

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: NMR1003PXState/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" as defined in Appendix A
(https://www.epa.gov/sites/production/files/2019-05/documents/final_2017_cgp_appendix_a_-_definitions.pdf)?

No

Have stormwater discharges from your current construction site been covered previously under an 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.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

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

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

Operator Information

Operator Information

Operator Name: Pavilion Construction, LLC

Operator Mailing Address:

Address Line 1: 8900 Washington St. NE

Address Line 2:

City: AlbuquerqueZIP/Postal Code: 87113State: NMCounty or Similar Division: Bernalillo

Operator Point of Contact Information

First Name **Middle Initial** **Last Name:** Jared McCarn

Title: VP of Construction

Phone: 505-688-8854 **Ext.:**

Email: jmccarn@pavilionconstruction.com

NOI Preparer Information

☒ This NOI is being prepared by someone other than the certifier.

First Name **Middle Initial** **Last Name:** Sydney Fetter

Organization: E2RC, LLC

Phone: 505-867-4040 **Ext.:**

Email: info@e2rc.com

Project/Site Information

Project/Site Name: Overture Andalusia

Project/Site Address

Address Line 1: 5301 Antequera Road NW

Address Line 2: **City:** Albuquerque

ZIP/Postal Code: 87120 **State:** NM

County or Similar Division: Bernalillo

Latitude/Longitude: 35.145757°N, 106.690056°W

Latitude/Longitude Data Source: Google Earth **Horizontal Reference Datum:** WGS 84

Project Start Date: 03/29/2021 **Project End Date:** 10/28/2022 **Estimated Area to be Disturbed:** 7.75

Types of Construction Sites:

- Multi-Family Residential

Will there be demolition of any structure built or renovated before January 1, 1980? No

Was the pre-development land use used for agriculture? No

Have earth-disturbing activities commenced on your project/site? 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 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

001: Unnamed Canal

Latitude/Longitude: 35.145964°N, 106.688672°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

002: Rio Grande NM-2105_51

Latitude/Longitude: 35.145964°N, 106.688672°W

Tier Designation: Tier 2

Is this receiving water impaired (on the CWA 303(d) list)? Yes

Impaired Pollutants:

- Dissolved oxygen
- Mercury
- Polychlorinated biphenyls
- Temperature
- E. coli

Has a TMDL been completed for this receiving waterbody? Yes

TMDL ID: 38855 Name: Middle Rio Grande E.coli TMDL

TMDL Pollutants:

- E. coli

TMDL ID: 3668 Name: Middle Rio Grande fecal coliform TMDL

TMDL Pollutants:

- Coliform, fecal general

Stormwater Pollution Prevention Plan (SWPPP)



First Name Middle Initial Last Name: Kelley Fetter, P.E., CPSWQ, CPMSM

Organization:

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 USFWS Species Report and IPaC Critical Habitat Map indicate there are no critical habitats in the action area. The nearest T&E species is approximately 0.95 miles southeast of the project and resides in the Rio Grande. The project discharge is not likely to adversely impact the habitat or species as the initial grading will construct a stormwater retention pond to which the stormwater runoff will flow. The site is not likely to experience a storm event resulting in a volume of precipitation that would cause sediment to overflow from the pond and travel via the COA MS4 system to the nearby irrigation canal and then the habitat. The irrigation canal is not active year round.


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

Rio Grande Silvery Minnow

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

0.95

Copy of your Site Map:

Name	Uploaded Date	Size
 Critical Habitat for Threatened & Endangered Species [USFWS].pdf (attachment/1332240)	03/09/2021	771.72 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

- ➔ 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/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.pdf), Step 2):

Yes

Certification Information

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.

Certified By: Ira D. Griffin

Certifier Title: Vice President

Certifier Email: igriffin@pavilionconstruction.com

Certified On: 03/10/2021 11:29 AM ET