Civil Engineering Services

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March 17, 2025

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

RE: Panda Express at 2040 Gibson Blvd SE (Lot C-2 Lovelace Heights Addition.)
Erosion and Sediment Control Plan
Engineer's Stamp date 03/5/2025 (M15E021F) SWQ-2025-00012

MR.Hughes:

Civil Engineering Services, PC (CES) is in receipt of your comments, from March 11, 2025. Below are our responses to your comments. Please include this document in your review of the proposed plans.

1. This site is part of a Common Plan of Development or Sale (CPODS) larger than 5 acres, so permit coverage is required for this site regardless of its size. It's not eligible for any waivers, and the BMP selection must be made based on the use of appropriate soil loss prediction models (i.e., SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools per Part 9.6.1.C.i of the Construction General Permit (CGP) requirements. The soil loss prediction model is missing from the SWPPP, and the Soils are not identified in the ESC Plan. You must add a soil loss prediction model to the SWPPP, showing that the BMPs will prevent soil loss. You must also add a table with name type, particle sizes, and erodibility factor (CGP 2.1.1) to the ESC Plan. The soil table was missing from the ESC Plan, and ESC Plan sheet C06.0 was missing from the resubmittal. Sheet C06.1 is the only sheet in the resubmittal. The soil loss prediction model should show that before the commencement of construction activities, this site was paved and had no sediment discharge, so ponds will be required to prevent sediment discharge during construction.

Response: ESC Plan Identifies soils and table added, ESC plan now contains sediment traps see keynote 10 and sediment trap note on sheet C06.0. SWPPP contains soil loss prediction model.

2. The NOI for the owner of Lot C-2 was missing from the submittal and is required. The Lot 2-C owner information, "Panda Express, Inc.," shown on the SWQ information sheet, disagrees with the available Bernalillo County records showing "CFT NV Developments, LLC" as the property owner. The property owner's NOI is required by City Ordinance § 14-5-2-11, and

the name on the submittal documents must match public records exactly. Property rights may have changed hands recently, if so, please provide documentation in the form of a recorded deed. The accurate name and contact information for the entity in control of the property rights is required on the Information Sheet, the NOI, and the SWPPP. The NOI forms from Appendix H of the CGP were provided in the resubmittal but they are not accepted by the EPA. No evidence was provided in the resubmittal showing that the EPA has received the Notice of Intent (NOI) from the property owner, CFT NV Developments, LLC. The city's SWQ Info Sheet showing the corrected property owner contact was missing.

Response: NOI and SWPPP are both signed by David Lou.

3. The NOI for the owner of Lot C-1 was also missing from the submittal and is required for the grading, stockpiles, and construction support activities already taking place on that neighboring lot unless there is a recorded easement on that lot allowing the owner of Lot C-1 to conduct those activities. All construction support activities must be removed from that lot, and the disturbed portions must be stabilized with rock per CGP 2.2.14.c.ii before the next City Inspection if the owner of Lot C-1 won't provide an easement or obtain permit coverage. Neither an NOI nor an Easement was provided for the construction activities on Lot C-1.

Response: A temporary construction easement agreement has been made and is being recorded. Attached is the preliminary draft. Stockpile has been removed for Lot C-1.

4. The person who signs the certification statement at the end of the NOI must be a "responsible corporate officer" per CGP G.11.1. Provide documentation in the form of the Operating Agreement (AKA Certificate of Formation or Certificate of Organization) as proof that the officer signing the NOI satisfies the requirements of the CGP. The officer may delegate his signatory authority to another member of the corporation in accordance with CGP G.11.1.2 for the purpose of signing the remaining documents in the SWPPP and the required reports. The operating agreement was missing.

Response: Documents are provided for David Luo.

5. The limits of land disturbing activities must include all stockpiles and construction support activities already taking place on the adjacent property, Lot C-1. Also, indicate the areas of control of the two property owners/operators unless all construction support activities are removed from Lot C-1 and the disturbed portions are stabilized with rock per CGP 2.2.14.c.ii before the next City Inspection. The ESC Plan, Sheet C06.0, was missing from the resubmittal, so the limits of disturbance are unknown.

Response: Stockpile location added to plan, stockpile on Lot C-1 has been removed.

6. The BMPs shown are inadequate. Mulch sock, as shown, isn't an acceptable substitute for Silt Fence. Silt Fence must be shown at the limits of disturbance, including the area of construction support activities and offsite stockpile as a dust control per your Fugitive Dust Permit and CGP 2.2.6. However, Silt Fence alone isn't sufficient to manage the stormwater quality requirements where the silt fence is downhill from disturbed areas, and the Silt Fence isn't located on-contour or the Silt Fence is located at concentrated "Discharge Points." You must identify the Discharge Points on the ESC Plan and add Sediment Traps, one each at the southwest and northwest corners of the site. At all locations downhill from disturbed portions of the site where the Silt Fence isn't on contour, you must add Diversion Berms in addition to the Silt Fence. The ESC Plan, Sheet C06.0, was missing from the resubmittal, so the controls are unknown.

Response: Silt fence added at limits of disturbance, See Keynote 5. Discharge points located on plans see keynote 8. Sediment trap is not required for disturbance under 5 acres per CGP 2.2.12. Diversion Dike added see keynote 7.

7. Construction details and specifications are missing from the ESC Plan for most of the stormwater controls, including but not limited to Stockpile Management, Silt Fence, Diversion Berms, and Sediment Traps. NMDOT has details for most of these BMPs at NMDOT NPDES Manual Rev 4 2023 in Appendix A. Mulch socks don't seem appropriate, but if used, they should be staked per NMDOT detail instead of weighted down. The ESC Plan, Sheet C06.0, was missing from the resubmittal, so the controls are unknown.

Response: Details are added see detail sheet C06.1.

8. Describe the nature and extent of construction activities (CGP 7.2.2.) on the ESC Plan. Include the size of the property and the size of the area of land-disturbing activities onsite and offsite. Describe construction support activities and show the staging area on the ESC Plan. Describe the construction sequence, with the placement and removal of the required stormwater controls being the first and last items of construction. Resolve the discrepancy between the controls described in Section 2 of the SWPPP and what is specified in the ESC Plan and add the description and details to the ESC Plan. The ESC Plan, Sheet C06.0, and the nature and extent of the construction activities were missing from the resubmittal.

Response: See Construction Sequence, see Grading Information, See keynote 9 section 2 added to ESC.

9. The SWPPP must include site-specific interim and permanent stabilization per CGP 9.6.1.c.i. The Landscape Plan can satisfy this requirement. It should be stamped and signed by a registered professional landscape architect, submitted separately from the ESC Plan with the application to the Stormwater Quality Section of the Planning Department, and included in the SWPPP. Provide specifications, like those in section 7 of the SWPPP, on the ESC Plan for any disturbed areas not covered by the Landscape Plan. The Landscape Plan provided with the resubmittal is acceptable for Lot C-2, but stabilization specifications are missing from the ESC Plan for the disturbed portions of the adjacent lots. Provide construction specifications on the ESC Plan for rock that will satisfy Part 2.2.14.C.ii of the CGP.

Response: See Landscape plan attached. Section 7 added to ESC. Aggregate added to offsite grading see keynote 11 on sheet C06.0 and detail 1013-SKL-1 on Sheet C06.1

10. Update the engineer's stamp & date on all sheets each time the plan changes.

Response: Stamp updated. Sheet C06.1 was the only sheet in the resubmittal. The ESC Plan, Sheet C06.0, was missing from the resubmittal. Update the engineer's stamp & date on all sheets each time the plan changes.