NPDES FORM 3510-9

Project/Site Name: Demi's Pavilions

Project/Site Address



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2022 NPDES CONSTRUCTION PERMIT

FORM Approved OMB No. 2040-0305 Expires on 02/28/2025

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory in accordance with this permit and EPA NPDES regulations (40 CFR 122.28(b)(2)). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information are estimated to average 1.1 to 19.6 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

| Permit Information | · · |
|---|--|
| NPDES ID: NMR1006QB | |
| 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 def definitions.pdf)? No | ined in Appendix A (https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-a- |
| Have stormwater discharges from your current construction site been covered previously under a | ın 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.epwith respect to protection of threatened or endangered species listed under the Endangered Spec | oa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-d-endangered-species-protection.pdf) cies Act (ESA) and federally designated critical habitat? |
| Have you completed the screening process in Appendix E (https://www.epa.gov/system/files/docuproperties? Yes | ments/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf) relating to the protection of historic |
| discharges not expressly authorized in this permit cannot become authorized or shielded from lia | vater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any billity under CWA section 402(k) by disclosure to EPA, state or local authorities after issuance of this vater Pollution Prevention Plan (SWPPP), during an Inspection, etc. If any discharges requiring NPDES rts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit. |
| Operator Information | • |
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| Operator Information Operator Name: CDR Holdings, LLC. Operator Mailing Address: Address Line 1: 3554 White Horse Dr SE | |
| Address Line 2: | City: Rio Rancho |
| ZIP/Postal Code: 87124 | State/Province: NM |
| County or Similar Division: Sandoval | _ |
| Country: US | |
| Operator Point of Contact Information | |
| First Name Middle Initial Last Name: Charles Nguyen | |
| Title: Managing Member | |
| Phone: 505-264-0510 Ext.: Email: nguyenchx@gmail.com | |
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| NOI Preparer Information | |
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| First Name Middle Initial Last Name: Cassandra Durkin | |
| Organization: BBA Stormwater Services | |
| Phone: 505-264-9909 Ext.: | |
| Email: cassandra@bbaservicesllc.com | |
| Project/Site Information | • |
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Address Line 1: 10120 Coors Blvd NW Address Line 2: City: Albuquerque ZIP/Postal Code: 87114 State: NM County or Similar Division: Bernalillo Latitude/Longitude: 35.1995°N, 106.6495°W Latitude/Longitude Data Source: Google Earth Horizontal Reference Datum: WGS 84 Project Start Date: 09/02/2024 Project End Date: 12/31/2025 Estimated Area to be Disturbed: 2.5 Types of Construction Sites: · Accidental Land Clearing for future construction. 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? No Have earth-disturbing activities commenced on your project/site? Yes ➤ Is your project an "emergency-related project"? 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? 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 Resources, Tools and Templates (https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates) **ID**: 001 Name: Rio Grande (Tijeras Arroyo to Description: Alameda Bridge) Latitude/Longitude: 35.186281°N, 106.649769°W Tier Designation: N/A Is this receiving water impaired (on the CWA 303(d) list)? $\underline{\mbox{Yes}}$ Impaired Pollutants: Oxygen, dissolved percent saturation • E. coli Mercury in fish tissue PCB in fish tissue Temperature Has a TMDL been completed for this receiving waterbody? Yes TMDL ID: 38855 Name: Rio Grande River 2105_50 E. Coli TMDL TMDL Pollutants: • E. coli 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: Cassandra Durkin Title: Consultant Phone: 505-264-9909 Ext.: Email: cassandra@bbaservicesllc.com

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:

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:

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):

Project Code: 2024-0145410 09/17/2024 20:34:13 UTC

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

NOAA- there are no species in New Mexico

You must attach: 6

- Aerial image(s) of the site
 A printent of the appaies! I
- 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/1917387) | 09/18/2024 | 241.42 KB |
| ♣ Critical Habitat for Threatened & Endangered Species [USFWS].pdf (attachment/1917386) | 09/18/2024 | 608.99 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

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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

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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. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: CHARLES NGUYEN

Certifier Title: Managing Member

Certifier Email: nguyenchx@gmail.com

Certified On: 09/18/2024 5:15 PM ET