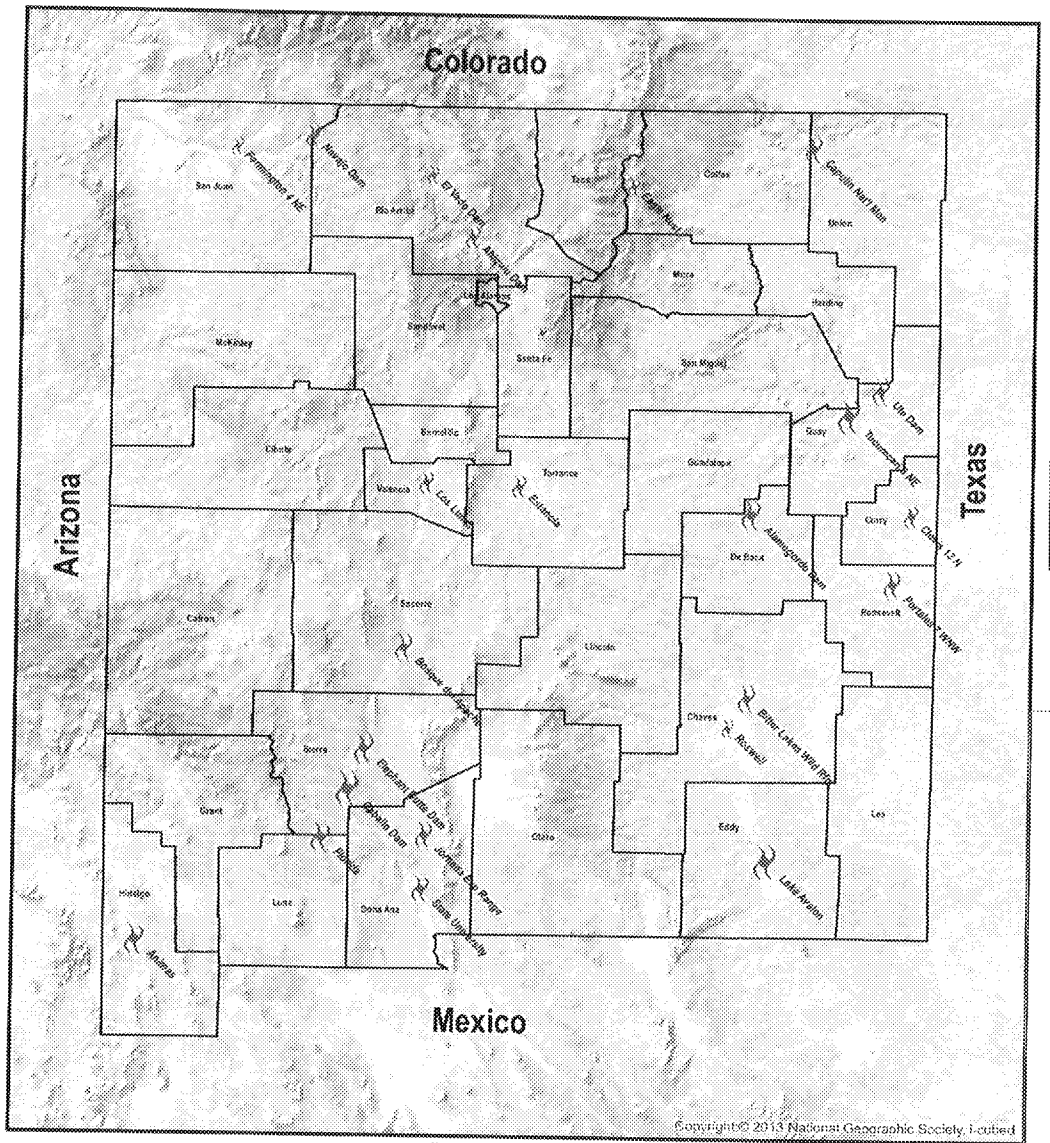
54,144 SF= 360,960 cf/yr

2,699,980 gal/yr= 224,998gal/mo.

Evaporation Losses:

Year	# of Mos.	gal/mo.	Total Evaporation
2020	12	224,998	2,699,980 gal.
2021	6	224,998	1,349,990 gal.

PAN EVAPORATION RATES
NEW MEXICO, USA



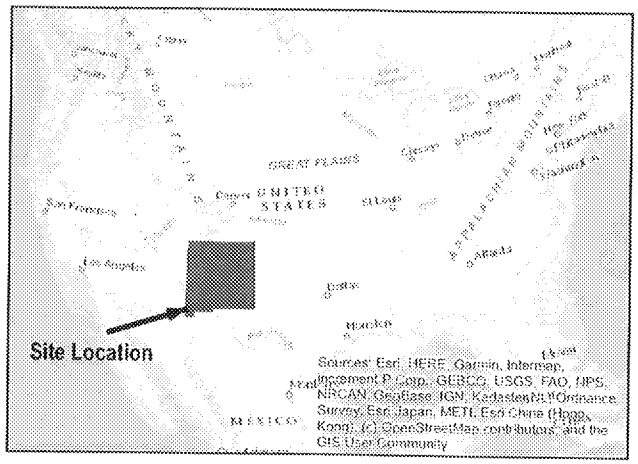
Pan Locations

Miles
0 20 40 80 120 160

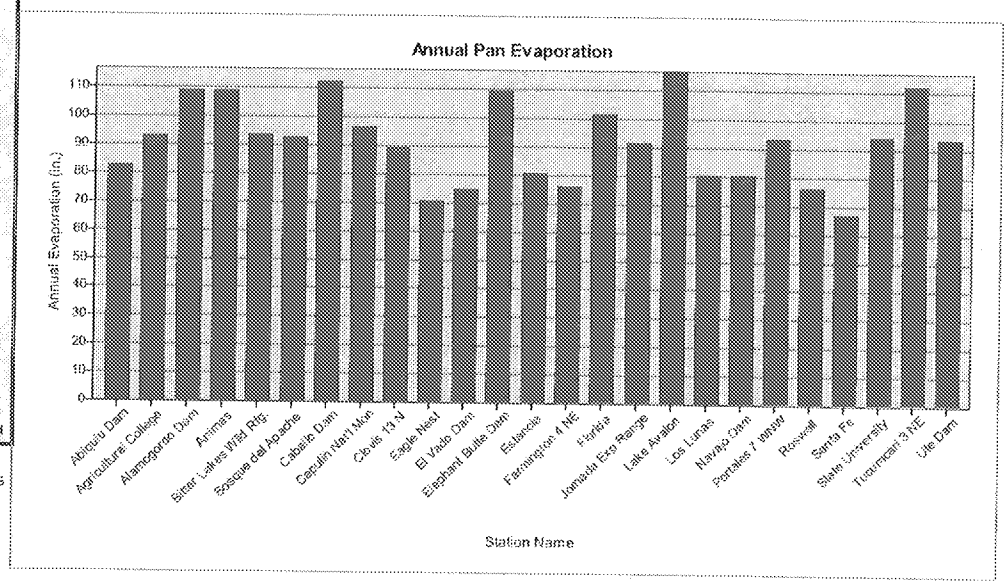
Evaporation Sites (in.)

ANNUAL

67 - 70
71 - 80
81 - 90
91 - 100
101 - 110
111 - 120



Vicinity Map



Produced By: Joseph Kaberlein
For: UNM CE 547; GIS in Water Resources Engineering
Date: 2.08.2020

Message

From: Esparza, David [esparza.david@epa.gov]
Sent: 10/25/2021 4:56:10 PM
To: Bob Prewitt [prewitt@swcp.com]
CC: Bernier, Roberto [bernier.roberto@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; Esparza, David [esparza.david@epa.gov]
Subject: EPA CWA NPDES Compliance Evaluation Inspection at the Double M Properties- Legacy at Sierra Vista Project
Attachments: Double M Properties.Legacy at Sierra Vista Project.Inspection Report.06.14.2021.08.18.2021-signed.pdf

Mr. Prewitt:

On June 14, 2021 and on August 18, 2021, the United States Environmental Protection Agency (EPA) conducted a Clean Water Act (CWA)/National Pollution Discharge Elimination System (NPDES) Compliance Evaluation Inspection (CEI) at the Legacy at Sierra Vista Project location. A copy of the inspection report, inclusive of appurtenant appendices are attached to this email. EPA will use this report to determine your project's compliance with the applicable CWA/NPDES regulations. Please review the report, note the areas of concern (AOCs), and take any actions necessary to ensure compliance. The attached CEI report will be posted to EPA's public website 10 days from the date of this email.

Thank you for the cooperation extended to EPA personnel while at this project location. If you have any questions about this CEI, please contact David Esparza, 505-366-8402, esparza.david@epa.gov.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Bob [prewitt@swcp.com]
Sent: 3/16/2022 10:00:59 PM
To: Esparza, David [esparza.david@epa.gov]
CC: Jones, Curry [jones.curry@epa.gov]; Bernier, Roberto [bernier.roberto@epa.gov]; Johnson, Carol [johnson.carol@epa.gov]; 'Kelley Fetter' [kfetter@e2rc.com]
Subject: RE: Legacy at Sierra Vista

David – Is there some type of filter on your server that is causing the issue? My guess is that it is a security issue on your end. All the links are to Dropbox files/folders. The files are large, so most email systems reject them. I don't know how we get them to you if you can't access the cloud to download them. Do you have some tech folks that can help?

BP

From: Esparza, David <esparza.david@epa.gov>
Sent: Wednesday, March 16, 2022 3:40 PM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>; Bernier, Roberto <bernier.roberto@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; Esparza, David <esparza.david@epa.gov>
Subject: RE: Legacy at Sierra Vista

Mr. Prewitt:

I have tried to access all of the appurtenant document links provided in both emails without success.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
email: esparza.david@epa.gov

From: Sydney Fetter <sfetter@e2rc.com>
Sent: Wednesday, March 16, 2022 2:09 PM
To: Esparza, David <esparza.david@epa.gov>
Cc: Bob Prewitt <prewitt@swcp.com>; Kelley Fetter <kfetter@e2rc.com>; Jones, Curry <jones.curry@epa.gov>; Bernier, Roberto <bernier.roberto@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; Fred Arfman <freda@iacivil.com>
Subject: FW: Legacy at Sierra Vista

Mr. Esparza,

The current SWPPP for Legacy and the requested inspection reports area available to view/download using the following links:

SWPPP

Inspection Reports

Please reply to all on this email confirming receipt.

Thank you,

Sydney Fetter, CISEC | Vice President of Compliance Operations
O: (505) 867-4040, ext. 120
www.e2rc.com
New Mexico | Colorado | Texas | Arizona

From: Kelley Fetter <kfetter@e2rc.com>
Sent: Tuesday, March 15, 2022 4:53 PM
To: Sydney Fetter <sfetter@e2rc.com>
Subject: FW: Legacy at Sierra Vista

From: Bob <prewitt@swcp.com>
Sent: Tuesday, March 15, 2022 4:48 PM
To: 'Esparza, David' <esparza.david@epa.gov>
Cc: 'Jones, Curry' <jones.curry@epa.gov>; 'Bernier, Roberto' <bernier.roberto@epa.gov>; 'Johnson, Carol' <johnson.carol@epa.gov>; Kelley Fetter <kfetter@e2rc.com>; 'Fred Arfman' <freda@iacivil.com>
Subject: RE: Legacy at Sierra Vista

Mr. Esparza,

- E2RC will provide the SWPPP and reports directly. You should receive them by tomorrow.
- The plan set for each subdivision contain the information you are requesting. You can download the plans for Legacy (Tract B) here: https://www.dropbox.com/sh/4o4a4yjpm35h0az/AAAAxxLAr8OU-9g0__GltuSMa?dl=0 . The plans for Cerro Vista (Tract E) here: https://www.dropbox.com/s/9qiddon5yrx5uk1/2396%20PWO%20PLANS%20-%20SIGNED%2010-15-21.pdf?dl=0. The plans for Vista Manzano (Tract F) here: https://www.dropbox.com/s/2b8stq0463cxdgb/2340%20PWO%20PLANS%20SIGNED%2006-22-21%20-%20REV%202.pdf?dl=0 and here: https://www.dropbox.com/s/yum1yoiyi96mnoh/2340%20C-701%20POND%203%20REVISION-2022%2001-07.pdf?dl=0 , and the plans for Vista Sandia (Tract A) here: https://www.dropbox.com/s/k6u3ngnqxphpexh/2341%20VISTA%20SANDIA%20PH%201%262%20PWO%20SIGNED%2012-16-21.pdf?dl=0.
- I am not sure what you are asking for regarding access to adjacent storm water ponds. We are required to retain storm water and all our ponds are on site. There is one offsite Village pond that needed to be restored/enlarged which is shown on the Vista Manzano plans. Village approval of the plans authorized us to make the required improvements, which are complete. The Village will maintain that pond after acceptance of the subdivision. Everything south of the site, including this pond, is public open space.
- Attached are maps showing concrete washout container locations today. The builders have their containers on the lots in Legacy. The infrastructure contractor is also using roll off containers. They place it close to where they are doing concrete work. They only rent them when they have concrete work scheduled and the location changes regularly. Currently curb and gutter is scheduled to go down in Vista Manzano next week and the roll off will be located somewhere near where indicated on the attached map. By agreement the wall contractor uses the builder's washout (works for them too) or the infrastructure contractor washout.
- The contact for Abrazo Homes is Chris Madrid. His email is: chris@abrazohomes.com The contact for Hakes Brothers is Mark Asplund. His email is: mark.asplund@hakesbrothers.com

Bob Prewitt
VP, Double M Properties, Inc.

From: Esparza, David <esparza.david@epa.gov>
Sent: Monday, March 14, 2022 11:55 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>; Bernier, Roberto <bernier.roberto@epa.gov>; Johnson, Carol <johnson.carol@epa.gov>; Esparza, David <esparza.david@epa.gov>
Subject: Legacy at Sierra Vista

Mr. Prewitt:

This is a follow-up to my on-site visit on March 11, 2022. I spoke to Mr. Carlos Spiess and Mr. Roy Maxey and requested the following information:

- A current copy of your updated Stormwater Pollution Prevention Plan (SWPPP), inclusive of all on-site inspection reports from August 2021
- Copies of your Engineering drawings delineating drainage paths, utility piping, stormwater ponds and applicable discharge locations, inclusive stormwater discharge
- Verification of access to any adjacent stormwater ponds
- A site map identifying the location(s) of your concrete wash-out
- The names and points of contact for the builders

Therefore, please ensure the above requested information is forwarded as soon as possible, but no later the close of business (COB) on Wednesday, March 16, 2022. Additionally, after receipt and review of the requested information additional information may be requested.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm Street, Suite 500
Dallas, Texas 75270
(505) 366-8402
eMail: esparza.david@epa.gov

Message

From: Sydney Fetter [sfetter@e2rc.com]
Sent: 12/16/2020 11:03:25 PM
To: prewitt@swcp.com; Esparza, David [esparza.david@epa.gov]
CC: Peters, Carol [Peters.Carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Sarah Holcomb [sarah.holcomb@state.nm.us]; daniel.valenta@state.nm.us; Kelley Fetter [kfetter@e2rc.com]
Subject: RE: Double M Properties- Sierra Vista (NMR1002AG)

Please use the following link to access the unprotected SWPPP:

Legacy at Sierra Vista – SWPPP - Unprotected

Many thanks,

Sydney Fetter, CISEC | Vice President of Compliance Operations
O: (505) 867-4040
www.e2rc.com
New Mexico | Colorado | Texas | Arizona

From: prewitt@swcp.com
Sent: Wednesday, December 16, 2020 3:32 PM
To: 'Esparza, David' <esparza.david@epa.gov>
Cc: 'Peters, Carol' <Peters.Carol@epa.gov>; 'Jones, Curry' <jones.curry@epa.gov>; 'Sarah Holcomb' <sarah.holcomb@state.nm.us>; daniel.valenta@state.nm.us; Kelley Fetter <kfetter@e2rc.com>; Sydney Fetter <sfetter@e2rc.com>
Subject: RE: Double M Properties- Sierra Vista (NMR1002AG)

Mr. Esparza – E2RC maintains these in electronic format for us. I have forwarded your request to them.

BP

From: Esparza, David <esparza.david@epa.gov>
Sent: Wednesday, December 16, 2020 3:27 PM
To: prewitt@swcp.com
Cc: Peters, Carol <Peters.Carol@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Sarah Holcomb <sarah.holcomb@state.nm.us>; daniel.valenta@state.nm.us; Esparza, David <esparza.david@epa.gov>
Subject: Double M Properties- Sierra Vista (NMR1002AG)

Mr. Prewitt:

I am in receipt of an electronic copy of applicable Stormwater Pollution Prevention Plan (SWPPP) in PDF format. As I stated in my previous email the possibility existed that additional information might be requested after receipt and review. Typically, when I review requested information, I have the ability to insert comments for internal discussion. In beginning to read/review the SWPPP document, I realized it was forwarded in a secure format; thus I am unable to insert PDF comments to simplify our internal discussion.

Therefore, I respectfully request an unsecured PDF electronic version of the applicable SWPPP as soon as possible.

David A. Esparza, P.E.
Environmental Engineer
U.S. Environmental Protection Agency
Water Enforcement Branch-Municipal/Industrial Section
Mail Code: 6-ECDWM
1201 Elm St., Suite 500
Dallas, Texas 75270
(505) 366-8402 (Office)
eMail: esparza.david@epa.gov

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Message

From: Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Sent: 1/22/2021 4:39:26 PM
To: Johnson, Carol [johnson.carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Subject: CJohnson - eSigned BsS 1-22-21 NOPVOC Ltr Double M Properties - Legacy at Sierra Vista
Attachments: CJohnson - NOPVOC- final letter-Sierra Vista-cj-bsedits eSign 1-22-21.pdf

CJ
The attached letter is ready to be sent out to the recipient and ec's via email. Please attach a signed PDF copy to eRouting and change status to CLOSED.

Thanks,
Pamela Elder-Schweers

Pamela Elder-Schweers | Special Assistant to Bryant Smalley | Chief, Water Enforcement Branch | Enforcement and Compliance Assurance Division | 1201 Elm Street Suite 500| Dallas, Texas 75270

Ofc Phone: 214-665-7463
Email: **elder-schweers.pam@epa.gov**

From: CAEDeRouting@epa.gov <CAEDeRouting@epa.gov>
Sent: Friday, January 22, 2021 7:29 AM
To: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Subject: Enforcement Confidential - Attorney/Client Work Product: Double M Properties - Legacy at Sierra Vista

This routing slip has been sent to Pam Elder-Schweers by Bryant Smalley

Originator: Carol Johnson
Subject: Double M Properties - Legacy at Sierra Vista
Actions: Signature
Routing Slip: Click Here

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Message

From: Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Sent: 1/25/2021 1:45:43 PM
To: Johnson, Carol [johnson.carol@epa.gov]
Subject: RE: CJohnson - eSigned BsS 1-22-21 NOPVOC Ltr Double M Properties - Legacy at Sierra Vista

Thank you Ma'am. Hope you and yours are doing well. Miss my friend!

Thanks,
Pamela Elder-Schweers

Pamela Elder-Schweers | Special Assistant to Bryant Smalley | Chief, Water Enforcement Branch | Enforcement and Compliance Assurance Division | 1201 Elm Street Suite 500| Dallas, Texas 75270

Ofc Phone: 214-665-7463
Email: **elder-schweers.pam@epa.gov**

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Monday, January 25, 2021 7:44 AM
To: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>; Jones, Curry <jones.curry@epa.gov>
Subject: RE: CJohnson - eSigned BsS 1-22-21 NOPVOC Ltr Double M Properties - Legacy at Sierra Vista

Will do! Thanks Pam.

CAJ

From: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Sent: Friday, January 22, 2021 10:39 AM
To: Johnson, Carol <johnson.carol@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Subject: CJohnson - eSigned BsS 1-22-21 NOPVOC Ltr Double M Properties - Legacy at Sierra Vista

CJ
The attached letter is ready to be sent out to the recipient and ec's via email. Please attach a signed PDF copy to eRouting and change status to CLOSED.

Thanks,
Pamela Elder-Schweers

Pamela Elder-Schweers | Special Assistant to Bryant Smalley | Chief, Water Enforcement Branch | Enforcement and Compliance Assurance Division | 1201 Elm Street Suite 500| Dallas, Texas 75270

Ofc Phone: 214-665-7463
Email: **elder-schweers.pam@epa.gov**

From: CAEDeRouting@epa.gov <CAEDeRouting@epa.gov>
Sent: Friday, January 22, 2021 7:29 AM
To: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Subject: Enforcement Confidential - Attorney/Client Work Product: Double M Properties - Legacy at Sierra Vista

This routing slip has been sent to Pam Elder-Schweers by Bryant Smalley

Originator: Carol Johnson
Subject: Double M Properties - Legacy at Sierra Vista
Actions: Signature
Routing Slip: Click Here

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Message

From: Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Sent: 6/1/2022 2:30:59 PM
To: Johnson, Carol [johnson.carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Subject: CJohnson - Certified Mail - Proposed Class II Civil Penalty Double M Properties - Legacy at Sierra Vista
Attachments: CJohnson Double M Properties CWA (NMR1002AG) 06-2022-1772.pdf

CJ

Since this needs to go out Certified, I added the certified Number on the cover letter – I see you will be in tomorrow so I will put the applicable green card and two

copies on your desk for you to send out!

Thanks,

Pamela Elder-Schweers

Pamela Elder-Schweers | Special Assistant to Bryant Smalley | Chief, Water Enforcement Branch | Enforcement and Compliance Assurance Division | 1201 Elm Street Suite 500| Dallas, Texas 75270

Ofc Phone: 214-665-7463
Email: **elder-schweers.pam@epa.gov**

From: CAEDeRouting@epa.gov <CAEDeRouting@epa.gov>
Sent: Tuesday, May 31, 2022 2:51 PM
To: Johnson, Carol <johnson.carol@epa.gov>
Cc: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Subject: Enforcement Confidential - Attorney/Client Work Product: Double M Properties - Legacy at Sierra Vista

This routing slip has been sent to Carol Johnson by Cheryl Seager

Originator: Carol Johnson
Subject: Double M Properties - Legacy at Sierra Vista
Actions: DD/DDD Signature
Routing Slip: Click Here

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

May 31, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7448 8104

Double M Properties
Bob Prewitt, Vice President
4400 Alameda Blvd. NE Suite E
Albuquerque, NM 87113
prewitt@swcp.com

Kerwin Hollowwa
Registered Agent
Spann Hollowwa & Artley
1304 Central Ave. SW
Albuquerque, NM 87102
shollowwa@shha.net

Re: Notice of Proposed Assessment of a Class II Civil Penalty
Docket Number: CWA-06-2022-1772
NPDES Facility Number: NMR1002AG

Dear Mr. Prewitt:

Enclosed is an Administrative Complaint (Complaint) issued to Double M Properties, Legacy at Sierra Vista development construction site (Sierra Vista), for violations of Section 301(a) of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violations alleged are for unauthorized discharge of pollutants from Sierra Vista.

You have the right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please refer to the enclosed Part 22, "Consolidated Rules of Practice," for information regarding hearing and settlement procedures. Should you fail to request a hearing within thirty days of receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of $115,530 may be assessed against you without further proceedings.

Whether or not you request a hearing, we invite you to confer informally with EPA. You may represent yourself, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program. My staff will assist you in any way possible.

Re: Administrative Penalty Order
Double M Properties – Legacy at Sierra Vista

If you have any questions or wish to discuss the possibility of a settlement of this matter, please contact Ms. Carol Johnson, of my staff, at johnson.carol@epa.gov.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosures

ec: w/complaint - Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	DOCKET NO. CWA-06-2022-1772
	§	
Double M Properties	§	Proceeding to Assess a Class II
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Respondent	§	
	§	
NPDES ID. No. NMR1002AG	§	ADMINISTRATIVE COMPLAINT

I. Statutory Authority

This Administrative Complaint (Complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (the Act), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division of EPA Region 6 (Complainant). This Class II Administrative Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act.

Based on the following findings, Complainant finds that Double M Properties, violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

II. Findings of Fact and Conclusions of Law

1. Double M Properties (Respondent) is a "person" as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.

2. At all times relevant to this action (all relevant times), Respondent owned or operated Legacy at Sierra Vista development, a 200-acre construction site, located at 0.43 miles West of Jubilee Blvd. on NM -6, Los Lunas, Valencia County, New Mexico (facility) and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant, the facility acted as a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) & (14) of the Act, 33 U.S.C. §1362(12) & (14), to the receiving waters of an unnamed ephemeral stream, thence to an unnamed stream river, thence to the Hubbell Channel, thence to the Rio Grande, which is a "water of the United States," as defined by 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

7. Section 402(p) of the Act, 33 U.S.C. § 1342(p), requires that any discharge of storm water associated with an industrial activity must comply with the requirements of an NPDES permit.

8. Each person that meets the definition of "operator," and engages in construction defined as industrial activity by 40 C.F.R. § 122.26(b)(14)(x), must apply for and obtain NPDES permit

coverage before and during conducting activities that are subject to storm water discharges that carry pollutants to waters of the United States.

9. The facility is considered an industry under 40 C.F.R.§ 122.26(b)(14)(x), and as such, is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by EPA on May 14, 2019.

10. Respondent applied for and was issued coverage under the EPA Construction General Permit and was assigned NPDES Permit No. NMR1002AG by the EPA electronic Notice of Intent (NOI) Center on August 1, 2019, for 57 acres at Legacy at Sierra Vista (herein after referred to as "permit") under Section 402 of the Act, 33 U.S.C. § 1342.

11. Beginning April 3, 2020, Respondent cleared and graded 200 acres even though Respondent's permit only encompassed and authorized 57 acres. Therefore, Respondent was not authorized by permit regarding the extra 143 acres cleared and graded by Respondent.

12. On December 24, 2020, Respondent obtained permit coverage for the entire 200 acres. Therefore, Respondent did not have permit coverage for 143 acres from April 3, 2020, to December 23, 2020, and Respondent was not authorized to discharge pollutants from the facility to waters of the United States during this period.

13. Because Respondent did not have authorization to discharge pollutants from the facility from April 3, 2020, to December 23, 2020, from the 143 acres not covered by the permit, each storm water discharge from the facility during these time periods is a violation of Section 301 of the Act, 33 U.S.C. § 1311. Rain events for the area indicate unauthorized discharges from the facility on at least five (5) occasions between April 3, 2020, to December 23, 2020.

14. Under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), as modified by 40 C.F.R. Part 19, Respondent is liable for a civil penalty in an amount not to exceed $23,989 per day for each day during which a violation continues, up to a maximum of $299,857.

15. EPA has notified New Mexico Environmental Department (NMED) of the issuance of this Complaint and has afforded NMED an opportunity to consult with EPA regarding the assessment of an administrative penalty against Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

16. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public.

III. Proposed Penalty

17. Based on the foregoing Findings, and pursuant to the Authority of Sections 309(g)(1) and (g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(B), EPA hereby proposes to assess against Respondent a penalty of One hundred and fifteen thousand, five hundred and thirty dollars ($115,530.00).

18. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which includes such factors as the nature, circumstances, extent and gravity of the violations, economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

19. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to

this Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

20. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15. Failure to file an Answer to this Complaint within thirty (30) days after service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

21. If Respondent does not file an Answer to this Complaint within thirty (30) days after service of this Complaint, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a final Default Order is issued.

22. Respondent must send its Answer to this Complaint, including any request for hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

23. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Efren Ordóñez (6RC-EW)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

24. The Answer must be signed by Respondent, Respondent's counsel, or other Representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§ 22.5 and

22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

25. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, with supplemental rules at 40 C.F.R. § 22.38.

26. Any request for hearing should be included in the Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer to this Complaint meeting the requirements of 40 C.F.R. § 22.15 to preserve the right to a hearing or to pursue other relief.

27. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

VI. Settlement

28. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Ms. Carol Johnson, of my staff, at johnson.carol@epa.gov.

29. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b). The issuance of a

CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted, and a hearing held only if the evidence presented by petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

30. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

May 31, 2022
Date

Cheryl D. Seager Digitally signed by CHERYL SEAGER Date: 2022.05.31 14:47:08 -05'00'

Chery T. Seager, Director
Enforcement and
Compliance Assurance Division

CERTIFICATE OF SERVICE

I certify that the foregoing Class II Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Copy by certified mail,
Return receipt requested:

Double M Properties
Bob Prewitt, Vice President
4400 Alameda Blvd. NE Suite E
Albuquerque, NM 87113
prewitt@swcp.com

Kerwin Hollowwa
Registered Agent
Spann Hollowwa & Artley
1304 Central Ave. SW
Albuquerque, NM 87102
shollowwa@shha.net

Copy by email:

Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

Copy by email:

Mr. Efren Ordóñez
U.S. EPA, Region 6
Ordonez.efren@epa.gov

Dated: _____ _____

Message

From: Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Sent: 6/1/2022 6:10:19 PM
To: Johnson, Carol [johnson.carol@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Elder-Schweers, Pam [Elder-Schweers.Pam@epa.gov]
Subject: CJohnson - Class II Civil Penalty - Double M Properties - Legacy at Sierra Vista - being sent Certified
Attachments: CJohnson Double M Properties CWA (NMR1002AG) 06-2022-1772.pdf

Package was put on Curry's desk to send out when he is in the ofc on Friday 6-3-22.

Thanks,

Pamela Elder-Schweers

Pamela Elder-Schweers | Special Assistant to Bryant Smalley | Chief, Water Enforcement Branch | Enforcement and Compliance Assurance Division | 1201 Elm Street Suite 500| Dallas, Texas 75270

Ofc Phone: 214-665-7463
Email: **elder-schweers.pam@epa.gov**

From: CAEDeRouting@epa.gov <CAEDeRouting@epa.gov>
Sent: Tuesday, May 31, 2022 2:51 PM
To: Johnson, Carol <johnson.carol@epa.gov>
Cc: Elder-Schweers, Pam <Elder-Schweers.Pam@epa.gov>
Subject: Enforcement Confidential - Attorney/Client Work Product: Double M Properties - Legacy at Sierra Vista

This routing slip has been sent to Carol Johnson by Cheryl Seager

Originator: Carol Johnson
Subject: Double M Properties - Legacy at Sierra Vista
Actions: DD/DDD Signature
Routing Slip: Click Here

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended Recipient. Any review, reliance, or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact Cheryl Seager and delete all copies.

Appointment

From: Jones, Curry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2B4A101E4A4DE6BA999341B81DFB61-JONES, CURRY]
on behalf of Johnson, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=566B5D6CDA154972914357041F143D40-JOHNSON, CA]
Sent: 2/18/2021 5:39:42 PM
To: Smalley, Bryant [smalley.bryant@epa.gov]

Subject: FW: Rescheduled-Double M Properties Opportunity to Confer
Location: Microsoft Teams Meeting

Start: 2/18/2021 8:00:00 PM
End: 2/18/2021 9:30:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Wednesday, February 03, 2021 4:47 PM
To: Johnson, Carol; Jones, Curry; Sarah Holcomb; daniel.valenta@state.nm.us; Esparza, David; Bob Prewitt
Cc: Kelley Fetter (kfetter@e2rc.com); Matthews, Rachel
Subject: Rescheduled-Double M Properties Opportunity to Confer
When: Thursday, February 18, 2021 2:00 PM-3:30 PM (UTC-06:00) Central Time (US & Canada).
Where: Microsoft Teams Meeting

This conference call is scheduled to provide Double M Properties with the opportunity to confer with NMED and EPA Region 6 about potential violations observed at the Legacy at Sierra vista development site (NPDES permit NMR1002AG) located at Los Lunas, Valencia County, New Mexico.

The potential violations include a failure to obtain appropriate National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for the entire site prior to beginning construction activity at the Legacy at Sierra Vista development project , and failure to implement Best Management Practices to minimize dust generated from construction activities.

Parties included on the call include NMED representatives Sarah Holcomb and Daniel Valenta, EPA representatives Curry Jones, Carol Johnson, and David Esparza, and Double M Properties representative Bob Prewitt. All parties involved are welcome to forward this invite to any other representatives they wish to be present on the call; at this time no lawyers are included, however, if Double M wishes to have a lawyer present on the call please notify us beforehand.

Thank you.

Carol Johnson
Enforcement and Compliance Assurance Division
US Environmental Protection Agency
1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov

THERE IS NO "WE" IN BACON.

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)
+1 210-469-3886,,881906652#
Phone Conference ID: 881 906 652#
Find a local number | Reset PIN

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Learn More | Meeting options

Message

From: Jones, Curry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2B4A101E4A4DE6BA999341B81DFB61-JONES, CURRY]
Sent: 5/6/2021 6:41:15 PM
To: Smalley, Bryant [smalley.bryant@epa.gov]
Subject: FW: Administrative Order - Double M Properties at Legacy at Sierra Vista

FYI! Confirmed receipt of the AO

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

From: Bob Prewitt <prewitt@swcp.com>
Sent: Thursday, May 6, 2021 12:46 PM
To: Johnson, Carol <johnson.carol@epa.gov>
Cc: Jones, Curry <jones.curry@epa.gov>
Subject: RE: Administrative Order - Double M Properties at Legacy at Sierra Vista

Carol – We acknowledge receipt.

Bob Prewitt
Double M Properties, Inc.

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Thursday, May 6, 2021 6:37 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>
Subject: Administrative Order - Double M Properties at Legacy at Sierra Vista
Importance: High

Good Morning Mr. Prewitt,

Attached are the Cover Letter and Administrative Order that we spoke about concerning Double M Properties at Legacy at Sierra Vista. The Order requires you, Mr. Prewitt, to comply with the provisions set forth in the attached Order, and to submit a compliance plan and schedule to address the violations to EPA within thirty(30) calendar days of receipt of the Order.
The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response via e-mail.

Carol Johnson
Enforcement and Compliance Assurance Division
US Environmental Protection Agency
1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov

THERE IS NO "WE" IN BACON.

Message

From: Jones, Curry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2B4A101E4A4DE6BA999341B81DFB61-JONES, CURRY]
Sent: 5/6/2021 12:45:58 PM
To: Johnson, Carol [johnson.carol@epa.gov]
Subject: RE: Administrative Order - Double M Properties at Legacy at Sierra Vista

Great job Carol!!

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Thursday, May 6, 2021 7:37 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>
Subject: Administrative Order - Double M Properties at Legacy at Sierra Vista
Importance: High

Good Morning Mr. Prewitt,

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The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response via e-mail.

Carol Johnson
Enforcement and Compliance Assurance Division
US Environmental Protection Agency
1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov

THERE IS NO "WE" IN BACON.

Message

From: Jones, Curry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2B4A101E4A4DE6BA999341B81DFB61-JONES, CURRY]
Sent: 5/6/2021 12:51:56 PM
To: Smalley, Bryant [smalley.bryant@epa.gov]
Subject: FW: Administrative Order - Double M Properties at Legacy at Sierra Vista
Attachments: 6ENWR.DoubleMProperties.Cover Letter.NMR1002AG_W cs.pdf; 6ENWR.Double M Properties-Legacy at Sierra Vista.AO.NMR1002AG_W cs.pdf

Importance: High

AO are out to Double M properties !

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Thursday, May 6, 2021 7:37 AM
To: Bob Prewitt <prewitt@swcp.com>
Cc: Jones, Curry <jones.curry@epa.gov>
Subject: Administrative Order - Double M Properties at Legacy at Sierra Vista
Importance: High

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The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response via e-mail.

Carol Johnson
Enforcement and Compliance Assurance Division
US Environmental Protection Agency
1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov

THERE IS NO "WE" IN BACON.

Message

From: Jones, Curry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2B4A101E4A4DE6BA999341B81DFB61-JONES, CURRY]
Sent: 12/27/2021 4:10:48 PM
To: prewitt@swcp.com
Subject: Re: Sierra Vista

Thank you so much for the information. I hope you and your family had a very merry Christmas

---

Curry Jones, MPH
Chief, Water Resources Section (EN-WR)
US Environmental Protection Agency - Region 6
Phone:(214)665-6793
Fax: (214)665-2191
Email: jones.curry@epa.gov

On Dec 23, 2021, at 9:42 AM, prewitt@swcp.com wrote:

Curry – Just a heads up. There are high winds forecast for Friday and Sunday. It is Christmas and my contractors have shut down and sent their employees home for the holiday. I have one crew who is watering today, particularly our east boundary, but we cannot find operators for the holiday weekend. I have a standing offer to pay double time for any water truck operators who want extra time on Sunday, but have no takers yet. One of my contractors is having their annual Christmas party today and will float the offer again to their crew. Only good news is that the winds are forecast to be coming out of the south, so the impact to Jubilee will be mitigated somewhat. The construction site south of them will be more problematic.

Wishing you a Merry Christmas.

BP

Appointment

From: Johnson, Carol [johnson.carol@epa.gov]
Sent: 3/31/2021 4:12:05 AM
To: Kelley Fetter [kfetter@e2rc.com]; teamsvisitor:2b6bc637484645fa8fb410e8db53df99; Johnson, Carol [johnson.carol@epa.gov]; Perea, Suzanna [Perea.Suzanna@epa.gov]; Jones, Curry [jones.curry@epa.gov]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_ZmQzODM3MzMtYjYzMi00OWQ5LWI5MmMtNzU1Zjc0ZDRlOTNm@thread.v2/Communication Id: e4fdaf9f-7930-40de-844e-858a309ef97b/Kelley Fetter,teamsvisitor:2b6bc637484645fa8fb410e8db53df99,Johnson, Carol,Perea, Suzanna...

Start: 3/30/2021 6:58:24 PM
End: 3/30/2021 8:00:12 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Kelley Fetter; teamsvisitor:2b6bc637484645fa8fb410e8db53df99; Johnson, Carol; Perea, Suzanna; Jones, Curry

```
Start Time (UTC): 3/30/2021 6:58:24 PM
End Time (UTC): 3/30/2021 8:00:12 PM
Duration: 01:01:47.7926717

[3/30/2021 6:58:30 PM (UTC)] kfetter@e2rc.com joined.
[3/30/2021 8:00:12 PM (UTC)] kfetter@e2rc.com left.
[3/30/2021 6:59:20 PM (UTC)] teamsvisitor:2b6bc637484645fa8fb410e8db53df99 joined.
[3/30/2021 8:00:08 PM (UTC)] teamsvisitor:2b6bc637484645fa8fb410e8db53df99 left.
[3/30/2021 6:58:24 PM (UTC)] johnson.carol@epa.gov joined.
[3/30/2021 7:52:46 PM (UTC)] johnson.carol@epa.gov left.
[3/30/2021 7:03:15 PM (UTC)] Perea.Suzanna@epa.gov joined.
[3/30/2021 8:00:09 PM (UTC)] Perea.Suzanna@epa.gov left.
[3/30/2021 7:01:44 PM (UTC)] jones.curry@epa.gov joined.
[3/30/2021 8:00:10 PM (UTC)] jones.curry@epa.gov left.
```