



Alan Varela, Director



Mayor Timothy M. Keller

December 28, 2022

Graeme Means, PE  
High Mesa Consulting Group  
6010-B Midway Park Blvd. NE  
Albuquerque NM, 87109

**Re: Sedona West Apartments – 9330 Eagle Ranch Rd. NW  
Erosion and Sediment Control Plan  
Engineer's Stamp Date 12/19/2022 (C13E001)**

Dear Mr. Means,

Based upon the information provided in your submittal received on 12/22/2022, the above referenced ESC Plan is approved to be included in the SWPPP and Building Permit Plans; however, the property owner's NOI, NMR1005 is unacceptable, so the ESC Plan can't be approved for Grading, Building Permit, or Work Order until the property owner's NOI has been revised and resubmitted.

1. The property owner's name must be corrected. The full name must be used, Palindrome Sedona West LLC.
2. Provide documentation that the person who signs the NOI meets the criteria in Appendix G.11.1 (attached) which says "All applications, including NOIs and NOTs, must be signed ....by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities." Heather Boyd doesn't appear to meet these requirement since a separate limited delegation of authority was used. The EPA doesn't allow delegation of authority to sign the NOI.
3. The Delegation of Authority to Heather Boyd that was provided doesn't satisfy any the Signatory Requirements in CGP Appendix G.11. Heather Boyd, as an employee of Pacificap, the contractor, is a third party, and third parties don't satisfy the requirements of CGP Appendix G.11.2.2.
4. The delegation of authority to Heather Boyd doesn't meet the following requirements of CGP Appendix G.11.
  - a. The certification statement G.11.4 is missing
  - b. The certifier must also certify that the person to whom authority is being delegated meets the requirements of G.11.2.2 (see attached sample).



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c. The EPA's Frequent Questions page 15 (attached) says that duly authorized representative may not be a subcontractor or third party.  
The delegation of authority, if one is used, should be corrected before the project starts. It isn't required for approval of the ESC Plan, but it will be the first thing that the City SWQ Inspectors check on site.

If you have any questions, you can contact me at 924-3420 or [jhughes@cabq.gov](mailto:jhughes@cabq.gov) .

Sincerely,

*James D. Hughes*

James D. Hughes, P.E.  
Principal Engineer, Planning Dept.  
Development and Review Services