

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: NMR1005GSState/Territory to which your project/site is discharging: NMIs your project/site located on federally recognized Indian Country lands? NoAre you requesting coverage under this NOI as a "Federal Operator" or a "Federal Facility" as defined in Appendix A (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-a-definitions.pdf>)? NoHave stormwater discharges from your current construction site been covered previously under an NPDES permit? NoWill you use polymers, flocculants, or other treatment chemicals at your construction site? NoHas a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? YesAre you able to demonstrate that you meet one of the criteria listed in Appendix D (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-d-endangered-species-protection.pdf>) with respect to protection of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated critical habitat?YesHave you completed the screening process in Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.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: Via Real Estate, LLC

Operator Mailing Address:

Address Line 1: 13105 Dover Ave

Address Line 2:

City: LubbockZIP/Postal Code: 79424State: TXCounty or Similar Division: LubbockCountry: US

Operator Point of Contact Information

First Name Middle Initial Last Name: Jordan MerchantTitle: Project ManagerPhone: 806-368-7843

Ext.:

Email: kordell@7bdev.com

NOI Preparer Information

 This NOI is being prepared by someone other than the certifier.First Name Middle Initial Last Name: Derek E ChinnersOrganization: Pro SWPPP, LLCPhone: (281) 358-6575

Ext.:

Email: dc@proswppp.com

Project/Site Information

Project/Site Name: Champion Xpress Car Wash ABQ Unser

Project/Site Address

Address Line 1: 211 Unser Blvd SW

Address Line 2:

City: AlbuquerqueZIP/Postal Code: 87121State: NMCounty or Similar Division: BernalilloLatitude/Longitude: 35.075259°N, 106.72254°WLatitude/Longitude Data Source: Google EarthHorizontal Reference Datum: WGS 84

Types of Construction Sites:

- Commercial

Will there be demolition of any structure built or renovated before January 1, 1980? NoWill you be discharging dewatering water from your site? NoWas the pre-development land use used for agriculture? NoAre there other operators that are covered under this permit for the same project site? NoHave earth-disturbing activities commenced on your project/site? NoIs your project/site located on federally recognized Indian Country lands? NoIs your project/site located on a property of religious or cultural significance to an Indian tribe? NoDischarge Information ▼Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? YesAre there any waters of the U.S. within 50 feet of your project's earth disturbances? NoAre 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>)No**001: Rio Grande**Latitude/Longitude: 35.076193°N, 106.723233°WTier Designation: N/AIs this receiving water impaired (on the CWA 303(d) list)? NoHas a TMDL been completed for this receiving waterbody? NoStormwater 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? YesFirst Name Middle Initial Last Name: Derek E ChinnersTitle: Stormwater Consultant, CPESCPhone: 833-438-7977

Ext.:

Email: DC@ProSWPPP.comEndangered Species Protection Worksheet: Criterion C ▼

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? NoHas 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?

Yes

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 if 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.

For FWS species, include the full printout from your IPaC query/Official Species List.

Name	Uploaded Date	Size
 Species List_ New Mexico Ecological Services Field Office.pdf (attachment/1658118)	04/06/2023	256.49 KB

You may be eligible under **Criterion C**. You must assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat. In order to make a determination of your site's likelihood of short- or long-term adverse effects, you must complete the Criterion C Eligibility fields below.

Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. True

You are eligible under **Criterion C**.

I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes

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


iPac Reporting Tool

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

iPac Reporting Tool

You must provide a list of all ESA-listed species and/or designated critical habitat that are located in your "action area". Select one of the options below and provide the required information:

- Option 1: Enter ESA-listed species
- Option 2: Attach the species list(s)

➤ Attach a printout of the species list(s) showing all ESA-listed species and/or designated critical habitat located in your "action area" using the space below: 

Name	Uploaded Date	Size
 Species List_ New Mexico Ecological Services Field Office.pdf (attachment/1658117)	04/06/2023	256.49 KB

What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)?

1

Provide the rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

Appropriate Controls shall be utilized to eliminate adverse effects to relevant species.

Attach a copy of your site map showing the upland and in-water extent of your "action area". 

Note: A copy of this site map must also be included with your SWPPP

Name	Uploaded Date	Size
 Champion Xpress Car Wash ABQ Unser.zip (attachment/1658116)	04/06/2023	1.06 KB

Have you provided documentation in your SWPPP supporting your eligibility under Criterion C? Yes

Historic Preservation 

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)

No

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: Jordan R. Merchant

Certifier Title: Managing Member

Certifier Email: jordan@7bdev.com

Certified On: 04/10/2023 11:08 AM ET