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: NMR1001PL

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/2017-02/documents/2017_cgp_final_appendix_a_-_definitions_508.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

Mailing Address:

Street/Location: 4400 Alameda Blvd. NE Suite E

City: Albuquerque **State:** NM **Zip Code:** 87113

County or Similar Government Subdivision: BERNALILLO

Operator Point of Contact Information

First Name, Middle Initial, LastName: Robert Prewitt

Title: Vice President

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

Email: prewitt@swcp.com

Project/Site Information

Project/Site Name: Milagro Mesa Subdivision Phase 2

Project/Site Address

Street/Location: Cardiff Ave NE

City: Rio Rancho **State:** NM **Zip Code:** 87144

County or Similar Government Subdivision: SANDOVAL

Latitude/Longitude: 35.2803°N, 106.68°W

ED_013929B_00000115-00001

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

Project Start Date: 11/21/2018 **Project End Date:** 09/20/2019 **Estimated Area to be Disturbed:** 10.75

Types of Construction Sites:

- Multi-Family Residential
- 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: Arroyo de los Montoyas

Latitude/Longitude: 35.2758°N, 106.69°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 Critical Habitat Portal and IPaC Trust Resource report provide threatened, candidate and endangered species near the project area. Both sources indicate no critical habitats exist in the project area. The Yellow - Billed Cuckoo critical habitat is nearest to the site - approximately 4.59 miles west point - to - point. The Yellow - Billed Cuckoo nests in dense riparian areas along streams, wetlands, lakes, rivers, etc. The project area does not provide the preferred habitat and it is unlikely the Cuckoo will travel to the site.

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

Yellow-Billed Cuckoo

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

4.59

Copy of your Site Map:

Name	Created Date	Size

Name	Created Date	Size
Critical Habitat for Threatened & Endangered Species [USFWS].pdf	11/06/2018 10:09 PM	816.47 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 (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

Certified By: Bob Prewitt (BPREWITT)

Certified On: 11/07/2018 11:14 AM

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.