

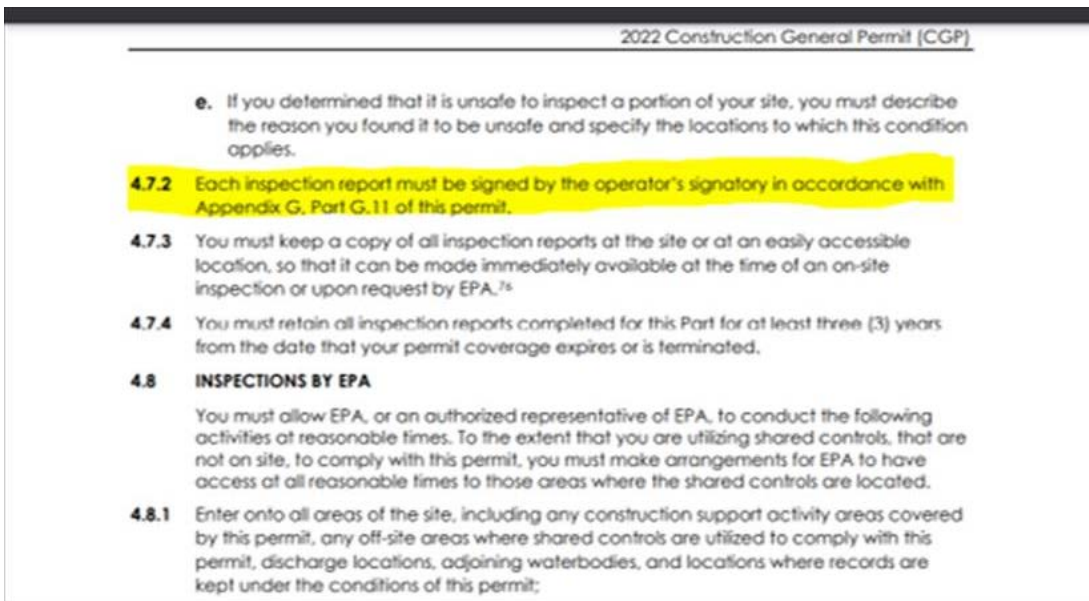
**From:** [Perea, Suzanna](#)  
**To:** [Hughes, James D.](#)  
**Subject:** RE: Is the Point of Contact on the NOI related to CGP G.11.2 Delegation of Authority to sign reports?  
**Date:** Wednesday, February 07, 2024 2:41:38 PM

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[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Mr. Hughes –

Apologies for my delayed response. In case you need these in one email, here is the [40 CFR 122.22\(a\)\(1\)](#) NPDES signatory regulation citation which EPA's CGP Appendix G.11 language comes from, [EPA's 2022 CGP](#) Part 4.7.2 language stating inspection reports must be signed by the operator's signatory, and the operator clarification excerpt from [EPA's 2022 CGP Fact Sheet](#).



To assist all potential operators of a project determine whether one or more entities associated with the project meet EPA's 2022 CGP 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.”

All entities associated with a construction project involved in one or more of the above decision-making activities meet EPA’s 2022 CGP definition of “operator” and must submit separate NOIs to ensure each operator obtains CGP coverage.

Please feel free to contact me if you have additional questions. Additionally, if operators and/or consultants continue to have questions about these CGP requirements and NPDES regulations, let me know and I can set up a Teams call with all parties to clarify the questions/issues.

Best,

**Suzanna M. Perea** | Environmental Scientist  
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**From:** Hughes, James D. <jhughes@cabq.gov>

**Sent:** Wednesday, February 7, 2024 10:22 AM

**To:** Perea, Suzanna <Perea.Suzanna@epa.gov>

**Subject:** Is the Point of Contact on the NOI related to CGP G.11.2 Delegation of Authority to sign reports?

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Suzanna,

I need to understand better who can/must sign the reports. Also, what is the role of the operator’s point of contact on the NOI? I plan to call you as a follow-up to this email because I don’t want to burden you with lengthy written explanations. Here are the questions I would like to discuss.

1. Where can I find current guidance on the role of the “Operator Point of Contact?”
2. Typically, the property owner and the primary contractor are Operators; they both have NOIs and share a SWPPP and reports.
  - a. Many local SWPPP consultants tell their clients that the Property Owner isn’t an Operator or that the Property Owner doesn’t need to sign reports since they are not in control of daily operations. Is that written somewhere, or is the Property Owner/Operator who is in control of the Plans, Specifications, and Contracts required to have a certified inspector conduct self-inspections, and then that property owner (or his DA) sign the reports?
  - b. Under those circumstances, does CGP G.11.2 apply to both operators so that both

must sign all documents?

- c. Can the Owner/Operator delegate Authority to the Contractor/Operator? Wouldn't the Contractor/Operator be a third party as described on page 15 of "Frequent Questions on EPA's CGP"?
3. Most corporations have several "responsible corporate officers." Can the reports and/or a Delegation of Authority be signed by a different officer than the one who signs the NOI?
4. After the responsible corporate officer of the property owner/operator delegates authority to his employee, the Construction Manager, can the Construction Manager then delegate authority to anyone else?



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