Message

From: Perea, Suzanna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=17C4D262ADF04C669046CFCA032B8D82-PEREA, SUZANNA]
Sent: 1/23/2023 9:05:09 PM
To: Bob Prewitt [prewitt@swcp.com]; swppp@e2rc.com
Subject: FW: EPA NeT CGP Change Effective Legacy at Sierra Vista, NPDES ID: NMR1002AG
Attachments: EPA NeT CGP Forms Certified: Legacy at Sierra Vista, NPDES ID: NMR1002AG

Importance: High

Hello, Mr. Prewitt.

I am the EPA Region 6 Construction General Permit (CGP) coordinator and the regulatory authority for NOIs issued through CGP NeT in Region 6. In conducting my reviews of CGP NOIs in Region 6, I noticed that you signed/certified the **Double M. Properties** NOI (NPDES ID: **NMR1002AG**) for the above-mentioned **Legacy at Sierra Vista** project. The 40 CFR 122.22 NPDES signatory regulations only authorize a responsible corporate officer of the permittee (entity/operator identified on the NOI) who meets 40 CFR 122.22(a)(1) regulations to sign/certify that entity's NOI, therefore the name of the operator on the NOI and the organization on the signatory's account need to be the same to comply with the regulations.

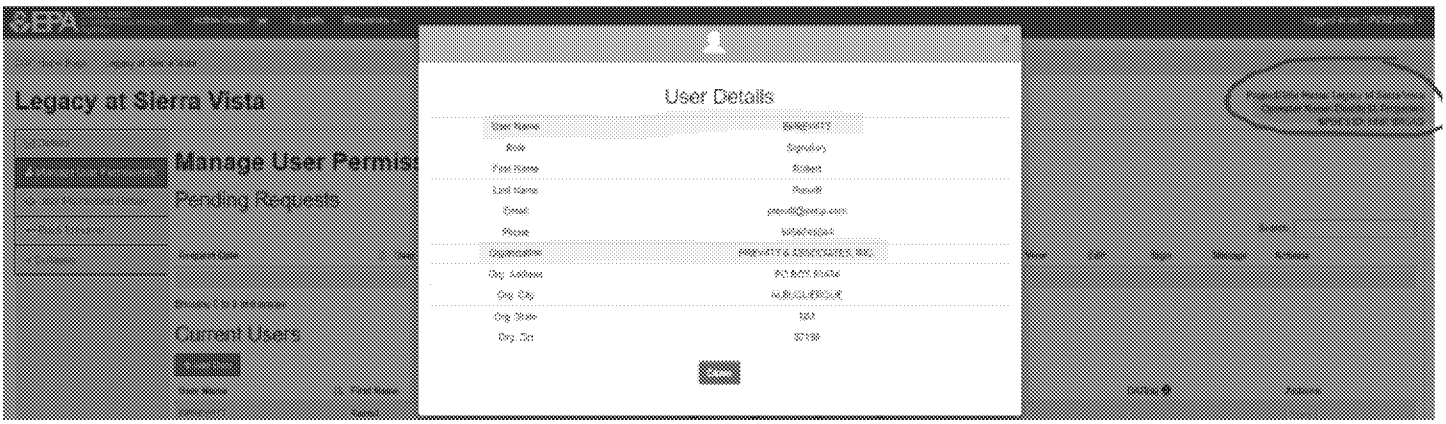
When registering for your **BPREWITT** CDX signatory account, you were required to enter an organization/organization ID to ensure that the correct organization is linked to your CDX account. As explained in the below CDX Electronic Signature Agreement (ESA), which CDX users with a signatory role are required to sign, you agreed to adhere to all the conditions of the ESA. Conditions 9 and 11 clarify that the signatory role obtained for a CDX user's account is only authorized for the one organization/entity identified on the CDX User's account. As previously explained, your current **BPREWITT** CDX user account only specifies a signatory role for **PREWITT & ASSOCIATES, INC.** (see below User Details image) therefore this CDX account does not meet the 40 CFR 122.22(a)(1) signatory requirements for **Double M. Properties** (operator on the NOI). Because this NOI's certifier does not comply with the 40 CFR 122.22 NPDES signatory regulations, this NOI is not valid and neither **Double M. Properties** nor **PREWITT & ASSOCIATES, INC.** have valid CGP permit coverage under this NOI to discharge stormwater from the construction activities of this **Legacy at Sierra Vista** project. It is necessary that you address this issue to prevent potential enforcement actions.

If **PREWITT & ASSOCIATES, INC.** is the site property owner/developer or a separate entity conducting construction activities, construction support activities, and/or any decision-making activities for this project (see below highlighted decision-making activities), **PREWITT & ASSOCIATES, INC.** also meets the operator definition (see definition in Appendix A of the 2022 CGP), and must develop a SWPPP and submit a separate NOI identifying **PREWITT & ASSOCIATES, INC.** as the operator to obtain separate NPDES permit coverage.

To assist all potential operators of a project determine whether one or more entities meet the operator definition and are required to separately obtain CGP permit coverage to discharge stormwater from the construction activities, the 2022 EPA CGP Fact Sheet explains the types of decision-making activities entities who meet the "operator" definition are involved in. Below is an excerpt from Part 1.1 (p.26) of the 2022 CGP Fact Sheet:

> "...EPA frequently finds that parties with the type of operational control over specific projects within the permit's meaning of operator are involved in one or more of the following activities:
> - Authorizing development/construction activities;
> - Procuring project plans and specifications;
> - Approving/disapproving project plans and specifications;
> - Approving/disapproving project bids;
> - Approving/disapproving SWPPPs, and SWPPP modifications;
> - Issuing cease and desist orders of construction activities regardless if completed;
> - Carrying out or managing construction work on the project site that causes earth disturbance.

This is not a comprehensive list of activities, and EPA acknowledges that there are likely other similar decision-making activities not listed here that would be indicative of project-specific operational control."



Paper CDX Electronic Signature Agreement

The CDX electronic signature agreement (ESA) is an agreement between yourself and CDX that will authorize your electronic signature. By signing the ESA you agree to adhere to the conditions listed on the agreement below. Once the ESA has been signed, you will be authorized to sign and/or encrypt information for your data flow. For any questions regarding the CDX ESA please contact the CDX Help Desk.

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
NPDES e-Reporting Tool Electronic Signature Agreement

In accepting the electronic signature credential issued by the U.S. Environmental Protection Agency (EPA) to sign electronic documents submitted to EPA's Central Data Exchange (CDX), and as a representative for:

Electronic Signature Holder Company Information

Organization Name	[illegible]
Address	[illegible]
City, State, Zip	[illegible]
[illegible]	[illegible]
Country	[illegible]
Phone Number	[illegible]
E-mail Address	[illegible]
Representative Name	[illegible]

Sign Paper Form | Cancel

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CDX CDX Registration: Additional Verification

Contact Us
Logged in as SPEARS (Log out)

Electronic Signature Agreement

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I, Suzanne M. Pierce,
(Name of Electronic Signature Holder)

(1) **I agree to notify CDX within ten working days if my duties change** and I no longer need to interact with the CDX on behalf of my organization. I agree to notify the CDX Technical Support staff at 1-888-890-1995 or helpdesk@epacdx.net.

(2) **Understand I will be informed of profile changes through my registered electronic mail (e-mail) address** whenever my user identification or password have been modified.

(3) **Understand that CDX reports the last login date** that my user identification and password were used immediately after successfully logging into CDX.

(4) **Understand and agree that I will be held as legally bound, obligated, and responsible** for the use of my electronic signature as I would be using my hand-written signature.

(5) **Understand I will receive an e-mail upon use of my electronic signature** so whenever I electronically sign and submit an electronic document to the CDX, I will receive an e-mail at my registered e-mail address. This e-mail will inform me that a submission has been made to CDX from my user account and will contain instructions to view information regarding the submission, including my Copy of Record (CoR).

(6) **Agree to report any suspicious activity** so if I receive an e-mail notification for any activity that I do not believe that I performed, I will notify the CDX Help Desk as soon as possible, but no later than 24 hours, after receipt.

Sign Paper Form | Cancel

CDX Help Desk: 888-890-1995 | (970) 494-2580 for International callers

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EPA

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(7) **Agree to contact the CDX Help Desk if I do not receive an e-mail notification** within 3 business days for any electronically signed submission using my credentials.

(8) **Agree to report, within 24 hours of discovery, any evidence of discrepancy** between any electronic document I have signed and submitted and what the CDX has received from me by contacting the CDX customer Help Desk.

(9) **Agree to notify the EPA if I cease to represent the regulated entity** specified above as signatory of that organization's electronic submissions by contacting the CDX Help Desk as soon as this change in relationship occurs.

(10) **Agree to retain a copy of this signed agreement** as long as I continue to represent the regulated entity specified above as signatory of the company's electronic submissions.

(11) **Certify I have the authority to enter into this Agreement on behalf of the Organization** identified above, and I am a signatory authorized to represent that Organization, and I am able to sign and submit reports and other information on behalf of that Organization in the capacity required by Statute and or regulation.

(12) **Certify that by signing and submitting this agreement, I have read, understand, and accept the terms and conditions** of this electronic signature agreement. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this agreement and I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(13) **Agree to protect the electronic signature credential**, consisting of my Central Data Exchange (CDX) user identification and

Cancel

CDX Help Desk: 888-890-1995 | (202) 566-2968 for International callers

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(12) **Certify that by signing and submitting this agreement, I have read, understand, and accept the terms and conditions** of this electronic signature agreement. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this agreement and I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(13) **Agree to protect the electronic signature credential**, consisting of my Central Data Exchange (CDX) user identification and password, from use by anyone except me. Specifically, I agree to maintain the secrecy of the password. I will not divulge or delegate my user name and password to any other individual. I will not store my password in an unprotected location, and I will not allow my password to be written into computer scripts to achieve automated logon.

(14) **Agree to immediately contact the U.S. EPA CDX Help Desk** after suspecting misuse of my account. I will contact the CDX Help Desk at 1-888-890-1995 as soon as possible, but no later than 24 hours, after suspecting or determining that my user name and password have become lost, stolen, compromised or used inconsistent with CDX Terms and Conditions at https://cdx.epa.gov/terms

Name of electronic signature holder: Mrs Suzanne M. Perez

Signature: .....

Date: .....

If you have any questions, please feel free to contact me.

Suzanna M. Perea | Environmental Scientist
Permitting Section (6PWQB-PS) | Permitting & Water Quality Branch
☎: 214-665-7217 | ✉: perea.suzanna@epa.gov
Water Division | U.S. EPA Region 6
1201 Elm Street, Ste. 500 | Dallas, Texas 75270

From: no-reply@epacdx.net <no-reply@epacdx.net>
Sent: Monday, January 9, 2023 2:37 PM
Subject: EPA NeT CGP Change Effective Legacy at Sierra Vista, NPDES ID: NMR1002AG

2023-01-09

Dear NeT User,

The change requested to the coverage below has been accepted.

NPDES ID	Form Type	Coverage Status	Operator	Project/Site Name
NMR1002AG	Change NOI	Active	Double M. Properties	Legacy at Sierra Vista

A copy of the submission can be found here.

Please note that this email does not represent a determination by EPA regarding the validity of the information you provided in your NOI or LEW. Your eligibility for coverage under this permit is based on the validity of the certification you provided. Your electronic signature on the NOI or LEW form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit.

If you have questions about this email or about NeT CGP, please refer to NeT Support or e-mail NPDESereporting@epa.gov for assistance.

This is an automated notification; please do not reply to this email.