Appendix D – NOI and Acknowledgement Letter from EPA/State



O:

#: EPA NeT CGP Permission(s) Granted

Mark Maestas <enchantmentbuilders@gmail.com>
To: Stephaine Maestas <steph.maestas@gmail.com>

Wed, Jun 24, 10:52 AM

----- Forwarded message -----

From: <no-reply@epacdx.net>

Date: Wed, Jun 24, 2020 at 10:45 AM

Subject: EPA NeT CGP Permission(s) Granted

To: <no-reply@epacdx.net>

2020-06-24

Dear NeT User,

Estefanita Maestas has been granted one or more permissions for Kairos Power for the CGP. This user can now access the project/site by logging in at https://cdxnodengn.epa.gov/net-cgp and clicking on the CGP role (i.e. Preparer or Signatory) listed on the myCDX home page. After launching the CGP application, the project/site will be listed on the NeT CGP home page.

If you have questions about this email or about NeT CGP, please refer to the NeT Help Center or e-mail NPDESereporting@epa.gov for assistance.

is is an automated notification; please do not reply to this email.

NPDES FORM 3510-0

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT

FORM Approved OMB No. 2040-0004

Submission of this Notice of Intent (NCI) 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 III 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: NMR10033A

State where your construction site is located: 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/documenta/files/_2017_cgp_appendix_a__definitions.pdf)?

No

Have stormwater discharges from your current construction alto 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_egp_final_appendix_d__endangered_species_reqs_508.pdf) with respect to protection of threstened 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.eps.gov/sites/production/files/2017-02/documents/2017_ogp_final_appendix_e_historic_properties_reqs_508.pdf) relating to the protection of historic properties?

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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 (NCI) 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: Klinger Construstors, LLC

Operator Mailing Address:

Address Line 1: 8701 Washington St. NE

Address Line 2:

City: Abuqueque

ZIP/Postal Code: 67113

State: NM

County or Similar Division: BERNALILLO

Operator Point of Contact Information

First Name Middle Initial Last Name: Adam

Leyba

11tte: Senior Project Manager

Phone: 505-379-0249

Ext.:

Ernail: adami@klingerlic.com

NOI Preparer Information

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

Project/Site Information

Project/Site Name: Kairos Power Project/Site Address Address Line 1: 5201 Havking Dr. SE Address Line 2: City: Abusingua ZIP/Postal Code: 87106 Statu: NM County or Similar Division: BERNALILLO Latitude/Longitude: 34.99622*N, 106.620698*W Latitude/Longitude Data Source: Map Horizontal Reference Datum: WGS 84 Project Start Date: 07/13/2020 Project End Date: 09/20/2020 Estimated Area to be Disturbed: 1,5 Types of Construction Sites: Commercial Will there be demolition of any structure built or renovated before January 1, 1980? No Was the pre-development land use used for surfculture? No Have earth-disturbing activities commenced on your project/site? No is your project/site located on federally recognized Indian Country lands? 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 accessed 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-gp_final_appendix_f_tier_2_tier_2_and_tier_2.5_waters_500.pdf) 001: Rio Grande River Rio Grande River Latitude/Longitude: 34,999685"N, 106,687311"W Tier Designation: NA is this receiving water impaired (on the CWA303(d) list)? No Has a TMDL been completed for this receiving waterbody? No Stormwater Pollution Prevention Plan (SWPPP) First Name Middle Initial Last Name: Stephanie Maestas Organization: Title: SWPPP Manager Phone: 505-720-5375 Ext.: Email: stomwaterschilorelic4@gmail.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.):

A list of Endangered Species were used as a reference.

What federally-listed species or federally-designated critical habitat are located in your faction ereo?? Silvery Minnow What is the distance between your site and the listed species or critical habitat (miles)? 3.5 Miles Copy of your Site Map: Name Created Date Size Kairos Power Map.prg 06/24/2020 85.67 KB Historic Preservation Are you installing any storm ater controls as described in Appendix E (https://www.epa.gow/sitzs/production/files/2017-02/documents/2017_cgp_final_appendix_e_ _historic_properties_reqs_500.pdf) that require subsurface earth disturbances? (Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017_ogp_final_appendix_e_-historic_properties_reqs_500.pdf), Step 1) Have prior surveys or svaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the exist 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): nce of historic 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 impulsy 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 impulsed 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 fails 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: Estefanita Maestas Certifier Title: SWPPP Manager Certifier Email: enchantmentbuilders@gmail.com

Certifled On: 06/24/2020 1:33 PMET

NPDES FORM 3510-9

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT

FORM Approved CMB No. 2940-0004

Permit (CGP) permit number identified in Section II of this form. of Part 1.1 CGP for the project identified in Section IV of this for	the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Submission of this NCI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements m. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed complete and accurate NCI form. Discharges are not authorized if your NCI is incomplete or inaccurate or if you were never eligible form.
Pernit Information	
NPDES ID: NMR10033B	
State where your construction site is located: NM	
is your project/site located on federally recognized indian	n Country Lands? No
Are you requesting coverage under this NOI as a "Federal 93/documents/final_2017_cgp_appendix_adefinitions.p No	! Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2019- df)?
Have stormwater discharges from your current constructi	on sits been covered previously under an NPDES permit? No
Will you use polymers, flocculants, or other treatment ch	emicals at your construction site? No
Has a Stormwater Pollution Prevention Plan (SWPPP) bee	on prepared in advance of filling this NOI, as required? Yes
	eria listed in Appendix D (https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_d action of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated
Yes	
Have you completed the screening process in Appendix E _historic_properties_reqs_508.pdf) relating to the protect Yes	E(https://www.eps.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e tion of historic properties?
local authorities after Issuance of this permit via any mea	this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state or ans, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), PDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 NPDES permit.
Operator Information	THE LANGE OF THE BOOK WAS IN THE TABLE
Operator Information	
Operator Name: Keiros Power LLC	
Operator Mailing Address: Address Line 1: 707 W Tower Ave	
Address Line 2:	City: Alameda
ZIP/Postal Code: 94501	State: CA
County or Similar Division: ALANEDA	
Operator Point of Contact Information	
	genbuch
Title: Owner	
Phone: 510-230-3353	Ext.:
Ernell: hegenbuch@kairospower.com	
NOI Preparer Information	

Project/Site Information

 $\hfill \square$ This NOI is being prepared by someone other than the certifier.

Project/Site Name: Kairus Power Project/Site Address Address Line 1: 5201 Hawking Dr. SE Address Line 2: City: Abuquerque ZIP/Postal Code: 87106 State: NM County or Similar Division: BERNALILLO Latitude/Longitude: 34,99622*N, 106,620686*W Latitude/Longitude Data Source: Map Horizontal Reference Datum: WGS 84 Project Start Date: 07/13/2020 Project End Date: 09/20/2020 Estimated Area to be Disturbed: 1,5 Types of Construction Sites: Commercial 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 Discharge Information Does your project/site discharge stormwater into a Municipal Separate Storm Sever 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, shelifish, 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_end_tier_2.5_waters_508.pdf) 001: Rio Grande River Rio Grande River Latitude/Longitude: 34,999685"N, 106,687311"W Tier Designation: N/A Is this receiving water impaired (on the CWA303(d) IIst)? No Has a TMDL been completed for this receiving waterbody? No Stormwater Polittion Prevention Plan (SWFFP) First Name Middle Initial Last Name: Stephenie Maestas Organization: Title: SWPPP Manager Phone: 505-720-5375 Ext.: Email: stomwatersdullorsiic4@gmail.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.); A list of Endangered Species were used as a reference.

What federally-listed species or federally-designated critical habitat are located in your faction area?? Silvery Minnow What is the distance between your site and the listed species or critical habitat (miles)? 3.5 Miles Copy of your Site Map: **Created Date** 06/24/2020 Kairos Power Map.png 85.67 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 practiced the existence of historic properties? (Appendix E (https://www.epa.gov/sites/production/files/2917-02/documents/2017_cgp_final_appendix_e_historic_properties_reqs_508.pdf), Step 2); Yes Certification Information I certify under pensity 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 implify of the person or persons who manage the system, or those persons directly responsible for gathering 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 paralties 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: Estefanita Maestas Certifler Title: SWFFF Manager Certifier Email: enchantmentbuilders@gmail.com

Certified On: 06/24/2020 2:36 PM ET