

## Region 6 - Enforcement & Compliance Assurance Division

### INSPECTION REPORT

|                                               |                                      |                                              |
|-----------------------------------------------|--------------------------------------|----------------------------------------------|
| Inspection Date(s):                           | 08/18/2021                           |                                              |
| Media Program:                                | Water                                |                                              |
| Regulatory Program(s)                         | NPDES                                |                                              |
| Company Name:                                 | <b>Greater Kudu, LLC - Facebook</b>  |                                              |
| Facility Name:                                | <b>Facebook - Project Antelope</b>   |                                              |
| Facility Physical Location:                   | 4250 Messenger Loop NW               |                                              |
| (city, state, zip code)                       | Los Lunas, New Mexico 87031          |                                              |
| Mailing address:                              | 3 Acropolis Aisle                    |                                              |
| (city, state, zip code)                       | Irvine, CA 92614                     |                                              |
| County/Parish:                                | Orange                               |                                              |
| Facility Phone Number                         | 971-720-3487                         |                                              |
| Facility Contact:                             | David Douglas                        | Loss Control Engineer                        |
|                                               | dldouglas@fb.com                     |                                              |
| FRS Number:                                   | 110070066799                         |                                              |
| Identification/Permit Number:                 | NMR10040C                            |                                              |
| Media Identifier Number:                      | N/A                                  |                                              |
| NAICS:                                        | 236220                               |                                              |
| SIC:                                          | 1541                                 |                                              |
| <b>Personnel participating in inspection:</b> |                                      |                                              |
| David Douglas                                 | Facebook                             | Loss Control Engineer                        |
| Santos Baca                                   | Facebook                             | Physical Security                            |
| Gabriel Barela                                | Facebook                             | Critical Facilities Engineer                 |
| Jenki Caraballo                               | Facebook                             | Chief Building Engineer                      |
| Jeff Porter                                   | Fortis Construction-Greater Kudu     | Civil Superintendent                         |
| Levi Dean                                     | New Mexico Environment<br>Department | Industrial and Stormwater Team<br>Supervisor |
| David Esparza, PE                             | USEPA-ECDWM                          | Environmental Engineer                       |
| EPA Lead Inspector<br>Signature/Date          |                                      |                                              |
|                                               | David Esparza                        | Date                                         |
| Supervisor<br>Signature/Date                  |                                      |                                              |
|                                               | Roberto Bernier                      | Date                                         |

## **Section I – INTRODUCTION**

### **PURPOSE OF THE INSPECTION**

United States Environmental Protection Agency (EPA) Region 6 inspector David Esparza, PE, and Mr. Levi Dean, Point Source Regulation Section-Industrial and Stormwater Team Supervisor, New Mexico Environment Department (NMED) arrived at the Greater Kudu/Facebook Campus (Facebook) at approximately 11:30 AM on August 18, 2021 for an unannounced inspection. I presented my credentials to Facebook representatives, Mr. David Douglas, Loss Control Engineer, Mr. Santos Baca, Physical Security, Mr. Gabriel Barela, Critical Facilities Engineer, Mr. Jenki Caraballo, Chief Building Engineer and Mr. Jeff Porter, Civil Superintendent, Fortis Construction (Greater Kudu contractor) and informed them that this was an EPA inspection to ascertain the facility's compliance under the Clean Water Act (CWA) and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. This Compliance Evaluation Inspection was conducted under the authority of CWA §308. The generation of this report is based on information supplied by Greater Kudu/Facebook representatives, observations made by the EPA inspector, NMED and records and reports maintained by the permittee (Greater Kudu), and the EPA. Before leaving the facility on August 18, 2021, an exit briefing was held with Mr. Douglas and the above-mentioned individuals to explain areas of concern noted at the time of the inspection.

### **FACILITY DESCRIPTION**

Greater Kudu, LLC, on behalf of its subsidiary Facebook, is in the process of completing a facility (data center) of approximately 3 million-square-feet to support global operations. Ultimately, the proposed overall project footprint identified as Projects Antelope Phase I and Antelope Phase II will comprise six (6) building facilities. The data center currently has three fully operational buildings and three under construction, one of which is nearing completion (Project Antelope Phase I: NMR10019S). Currently under this permit (Project Antelope Phase II: NMR10040C) the total area to be disturbed equates to 634-acres of land.

The center acts as a storage facility for the company's social media sites such as Facebook, Instagram, and WhatsApp.

The Greater Kudu project site is located north of Jubilee Blvd along the northside of New Mexico State Road 6 (SR-6) in Los Lunas, Valencia County, New Mexico (denoted in **Aerial Image 1** below). Coordinates to the project location are in the vicinity of: Latitude 34°49' 25.85" North, Longitude 106°46'54.27" West. This location can be further described as approximately 25-miles south of Albuquerque, New Mexico.



**Aerial Image #1- Overall view of the Greater Kudu-Project Antelope. Aerial from Google Earth (2021).**

## Section II – OBSERVATIONS

The following points of discussion are derived from the review of information provided by Greater Kudu representatives, their consultant, or on-site visual observation. **Note:** Both Stormwater Pollution Prevention Plans (SWPPP) with respect to Project Antelope Phase I and Phase II were reviewed, inclusive of inspection reports, and site plans/maps.

- The Project Antelope Phase I Stormwater Pollution Prevention Plan (SWPPP) was originally prepared on September 16, 2016 with respect to the 300-acres.
- The original 300-acre, Notice of Intent (NOI) (NMR10019S) states the Project Start Date was October 3, 2016 and the Project End Date as September 30, 2019. This NOI was filed in the name of Richard Troop (Project Manager-Fortis Construction) on April 19, 2018 (**Appendix 2-300-acre Notice of Intent-NMR10019S**).
- A review of the Integrated Compliance Information System (ICIS) database indicates the NOI for Project Antelope Phase I was filed on April 19, 2018 and became effective on May 3, 2018 in the name of Richard Troop. However, the Project End Date is indicated as February 15, 2022 rather than what was indicated on the NOI. Note: there is no indication the Project Start Date of October 3, 2016 is different than what was indicated on the NOI.
- A review of the Project Antelope Phase I SWPPP §1.5 Operator/Permittee SWPPP Certification or the Authorized Representative indicates neither have been signed.

- A review of the Project Antelope Phase I SWPPP refers to the NPDES 2012 Construction General Permit as the current copy.
- The Project Antelope Phase II Stormwater Pollution Prevention Plan (SWPPP) was originally prepared on June 1, 2021 with respect to the 634-acres.
- Notice of Intent (NOI)- NMR1002F7 was filed on March 30, 2021 and became effective on April 14, 2021 in the name of Fortis Construction (**Appendix 3- 634-acre Notice of Intent-NMR1002F7**). This NOI states the Project Start Date was October 3, 2016 and the Project End Date as September 30, 2019.
- Notice of Intent (NOI)- NMR10040C was filed on June 18, 2021 and became effective on July 2, 2021 in the name of Greater Kudu (**Appendix 4- 634-acre Notice of Intent-NMR10040C**). This NOI states the Project Start Date was October 3, 2016 and the Project End Date as September 30, 2019 (**Appendix 1- Photograph #6**).
- For clarification Mr. Douglas (Facebook) stated the original 300-acres identified in NMR10019S is included in the 634-acres identified in NMR1002F7 and NMR10040C, and not in addition to.
- Greater Kudu/Facebook routinely applies water for dust suppression efforts by mechanical means (water trucks) throughout the Project Antelope Phase II active construction areas. The total volume of the five (5) water trucks equates to 30K-gallons and are comprised of two (2) 4K, one (1) 6K, and two (2) 8k gallon trucks. These 5 trucks operate on 5 days per week schedule (**Appendix 1 Photograph #9 and Photograph #10**).
- Greater Kudu has installed and maintains an on-site air monitoring station (NMT1) and a noise monitoring station located along the south side of the project boundary approximately due north of the SR-6 (**Appendix 1 Photograph #7 and Photograph #8**).
- The entire Greater Kudu/Facebook location comprised of Project Antelope Phase I and Antelope Phase II are contained within secure perimeter fencing with limited access. Additionally, run-off swales are maintained and in place to prevent run-off from the site and the silt fabric is installed on the base of the fence wind fabric.

### Section III – SUMMARY/AREAS OF CONCERN

The entire evaluation can be summarized as follows:

- A review of the Project Antelope Phase I SWPPP §1.5 Operator/Permittee SWPPP Certification or the Authorized Representative indicates neither have been signed.
- Confusion arises with respect to the Project Start Date. All three (3) duly filed NOI's (NMR10019S, NMR1002F7 and NMR10040C) cite a project start date of October 3, 2016,

however the effective dates of each separate NOI permit are May 3, 2018, April 14, 2021, or July 2, 2021, respectively. If these dates as indicated are correct, the project location operated without the benefit of permit coverage for an approximate 19-month period (October 16, 2016 to May 3, 2018).

EPA Region 6 inspector David Esparza conducted a closing conference at Greater Kudu/Facebook on August 18, 2021 for the inspection.

#### **Section IV – FOLLOW UP**

The following information and/or clarification was received by EPA on August 26, 2021 and October 25, 2021, after exiting the Facility on August 18, 2021:

- SWPPP inspection reports from 1-2019 to present
- NMR1002F7 Copy of Record
- NMR10040C Copy of Record
- NMR10019S Copy of Record
- Project Antelope Phase 1 SWPPP Binder
- Project Antelope Phase 2 SWPPP Binder
- Project Antelope Phase 2 Area of Disturbance Map
- Site grading design drawings (C200.0 – C200.12)

#### **Section V – LIST OF APPENDICES**

Appendix 1 – Greater Kudu/Facebook-Project Antelope Photographic Log- June 14, 2021

Appendix 2 – 300-acre Notice of Intent- **NMR10019S**

Appendix 3 – 634-Acre Notice of Intent- **NMR1002F7**

Appendix 4 – 634-Acre Notice of Intent- **NMR10040C**

## Appendix 1

### Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View of Facebook facility looking approximately northeast from NM-6. August 18, 2021 (DSCN1950)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## Photograph Log

Photo No. 2

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View of Facebook facility looking approximately North. August 18, 2021. (DSCN1952).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## Photograph Log

Photo No. 3

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View looking approximately Northwest inside of Facebook facility. August 18, 2021 (DSCN1955).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View looking approximately East of earthwork inside the Facebook facility. August 18, 2021 (DSCN1957).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## Photograph Log

Photo No. 5

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View looking approximately Southeast from the south side of the Facebook. August 18, 2021 (DSCN1960)

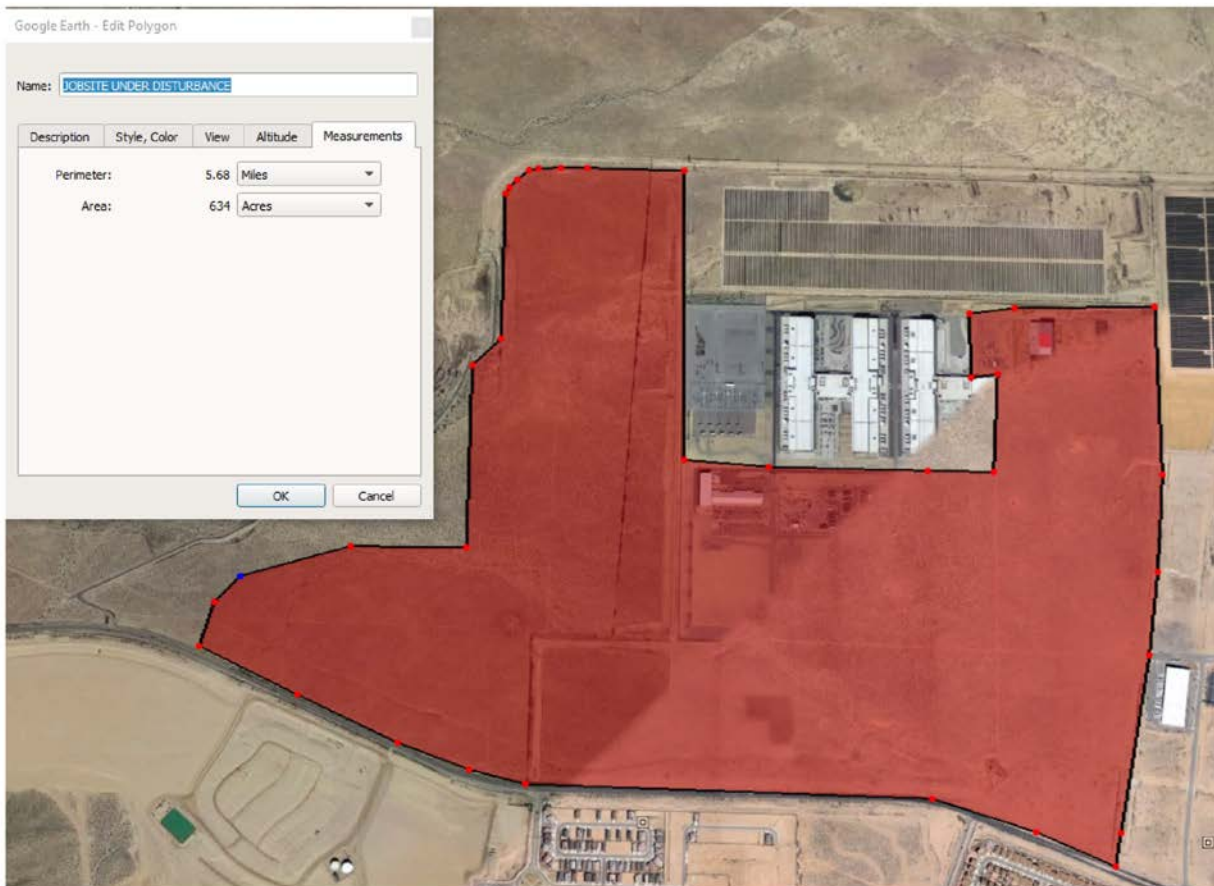


## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### Photograph Log

Photo No. 6

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



Overall rendition of Project Antelope Phase II area of disturbance. Rendition provided by Greater Kudu/Facebook



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View of Greater Kudu/Facebook Noise and Dust Monitor location. Rendition provided by Greater Kudu/Facebook.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## Photograph Log

Photo No. 8

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



View of Greater Kudu/Facebook Noise and Dust Monitor location. Note wind fabric attached to the perimeter fencing. Photograph provided by Greater Kudu/Facebook.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



Project Antelope Phase II onsite water storage tank filling a water truck. Photograph provided by Greater Kudu/Facebook.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## Photograph Log

Photo No. 10

|                                                  |                         |                   |
|--------------------------------------------------|-------------------------|-------------------|
| Location: Greater Kudu/Facebook-Project Antelope |                         |                   |
| City: Los Lunas                                  | County/Parish: Valencia | State: New Mexico |



Greater Kudu/Facebook Project Antelope Phase II dust suppression efforts utilizing water application. Photograph provided by Greater Kudu/Facebook.

## Appendix 2

300-acre Notice of Intent- **NMR10019S**

|                         |                                                                                 |                                                                                                                                        |                                       |
|-------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| NPDES<br>FORM<br>3510-9 |  | UNITED STATES ENVIRONMENTAL PROTECTION AGENCY<br>WASHINGTON, DC 20460<br>NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT | FORM<br>Approved OMB No.<br>2040-0004 |
|-------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|

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:** NMR10019S

**State/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](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?** Yes

↳ **Your most current NPDES ID:** NMR120000

**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](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](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:** Richard B Troop

**Operator Mailing Address:**

**Address Line 1:** 1705 SW Taylor Street, Suite 200

**Address Line 2:**  **City:** Portland

**ZIP/Postal Code:** 97205 **State:** OR

**County or Similar Division:** Multnomah

**Operator Point of Contact Information**

**First Name** **Middle Initial** **Last Name:** Richard B Troop

**Title:** Project Manager

**Phone:** 503-332-0870 **Ext.:**

**Email:** rick.troop@fortisconstruction.com

**NOI Preparer Information**

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

Project/Site Information

**Project/Site Name:** Project Antelope

**Project/Site Address**

**Address Line 1:** 4250 Messenger Loop NW

**Address Line 2:**  **City:** Los Lunas

**ZIP/Postal Code:** 87031 **State:** NM

**County or Similar Division:** Sandoval

**Latitude/Longitude:** 34.8265°N, 106.7789°W

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

**Project Start Date:** 10/03/2016 **Project End Date:** 09/30/2019 **Estimated Area to be Disturbed:** 300

**Types of Construction Sites:**

- Data Center**

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

**Was the pre-development land use used for agriculture?** Yes

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

↳ **Is your project an "emergency-related project"?** 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)?** No

**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](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))**  
No

**001: Rio Grande**

**Latitude/Longitude:**

**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

Stormwater Pollution Prevention Plan (SWPPP)

First Name Middle Initial Last Name: Richard Troop

Organization:

Title: Project Manager

Phone: 503-332-0870

Ext.:

Email: rick.troop@fortisconstruction.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 A

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.):

US Fish and Wildlife Services

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: Richard B. Troop

Certifier Title: Project Manager

Certifier Email: rick.troop@fortisconstruction.com

Certified On: 04/19/2018 11:31 AM ET

## Appendix 3

634-Acre Notice of Intent- **NMR1002F7**



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:** NMR1002F7**State/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](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?** Yes➔ **Your most current NPDES ID:** NMR120000**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](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](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:** Fortis Construction, Inc.**Operator Mailing Address:****Address Line 1:** 1705 SW Taylor St**Address Line 2:** #200**City:** Portland**ZIP/Postal Code:** 97205**State:** OR**County or Similar Division:** Multnomah

## Operator Point of Contact Information

First Name Middle Initial Last Name: Jeff . Porter

Title: Civil Superintendent

Phone: 505-225-4537

Ext.:

Email: jeff.porter@fortisconstruction.com

## NOI Preparer Information

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

## Project/Site Information

Project/Site Name: Project Antelope

### Project/Site Address

Address Line 1: 4250 Messenger Loop NW

Address Line 2:

City: Los Lunas

ZIP/Postal Code: 87031

State: NM

County or Similar Division: Valencia

Latitude/Longitude: 34.82831°N, 106.780315°W

Latitude/Longitude Data Source: Map

Horizontal Reference Datum: WGS 84

Project Start Date: 10/03/2016

Project End Date: 12/30/2022

Estimated Area to be Disturbed: 634

### 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? Yes

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

➔ Is your project an "emergency-related project"? 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)? No

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](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))

No

## 001: Stormwater into pond Pond is designed to hold all stormwater from site

Latitude/Longitude: 34.826918°N, 106.776013°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

### Stormwater Pollution Prevention Plan (SWPPP) ▼

First Name Middle Initial Last Name: Guillermo . Tarin

Organization:

Title: Project Engineer

Phone: 505-350-6317

Ext.:

Email: jr.tarin@fortisconstruction.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 A

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.):

US Fish and Wildlife Service

### 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](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](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_e_-_historic_properties_reqs_508.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:** KATTIE M. TYMOSHUK

**Certifier Title:** 7698ig1ErCzM

**Certifier Email:** kattie.tymoshuk@fortisconstruction.com

**Certified On:** 03/30/2021 3:57 PM ET

## Appendix 4

634-Acre Notice of Intent- **NMR10040C**



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: NMR10040CState/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](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? Yes

➔ Your most current NPDES ID: NMR1002f7

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](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](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: Greater Kudu

Operator Mailing Address:

Address Line 1: 1 Hacker Way

Address Line 2:

City: Menlo ParkZIP/Postal Code: 94025State: CACounty or Similar Division: San Mateo

## Operator Point of Contact Information

**First Name** **Middle Initial** **Last Name:** David Douglas

**Title:** VLL ICM Environmental, Health and Safety

**Phone:** 971-720-3487 **Ext.:**

**Email:** dldgouglas@fb.com

## NOI Preparer Information

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

**First Name** **Middle Initial** **Last Name:** HOWARD R CAKE

**Organization:** T.Y. Lin International

**Phone:** 505-730-0882 **Ext.:**

**Email:** howard.cake@tylin.com

## Project/Site Information

**Project/Site Name:** Project Antelope

### Project/Site Address

**Address Line 1:** 4250 Messenger Loop Road

**Address Line 2:** **City:** Los Lunas

**ZIP/Postal Code:** 87031 **State:** NM

**County or Similar Division:** Valencia

**Latitude/Longitude:** 34.825262°N, 106.781578°W

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

**Project Start Date:** 10/03/2016 **Project End Date:** 12/30/2022 **Estimated Area to be Disturbed:** 634

### 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?** Yes

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

➔ **Is your project an "emergency-related project"?** 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)? No

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](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))

No

## 001: No discharge, nearest location is Rio Grande River

### No discharge nearest location is Rio Grande River, Stormwater to be held in retention ponds

Latitude/Longitude: 34.826412°N, 106.776292°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: None

Latitude/Longitude: 34.820815°N, 106.777173°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

## Stormwater Pollution Prevention Plan (SWPPP) ▼

First Name Middle Initial Last Name: HOWARD R CAKE

Organization:

Title: Civil Engineer

Phone: 505-730-0882

Ext.:

Email: howard.cake@tylin.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 A

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.):

Record searches were conducted for the Project including the USFWS IPaC and NWI online tools as well as the New Mexico online database (BISON-M). Surveys were conducted to verify the presence or absence of suitable habitat for potential species. A total of 11 federal or state listed species and two migratory birds were identified by the IPaC and Bison-M lists generated. For eight of these species, including all species with federal status, no habitat is available on the Project site and were therefore determined to NOT be present. There was one state special status species and two birds protected by MBTA identified that were determined to have the potential occur within the project vicinity: 1) Baird's sparrow, 2) Brewer's sparrow, and 3) burrowing owl. However, limited habitat exists for these species onsite and no presence or sign was detected during presence/absence surveys. Therefore, these species were determined to be unlikely to regularly use the project site and the proposed project is not anticipated to directly affect these species. No impacts to federally or state protected species would occur due to lack of habitat for and presence of federally and state listed species onsite.

#### 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](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](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](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:** David Douglas

**Certifier Title:** VLL ICM EHS manager

**Certifier Email:** dldouglas@fb.com

**Certified On:** 06/18/2021 10:45 AM ET