Stormwater Pollution Prevention Plan

for:

Intel Corporation
4100 Sara Road
Rio Rancho, New Mexico 87124

SWPPP Contact(s):

Lauren Gomez
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SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION.

1.1 Facility Information.

Facility Information
Name of Facility: Intel Corporation

Street: 4100 Sara Road
City: Rio Rancho State: NM ZIP Code: 87124
County or Similar Subdivision: Sandoval
NPDES ID: NMR053132

Primary Industrial Activity SIC code, and Sector and Subsector (2021 MSGP, Appendix D and Part 8):
_3674

Co-located Industrial Activity(s) SIC code(s), Sector(s) and Subsector(s) (2021 MSGP, Appendix D): NA

Latitude/Longitude
Latitude: Longitude:
35 . 1320 ° N (decimal degrees) _106.3927_ ° W (decimal degrees)

Method for determining latitude/longitude (check one):
☒USGS topographic map (specify scale: 7.5) ☐GPS
☐Other (please specify):

Horizontal Reference Datum (check one):
☐NAD 27 ☒NAD 83 ☐WGS 84

Is the facility located in Indian country? ☐Yes ☒No
If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable." _____

Are you considered a "federal operator" of the facility?

Federal Operator – an entity that meets the definition of "operator" in this permit and is either any department, agency or instrumentality of the executive, legislative and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality.

☐Yes ☒No

Estimated area of industrial activity at site exposed to stormwater: 184 (acres)

Discharge Information

(MS4)? ☒Yes ☐No

If yes, name of MS4 operator: Albuquerque Metro Arroyo Flood Control Authority

Name(s) of surface water(s) that receive stormwater from your facility:

Rio Grande River

Does this facility discharge industrial stormwater directly into any segment of an "impaired water" (see definition in 2021 MSGP, Appendix A)? ☒Yes ☐No

If Yes, identify name of the impaired water(s) (and segment(s), if applicable): Rio Grande River (Isleta Pueblo Bend to Alameda Bridge)

Identify the pollutant(s) causing the impairment(s): Dissolved Oxygen, Escherichia Coli, PCBs in Fish Tissue, and temperature

Which of the identified pollutants may be present in industrial stormwater discharges from this facility?

None

Has a Total Maximum Daily Load (TMDL) been completed for any of the identified pollutants? If yes, please list the TMDL pollutants:

Escherichia Coli

Does this facility discharge industrial stormwater into a receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water (see definitions in 2021 MSGP, Appendix A)? ☒Yes ☐No

Are any of your stormwater discharges subject to effluent limitation guidelines (ELGs) (2021 MSGP Table 1-1)? ☐Yes ☒No

If Yes, which guidelines apply?

1.2 Contact Information/Responsible Parties.

Facility Operator(s):

Name: Mindy Koch
Address: 4100 Sara Rd SE M/S RR5-491
City, State, Zip Code: Rio Rancho, NM, 87124-1025
Telephone Number: 505 794-4908
Email address: Mindy.Koch@intel.com

Facility Owner(s):

Facility Owner(s):

Name: Intel Corporation
Address: 4100 Sara Rd SE
City, State, Zip Code: Rio Rancho, NM, 87124-1025
Telephone Number: 505 893-9905
Email address: environmental.notification@intel.com

SWPPP Contact(s):

SWPPP Contact Name (Primary): Lauren Gomez
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Email address: Lauren.Gomez@intel.com

SWPPP Contact Name (Backup): Amy Reed
Telephone number: 505 710 6340
Email address: Amy.Reed@intel.com

1.3 Stormwater Pollution Prevention Team.

Staff Names	Individual Responsibilities
EHS Stormwater Program Owner	The EHS Stormwater Program Owner is the site's primary internal and external point of contact for compliance with the MSGP. This individual is responsible for: completing EPA reporting requirements, maintenance of the site SWPPP and other MSGP-required documentation, and completing stormwater system site evaluations.
Site Facilities Ops Owner	The Site Facilities Operations Owner is responsible for all day-to-day operations of the stormwater system within permit limits and in accordance with procedures and the SWPPP and providing input to SWPPP modifications. This individual is also responsible for reaching out to the Site Facilities Operations Supervisor to request support in championing stormwater system and program improvements and to the CS Stormwater System Engineering Owner to request support regarding engineering decisions for the system, equipment maintenance, system budgeting, and continuous improvements projects to the stormwater system.

1.4 Site Description.

The Intel New Mexico site occupies an area of about 220 acres with approximately 184 encompassing the facility itself. The Intel New Mexico site is involved in the manufacture of semiconductor products. There is currently one active fabrication facility (F11X/NX) on the site and two inactive fabrication facilities (Fab 7 and F11W). On the Site there is also an electronic module repair center (RR1), shipping and receiving, stores warehouse (RR4), and various office buildings.

The site map presented in Figure 1 identifies the faculties and the general areas of stormwater management at the New Mexico site.

The Industrial activities that support the semiconductor manufacturing process located outside in the service yard include but not limited to chemical loading/offloading, chemical waste transfer, diesel fuel storage and transfer, cooling tower operations, exhaust scrubber operations, shipping and receiving, and waste disposal, recycling, and compacting.

In the areas where fabrication has ceased the industrial activities that are located outdoors or with potential for stormwater exposure are mainly general waste and recyclable management.

All stormwater runoff from the Intel New Mexico site that is not contained in detention ponds or containment structures is collected in two stormwater conveyance systems on the east and west sides of the property. These two systems convey the stormwater runoff to a common outfall at the southwest end of the site located at approximately 35º13'6"North and 106º39'36"West. The outfall is depicted in Appendix B Figure 1, location number 19, and in Appendix B Figure 3. Stormwater runoff from the Intel New Mexico site is discharged through three 42 inch culverts under Highway 528 into a concrete lined channel on the west side of the highway. The Intel runoff is combined with runoff from Rio Rancho on the west side of Highway 528 and discharged approximately 100 feet south into the 7-Bar channel, a concrete open channel structure. The 7-Bar channel, an Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) structure, conveys the runoff to the southeast approximately 4075 feet until it outfalls into the Black's Diversion Channel. The Black's Diversion also accepts stormwater runoff from the Black's Arroyo Dam, and subsequently discharges this combined flow into the Calabacillas Arroyo. The Calabacillas Arroyo ultimately flows into the Rio Grande (BHI, 1993c).

Historically, the million gallon tank drain control basin is located on the eastern edge of the property, just north of million gallon tanks. This area is currently in use and has been since 1993. This basin does not drain to storm water outfall. Additionally, post build of the Fab11X Manufacturing Plan the projects group had installed a concrete reclaim station for concrete trucks to complete washouts and for coring operations to dump concrete slurry waste. Within this operation projects provided at EHS request a contained sanitary sewer access for the purpose of pouring off clear liquid from the settled slurry drums. The concrete recycle station has since been removed for laydown space and portable roll offs installed for concrete recycling. The contained sanitary sewer remains in place but is no longer in service.

1.5 General Location Map.

The general location map for this facility can be found in Appendix A.

1.6 Site Map.

The site map for this facility can be found in Appendix B.

SECTION 2: POTENTIAL POLLUTANT SOURCES.

Section 2 will describe all areas of the facility where industrial materials or activities are exposed to stormwater or from which allowable non-stormwater discharges originate

2.1 Potential Pollutants Associated with Industrial Activity.

The location of areas that are currently exposed to industrial activity and stormwater or were exposed in the past are presented in Table 1 and numerically identified on Appendix B Figure 1. Table 1 also lists an overview of the industrial activity and the pollutant(s) or pollutant constituents associated with each identified activity in that area currently or within 3 years from the current SWPPP revision date. Where NA is listed, the area is currently inactive and/or has no present stormwater contamination risk from industrial activities.

Table 1: Stormwater Management Locations

Figure 1 Location	Location	Industrial Activities	Materials stored	Storage Vol.
1	North stormwater Detention Pond (Pond eliminated, flow through basin)	NA	NA	-
2	RR4 Warehouse Shipping and Receiving Dock	Shipping and Receiving	Office supplies and non-industrial chemicals	-
3	Fab 7 Back Dock	Trash and Recycle Dumpsters Present	Refuse and Recyclables	-
4	Fab 7 Chemical Transfer Dock	Shipping and Receiving Chemicals	Segregated Corrosives, Oxidizers, and Flammables	55 gal drums, 300 gal totes
5	Fab 11W Chemical Transfer Dock	NA	NA	-
6	F7 North Dock	NA	NA	-
7	Fab 11W Emergency Generator Diesel Fuel Storage Facility	Diesel Fuel Storage and Operation of Emergency Generators	Diesel fuel	1,250 gal tank

Figure 1 Location	Location	Industrial Activities	Materials stored	Storage Vol.
8	Fab 11W Shipping and Receiving Dock	Trash and Recycle Dumpsters Present	Refuse and Recyclables	-
9	Fab 11N Emergency Generator Diesel Fuel Storage Facility	Diesel Fuel Storage and Operation of Emergency Generators	Diesel fuel	5,000 gal tank
10	Fab 11N Chemical Transfer Dock/Service Yard	Trash and Recycle Dumpsters Present	Refuse and Recyclables	-
11	Fab 11S Chemical and Hazardous Waste Transfer Dock	Shipping and Receiving, Trash and Recycle Dumpsters Present, Hazardous Materials Shipping	Refuse and Recyclables, Segregated Corrosives, Oxidizers, and Flammables	55 gal drums
12	North C4 Tank Vault	None. Potential for accumulated stormwater and biological growth.	NA	NA
13	North Energy Center Transfer Dock	Shipping and Receiving	Office supplies and non-industrial chemicals	-
14	North Energy Center Cooling Towers	Cooling Tower Operations	Water treated with Corrosion Inhibitors and Biocides	-
15	Recycle Yard	Recycle Dumpsters and Equipment Present, Outdoor Facility Equipment and Materials Storage	De-icing Salts, Fertilizer, Petroleum Products, Herbicide	25lb bags, 50lb bags, 5 gal containers, 1 gal containers
16	CUB Solvent Offload Facility	Chemical Offloads	Solvents	-
17	CUB Bulk Chemical Offload Facility	Chemical Offloads	Caustics	-

Figure 1 Location	Location	Industrial Activities	Materials stored	Storage Vol.
18	CUB Emergency Generator Diesel Fuel Storage Facility	Diesel Fuel Storage and Operation of Emergency Generators	Diesel fuel	5,000 gal tank 5,000 gal tank 25,000 gal tank
19	Site outfall 5,000 gallon spill containment	Stormwater Control Measure	NA	-
20	CUB Cooling Towers	Cooling Tower Operations	Water treated with Corrosion Inhibitors and Biocides	-
21	Fab11X Emergency Generator Diesel Fuel Storage Facility	Diesel Fuel Storage and Operation of Emergency Generators	Diesel fuel	8,000 gal tank
22	Fab11X Bulk Chemical Offload Facility	Chemical Offloads	Caustics	
23	Fab11X PSSS Chemical Dock	Shipping and Receiving Chemicals	Segregated Corrosives, Oxidizers, and Flammables	300gal totes, 55gal drums
24	Fab11X Hazardous Waste Management Facility	Chemical Waste Shipping	Segregated Corrosive, Oxidizer, and Flammable Wastes	300gal totes, 55gal drums
25	Fab11X Scrubbers	Air Treatment	Scrubber Recirculation Industrial Water	-
26	Fab11X Southeast Shipping and Receiving Dock	Shipping and Receiving, Trash Dumpsters Present	Office supplies and non-industrial chemicals Refuse and Recyclables	-

Figure 1 Location	Location	Industrial Activities	Materials stored	Storage Vol.
27	Fab11X Southwest Shipping and Receiving Dock	Shipping and Receiving, Trash Dumpster Present	Office supplies and non-industrial chemicals Refuse and Recyclables	-
28	RR9 Shipping and Receiving Dock	Shipping and Receiving	NA	-
29	RR7 Shipping and Receiving Dock	Shipping and Receiving	NA	-
30	CUB PSSS Hydrogen Peroxide Offload Facility	Chemical Offloads	Hydrogen Peroxide	-
31	CUB Trimix Caustic Offload Facility	Chemical Offloads	Caustic	-
32	CUB Hoist Pit	Equipment Transportation	NA	-
33	CUB Cooling Tower Dock	Chemical Receiving	Corrosion Inhibitors and Biocides	200 gal totes, 55 gal drums, 5 gal buckets
34	F11 East Dock	NA	NA	-
35	F11N Chemical Offload	NA	NA	-
36	Chemical Storage Cages	Small Container Chemical Storage	Petroleum Products, Glues and Primers, Resins, and Cleaning Products	4 to 20 one gal containers, 10gal buckets, 5 gal buckets, <1gal containers

2.2 *Spills and Leaks.*

Areas of Site Where Potential Spills/Leaks Could Occur

Location #	Location	**Discharge Points**
2	RR4 Warehouse Shipping and Receiving Dock (potential for delivery truck oil leak)	Trucks arriving on the Intel campus are examined for oil leaks and other issues before allowing trucks to be on site. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
3	Fab 7 Back Dock. (Refuse and recyclables)	All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
4	Fab 7 Chemical Transfer Dock (shipping and receiving with segregated corrosives, oxidizers, and flammables. Not active)	Fab 7 chemical transfer storm drain. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
5	Fab 11W Chemical Transfer Dock (inactive)	Fab 11W Chemical Transfer storm drain. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Area slopes towards containment sump. Stormwater site outfall can be isolated by closing site outfall valve.
6	F7 North Dock (Inactive area)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.

7	Fab 11W Emergency Generator Diesel Fuel Storage Facility (Potential for Diesel fuel leak)	Drains to storm drain in containment area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
8	Fab 11W Shipping and Receiving Dock. (Refuse and recyclables)	All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve
9	Fab 11N Emergency Generator Diesel Fuel Storage Facility. (Potential for Diesel fuel leak)	Diesel Tank in secondary containment berm. Drains to storm drain in containment berm. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
10	Fab 11N Chemical Transfer Dock/Service Yard (Refuse and recyclables – Inactive for chemicals)	All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
11	Fab 11S Chemical and Hazardous Waste Transfer Dock (shipping and receiving, refuse and recycle, Hazardous materials shipping)	Drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
12	North C4 Tank Vault	Monitored weekly as part of rounds and readings. Accumulated stormwater assessed and pumped to discharge as needed.

13	North Energy Center Transfer Dock (Shipping and Receiving – parts movement)	All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
14	North Energy Center Cooling Towers (Cooling tower Operations. Water treated with corrosion inhibitors and biocides)	Cooling tower water drains into sump where water is recycled. Blow down water discharges to POTW. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
15	Recycle Yard (Recyclables, landscape material, ice melt, and equipment)	All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
16	CUB Solvent Offload Facility (Solvent waste)	Solvent tanks have secondary containment. Solvent off load area drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
17	CUB Bulk Chemical Offload Facility (Caustic Chemicals)	Chemical tanks have secondary containment. Chemical off load area drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.

18	CUB Emergency Generator Diesel Fuel Storage Facility (Diesel fuel storage)	Diesel Tank in secondary containment berm. Drains to storm drain in containment berm. This storm drain is valve off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
20	CUB Cooling Towers (Cooling tower Operations. Water treated with corrosion inhibitors and biocides)	Cooling tower water drains into sump where water is recycled. Blow down water discharges to POTW. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
21	Fab11X Emergency Generator Diesel Fuel Storage Facility (Diesel fuel storage)	Diesel Tank secondarily contained within a tank with interstice alarm. Drains to storm drain in immediate area. Stormwater site outfall can be isolated by closing site outfall valve.
22	Fab11X Bulk Chemical Offload Facility (Caustic chemical offload)	Chemical tanks have secondary containment. Chemical offload area drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
23	Fab11X PSSS Chemical Dock (Corrosive, flammable, and oxidizer chemical offload)	Chemical off load area drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.

24	Fab11X Hazardous Waste Management Facility (chemical waste offload)	Chemical off load area drains to storm drain in immediate area. This storm drain is plugged during offload activities. Stormwater site outfall can be isolated by closing site outfall valve.
25	Fab11X Scrubbers (Scrubber recirculation Industrial waters and Caustic or Acid treatment)	Scrubbers are in a secondary containment berm. Water in the containment area is pump to our acid waste treatment system.
26	Fab11X Southeast Shipping and Receiving Dock (Shipping and receiving trucks- non-chemical, trash dumpsters)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
27	Fab11X Southwest Shipping and Receiving Dock (Shipping and receiving trucks- non-chemical, trash dumpsters)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
28	RR9 Shipping and Receiving Dock (Shipping and receiving trucks- non-chemical)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
29	RR7 Shipping and Receiving Dock (Shipping and receiving trucks- non-chemical)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
30	CUB PSSS Hydrogen Peroxide Offload Facility (Hydrogen Peroxide Chemical offload)	Chemical offload area drains to a secondary containment area which is valved off and water is tested before it can be released to our site stormwater outfall.

		Stormwater site outfall can be isolated by closing site outfall valve.
31	CUB Trimix Caustic Offload Facility (Caustic offload)	Chemical offload area drains to a secondary containment area which is valved off and water is tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
32	CUB Hoist Pit (oil and grease from equipment Transportation)	Drains to storm drain in immediate area. This storm drain is valved off and water tested before it can be released to our site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
33	CUB Cooling Tower Dock (Water treatment chemical delivery)	Stormwater drains to sump with no outlet. Stormwater is tested and manually pumped out when 6" from top. Otherwise water is left to evaporate.
34	F11 East Dock (Shipping and receiving - potential for delivery truck oil leak)	Trucks arriving on the Intel campus are examined for oil leaks and other issues before allowing trucks to be on site. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
35	F11N Chemical Offload (Inactive area)	Stormwater drains to storm drain in immediate area. All storm drains connect to our (1) site stormwater outfall. Stormwater site outfall can be isolated by closing site outfall valve.
36	Chemical Storage Cages (Petroleum Products, Glues, Primers, resins and cleaning products)	All storm drains connect to our (1) site stormwater outfall.

		Stormwater site outfall can be isolated by closing site outfall valve.

Description of Past Spills/Leaks

The Intel New Mexico site has had no significant spills or leaks of toxic or hazardous pollutants to date. Significant spills are defined in this reference as releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve Intel of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

2.3 Unauthorized Non-stormwater Discharges Documentation.

Due to our secondary containment system and operation protocols the Intel New Mexico site has had no unauthorized non-storm discharge.

Areas that are most sensitive to industrial activities with potential to contaminate stormwater are collected in normally closed sumps and are visually inspected for sheen or other signs of contamination and tested using a Spil-Fyter Classifier Test Strip Prior to discharge. See Appendix F for specific standard operating procedures for managing stormwater accumulations at the various containment structures with active controlled drainage to the site storm drain system. If a contaminant is identified as part of the test requirement the collected water is retained and disposal is coordinated with EHS.

Some of the routine sources of allowable non-stormwater discharge that occur on site include:

- Testing and maintenance of fire water systems,
- Waterline flushing
- Uncontaminated condensate
- Irrigation of landscaped areas,
- Testing of the valves at containment areas located around the site,
- Purging of ground water wells

2.4 Salt Storage.

Salt piles are not used in this facility. Snowmelt salt is used on site for de-icing activities related to winter weather, and some inventory is typically maintained on site year-round. Inventory is managed on site within non-bulk containers and inspections look for appropriate management of these materials as a routine control measure. For more permanent storage on site, salt is covered and stored on pallets to prevent contamination of rainwater.

2.5 Sampling Data Summary.

In accordance with the Part 8.A.C, MSGP Sector-Specific Non-Numeric Effluent Limits requirements, the Intel New Mexico Site is not subject to benchmark monitoring. Quarterly Visual Assessments of stormwater discharges are required for the entire permit term and are located electronically in the EHS share drive.

The New Mexico site stormwater Quarterly Visual Examination Guideline is presented under the Site stormwater Sampling Plan in Appendix E.

The Rio Grande River is impaired for Escherichia Coli (E. Coli), Dissolved Oxygen, PCB(s) in fish tissue, and temperature. New Mexico Environmental Department list some of the possible causes of the impairment from avian sources, impervious surface runoff, urbanized high density area, septic systems, and wastes from pets. Due to the site's secondary containment system, operation protocols, and the potential contaminants from the facility that could come in contact with the stormwater system, no impairment pollutants are expected to be present in our site discharge. The New Mexico Stormwater Impaired Water Monitoring Procedure with further details is listed in Appendix F.

SECTION 3: STORMWATER CONTROL MEASURES.

The New Mexico site has a site master stormwater drainage plan and bulk storage and off-loading area containment design strategies that are directly applicable to BMP strategies identified in the stormwater regulations for facilities operating under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA) Section 313 requirements. Additionally, spill prevention and response protocols for the site are covered under Intel's Emergency Response and Contingency Plan (ERCP), and Spill Prevention Containment and Contingency plan (SPCC). The site maintains a training program that requires "HazCom" course work for all personnel working on the site, special training for ERT personnel, and stormwater training for operations and emergency response personnel working on the stormwater system and the Stormwater Pollution Prevention team.

The following sub-sections summarize the containment and spill response philosophy of the New Mexico site and present "baseline" BMPs to enhance the existing site chemical and diesel fuel spill prevention measures. Also included are the procedures to maintain industrial equipment so that spills/leaks are avoided and schedules for such maintenance activities.

3.1 Non-numeric Technology-based Effluent Limits (BPT/BAT/BCT)

Below are non-numeric technology-based controls that minimize stormwater coming in contact with pollutants.

3.1.1 Minimize Exposure.

The site strategy for protecting all bulk chemical/diesel fuel off-loading and storage facilities from accidental spills and releases is to require physical containment of at least 100% of the largest storage vessel within that containment structure. The containment structures at bulk chemical storage areas and at chemical docks provide dual benefits; they contain any accidental chemical releases, and they capture any stormwater that might contact undesirable pollutants until Intel personnel can test the water prior to

discharge to the site storm drainage system. Majority of the bulk chemical and chemical waste tanks are stored under cover with secondary containment.

General garbage and waste containers on site are compactor style bins that are completely enclosed and protected from outside weather. The waste disposed in these bins therefore does not come into contact with precipitation or stormwater. Drip pans are also located underneath the compactor to capture any potential liquid. Compactor areas are regularly inspected and cleaned of any loose debris resulting from garbage disposal activities. Storm drains in these areas have bars and screens to catch debris and prevent trash from entering the site stormwater conveyance system. Regular facility inspections aid in preventing garbage from entering the stormwater system by identifying sources of waste and performing regular cleaning in necessary areas.

Recycle and metal recycle bins and garbage and waste containers for large items are also located in these waste disposal areas. Recycle bins and waste bins for large items that cannot be placed in compactors are open topped containers presenting minimal risk to stormwater because they contain no exposed hazardous materials from manufacturing. Manufacturing materials to be recycled that are considered hazardous are double bagged to prevent exposure to rainfall and to prevent potential health hazards from exposure. All other materials placed in the recycle bins do not have contaminants or residues that could impact stormwater quality. All recycled materials are taken to a screening facility and transported off site for recycling. All open bins are covered during transit to and from the site.

3.1.2 Good Housekeeping.

To maintain good housekeeping on site, trash and recycle bins are walked daily for trash levels and debris around the dumpsters. Recycle and general dumpsters and compactors are serviced when full. The Dock Audit Guidelines are located in Appendix G.

Trash, debris, and bird guano removal is managed by a contracted landscape company. Bird guano and debris are removed as needed which normally ranges from daily to weekly. The contracted landscape company also manages the parking lots and paved areas which are cleaned for debris and leaves each fall.

In addition areas where diesel fuel is stored are included in an annual SPCC audit and areas where diesel fuel is stored in quantities exceeding 1,320 gallons are included in monthly rounds and readings. Active chemical offloading areas and docks have containment vaults with capacities for the most likely worst-case scenario discharge that remain segregated from the stormwater system by valves that are left in the closed position. The valves are locked in the closed position and can only be opened by trained personnel with keys to the valves. These areas are included in weekly rounds and readings. In accordance with site procedures the valves may only be opened after liquid in the containment structure is both visually observed for pollutants and tested with a chemical test strip to verify no contaminates are present. In the event that any pollutant is to enter the storm drain system, the site has a single site outfall that everything entering the storm drain system would flow to.

There are two 50 gallon drums of kitchen grease located on the northeast side of RR5 at a ground level dock where shipments to the RR5 café are made and where wastes from the café are brought out . These drums are stored on a stainless steel sheet to allow for quick and thorough cleanup in the event of a drip or spill. In order to ensure that the lids to the drums are secure such that stormwater will not enter and

potentially overflow the drum, a drum shower cap is in place on top of the drum to completely disallow stormwater entry. The area is also observed twice a day 7 days per week and the drums are checked for corrosion or leaking and any drips or spills are immediately cleaned per the café management procedure for delivering grease to the drums.

All industrial areas are examined quarterly for industrial materials, residue or trash that may have or could come into contact with stormwater, leaks or spills, offsite tracking of industrial or waste material, tracking or blowing of raw, final, or waste material, and control measures needing replacement, maintenance or repair during the stormwater industrial area audit and storm drains are checked quarterly for debris and cleaned as necessary.

3.1.3 Maintenance.

Intel New Mexico maintains all BMPs identified in the site Stormwater Pollution Prevention Plan in effective operating condition. In the event that a site inspection required under Part 3.0 of the permit identifies structural BMPs that are not operating effectively, maintenance is performed before the next anticipated storm event. If this is not possible the necessary maintenance will be scheduled and preformed as soon as practicable and alternative controls are implemented. This will ensure that effective stormwater controls are maintained. If a non-structural BMP is identified, the effectiveness of the BMP must be maintained in the appropriate manner such as updating personal training to reflect new permit requirements in a timely manner.

3.1.4 Spill Prevention and Response

The site strategy for protecting all bulk chemical/diesel fuel off-loading and storage facilities from accidental spills and releases is to require physical containment of at least 100% of the largest storage vessel within that containment structure. The containment structures at bulk chemical storage areas and at chemical docks provide dual benefits; they contain any accidental chemical releases, and they capture any stormwater that might contact undesirable pollutants until Intel personnel can test the water prior to discharge to the site storm drainage system.

Containers are clearly labeled to facilitate rapid response if spills or leaks occur. Spill kits are available on site and stored indoors to preserve the integrity of the material from the sun.

All Intel employees who work in industrial areas with stormwater exposure are trained annually on spill response and control measures. Job specific training are conducted for employees who perform chemical offloads.

The stormwater outfall also serves as a 5,000 gallon containment structure. If pollutants enter the storm drain system in quantities large enough that spill response cannot contain and remediate the spill and flow to the outfall will occur, the valve at the outfall is closed preventing any liquids from exiting the site. In the event of some type of catastrophic failure on site in which liquids in excess of 5,000 gallons reached the outfall, the liquid would be pumped from the outfall containment into an adjacent basin capable of containing the liquid and preventing release from the site.

The Intel New Mexico site standard operating procedure for any chemical, fuel, or unknown liquid spill occurring both within the factory areas or in the service yards specifies an immediate response by Intel ERT (Emergency Response Team). Trained Intel personnel or HazMat contractors contain all visible spills immediately and clean spills up as soon as it is safe and possible to do so. The incident response commander is also responsible for ensuring cleanup of any residual chemical or fuel staining by the appropriate methods for the chemical or fuel spilled and the medium into which it was released. Emergency Response Teams and Site EHS provide technical and logistical support for all spill cleanup activities.

Intel personnel complete routine walk-throughs of all active chemical/fuel storage and handling facilities during daily rounds and readings and other day-to-day tasks. A member of the stormwater pollution prevention team completes a thorough audit of each stormwater management location quarterly, and there are labels on all storm drains in active industrial areas prohibiting dumping of any kind.

Please refer to section 4.3 for more information on our spill prevention procedures.

3.1.5 Erosion and Sediment Controls.

This section describes the structural or non-structural controls used at the site to stabilize exposed areas and contain runoff to minimize onsite erosion and potential offsite discharges of sediment.

Intel's Multi-sector semiconductor manufacturing-specific stormwater permit combines landscaping and runoff control structures to minimize erosion and sediment load in the stormwater. The site is landscaped in all unpaved areas with gravel, grass, shrubs, and trees proving both effective erosion control and improved aesthetics. Routine irrigation of all landscaped areas is performed to maintain vegetation coverage. Stabilization of all areas of disturbed soil by revegetation is standard site policy for all construction projects.

Major runoff sources from the site that could result in significant erosion problems and increased sediment loads are the paved parking facilities on the north, west, and south sides of the site, the paved central and southern service yard areas, factory roofing, and the east slope.

The runoff from the north parking facility is captured in an aerated detention pond and infiltration trench system immediately north of Fab 7 or collected into a storm drain that discharges into the "Skyview Channel" system which goes to the site's stormwater outfall. The detention pond also collects stormwater runoff from factory roofing. In order to attenuate the flow from a major storm event (greater than a 100-year storm), an alternate detention area located to the northeast of Fab 7 has was constructed (see Figure 2). The design of this detention pond is strictly for overflow; excess flows of stormwater that cannot be handled by the primary detention pond and infiltration trench described above are routed to this alternate detention area.

The runoff from the west side flows west and south to an open channel storm drain system on the west side of the property. This storm drain channel parallels the edge of Highway 528, generally on highway right-of-way, and is gravel lined to act as a flow velocity attenuation and erosion control system. This channel also receives runoff from the highway.

Runoff from the parking areas south of Fab 11W collect into two main culverts that drain into the unlined south detention pond shown on Figure 2. The collected stormwater runoff normally infiltrates into the ground.

The runoff from the service yard areas of the site which includes runoff discharged from factory roofing is defined as "industrial stormwater runoff" and is collected in storm drains that discharge into the "Skyview Channel" which goes to the site's stormwater outfall. This channel is a combined RCP conduit and open channel as indicated on Figure 2. The discharge from the conduit is conveyed along the east side of the property in a southerly direction to the outfall into the 7 Bar Channel at Highway 528. The grade of the "Skyview Channel" is relatively flat and observed runoff during past stormwater events indicates relative low velocity flows and a high infiltration rate. Improvements to the channel include grading the channel, stabilizing the soil with native vegetation, and installing riprap velocity attenuation structures at several locations.

The runoff from the non industrial area on the east side of our property which have been left in its natural state is called the "East Slope". The east slope flows onto adjacent Bernalillo county and residential property. This runoff and associated erosion is reduced by placement of native vegetation and installing riprap and velocity attenuation devices.

3.1.6 Management of Runoff.

The New Mexico site manages its stormwater runoff under a site master drainage that addresses long term expansion plans (BHI, 2000). The site master drainage plan includes runoff modeling for a 100-year storm event for on and off site stormwater conveyance systems to ensure adequate runoff management controls through complete site development. The management controls included in the plan are the stormwater detention ponds, infiltration trenches, and "Skyview Channel" systems described above. Additional options for future management controls, both on site and off, are regularly considered.

3.1.7 Salt Storage Piles or Piles Containing Salt.

See section 2.4 of SWPPP.

3.1.8 Dust Generation and Vehicle Tracking of Industrial Materials.

On site dust generation may occur from vehicles travelling through unpaved areas such as some portions of the eastern side of the main service yard or the south service yard, or by construction activities that disturb soil greater than 1 acre (which require a Construction SWPPP and NOI). Soil-disturbing construction is irregular on site and thus not a major source of dust. Travel through unpaved areas is mitigated with the use of gravel, which has been laid down over potential dust generating areas. Additional mitigation measures will be taken if necessary to reduce the quantity generated such as wetting dust generating areas.

Since industrial materials of hazardous nature are regularly transported through the site, all vehicles entering the service yard (used for all chemical deliveries) are thoroughly inspected before entry for chemical leaks, fuel leaks, or any other substance leak that has the potential to enter the site stormwater system. If a leak is found, the vehicle is not allowed access to the service yard and is instructed to return only once the leak has been fixed. Also, standard protocol outlines a procedure that prevents as much as possible chemical leaks/spills during loads/offloads using transfer BMPs. Vehicles exiting the site are also inspected so that any leaks can be identified and cleaned up.

If a spill is found to have occurred, site response teams are notified and the spill is cleaned up as soon as practicable. Absorbent pads and/or kitty litter are used to absorb small scale spills of fuel and non-hazardous materials. For more hazardous spills, EHS is contacted for further guidance on cleanup procedures and measures necessary to safely and properly clean affected areas and ERT is contacted to support in remediation. These procedures ensure that deliveries do not result in chemical leaks and tracking throughout the site.

3.2 Sector-Specific Non-Numeric Effluent Limits.

There are no additional sector-specific requirements for 2021 MSGP Part 8, sector AC – Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

3.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

Instructions (see 2021 MSGP Part 2.1.3):

If you are in an industrial category subject to one of the effluent limitations guidelines identified in the table below (Table 2-1 of the 2021 MSGP), describe controls or procedures that will be implemented at your site to meet these effluent limitations guidelines.

There are no numeric effluent limitations based on Effluent Limitations Guidelines for 2021 MSGP Part 8, sector AC – Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

3.4 Water Quality-based Effluent Limitations and Water Quality Standards.

Intel New Mexico evaluated all new and existing stormwater discharges to the water quality-impaired water (Rio Grande River) and determined that there is no reasonable potential for the site discharges to contain pollutants for which the Rio Grande River is impaired.

SECTION 4: SCHEDULES AND PROCEDURES.

4.1 Good Housekeeping.

Instructions (see 2021 MSGP Part 5.2.5.1):

Document a schedule or the process used for determining when pickup and disposal of waste materials occurs (e.g., roll off dumpsters are collected when full). Provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.

See Section 3.1.2 of SWPPP and Appendix G

4.2 Maintenance.

Cleaning of the storm drain for debris is done quarterly by JLL (See appendix G). Weekly rounds and readings are performed on the valve stormwater containment areas. Water will be tested before release according to the Containment Structures Standard Operating Procedures for Stormwater Management (See appendix F)

At the time of stormwater test and release, the technician will validate pump and valve functionality. Stormwater containment valves also have bi-annual maintenance to test for functionality.

A member of the stormwater pollution prevention team completes a thorough audit of each stormwater management location quarterly. The condition of the sump is observed during the inspection and maintenance will be performed on an as need basis.

Also see section 3.1.3 of SWPPP.

4.3 Spill Prevention and Response Procedures.

The New Mexico site has a comprehensive spill prevention and response protocol that is applied to all areas of this facility, including the factory and service yard areas. This spill prevention and response protocol addresses any structural controls and/or procedures used to minimize the potential for leaks, spills, and other releases.

This protocol includes HazCom training for all Intel employees and contractors and additional specialized training for employees involved in the routine handling of hazardous chemicals and wastes. Intel also trains and maintains ERT personnel staffing on a 24-hour basis. The site operates under the Intel ERCP. Methods to prevent spills are identified in the ERCP and discussed in the Chemical Spill Clean-up training course. Additionally, the site maintains and operates its bulk diesel storage facilities under the SPCC as required under 40 CFR Part 112.7.

The Intel Emergency Response, and Contingency Plan (ERCP) provides details on the Emergency Response personnel training and emergency response procedures for any liquid or chemical spills on site. Normal site operating procedures require that Intel and contractor personnel do not attempt to address any observed spill but rather notify Intel's Security Command Center of the release. Security then contacts Intel Emergency Response Team (ERT) who is responsible for implementing spill cleanup procedures and mitigating all spills.

Spill cleanup materials are readily available for on-site ERT. These materials include monitoring and analytical equipment, pumps, drums, adsorbents, neutralizing agents, personal protective equipment, and portable communication radios and/or telephones.

In the event of a large spill needing additional resources, Intel has several outside resources fully trained and capable of handling spill cleanup. The ERT leader working with site Environmental Health and Safety (EHS) has the responsibility and authority to coordinate all emergency response measures and to utilize all resources necessary to carry out procedures listed in the site ERCP.

Intel has some heavy equipment available on site to assist a response to a chemical or fuel release if needed. This equipment includes forklifts, man-lifts, and hand tools. Additional heavy equipment can be obtained from local equipment rental companies. Intel has standing contracts with some of these companies that allow mobilization of requested equipment to the site within one to two hours.

The Facility's ongoing inspection program is expected to prevent spills. If, however, any such spills occur, this SWPPP must be revised and the following information regarding the spill must be recorded in this section:

- Date of spill
- Material spilled
- Amount spilled
- Summary of spill response

In addition, where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. See Appendix J, Reportable Quantities and Emergency Release Job Aid. This requirement is in section 2.1.2.4 of the EPA 2021 MSGP.

4.4 Erosion and Sediment Control.

See section 3.1.5 of the SWPPP. No polymer or chemical treatment are used for erosion and sediment control. Erosion control is managed with water channeling, landscaping, native vegetation and installing riprap and velocity attenuation devices.

4.5 Employee Training.

All employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel) including all members of the site Pollution Prevention Team are trained annually in the specific control measures, monitoring, inspection, planning, reporting, and documentation requirements in other parts of the 2021 EPA MSGP permit.

The New Mexico Site requires that Intel personnel operating stormwater containment equipment or managing chemicals or diesel fuel in areas of potential stormwater exposure take a stormwater training course annually. The presentation for the training course is included in Appendix H. The training program provides a regulatory overview of the stormwater program, the site pollution control measures, components of the SWPPP, and the tasks and responsibilities of the operating stormwater containment equipment or managing chemicals in areas of potential stormwater exposure.

This training course is managed and training records are maintained by the site's training organization through Intel's training tool.

4.6 Inspections and Assessments.

Below are the facility inspections an assessments done on site to insure stormwater quality.

4.6.1 Routine Facility Inspections.

Routine Facility Inspections are an integral part of the New Mexico site SWPP Plan and are normally performed by the EHS personnel on the Stormwater Pollution Prevention team on a quarterly basis to ensure that good housekeeping practices are in practice and conditions that may give rise to contamination of stormwater will be identified. The current quarterly inspection occasionally included area owners or other members of the Stormwater Pollution Prevention team to identify any stormwater issues in both industrial areas and areas under construction. At least once each calendar year, the routine inspection will be conducted during a period when a stormwater discharge is occurring. Area owners perform inspections of their respective areas on a weekly basis.

During the routine inspection the site will be inspected for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
- Control measures needing replacement, maintenance or repair.

During an inspection occurring at the time of a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Stormwater outfall will also be observed during this inspection.

The routine facility inspections are documented on a standard electronic report format and filed electronically on the EHS share drive. A copy of the Site Stormwater Inspection Forms and Intel New Mexico Site SPCC Inspection Form are included in Appendix I. This form is used to document all issues and corrective activities associated with these quarterly inspections. A report generated from the completed inspections is kept on file along with the SWPPP in the Site Environmental Group stormwater Program files, and the stormwater Program Owner monitors corrective action measures through completion.

The routine site inspection covers all areas of the facility affected by the requirements in the 2021 MSGP, including the areas identified in this SWPPP as potential pollutant sources where industrial materials or activities are exposed to stormwater.

Per Part 7.5 of the MSGP, an annual report will be electronically submitted to EPA by January 30th for each year of permit coverage containing information generated from the past calendar year. The first annual report under the 2021 MSGP will be due January 30th, 2022. Included in this report is a summary of past year's routine facility inspection, summary of the past year's quarterly visual assessment documentation, and a summary of any corrective action for the past year. Annual reports must include a statement, signed and certified in accordance with Appendix B, subsection 11 of the 2021 MSGP.

Submit Annual Report to EPA via EPA's electronic NPDES eReporting tool (NeT),

http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-eNOI-System-for-EPAs-MultiSector-General-Permit.cfm

The Intel New Mexico site has had no significant spills or leaks of toxic or hazardous pollutants to date.

4.6.2 Quarterly Visual Assessment of Stormwater Discharges.

When conditions permit, once each quarter a stormwater sample from the outfall is also collected and a visual assessment of stormwater discharges is conducted of each of these samples. A minimum of 4 samples are collected each year. This visual assessment is made of a sample in a clean, clear glass or plastic container and examined in a well-lit area. Samples are collected within the first 30 minutes of an actual discharge from a storm event. Specific details from this type of inspections are found under Section 13 of the SWPPP. These inspections are documented on a standard report form; the procedure including a blank documentation form is located in Appendix E.

4.7 Monitoring.

Intel is required to perform quarterly visual monitoring, indicator monitoring, and impaired waters monitoring. Intel is not required to conduct any other analytical monitoring listed in the 2021 MSGP permit for industry specific requirements.

Intel will perform and document a visual examination of a grab sample collected from the stormwater outfall during each quarter of the year. In the event that no qualifying rainfall events occur during a quarter of the year, the Intel New Mexico site EHS department will document that no qualifying rainfall events have occurred for that quarter and the sample will be taken during another quarter of the year when precipitation runoff occurs. Intel New Mexico ensures that 4 samples are taken each year by conducting a visual examination of the first 4 qualifying precipitation events each year and then by completing 1 visual examination during a precipitation event occurring during each of the remaining quarters of the year. The NM site has one site outfall before the discharge enters the culvert beneath NM528. This outfall and sample location and two alternate internal sample locations that may be used in the event of an issue or safety constraint at the primary sample location with identical flow and effluent constituents are shown in Figure 5. The examinations document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, nature of the discharge (runoff or snow melt), and other obvious indicators of stormwater pollution. Compliant with section 4.2.1 of the 2021 MSGP, analytical tests for indictor monitoring of pH, COD, and TSS are required to be performed on one sample collected per quarter during visual examinations. All samples shall be collected from the discharge resulting from a storm event

that is greater than 0.1 inches in magnitude within a 3 hour time period and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Samples are collected within 30 minutes from the event being determined a qualifying (greater than 0.1 inch rainfall) event. The visual examination must be made during normal working hours in a well-lit area. Typically examination is completed within 24 hours after the sample is collected to allow for day shift personnel to go to the site outfall to collect the sample from the sampler station. This ensures that the sample can be picked up safely and can be observed in a well-lit area. All observations must be documented on individual visual inspection forms. Visual examination reports are maintained onsite with the stormwater pollution prevention plan and on the EHS share drive. Reports of the visual examination include: the examination date and time, examination personnel, visual quality of the stormwater discharge, and probable sources of any observed stormwater contamination. A stormwater sampling procedure including a copy of this form can be found in the environmental team share drive and in Appendix G of this plan. Intel is not required to submit records of the visual examinations however, they must be maintained onsite. Intel is considered to discharge to the impaired waters of the Rio Grande River and is required to perform annual impaired waters monitoring in year one and year four of the 2021 MSGP permit coverage in accordance with section 4.2.5. Annual impaired waters monitoring in year one and year four includes analytical tests for PCB, DO, and temperature using standard analytical methods listed in 40 CFR Part 136.

SECTION 5: DOCUMENTATION TO SUPPORT ELIGIBILITY CONSIDERATIONS UNDER OTHER FEDERAL LAWS.

5.1 Documentation Regarding Endangered Species.

An ERM assessment was completed at the end of 2020 under the Addendum A- Endangered Species Guidance to support Intel, New Mexico proof of eligibility with regard to Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection). A follow up addendum was completed to assess any species added to the 2021 Endangered Species List.

Procedures from Appendix E of the Proposed 2020 MSGP were followed to assess the potential effects of applicable stormwater discharges, discharge-related activities, and allowable non-stormwater discharges on listed species and their critical habitat and to determine which of the eligibility criterion the New Mexico Intel Site qualified under. In accordance with Part 5.2.6.1 of the Proposed 2020 and 2021 MSGP permit, documentation supporting the determination of eligibility under Part 1.1.4.5, including the process employed and results of the endangered species investigation is below. ERM concluded that Intel's stormwater best management practices employed by the Rio Rancho Facility will ensure that facility stormwater discharges are not likely to adversely affect these protected species or critical habitat. The ERM assessment along with the addendum can be found in Appendix O.

5.2 Documentation Regarding Historic Properties.

The evaluation that was completed under Addendum B– Historic Places Guidance to support Intel, New Mexico documents the proof of eligibility with regard to Part 1.1.4.6 (Stormwater Discharges and Stormwater Discharge-Related Activities with Unconsidered Adverse Effects on Historic Properties,).

As required under the 2000 MSGP, the Intel New Mexico site addressed the National Historic Preservation Act (NHPA) issues and certified that they were not affecting historic properties. Written approval from the applicable State Historic Preservation Officer (SHPO) was received as proof of no historical properties being affected. Therefore, the Intel New Mexico site to the extent the 2021 MSGP permit, is authorized renewal of prior coverage without relevant changes in operations and it has no potential to have an effect on historic properties.

As approved by the NM State Historic preservation officer that follows Criterion A in which the site's stormwater discharges and allowable non-stormwater discharges do not have the potential to have an effect on historic properties. Documentation of proof of eligibility can be found in Appendix O.

SECTION 6: CORRECTIVE ACTIONS.

If the following conditions listed below occurs or are detected during an inspection, monitoring or other means, we will review and revise, as appropriate the SWPPP so that effluent limits are met and pollutant discharges are minimized.

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility.
- A discharge violates a numeric effluent limit listed in Table 2-1 and in your Part 8
- sector-specific requirements.
- Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8 of the 2021 MSGP, or is not being properly operated or maintained.
- Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam)

If corrective action is needed, we will immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term "immediately" requires you to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following work day. "All reasonable steps" means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. "All reasonable steps" for purposes of complying with 2021 MSGP Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could

include documenting why a corrective action is unnecessary.

If we determine that additional actions are necessary beyond the initial immediate action, the corrective action must be completed before the next storm event if possible, and within 14 calendar days from the time of discovery. If it is infeasible to complete the corrective action within 14 calendar days, we must document why it is infeasible to complete the corrective action within the 14-day timeframe. We must also identify the schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, we may take the minimum additional time necessary to complete the corrective action, provided that we notify the EPA Regional Office of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation. Where the corrective actions result in changes to any of our controls or procedures documented in the SWPPP, we must modify our SWPPP accordingly within 14 calendar days of completing corrective action work.

Corrective Action must be documented within 24 hours and summarized in the annual report.

Corrective action will be taken in compliance with Part 4 of the 2021 MSGP.

SECTION 7: SWPPP CERTIFICATION.

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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Mindy Koch Title: NM Corporate Services Site Manager

Signature: Mindy Koch Date: 5/20/21

SECTION 8: SWPPP MODIFICATIONS.

Revision Date: 5/20/21
Description of Modification: Updated SWPP contact information, updated stormwater management locations, included 2021 MSGP required monitoring, and added Appendix O for the Endangered Species Assessment and the Historic Properties Evaluation.
Person making the modification: Lauren Gomez

Revision Date: 6/2/16
Description of Modification: Updated SWPP contact information and included new procedure (NM Stormwater Impaired Water Monitoring Procedure)
Person making the modification: Ashley Walsh

Revision Date: 8/26/15
Description of Modification: Updated SWPPP into EPA 2015 MSGP permit template.
Person making the modification: Linda Wong

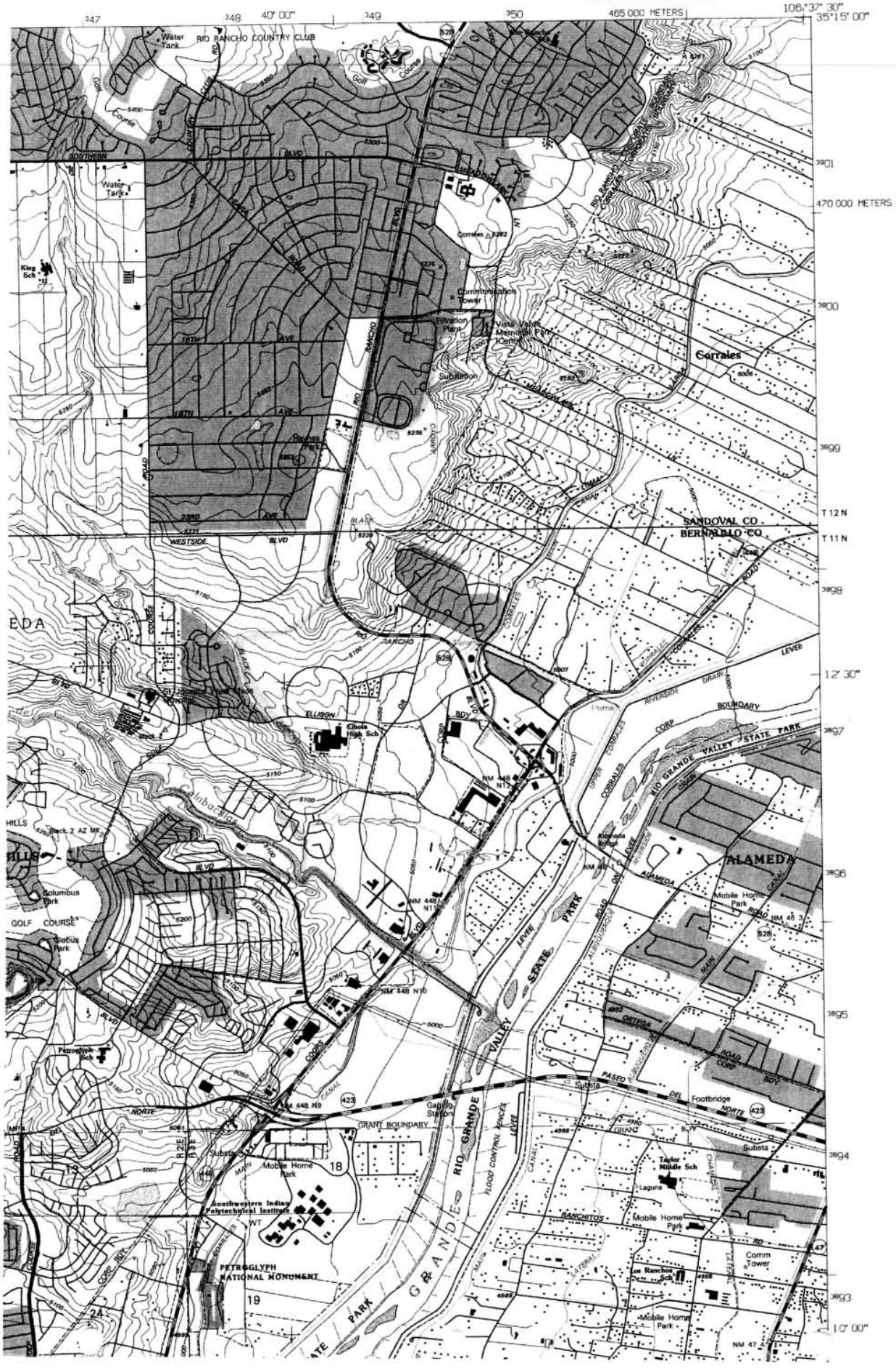
Signature: 5/20/21

A copy of the Intel New Mexico SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by the 2021 MSGP permit, monitoring data, and records of all data used to complete the NOI are retained for a period of at least 3 years from the date that coverage under the 2021 MSGP permit expires or is terminated.

Appendix A

General Locations Map

LOS GRIEGOS QUADRANGLE
NEW MEXICO
7.5-MINUTE SERIES (TOPOGRAPHIC)



Appendix B

Site Maps

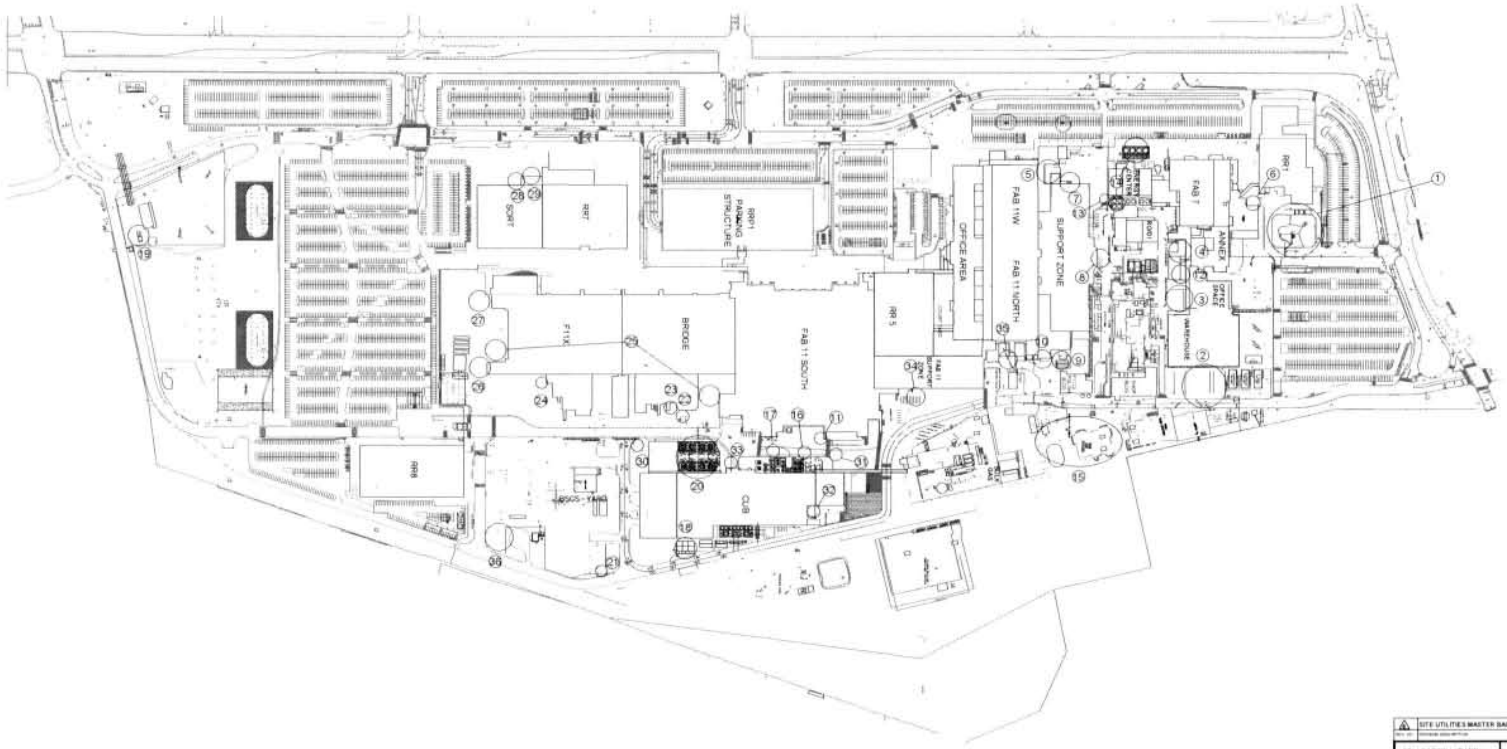
Figure 1: Stormwater Management Locations

KEYED NOTES

1. NORTH STORMWATER DETENTION POND (POND ELIMINATED, FLOW THROUGH BASIN)
2. RR4 WAREHOUSE SHIPPING AND RECEIVING DOCK
3. FAB 7 BACK DOCK
4. FAB 7 CHEMICAL TRANSFER DOCK
5. FAB 11W CHEMICAL TRANSFER DOCK
6. F7 NORTH DOCK
7. FAB 11W EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY
8. FAB 11W SHIPPING AND RECEIVING DOCK
9. FAB 11N EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY
10. FAB 11N CHEMICAL TRANSFER DOCK/SERVICE YARD
11. FAB 11S CHEMICAL AND HAZRDOUS WASTE TRANSFER DOCK
12. NORTH C4 TANK VAULT
13. NORTH ENERGY CENTER TRANSFER DOCK
14. NORTH ENERGY CENTER COOLING TOWERS
15. RECYCLE YARD
16. CUB SOLVENT OFFLOAD FACILITY
17. CUB BULK CHEMICAL OFFLOAD FACILITY
18. CUB EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY

KEYED NOTES CONTINUED

19. SITE OUTFALL 5,000 GALLON SPILL CONTAINMENT
20. CUB COOLING TOWERS
21. FAB 11X EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY
22. FAB 11X CAUSTIC OFFLOAD
23. FAB 11X PSSS CHEMICAL DOCK
24. FAB 11X HAZARDOUS WASTE MANAGEMENT FACILITY
25. FAB 11X SCRUBBERS
26. FAB 11X SOUTHEAST SHIPPING AND RECEIVING DOCK
27. FAB 11X SOUTHWEST SHIPPING AND RECEIVING DOCK
28. RR9 SHIPPING AND RECEIVING DOCK
29. RR7 SHIPPING AND RECEIVING DOCK
30. CUB PSSS HYDROGEN PEROXIDE OFFLOAD FACILITY
31. CUB TRIMIX CAUSTIC OFFLOAD FACILITY
32. CUB HOIST PIT
33. CUB COOLING TOWER DOCK
34. F11 EAST DOCK
35. F11N CHEMICAL OFFLOAD
36. CHEMICAL STORAGE CAGES



FOR REFERENCE ONLY

SITE UTILITIES MASTER BACKGROUNDS

NM CENTRAL ENGINEERING

intel

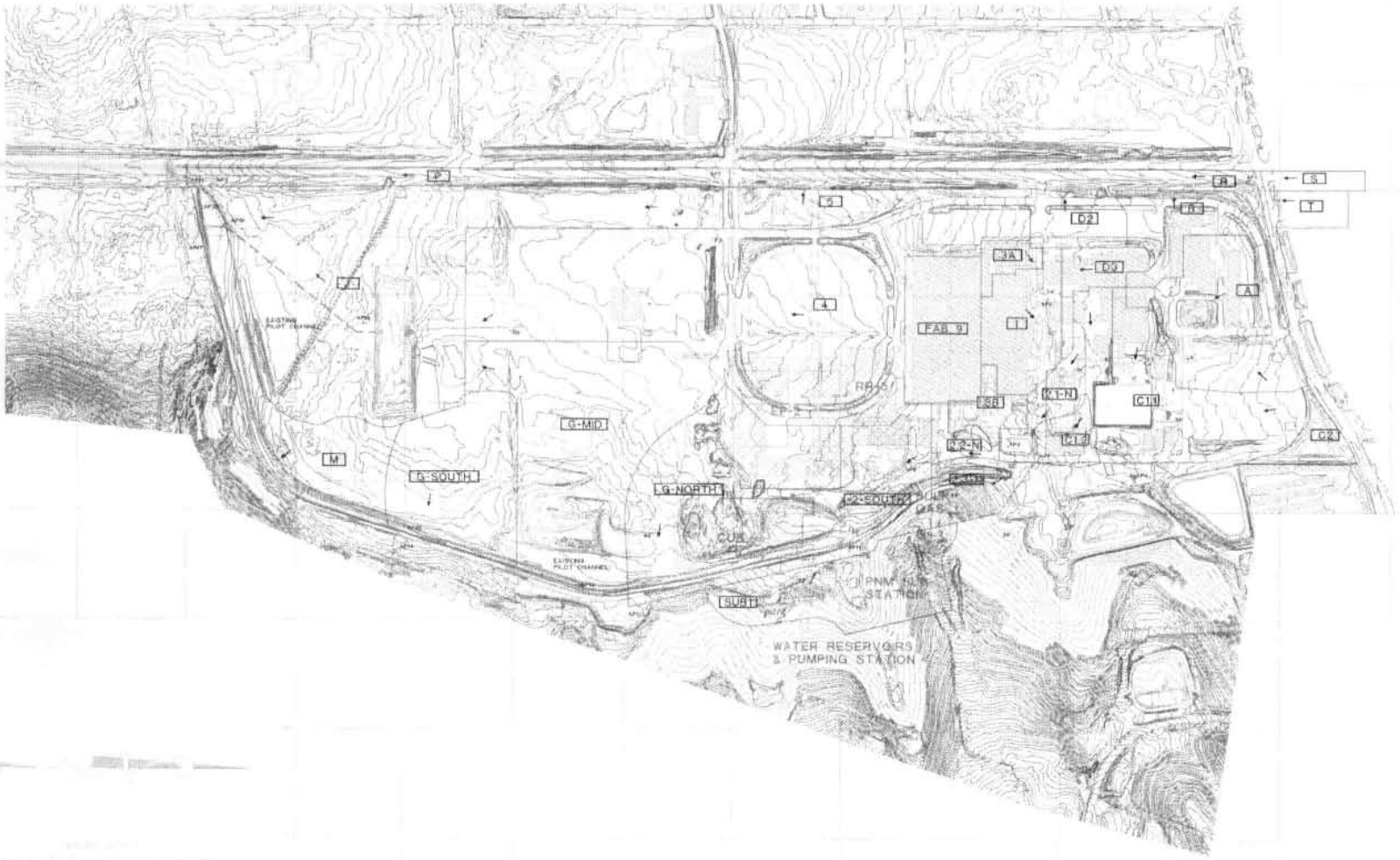
APPROVALS	DATE

NEW MEXICO SITE
UTILITIES MASTER
SPACIAL DATA PLAN
COMPOSITE

NMUTILITIES

NMUTILITIES

Figure 2: Intel New Mexico Site Drainage Basin Map (Topo and non Topo)



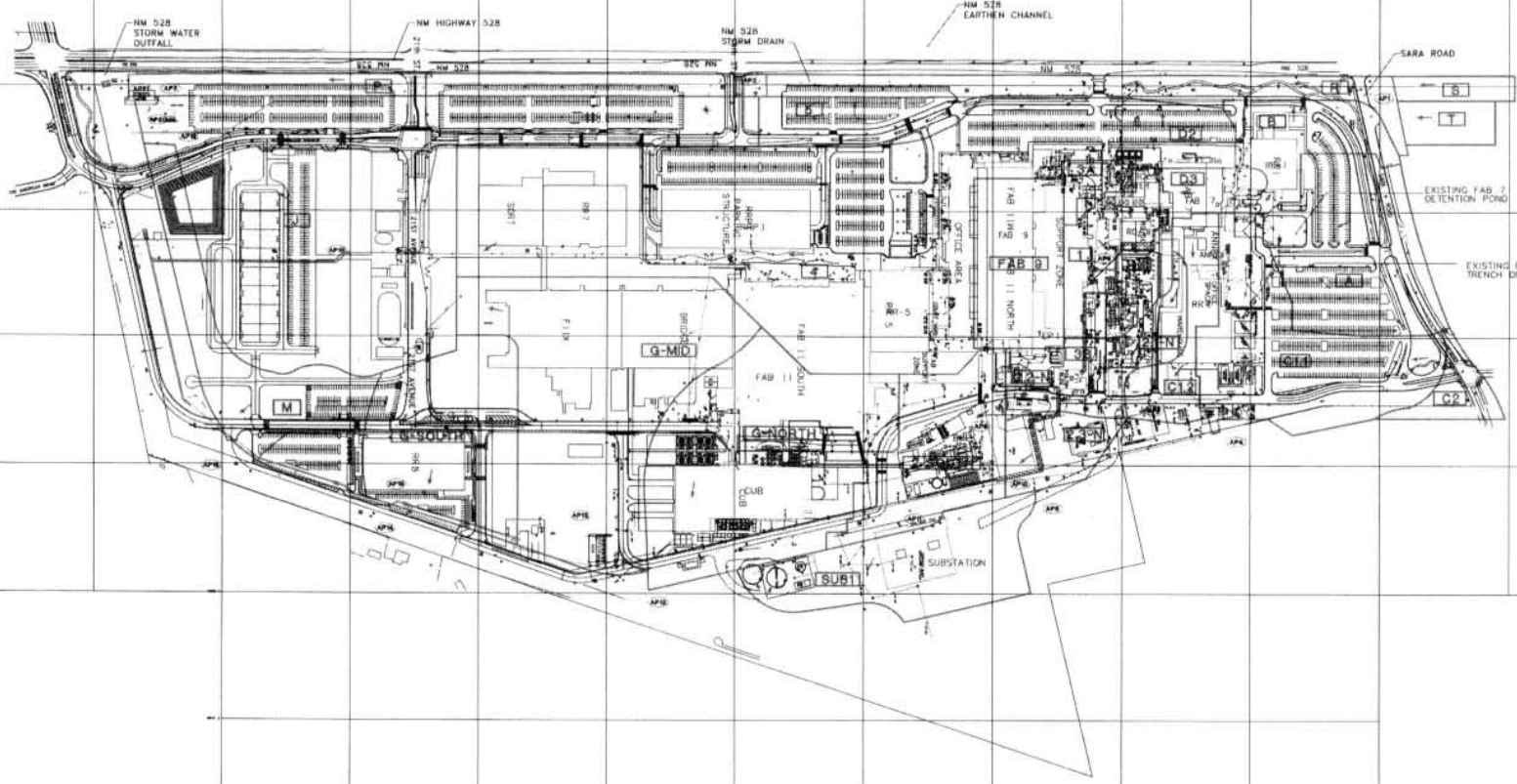
LEGEND

EXISTING STRUCTURES
- FLOW DIRECTION →
- ANALYSIS FLOW POINT
- DRAINAGE BASIN IDENTIFIER C1
- DRAINAGE BANK BOUNDARY

PROPOSED STRUCTURES
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN

EXHIBIT 1

INTEL SITE DRAINAGE BASIN MAP PHASE I



INTEL RIO RANCHO SITE PLAN

NEW MEXICO CENTRAL ENGINEERING

intel CORPORATION

INTEL New Mexico
4100 Sara Road SE
Rio Rancho, New Mexico 87124
505 893-7600 Fax 505 893-7784

APPROVALS	DATE

FIGURE 2
INTEL NEW MEXICO
SITE DRAINAGE BASIN
MAP

NMDRN002

Figure 3: New Mexico Site Storm Drainage Piping
(Overall and site outfall zoomed)

UNDER GROUND NATURAL GAS LINE

UNDER GROUND HYDROGEN LINE

UNDER GROUND NITROGEN LINE

STORM SEWER LINE

VOICE COMMUNICATION LINES

SPECIAL SYSTEMS LINES

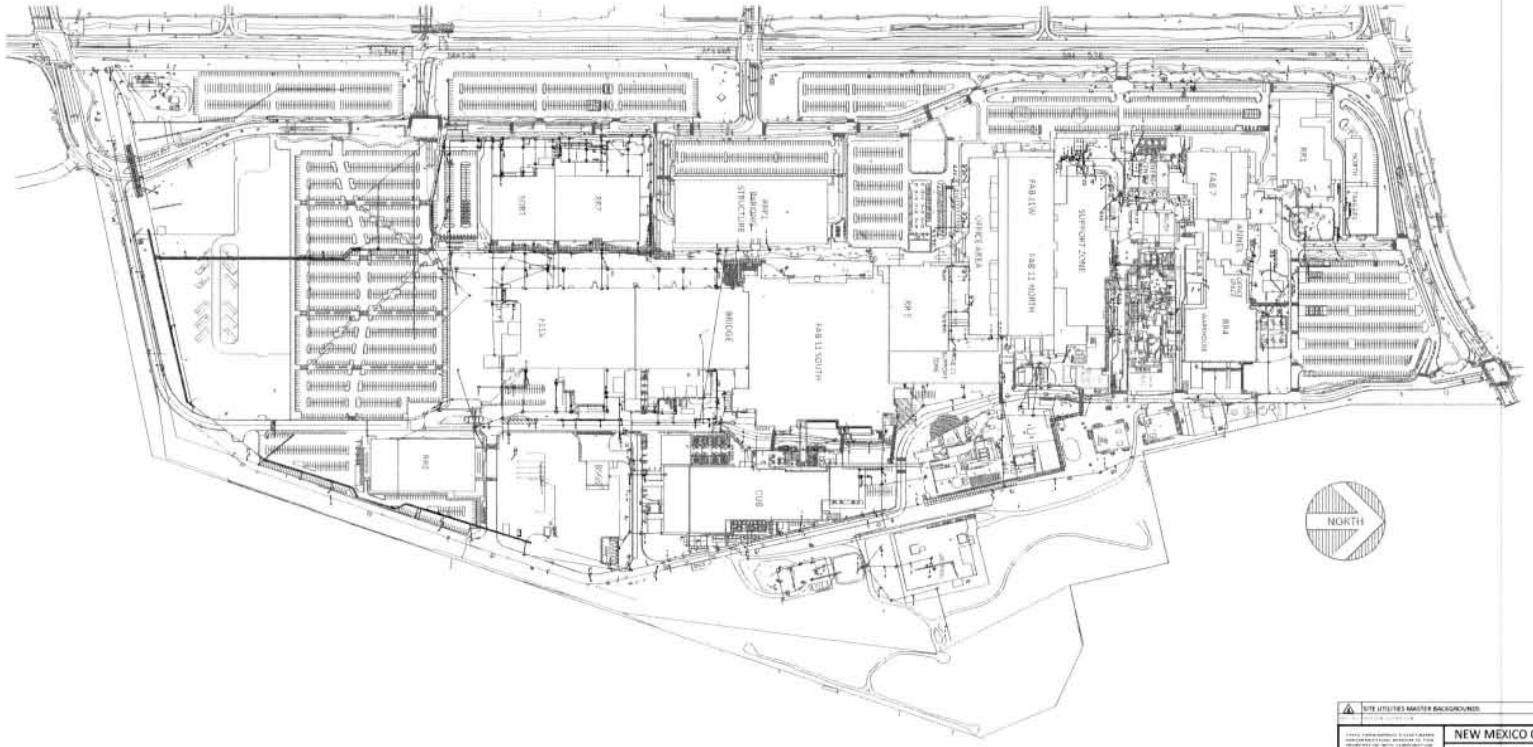
FIRE PROTECTION LINE

ABANDONED FIRE PROTECTION LINE

LEGEND

- BUILDING
- TEMPORARY BUILDING
- CONCRETE PAD
- PAVED ROADWAY W/T LINE
- UNPAVED ROADWAY
- TRAIL/FOOTPATH
- GRASSED LANDSCAPE LIMIT
- SIDEWALK
- WALL
- RETAINING WALL
- WIRE FENCE
- CHAIN FENCE
- ABOVE GROUND PIPING
- CULVERT
- DRAIN
- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- DEPRESSION CONTOUR
- SURVEY CONTROL POINT
- SPOT ELEVATION
- SURVEY MARKER
- GRID TICK
- UTILITY POLE
- GENERIC UTILITY MARKER
- SIGN
- FLAG POLE
- TREE
- SHRUB
- OUTDOOR ELECTRICAL LIGHTING
- MANHOLE (COMM./ELE.) E=ELECTRICAL SERVICE CM=COMMUNICATIONS T=TELEPHONE
- MANHOLE H=HYDROGEN SA=SANITARY SEWER ST=STORM SEWER W=CITY WATER
- HANDHOLE IR=IRRIGATION ELE=ELECTRICAL LIG=LIGHTING MS=IRRIGATION SATELLITE
- CLEANOUT AW=ACID WASTE SA=SANITARY SEWER SS=STORM SYSTEM
- H=HYDROGEN MARKER
- TELEPHONE PANEL
- WM=WATER METER MT=ELECTRICAL METER SW=ELECTRICAL SWITCHGEAR
- DROP INLET
- UTILITY POLE W/GUY ANCHOR
- TRAFFIC SIGNAL
- BALLARD

NOTE: VALVES WILL BE NOTED BY SYSTEM



FOR REFERENCE ONLY

SITE UTILITIES MASTER BACKGROUNDS

NEW MEXICO CENTRAL ENGINEERING

intel

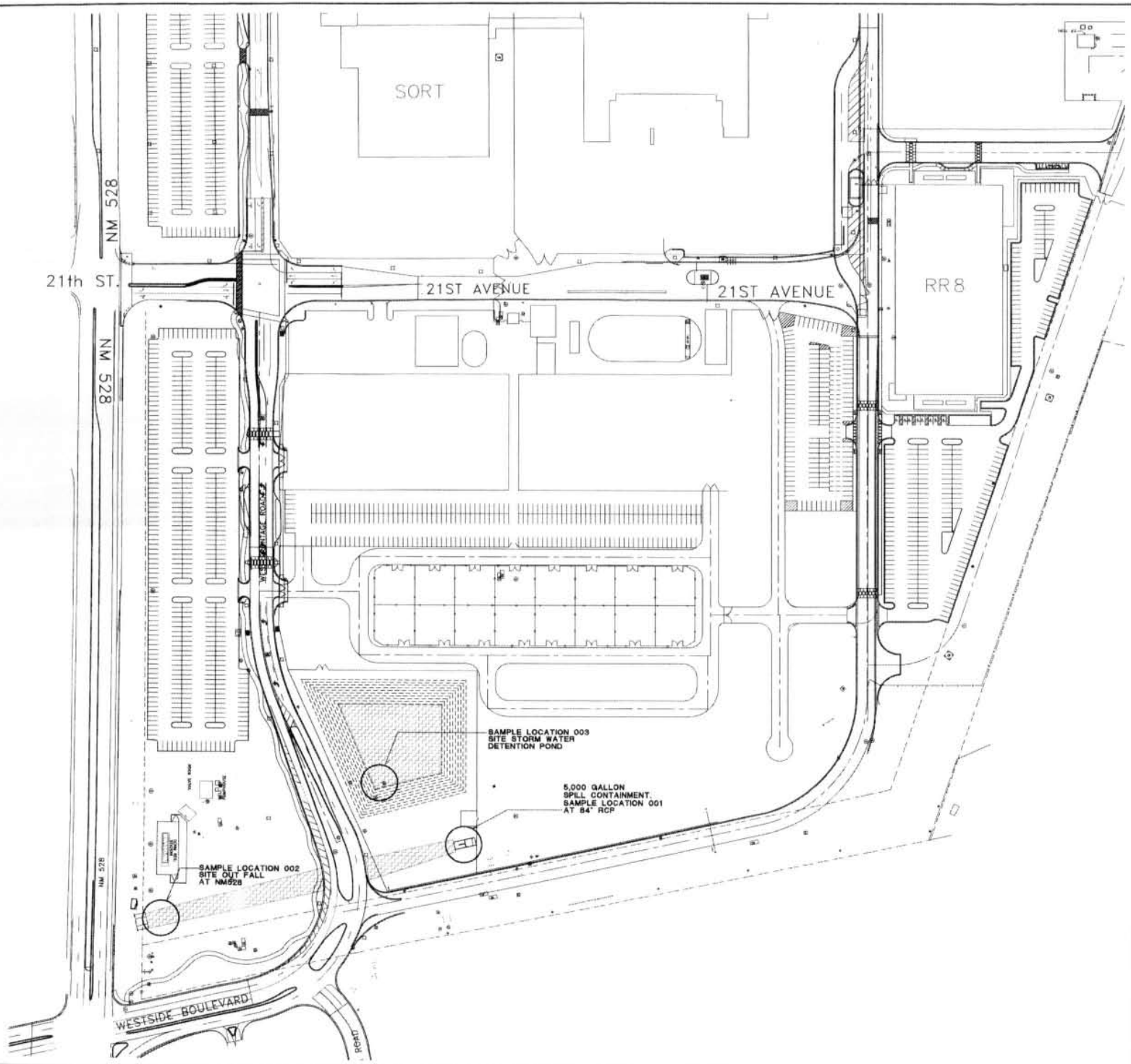
APPROVALS | DATE

NEW MEXICO SITE
UTILITIES MASTER
STORM SEWER
PIPING PLAN

NMUTILITIES

NMDRNO--

1 = 150



NEW MEXICO CENTRAL ENGINEERING

intel CORPORATION

APPROVALS	DATE

FIGURE 5
STORM WATER
OUTFALL
SAMPLE LOCATIONS

NMDRN005

Appendix C

2021 MSGP

The 2021 MSGP is located on the EHS share drive. It is also available the EPA website:
http://water.epa.gov/polwaste/npdes/stormwater/EPA-MultiSector-General-Permit-MSGP.cfm

Appendix D

Intel Notice of Intent and EPA Notice of Coverage under the Multi-Sector General Stormwater Permit

2015 NPDES Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity (MSGP) Forms

United States Environmental Protection Agency
1200 Pennsylvania Ave, NW Washington, DC 20460

Note: This is a "smart form"; as you fill out the form, additional questions willl appear that you will need to answer.

Permit Information

1. What action would you like to take? *

File a New Notice of Intent Form

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in the Facility Operator Information section of this form requests authorization to discharge pursuant to the NPDES Stormwater Multi-Sector General Permit (MSGP) permit number identified in the Permit Information section of this form. Submission of this NOI also constitutes notice that the operator identified in the Facility Operator Information section of this form meets the eligibility conditions of Part 1.1 of the MSGP for the facility identified in the Facility Information section of this form. 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.

Operator Name (Organization Name) *

INTEL CORPORATION

Operator Name as Noted by the NOI Preparer

Intel Corp

2. Select the state/territory where your facility is located *

NM

3. Is your facility located on Indian Country lands? *

◯ Yes ◉ No

4. Are you requesting coverage as a "federal operator" as defined in Appendix A? *

◯ Yes ◉ No

5. Are you a new discharger or a new source as defined in Appendix A? * ○ Yes ◉ No

5a. Have stormwater discharges from your facility been covered previously under an NPDES permit? * ◉ Yes ○ No

5aa. Provide your most current NPDES ID (i.e., permit tracking number) if you had coverage under EPA's MSGP 2008 or the NPDES permit number if you had coverage under an EPA individual permit *

NMR05GC63

6. Do you directly discharge to any of the waters of the U.S. that are designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource Water) (See Appendix L)? Your project will be considered to discharge to a Tier 3 water if the first water of the US to which you discharge is identified by a state, tribe, or EPA as a Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first water of the US to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. * ○ Yes ◉ No

7. Does your facility directly discharge to a Federal CERCLA site listed in Appendix P? For the purposes of this permit, a permittee discharges to a Federal CERCLA site if the discharge flows directly into the site through its own conveyance, or through a conveyance owned by others, such as a municipal separate storm sewer system. * ○ Yes ◉ No

8. Has the Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filing this NOI, as required? * ◉ Yes ○ No

9. By indicating "Yes", I confirm that I understand that the MSGP only authorizes the allowable stormwater discharges in Part 1.1.2 and the allowable non-stormwater discharges in Part 1.1.3. Any discharges not expressly authorized under the MSGP are not covered by the MSGP and they cannot become authorized by disclosure to EPA and/or a state via this Notice of Intent to be covered by the permit or by any other means (e.g., in the Stormwater Pollution Prevention Plan or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.1.2 and 1.1.3 will be discharged, they must be covered under another NPDES permit. * ◉ Yes ○ No

10. Master Permit Number

NMR050000

A: Facility Operator Information

1. Operator Name (Organization Name) *

INTEL CORPORATION

2. Street *

4100 Sara Road

3. Supplemental Address

1600 Rio Rancho Blvd.

4. City *	5. State *	6. Zip Code *	7. Facility County or Similar Govt. Subdivision *
Rio Rancho	NM	87124	Sandoval

8. Phone (10-digits, No dashes) *	9. Extension	10. E-Mail *
5058930264		Linda.Wong@intel.com

Operator point of contact information

11. First Name *	12. Middle Initial	13. Last Name *	14. Professional Title *
Linda		Wong	Environmental Engineer

B: Facility Information

1. Facility Name *

Intel Corp

☒ Facility address same as facility operator address

2. Street/Location *

4100 Sara Road

3. Supplemental Address

1600 Rio Rancho Blvd.

4. City *: Rio Rancho

5. State *: NM

6. Zip Code *: 87124

7. Facility County or Similar Govt. Subdivision *: Sandoval

Latitude/Longitude for the facility:

	8. Latitude (Decimal Degrees) *		9. Longitude (Decimal Degrees) *	10. Latitude/Longitude Data Source *	11. Horizontal Reference Datum
+	35.2246	-	106.6569	Map	NAD83

12. What is the ownership type of the facility *: Corporation

13. Estimated area of industrial activity at your facility exposed to stormwater (to the nearest quarter acre) *: 184

Identify the applicable sector and subsector of your primary industrial activity (See Appendix D) that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP, and the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code:

15. Sector *: SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

16. Primary SIC Code *: 3674: Semiconductors And Related Devices

17. Subsector: AC1: Electronic and Electrical Equipment and Components, Except Computer Equipment

18. Identify the applicable sectors(s) of any co-located industrial activity for which you are requesting permit coverage.

Sector	Subsector

Add Sector

22. Is your facility presently inactive and unstaffed? *

○ Yes ◉ No

C: Discharge Information

Outfalls

4. List all of the stormwater outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g., 001, 002) or a 4-digit ID. Also provide the latitude and longitude in decimal degrees for each outfall.

A. Outfall ID *

001

B. Latitude (Decimal Degrees) *

+ | 35.1320

C. Longitude (Decimal Degrees) *

- | 106.3927

Lookup Receiving Waters Information

(This button will prepopulate the receiving water information associated with your outfall on your form. You may edit the information that is returned if you believe it is incorrect)

If for any reason the Lookup Receiving Water Information button does not prepopulate your form with receiving waters information, you must manually enter the information on your form.

5. Multiple Receiving Waters were returned for your outfall. Please select the receiving water that is associated with your outfall from this list: *

Rio Grande

Outfall Section

1. Provide the name of the first water of the U.S that receives stormwater directly from the outfall and/or from the MS4 that the outfall discharges to. (You may edit the name of the water of the U.S. that was returned if incorrect.) *

Rio Grande

2. Is the receiving water listed as impaired on the 303(d) list and in need of a TMDL? *

(•) Yes ( ) No

4. List the pollutants that are causing the impairment:

Please select the cause group and pollutant for which the waterbody is impaired:

Cause Group * | Pollutant *

PATHOGENS | E. coli — Delete Pollutant

Please select the cause group and pollutant for which the waterbody is impaired:

Cause Group * | Pollutant *

ORGANIC ENRICHMENT/OXYGEN DEPLETION | Oxygen, dissolved percent saturation — Delete Pollutant

Please select the cause group and pollutant for which the waterbody is impaired:

Cause Group * | Pollutant *

POLYCHLORINATED BIPHENYLS (PCBS) | Polychlorinated biphenyls [PCBs] — Delete Pollutant

Please select the cause group and pollutant for which the waterbody is impaired:

Cause Group * | Pollutant *

TEMPERATURE | Temperature, water deg. centigrade — Delete Pollutant

Add Impairment Pollutant Associated with this Waterbody

3. Has a TMDL been completed for this receiving waterbody? *

( ) Yes (•) No

Add Another Outfall

Provide the following information about your outfall latitude longitude.

5. Latitude/Longitude Data Source * | 6. Horizontal Reference Datum

Map | NAD83

7. Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? *

(●) Yes ( ) No

7a. Provide the name of the MS4 Operator *

Albuquerque Metropolitain Arroyo Flood Control Aut

8. Do you discharge to any of the waters of the U.S. that are 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) (See Appendix L)? *

( ) Yes (●) No

D: Stormwater Pollution Prevention Plan (SWPPP) Information

SWPPP Contact Information

1. First Name * | 2. Middle Initial | 3. Last Name * | 4. Professional Title *

Linda | | Wong | Environmental Engineer

5. Phone (10-digits, No dashes) * | 6. Extension | 7. E-Mail *

5058930264 | | Linda.Wong@intel.com

8. Your current SWPPP or certain information from your SWPPP must be made available through one of the following two options. Select one of the options and provide the required information. *

Note: You are not required to post any confidential business information (CBI) or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access.

☒ Option 1: Maintain a Current Copy of your SWPPP on an Internet page (Universal Resource Locator or URL).

Provide the web address URL *

http://exploreintel.com/newmexico/documents

☐ Option 2: Provide the following information from your SWPPP.

E: Endangered Species Protection

1. Using the instructions in Appendix E of the MSGP, under which endangered species criterion listed in Part 1.1.4.5 are you eligible for coverage under this permit? *

Criterion C – Discharges and discharge-related activities are not likely to adversely affect listed species and critical habitat

2. Provide a brief summary of the basis for the criterion selected in Appendix E (e.g., communication with U.S. Fish and Wildlife Service or National Marine Fisheries Service to determine no species in action area; implementation of controls approved by EPA and the Services). *

Results of the assessment conducted by a third-party consultant, Environmental Resource Management (ERM), are consistent with the 2014 determination that while there are three protected species and, two Designated and one Proposed Critical Habitat Area that are likely to occur in or near the Action Area, Intel's discharges are not likely to impact these species or their critical habitat. Intel continues to implement best management practices and measures that ensure contaminants in run-off are captured to the greatest extent practicable and not in exceedance of any provided benchmarks, limitations, or guidelines prior to discharge via the drainage canal system. ERM concluded that Intel's Rio Rancho facility is likely to meet Eligibility Criterion C under Part 1.1.4.5 Endangered and Threatened Species and Critical Habitat Protection of the 2015 MSGP. Intel submitted the Endangered and Threatened Species Appendix E Criterion C Eligibility Form on 7/13/2015.

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

Rio Grande Silvery Minnow (Endangered Species), Southwestern Willow Flycatcher (Endangered Species), Yellow-Billed Cuckoo (Threatened Species)

b. Using the Criterion C Eligibility Form, check which of the following is applicable to your facility and answer any corresponding questions. *

☐ I submitted my completed Criterion C Eligibility Form to EPA at least 30 days prior to submitting this NOI and agree to implement any controls that were determined by EPA to be necessary to ensure that my discharges and/or discharge-related activities will have no likely adverse affects on listed species and critical habitat.

☒ I submitted my completed Criterion C Eligibility Form to EPA at least 30 days prior to submitting this NOI and have not been notified of any additional controls necessary to ensure no likely adverse affects on listed species and critical habitat.

Date your Criterion C Eligibility Form was sent to EPA (in DD/MM/YYYY format) *

13 Jul 2015

* Note: After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges have no likely adverse affects on listed species and critical habitat.

F: Historic Preservation

1. If your facility is not located in Indian country lands, is your facility located on a property of religious or cultural significance to an Indian tribe? *

◯ Yes ◉ No

2. Using the instructions in Appendix F of the MSGP, under which historic properties preservation criterion listed in Part 1.1.4.7 are you eligible for coverage under this permit *

Criterion B - Subsurface stormwater controls will not affect historic properties

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 gather and evaluate 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. 40 CFR 122.22 (d)

Certifier E-Mail *

Brian.A.Rashap@intel.com

Form Action *

Approve

Appendix E

Quarterly Visual Assessment Results

Quarterly Visual Assessment Results for the duration of the permit period are maintained internally on the EHS Share Drive.

Appendix F

Impaired Water Monitoring Procedure

NM Stormwater Impaired Water Monitoring Procedure

1.0 PURPOSE

To perform impaired water monitoring testing and input results into EPA's NetDMR system in accordance with the 2021 Multi-Sector General Permit (MSGP).

2.0 SCOPE

This procedure applies to impaired water monitoring samples collected at the site 5,000-gallon stormwater outfall.

3.0 GENERAL DESCRIPTION

Per the 2021 MSGP, Intel will monitor the stormwater site outfall for impairments found in the impaired waters to which Intel discharges. Intel currently discharges to the Rio Grande, specifically the stretch of water from Alameda Bridge to Isleta Pueblo. The stormwater outfall monitoring requirements were prepopulated on the electronic Discharge Monitoring Report (DMR) in the system based on the information reported on the 2021 Notice of Intent (NOI) form.

4.0 APPLICABLE FORMS/DOCUMENTS

a. Stormwater Permits and Documents
:SMSEHS\ENVIRON\Stormwater\
b. NetDMR
www.epa.gov/netdmr
c. NM Middle Rio Grande Impairments
https://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_list_id=&p_au_id=NM-2105_50&p_cycle=2014&p_state=NM
d. NM Impaired Waters and TMDL List
https://www.env.nm.gov/swqb/TMDL/List/#MiddleRioGrande
e. NMAC 20.6.4 http://164.64.110.239/nmac/parts/title20/20.006.0004.pdf

5.0 FREQUENCY/DUE DATE

Beginning in the first full quarter following May 30 2021, all pollutants must be monitored for which the waterbody is impaired and for which a standard analytical method exists (40 CFR Part 136) once per year at each outfall discharging stormwater to waters without an EPA approved or established Total Maximum Daily Load (TMDL). If the pollutant of concern is not detected and not expected to be present in the discharge, monitoring may be discontinued for that pollutant. All monitoring data collected must be submitted to the EPA using EPA's NetDMR system no later than 30 days after complete laboratory results have been received for all monitoring outfalls for the reporting period.

6.0 KEY CONTACTS

a. EHS Stormwater Program Owner: Lauren Gomez

b. EHS Stormwater Program Backup: Amy Reed

c. Stormwater System Engineering Owner: Steve Ortiz

d. Stormwater System Operations Owner: Kolette Dayish

e. Signatory Authority: Mindy Koch (CS Manager)

f. Environmental Notification:
environmental.notification@intel.com

g. Command Post:
Onsite Landline Phone: 3-9999, Offsite/Cell Phone: 505-893-9999

h. IWS Team:
Pager: 866-296-7554

i. EHS On-call:
Pager: 505-918-9157

7.0 PROCEDURE

The Middle Rio Grande is currently impaired for marginal warmwater aquatic life. The causes of impairment are: E.coli, dissolved oxygen (DO), polychlorinated biphenyls (PCBs), and temperature.

7.1 E. Coli

For stormwater discharges to waters for which there is an EPA-approved or established TMDL, there is no requirement to monitor for the pollutant for which the TMDL was written unless informed by the EPA to do so (2021 MSGP Section 6.2.4). EPA's notice will include specifications on monitoring parameters and frequency. The New Mexico Environment Department has an established TMDL for E.coli, which was approved by the EPA in 2010.

7.2 Dissolved Oxygen (DO)

Since there is no established TMDL for temperature, temperature will be tested according to methods listed in 40 CFR Part 136 within a year of the first full quarter following May 30, 2021 and the fourth year of coverage under 2021 MSGP. According to NMAC 20.6.4, dissolved oxygen in marginal warmwater should be 5 mg/L or more.

7.3 Polychlorinated Biphenyls (PCBs)

Since there is no TMDL for PCBs, PCBs were tested at the site outfall. To test for

PCBs, contact Hall Environmental (or any other consulting firm that can conduct EPA Method analyses) for a test kit. Then, collect samples from the outfall and follow the instruction on the test kit per labeling and chemical additions. Once this is complete, contact Hall Environmental to pick up the test kit for analysis.

Hall Environmental analyzed Intel's outfall sample in October 2015 using EPA Method 608 per 40 CFR Part 136. Results came back as non-detect and can be found on the EHS share drive.

As stated in the 2015 MSGP, since the pollutant of concern is not detected and not expected to be present in the discharge, Intel can discontinue monitoring for this pollutant.

For the 2021 MSGP requirements, Intel will monitor for this pollutant in year one and year four of coverage under the 2021 MSGP.

7.4 Temperature

Since there is no established TMDL for temperature, temperature will be tested according to methods listed in 40 CFR Part 136 within a year of the first full quarter following May 30, 2021 and the fourth year of coverage under 2021 MSGP. According to NMAC 20.6.4, temperature for marginal warmwater should not exceed 32.2 C (90 F).

7.5 Monitoring Reports

DMRs must be reported using EPA's electronic NetDMR tool no later than 30 days after complete laboratory results for all monitoring outfalls for the reporting period are received. NetDMR is automatically populated with impairment fields given in the NOI.

Once results are reviewed by a peer and corporate representative, they can be inputted into the prepopulated fields by the User (Figure 1). The report must then be approved by the Signatory Authority before it is submitted to the EPA. Submittal records are kept in the EHS sharedrive.

Figure 1. Example of the NetDMR impairment results page

8.0 HISTORY

Rev. 2: L. Gomez, 5/20/2021
Change Control: Updated dates to adhere to 2021 MSGP.

Rev. 1: M. Rosebrough, 10/16/2020
Change Control: Update Program Ownership info

Rev. 0: A. Walsh, 6/2016
Change Control: New procedure

Appendix G

Containment Structure Standard Operating Procedures for Stormwater Management

1.0 TITLE: Containment Structures Standard Operating Procedures for Stormwater Management

1.1 Spec: MON-110

2.0 PURPOSE: This document defines the general policy, procedures and safety precautions required for NM SITE stormwater valve operators and NM SITE stormwater conveyance facility inspectors to test and release stormwater in accordance with the EPA's Stormwater management regulations. This spec further provides procedures for operating the valve in the event of a spill, leak or accumulation of water from a precipitation event. The procedures described herein are in accordance with the requirements of city, state and federal regulations and are consistent with Intel policies.

3.0 SCOPE: The procedures contained herein detail the process for testing stormwater accumulations prior to discharging of stormwater through the stormwater valves, concrete sumps and all stormwater conveyance facilities serving the NM Site. Note: Procedures are posted at all active valved locations that are included in the weekly rounds and readings that align with this document and should be followed.

- Location 1: North Stormwater Detention Pond. The pond itself can be a containment in the event that the valve at the base of the pond area is closed. Presently, the valve is typically left in an open position and stormwater is able to freely flow into the stormwater system due to the lack of activity or industrial stormwater risk in the area.
- Location 2: FCV-89-AZ1-1: RR4 Warehouse Shipping and Receiving Dock Red Valve. The containment runs the length of the lower level of the dock. Red Valve is actuated from the momentary switch on the LCP inside the warehouse. Presently, the valve is typically left in an open position and stormwater is able to freely flow into the stormwater system due to the lack of activity or industrial stormwater risk in the area.
- Location 3: Fab7 Back Dock. This area does not have any connection to the stormwater system.
- Location 4: FCV-89-A4-1: Fab 7 Chemical Transfer Dock Red Valve. The containment is located on the south-central end of the dock and the dock area slopes towards it. The red valve is actuated from the momentary switch located east of the containment on the far south east end of the dock. A pump sits in the containment area that must be run in order to release stormwater to the stormwater conveyance system. This area is currently active and included in weekly rounds and readings.
- Location 5: FCV-89-BW1-1: F11W Chemical Transfer Dock Red Valve. This 15,000 gallon containment area has high level alarm monitoring through the FMS system. This serves the F11 West dock and trench. It can be drained by two means; by a Red Valve which is actuated from the momentary switch located on the west end of the Gas Pad Dock. (Near HPM Room #5) or by means of a

manual pumping system is located on the south wall of Electrical Room 193. (Pumps PMP-89-BW1-1, PMP-89-BW1-2, PMP-89-BW1-3). The current process requires use of the pumping system within the electrical room. Due to the number of roof drains and large sloping street north of the location, the area fills quickly during a significant rain event. Testing and releasing at this location is a priority to protect the nearby electrical room from possible flooding. This area is currently active and included in weekly rounds and readings.

- Location 6: VLV: 43AB158A: F7 North Dock. This containment is located at the F7 dock, which is no longer active. The red valve may be released by a push button located at the northeast end of the dock. Stormwater entering the containment at the dock is currently left to evaporate. This location is not included in rounds and readings.
- Location 7: F11W Emergency Generator Diesel Fuel Storage Facility. The valve for this containment area to segregate it and not allow it to gravity drain to location 5 is not functional. This containment area connects to the above noted area for Location 5.
- Location 8: FCV-89-BW1-2: F11W Shipping/Receiving Dock Red Valve. The valve should typically be left in the closed position and the stormwater should be left to evaporate due to the low traffic at these docks and the lack of associated industrial stormwater risk in the area. Previously water was drained into the stormwater drainage system by a red valve actuated by a momentary push button located on the F11W Shipping/Receiving Dock.
- Location 9: FCV-89-HE1-1: F11N Emergency Generator Diesel Fuel Storage Facility. This valve serves the diesel fuel containment area. It drains into the stormwater containment for the east service yard, FCV-89-HE1-2. This area is monitored closely during heavy rain events due to the close proximity to the adjacent electrical room. Presently the valve does not function simply through actuation and the hand wheel on the valve is used to open and close the valve. This area is currently active and included in weekly rounds and readings.
- Location 10: FCV-89-HE1-2: F11N Chemical Transfer Dock Service Yard. The east service yard stormwater containment valve is located in the vault under the dock containment north of the Decontamination Building. The vault is covered with a manhole cover marked storm sewer. In the past, this sump captured any release of hazardous substances during chemical transfer, but there is no longer activity at this offload location. The valve in the vault is normally left in the open position due to the low traffic in the surrounding area and lack of traffic and associated industrial stormwater risk at the dock. The valve can be operated manually with the hand-wheel extension tool located outside of the Decontamination Building.
- Location 11: FCV-89-FF1-1: Fab11S General Support Subfab Northeast Flow Control Valve - Stormwater. This containment sump serves the F11 South dock and trench. It can be drained by two means; by a Red Valve which is actuated from the keyed momentary switch on the LCP next to the F11 South dock or by means of a pump operated from the LCP keyed momentary switch located on the

North side of the containment sump. Currently the manual gate valve is kept open to the common sump and the gravity valve is kept closed and the pump (PMP89_FF1_1) is utilized to drain the area. This area is currently active and included in weekly rounds and readings.

- Location 12: North C4 Tank Vault. No industrial activity occurs in this area occurs but is monitored for accumulation of stormwater in the containment. Historically, there have been instances of biological growth in this area as stormwater accumulates, which disqualifies the water for discharge as stormwater. The area is monitored to ensure that stormwater accumulation does not occur.
- Location 13: North Energy Center Transfer Dock. This area is no longer active and has no containment connecting to the stormwater system.
- Location 14: North Energy Center Cooling Towers: This area is partially active (the west cooling towers function), but there is no containment connecting to the stormwater system. Thus, this area is not included on weekly rounds and readings.
- Location 15: Recycle Yard. This area is active but has no containment and is not included in rounds and readings.
- Location 16: FCV-89-GC1-2-1: Site Red Valve CUB Solvent Offload Facility Containment. This containment is located on the Northwest side of the CUB. This containment area is drained by means of a pneumatically actuated Red Valve on the handrail east of the containment. This area is presently active and included in rounds and readings.
- Location 17: FCV-89-GC1-1-1: Site Red Valve CUB Bulk Chemical Offload Facility Containment. This containment is located is on the Southwest side of the CUB. This containment area is drained by means of a pneumatically actuated Red Valve located on the handrail east of the containment. This area is presently active and included in rounds and readings.
- Location 18: FCV-83-GD1-1-1: Site Red Valve CUB Emergency Generator Diesel Fuel Storage Facility Containment. This containment is located on the Southeast corner of the CUB building. This containment area is drained by means of a pneumatically actuated Red Valve located at the far southeast end of the containment (outside of the containment area). This area is presently active and included rounds and readings.
- Location 19: FCV-89-GT1-1: Site 5,000 Gallon Red Valve Containment. This containment is located on the southwest corner of the side near the South Stormwater Detention pond. The containment is typically left in an open position allowing stormwater to freely flow from the site due to industrial areas being previously tested prior to release into the stormwater conveyance system. The sluice gate may be closed remotely or manually by a wheel located at valve. This area is presently active and included in rounds and readings.
- Location 20: CUB Cooling Towers. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.

- Location 21: Fab 11X Emergency Generator Diesel Fuel Storage Facility. This location is active, but houses a double walled diesel tank with no system connections to the stormwater system. It is not included in rounds and readings.
- Location 22: FCV89-NP1-1: Fab 11X Bulk Chemical Offload Facility. This containment is located on the east of the F11X adjacent to the F11X PSSS Check Dock and across a roadway from the CUB cooling towers. The containment has an internal physical separation barrier to separate offloaded chemicals and stormwater. The red valve for the stormwater portion of the containment is actuated by a momentary push button located west of the offload dock on the south end. This area is presently active and included in rounds and readings.
- Location 23: FCV89-NP1-2: PSSS Chemical Dock. This containment is located on the east side of Fab 11X adjacent to the F11X Copper Waste Loading Dock. This containment area is drained by means of a red valve actuated by a momentary push button on the elevated dock area on the south-facing wall. This location is active and is included in rounds and readings.
- Location 24: FCV89-NP1-3: F11X Hazardous Waste Management Facility. This containment is located on the southeast side of Fab 11X Dock. This containment area can be drained by means of a red valve actuated by a momentary push button located to the northwest of the dock. Presently, the valve is typically left in an open position and is able to freely flow into the stormwater system due to the lack of activity or industrial stormwater risk in the area. During the infrequent activity at this location, when activities do occur a plug is manually placed in the piping connecting to the stormwater conveyance system to prevent accidental releases to the system.
- Location 25: F11X Scrubbers. These locations are active, but are not connected to the stormwater system and are not included in rounds and readings.
- Location 26: Fab 11X Southeast Shipping and Receiving Dock. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.
- Location 27: Fab 11X Southwest Shipping and Receiving Dock. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.
- Location 28: RR9 Shipping and Receiving Dock. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.
- Location 29: RR7 Shipping and Receiving Dock. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.
- Location 30: CUB PSSS Hydrogen Peroxide Offload Facility. This containment is located on the south side of the CUB. The valve is air operated and is located under the aluminum plate at the central-south side of the containment. The air valve to open and close the containment valve is located on the column south of the containment valve. This location is active and is included in rounds and readings.

- Location 31: CUB Trimix Caustic Offload Facility Containment: This containment is located on the northwest end of the CUB. The containment valve is actuated by an air ball valve immediately east of the containment sump. (No Maximo ID associated with valves.) The air valve to open and close the containment valve is located to the southeast of the containment. This location is active and is included in rounds and readings.
- Location 32: PMP-71-GA1-4: CUB Hoist Pit. This containment is located on the basement level of the CUB and is accessible to foot traffic only through the interior of the CUB. It is located on the northeast corner of the CUB. The Red Valve is actuated by a momentary switch within the CUB in stairwell #3 at the junction between the north and east corridors. This location is active and is included in rounds and readings.
- Location 33: CUB Cooling Tower Dock. This containment is not connected to the stormwater drainage system. The containment is only tested and released once the stormwater reaches a level that is determined can potentially cause safety issues (such as water over dock roadway). In the event that it is determined that the water needs to be released, a pump may be placed to remove stormwater and that stormwater may be pumped into the stormwater piping system directly or onto adjacent pavement or soil such that is will not reenter this containment or cause other safety issues. This location is not included in regular rounds and readings.
- Location 34: F11S Shipping and Receiving Dock. This location is active, but is not connected to the stormwater system and is not included in rounds and readings.
- Location 35: FV-71-BN19-04: F11N Chemical Offload Facility. This containment is located north of RR5 and southwest of the site decontamination facility. It was originally a containment for chemical offloads at F11N, an offload location that is no longer active. Previously water was drained into the stormwater drainage system by a red valve actuated by a momentary switch located on the west side of the containment. Presently, the valve is typically left in a closed position and left to evaporate due to the lack of activity in the area. This area is not included in rounds and readings.
- Location 36: Chemical Storage Cages. This area is active but has no direct connection to the stormwater conveyance system and is not included in rounds and readings.

4.0 APPLICABLE FORMS/DOCUMENTS:

4.1 Applicable Forms:

- Survey Gizmo Questionnaires

4.2 Documents:

- Site Stormwater Pollution Prevention Plan (SWPPP)

- Survey Gizmo Database
- MO-8511 Contingency Plan for Outdoor Spills or Leaks of Process Water and/or Chemical
- EPA, 2021, Final National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges from Industrial Activities

5.0 GENERAL:

5.1 Key Results: The intent of this program is to prevent the contamination of both man-made arroyos and natural runoff systems in accordance with all local, state, and federal requirements.

6.0 POLICY/PROCEDURE:

6.1 Policy: NM SITE Stormwater Pollution Prevention Policy:
Active industrial areas of the NM Site Stormwater system as noted above shall be inspected weekly for cleanliness, contamination and dryness. If precipitation accumulation is evident the NM SITE inspector performing the inspection shall test the liquid as per the procedures posted at the location before operating the stormwater valve to discharge liquid to the conveyance system. All rounds and readings findings (and additional findings outside of the Rounds and Readings weekly cadence) are recorded through the Survey Gizmo Database. The stormwater pinch valves, stormwater conveyance sumps, piping and associated trenching, grounds and building drains shall be maintained on a regular basis.

6.1.1 Required Training

- Stormwater Management Spill Prevention and Control (00005438-WBT)

6.2 Procedure:

6.2.1 Safety:

6.2.1.1 Personal protective equipment and safety devices must be used properly when working on the stormwater system. When conducting a routine rounds and readings inspection of the system, use the following personal protective equipment as needed:

- Latex Gloves/Leather Work Gloves
- Safety shoes (Rubber boots if you must stand in water to work)
- Hard Hat
- Safety Glasses

Additional personal protective equipment and safety gear may be required, depending on the nature of the preventative maintenance work being performed.

****NOTE****

Do not proceed when any unusual situation is encountered, e.g., suspect liquids, odors or surface staining, without proper health and safety training and equipment. Notify EHS through Environmental Notification before initiating any non-routine activity

6.2.2 Stormwater Red Valves.

Periodic valve inspection is essential. Valves within the stormwater system suffer from lack of operation rather than wear and active valves shall be operated bi-annually at a minimum as per the PM procedure for the valve. Follow these procedures when conducting the valve PM:

1) All valves at active site locations (i.e. docks that have regular incoming or outgoing shipments of materials that could contaminate stormwater, offload facilities where offloads still occur for regular operations) are normally CLOSED.
2) A hydrostatic test of the active location red valves and or pump systems must be performed every other year to ensure water is not leaking by the valves.

6.2.2.1 Operation Problem

In the event of an operational problem with one of the valves or parts thereof the stormwater systems that you are unable to repair, submit a corrective work order as soon as possible.

6.2.2.2 Red Valve Inspection

Record the following in electronic rounds as documented in the following sections of this procedure.

6.3 Inspection and Testing

6.3.1 Inspections

6.3.1.1 Inspect the designated areas for trash and debris; submit service requests or take other take steps as necessary to remove and dispose of such material promptly and properly. Pay close attention to the following high priority areas:

- Loading and unloading operations of chemicals, fuels, finished materials, and waste products
- Outdoor storage activities
- Waste management areas

Problems associated with housekeeping require immediate attention. Take the necessary actions when the condition is noted, and if support is required notify the EHS stormwater program owner.

6.3.2 Test Equipment

Obtain the following equipment before testing in a containment:

- Spil-Fyter Wastewater Classifier (Check expiration date before testing)
- String to lower the Spil-Fyter Classifier strip if necessary
- Measuring stick if necessary

6.3.3 Preparation for testing

Before proceeding with testing, be sure that all necessary equipment and supplies are on-hand. Check to verify that the testing strips are clean and are being used within any manufacturer recommended time frames.

6.3.4 Test and Release Procedure

The quality of the water must be determined prior to release.

Analysis of the Spil-fyter Wastewater Classifier Strips for the following pollutants and parameters is required:

- pH (Acidic/Base Risk)
- Oxidizer Risk
- Fluoride Risk
- Petroleum Product/Organic Solvent Risk
- Iodine/Bromine/Chlorine Risk

6.3.4.1 Test Procedure (Follow posted procedure at active rounds and readings locations.):

1. With gloves on, submerge the Spil-Fyter Wastewater Classifier strip into the liquid in the sump as per manufacturer's instructions. Interpret the results of each of the tests listed above.

2. If the results are negative (not detected) and visual observation does not indicate the presence of any pollutant, release the liquid into the storm drain system.

3. If the results indicate the presence of any pollutant or if visual observation indicates the presence of any pollutant, confirm results by use of a second test strip. If second test strip results are negative (not detected) and visual observation does not indicate the presence of any pollutant, release the liquid into the storm drain system. If second test strip confirms contamination, contact EHS for further instructions.
   M-F: Environmental Stormwater Owner.
   After hours: EHS On-Call.

DO NOT RELEASE THE LIQUID IN THE CONTAINMENT.

6.4 Record Keeping

6.4.1 After completion of sampling at each location, record the following information through use of NFC tag survey at Red Valve location. Survey responses are maintained in Survey Gizmo.

6.5 Decontamination/Restocking

Restock/Reorder supplies as needed by ordering through Avantor.

7.0 RESPONSIBILITIES:

7.1. Technician: It is the responsibility of the operator to adhere to these procedures before releasing accumulated stormwater. ***Record keeping is critical to the success of this program.***

7.2 IWS Stormwater Owner/Co-Owner: The IWS Stormwater Owner/Co-Owner is responsible for ensuring all technicians are trained according to the requirements of this spec. The IWS Stormwater Owner/Co-Owner is also responsible for ensuring that EHS is contacted if necessary.

7.3 EHS Stormwater Program Owner: Respond to and collaborate on spill response measures for contaminated stormwater. Quarterly QA/QC of weekly rounds and readings data in Survey Gizmo.

8.0 REVISION HISTORY:

Revision 11 5/20/2021, Gomez
Updated locations list to reflect the most current information.

Revision 10 10/8/2020, Rosebrough
Updated locations listed to provide information on all current site industrial areas. Updated training information. Update Responsibilities with current information. Updated Restocking Information. Refined test procedure. Updated Spilfyter test strip categories. Updated Test Equipment. Updated Red Valve biannual PM information. Updated throughout with references to Survey Gizmo instead of Maximo.

Revision 09 3/31/2015, Cramer
Updated locations listed to provide information on all current site industrial areas. Referenced guidance posted at active locations.

Revision 08 9/20/2014, Cramer
Updated current practices at non-active red valve locations.
Reduced duplications.

Revision 07 1/3/2013, Cramer
Included description of F7 Diesel Storage Tank containment area.
Combined inspection and testing for more clarity during weekly rounds and readings.

Revision 06 11/12/2012, Cramer
Reordered all locations to match order found in SWPPP and detailed missing locations.

Revision 05 12/03/2010, Rudnik
Reformatted entire document to make spacing, intents, capitalization, and section formatting more consistent.
Updated copper waste offload dock FCV89-NP1-1 in section 3.0 to caustic offload.
Updated applicable forms in section 4.0 as per current EHS procedures; eliminated reference documents except for NPDES general permit.
Added section 6.1.1 required training classes.
Updated procedures in section 6.0 as per current EHS protocol.

Revision 04
Addition to Scope 3.0 about a Red valve that is non-functional at this time.
Add in Dan Links on the approver list.

Revision 03
Rewrite to include additions of new Stormwater Valve release locations and updates

Revision 02
Total rewrite of the Policy/Procedure to align to EHS Policy/Procedures

Revision 01
Revised section 4.2 to specify PMs and the location of the logbook
Revised section 6.2.1 to change contact info from ERT to facility control room.
Revised section 6.2.2 to include instructions for new valve tag no FCV-89-HE1-3.
Revised section 6.2.2.1 to include directions to use corrective w/o.
Revised section 6.2.5.2 to change the activities logged from the logbook to the w/o and to change "department contacted" to "date corrective action was taken/initials".

New Spec.
Author: Michael Shaw
Owner: Katherine Hoopman
Approver: William Wood and Mike Harris
Approver: Andrew Moen

Appendix H

Dock Audit Guidelines and JLL Stormwater System Inspections

Dock Audit Guidelines

NOTE	All listed conditions must be met to receive a score of 3.	Any listed condition met receives a score of 2.	Any listed condition met receives a score of 1.
SCORE	5	3	1
ORGANIZATION	• Docks clean, organized, free of loose debris • All staged material within yellow staging parameters	• Docks require cleaning, docks require organization, some loose debris • Staged material outside yellow staging parameters	• Docks require considerable cleaning, docks requiring significant organization, more debris and/or • Staged material outside yellow staging parameters
DOCK CLEANLINESS	• Docks appear recently swept and pressure washed • No drips/spills present • There should be ZERO spills going into any storm drain/sanitary sewer drain.	• Docks require sweeping this week or pressure washing this week • Minor drips/spills present	• Docks require sweeping today or pressure washing today • Considerable drips/spills present
WASTE CONTAINER CLEANLINESS	• Waste containers appear recently pressure washed • No debris around/underneath	• Waste containers require pressure washing this week • Debris around/underneath container requires collection this week	• Waste containers require pressure washing today • Debris around/underneath container requires collection today
WASTE CONTAINER SAFETY	• Compactors have clear, cautionary signage • Compactor pressure gauge is in working order, auto-shutoff system is in working order, hydraulic system is not leaking, ram is in working order • Open tops and dumpsters have no sharp/protruding edges • Ladders are in-tact • Containers are safely accessible to vendors and waste generators • A daily equipment inspection has been completed and deficiencies noted and escalated	N/A	• Compactors missing clear, cautionary signage • Compactor pressure gauge is not in working order, auto-shutoff system is not in working order, hydraulic system is leaking, ram is not in working order • Open tops or dumpsters have sharp/protruding edges • Ladders are not intact • Containers are not safely accessible, waste containers are blocked for vendor access
WASTE CONTAINER APPEARANCE	• Containers are uniformly painted • Containers have clear signage indicating use	• Containers require repainting • Some signs requires replacing	• Containers are not uniformly painted • Insufficient signage
WASTE CONTAINER ODOR	☐ No odor from waste materials present	☐ Moderate odor from waste materials present	☐ Considerable odor from waste materials present
CONTAMINATION	☐ 90%-100% proper disposal of waste materials	☐ 75-89% proper disposal of waste materials	☐ Less than 75% proper disposal of waste materials
PROGRAM EQUIPMENT SAFETY	• Balers, forklifts, pallet-jacks or other related program equipment meet/exceed equipment safety standards • A daily equipment inspection has been completed and deficiencies noted and escalated	N/A	☐ Balers, forklifts, pallet-jacks or other related program equipment do not meet/exceed equipment safety standards
BIN FILL LEVELS	• Bins are not overfilling • 75% full containers have been scheduled to be hauled within 24 hours • Containers less than 75% full are not scheduled to be hauled within 24 hours	• Bins are overfilling occasionally • 75% full containers are not called in for pick-up within 24 hours regularly • Containers are occasionally being hauled when less than 75% full	• Bins are regularly overfilling • Most 75% full containers are not called in for pick-up within 24 hours • Containers are regularly being hauled when less than 75% full

1213MAXNM02-Q

STORM WATER SYSTEM INSPECTION QUARTERLY JOB PLAN

Rev #	Description of Change	Author	WP #	Date
1213MAXNM02-Q				
0.1	Baseline	Donald Estrada	N/A	03/16/2015
0.2	Changed sequence to 02	Samuel Gurule	N/A	6/15/15
1.0	Published	DMS Admin	N/A	System

10	**SAFETY**	
A.	**Material Movement & Handling:**	
	□	N/A
B.	**Work Environment Hazards:**	
	□	Inspect for trip/slip hazards
	□	Inspect work area for sharp edges
	□	Inspect walking paths for bump hazards
C.	**Chemical Hazards**	
	□	N/A
D.	**Control of Hazardous Energies**	
E.	**Environmental Controls, Weather and Crew Congestion**	
	□	Notify Intel EHS of any hazardous materials in valve and containment area.
	□	Review controls in place for dust, spills, and/or emissions
	□	
F.	**Ergonomics & Awkward Postures**	
	□	N/A
	□	
G.	**Personal Protection Equipment:**	
	□	Hard Hat as area may require
	□	Safety Glasses
	□	Proper Foot Wear
	□	
20	**Tools & Equipment**	
	□	Flashlight

	□	NM EHS Storm Water Inspection Sheet
	□	Clip Board
	□	Storm System Map as Needed
	□	

50	**Coordination and Impact Planning:**		
	□	Notify IFM OPS Coordinator/Campus Manager: NO	Initial:
	□	Pre-Task Plan: NO	Initial:
	□	EEW Permit: NO	Initial:
	□	SIPP: NO	Initial:
	□	LSS Card: NO	Initial:
	□	Notify Security: NO	Initial:
	□	Notify GSS Primary Tech (TST): NO	Initial:
	□	Notify GSS Ops Tech (per Shift): NO	Initial:
	□	Parts Vendors: NO	Initial:
	□	IWCS or Stores parts ordering: NO	Initial:
	□	Notify Manufacturing/Fab owner: NO	Initial:
	□	Rolling Work Week Schedule/Work Coordination Schedule: NO	Initial:
	□	Notify Engineering: NO	Initial:
	□	Notify Management: NO	Initial:
	□	Intel Environmental Hazards and Safety (EHS) - YES	Initial:
	□	Contractor or other Craft coordination: NO	Initial:
	□	Notify Room Owners: NO	Initial:
70	**General Notes and Reference Materials**		
	□	**Terminology:** CM – Corrective Maintenance CoHE – Control of Hazardous Energies CS – Corporate Services EEW-Energized Electrical Work GSS – General Site Services IFM – Integrated Facility Management IWCS – Integrated Workload Control System LOTO – Lock Out Tag Out LSS – Life Safety System OPS – Operations PM – Preventive Maintenance PTP – Pre-Task Plan SCC – Security Command Center SIPP – Site Incident Prevention Plan TST – Technical Solutions Training	Initial:

	WO – Work Order	
□	**Vendor Manuals:** As Required	Initial:
□	**P&ID Drawings:** As Required	Initial:
□	**Equipment Bulletins:** As Required	Initial:
□	**Special Instructions:**	Initial:

Engineering Procedure Verification by: _____ Date: _____		
80	**Technical PM Procedure** (Perform in Sequence)	
1	**Set Up/Staging**	
1.1	Barricade storage drain area using hard barricades or danger tape with signage before removing grate.	Initial:
1.2		Initial:
2	**Shutdown**	
2.1	No shutdown required.	Initial:
3	**PM Steps**	
3.1	Note: In addition to performing the job plan steps below, a content review shall be performed. This review shall consist of, but is not limited to, step accuracy, completeness and validity; estimated time for completion and lead craft. Should any of the information need to be revised contact your lead/supervisor? The person(s) performing or closing the JP owns submitting the changes, accurate data input and/or corrections to the system owner.	Initial:

3.2	Observe Site EHS Storm Water Pollution Prevention Plan requirements during this PM activity.	Initial:
3.3	Visually inspect all parking lot and truck drive drainage fixtures for debris and trash. Record findings on Storm Water Inspection Sheet.	Initial:
3.4	Use grasshopper lifting tool to remove grate.	Initial:
3.5	Using a flash light perform inspection of associated collection basins, valve vaults, and trenches for the following; a) Evidence of foreign material liquid or solid. (Oil, trash, soap, sludge, etc.) b) Serviceability (Collection of mud or other materials indicating piping failure) c) Condition of basin markers, i.e. basin number & "No Dumping" placards. Make note for repairs or replacements.	Initial:
3.6	Collect trash or construction debris and bag.	Initial
3.7	Vacuum or sweep dirt in all areas of storm drain and clean grate angle supports.	Initial
3.8	Re-install storm drain grates and remove barricades.	Initial
3.9	Visually inspect all drain fixture manhole covers in the area for proper placement and security.	Initial:
3.10	Visually inspect storm drain spill mat container for damage. Check container for proper supplies. Re-order if necessary.	Initial:

4	**Startup**	
4.1	No Startup required.	Initial:
5	**Cleanup**	
5.1	Dispose of all trash in proper bins.	Initial:
5.2	End of work: If outsourced, service technician meets with IFM Supplier and reviews all work completed during site visit and reviews additional corrective maintenance work. If additional maintenance or painting is required to be performed, a CM shall be created in Maximo.	Initial:
5.3	IFM Supplier initiates a CM for needed work and closes out PM ticket in Maximo.	Initial:
5.4		Initial:

Note:

1. The NM Storm Drain Inspection Sheet is attached at the end of this document.

NM Storm Drain Inspection Sheet

No.	Location Description	Score	Condition	Comments
1	NORTH STROMWATER DETENTION POND (POND ELIMINATED, FLOW THROUGH BASIN)	Pass Fail	Free of Debris Maintenance Required	
2	RR4 WAREHOUSE SHIPPING AND RECEIVEING DOCK	Pass Fail	Free of Debris Maintenance Required	
3	FAB 7 BACK DOCK	Pass Fail	Free of Debris Maintenance Required	
5	FAB 11W CHEMICAL TRANSFER DOCK	Pass Fail	Free of Debris Maintenance Required	
6	F7 NORTH DOCK	Pass Fail	Free of Debris Maintenance Required	
7	FAB 11W EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY	Pass Fail	Free of Debris Maintenance Required	
8	FAB 11W SHIPPING AND RECEIVING DOCK	Pass Fail	Free of Debris Maintenance Required	
12		Pass Fail	Free of Debris Maintenance Required	
13	NORTH ENERGY CENTER TRANSFER DOCK	Pass Fail	Free of Debris Maintenance Required	
14	NORTH ENERGY CENTER COOLING TOWER	Pass Fail	Free of Debris Maintenance Required	
15		Pass Fail	Free of Debris Maintenance Required	
19	SITE OUTFALL 5,000 GALLON SPILL CONTAINMENT	Pass Fail	Free of Debris Maintenance Required	
20	CUB COOLING TOWERS	Pass Fail	Free of Debris Maintenance Required	

No.	Location Description	Score	Condition	Comments
21	FAB 11X EMERGENCY GENERATOR DIESEL FUEL STORAGE FACILITY	Pass Fail	Free of Debris Maintenance Required	
25	FAB 11X SCRUBBERS	Pass Fail	Free of Debris Maintenance Required	
26	FAB 11X SOUTHEAST SHIPPING AND RECEIVING DOCK	Pass Fail	Free of Debris Maintenance Required	
28	RR9 SHIPPING AND RECEIVING DOCK	Pass Fail	Free of Debris Maintenance Required	
29	RR7 SHIPPING AND RECEIVING DOCK	Pass Fail	Free of Debris Maintenance Required	
33	CUB COOLING TOWER DOCK	Pass Fail	Free of Debris Maintenance Required	
34	F11 EAST DOCK	Pass Fail	Free of Debris Maintenance Required	
35	F11N CHEMICAL OFFLOAD	Pass Fail	Free of Debris Maintenance Required	
36	CHEMICAL STORAGE CAGES	Pass Fail	Free of Debris Maintenance Required	

Appendix I

Intel New Mexico Site Stormwater Training Class Outline

Storm Water Management, Spill Prevention, and Containment

Course ID: 00005438

Click **Next** to Continue

intel

Safety

Sufficiency

Transparency

Physical accessibility

Responsibility

Purpose and Vision

Hover over the vocabulary words or click **Next** to Continue

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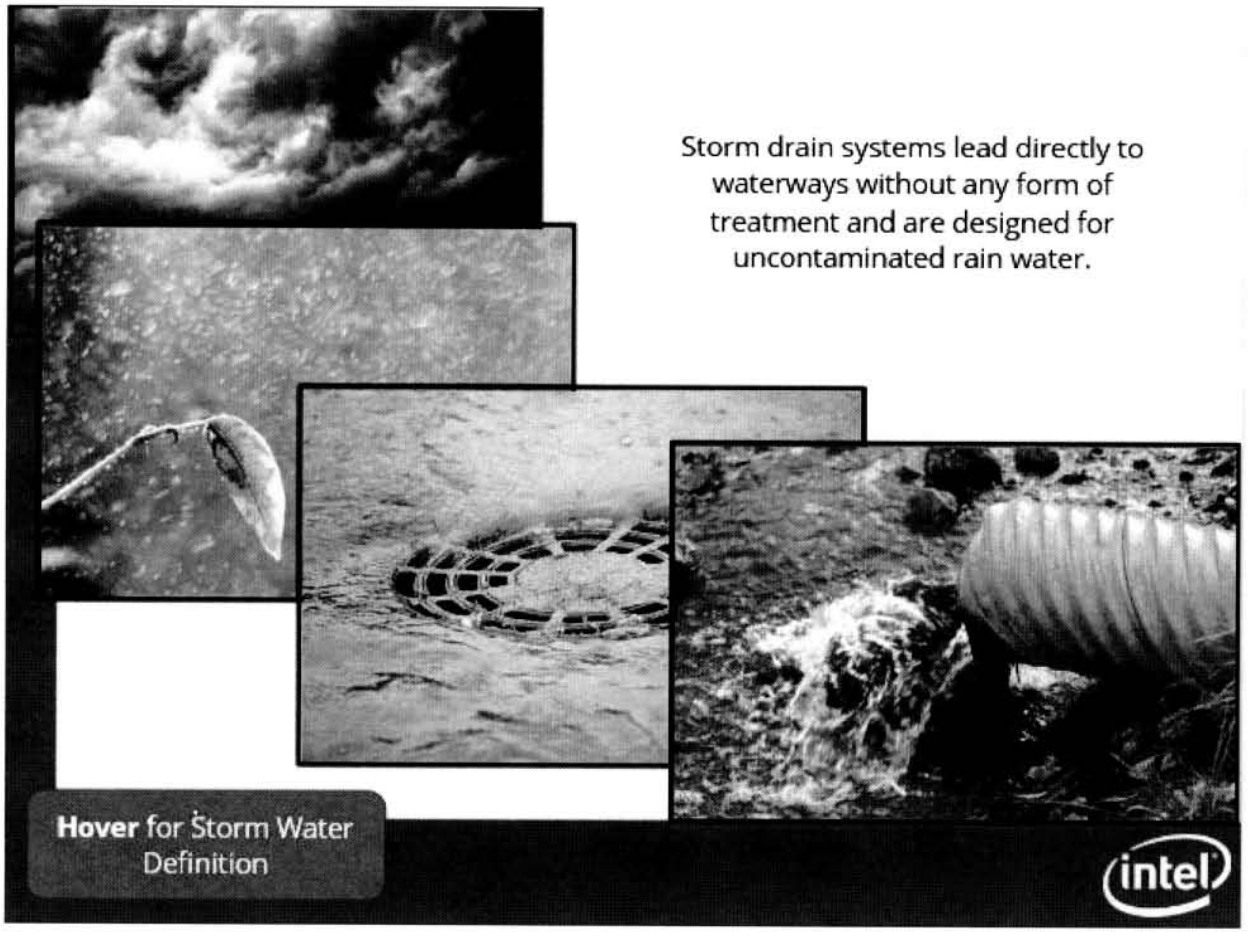
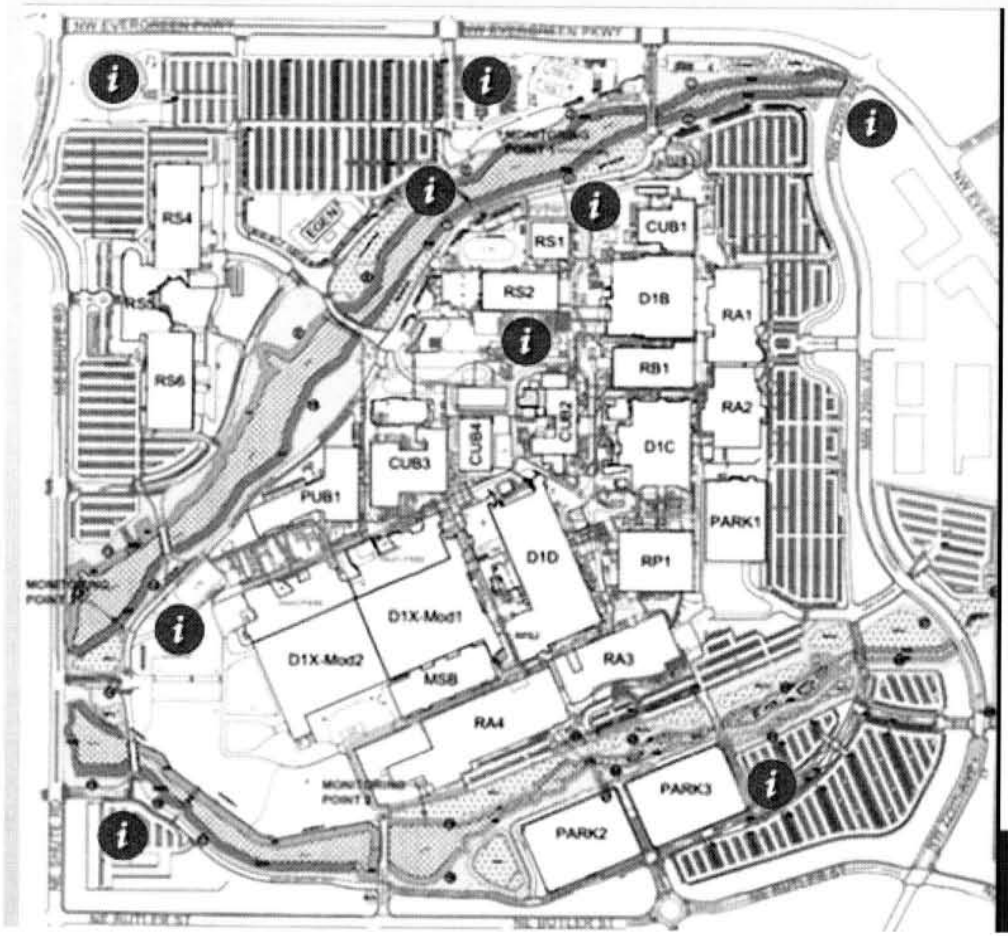

Storm drain systems lead directly to waterways without any form of treatment and are designed for uncontaminated rain water.
Hover for Storm Water Definition
intel



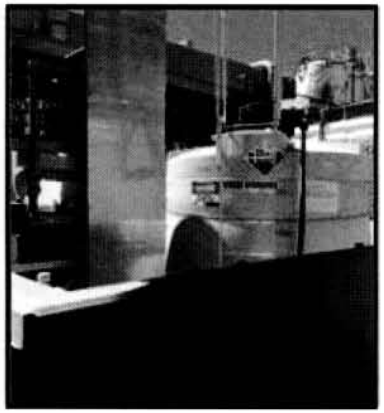
Storm Water Control Plan

- Pollution Source Inventory
- Best Management Practices (BMP)
- Storm Water Map
- Maintenance Records

intel

Intel Design Standards

All new construction must adhere to the Environmental Health and Safety Master Design Specifications (EHS MDS)

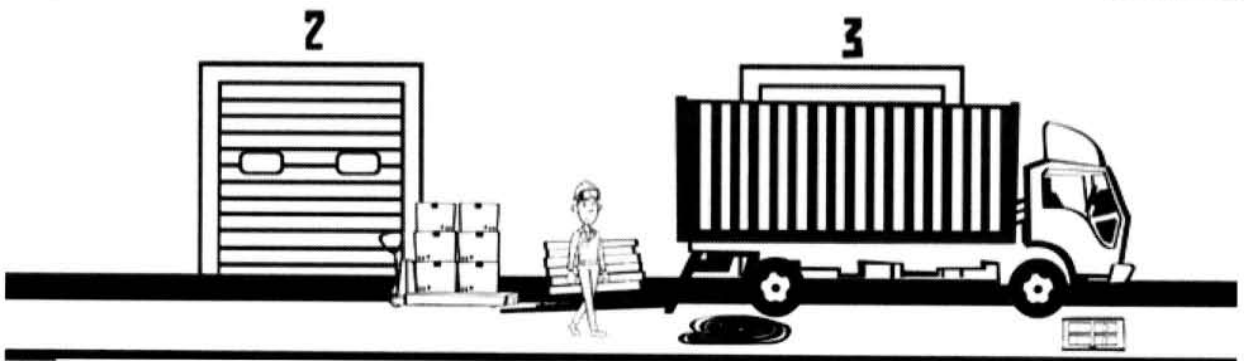


Click to see more engineering controls

Left: Tank Secondary Containment
Top: Offload Area Trenches

Emergency Spill Response

Despite our best efforts, a spill may occur that poses a risk of storm water contamination



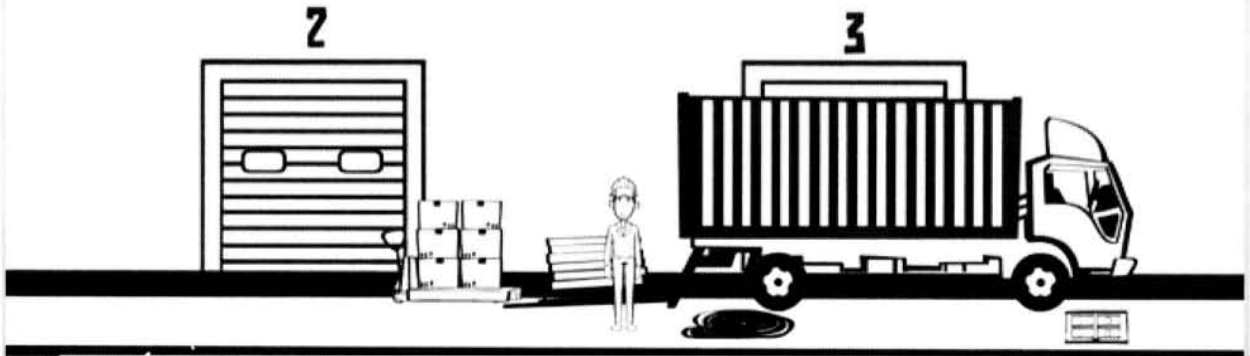
00:08/ 01:23

Click for the Chemical Use Program

intel

Emergency Spill Response

Any potential release to the environment requires notifying security, tracking in the EHS portal, and an investigation.



00:12/ 01:23

Click for the Chemical Use Program

intel

Emergency Spill Response

Intel is ready with response procedures and emergency spill response equipment

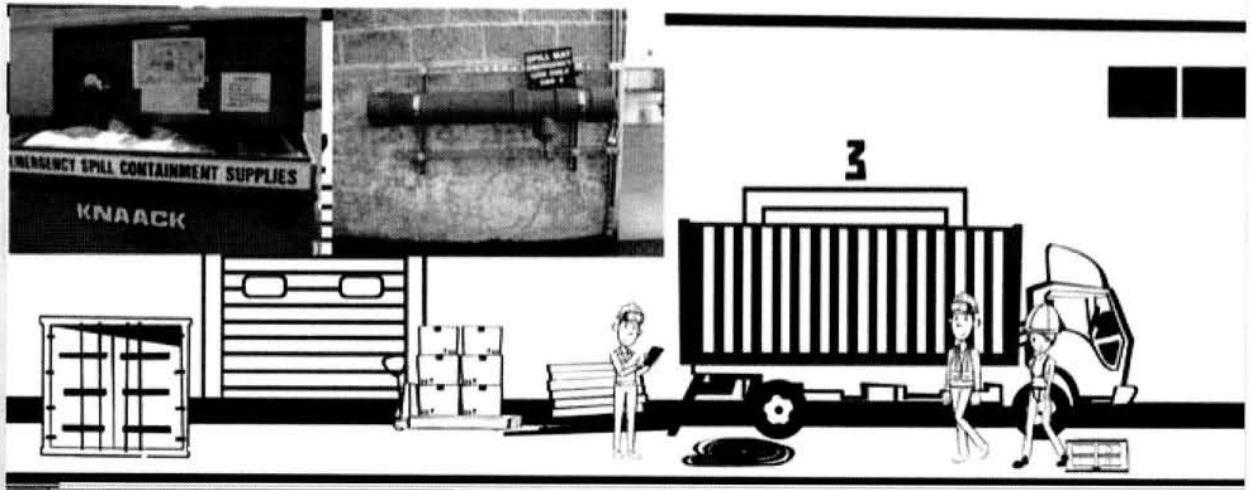
00:18/ 01:23

Click for the Chemical Use Program

intel

Emergency Spill Response

Ensure that you know the location of your site's spill control and response equipment.

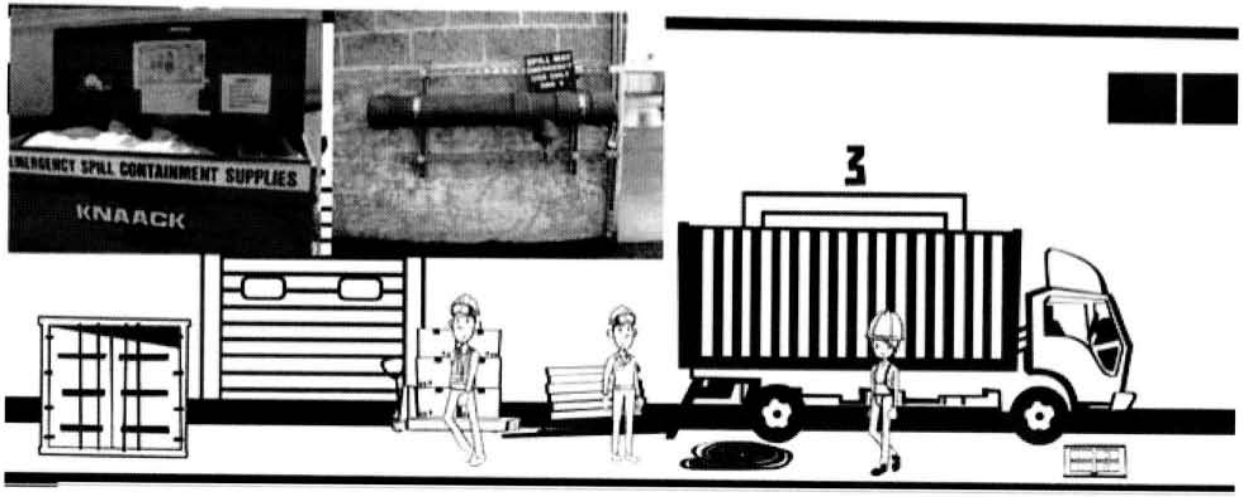


00:28/ 01:23

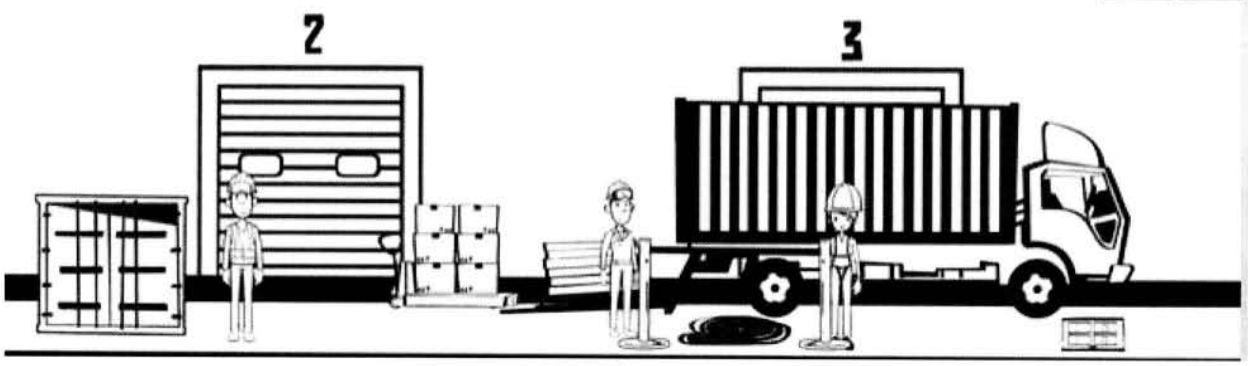
Click for the Chemical Use Program

intel

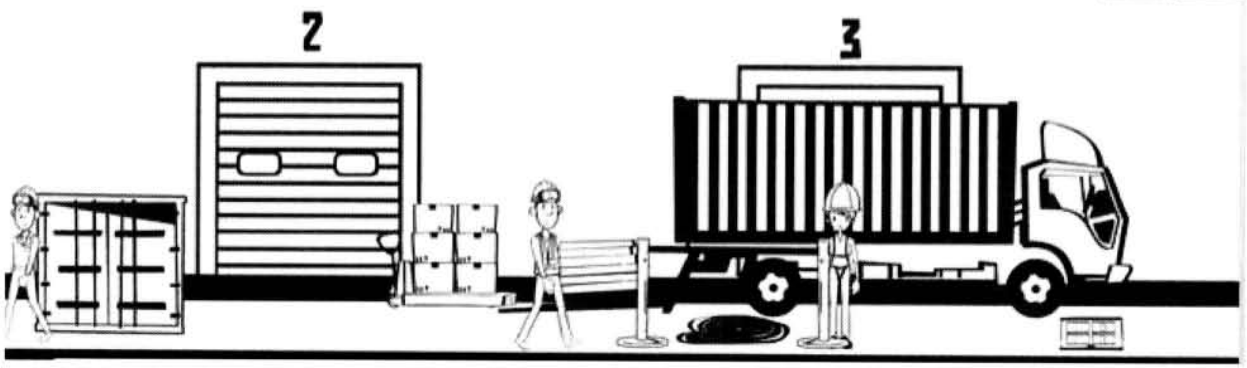
To ensure readiness, procedures must be in place and documented to inspect and restock the cleanup supplies.



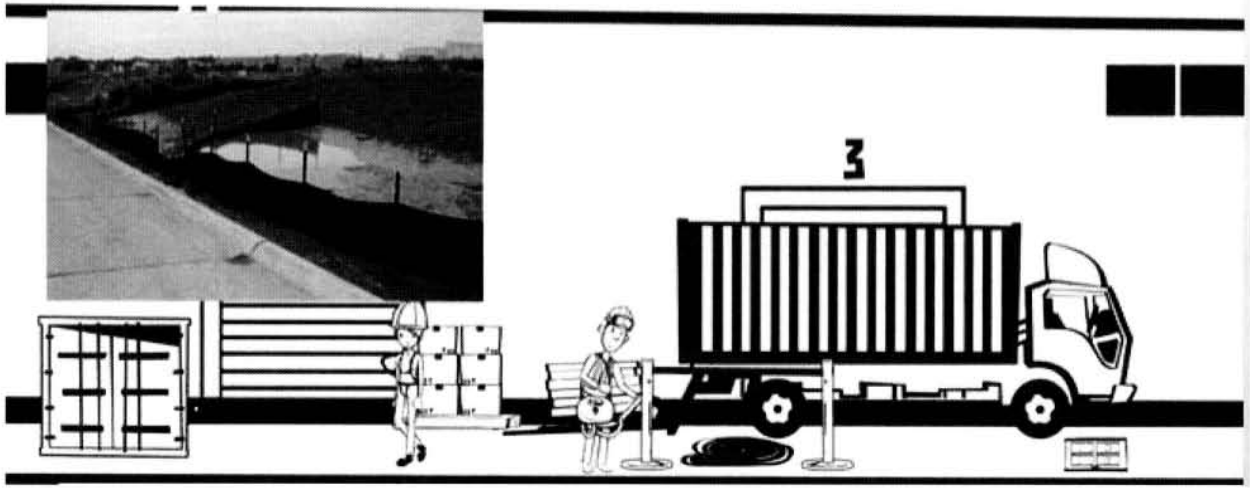
Ensure that your site procedures are documented and up to date.



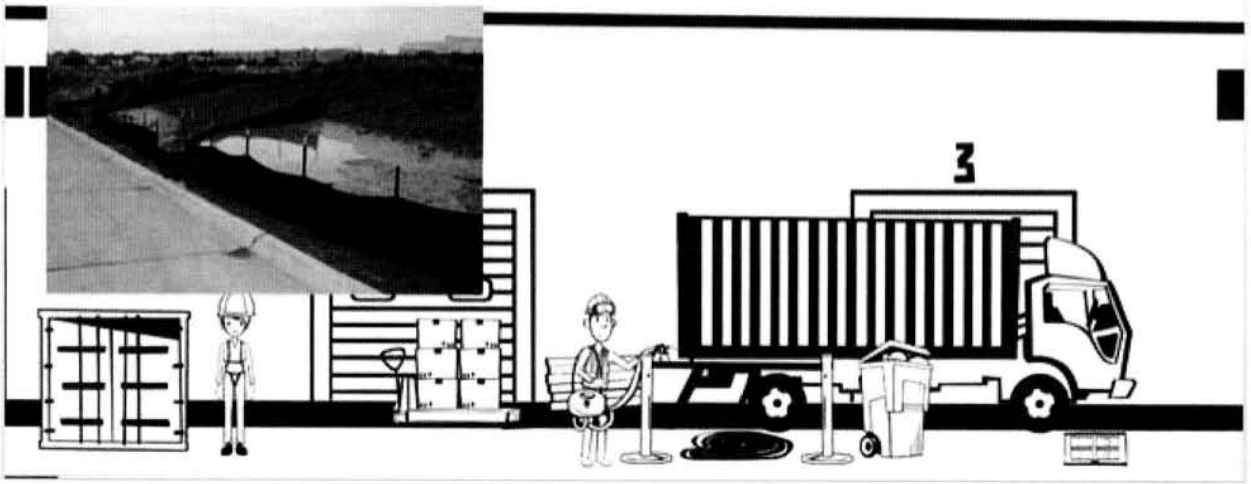
Chemical additives used in the course of spill cleanup must be approved by the Intel Chemical use program.

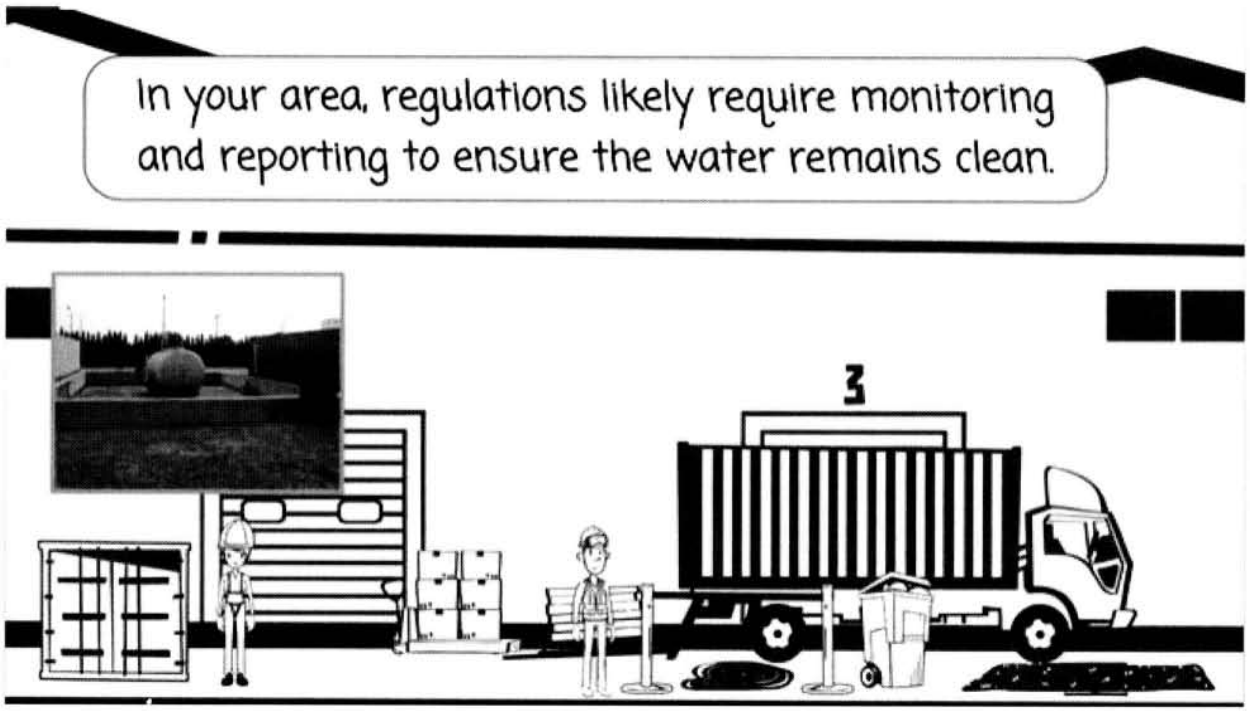


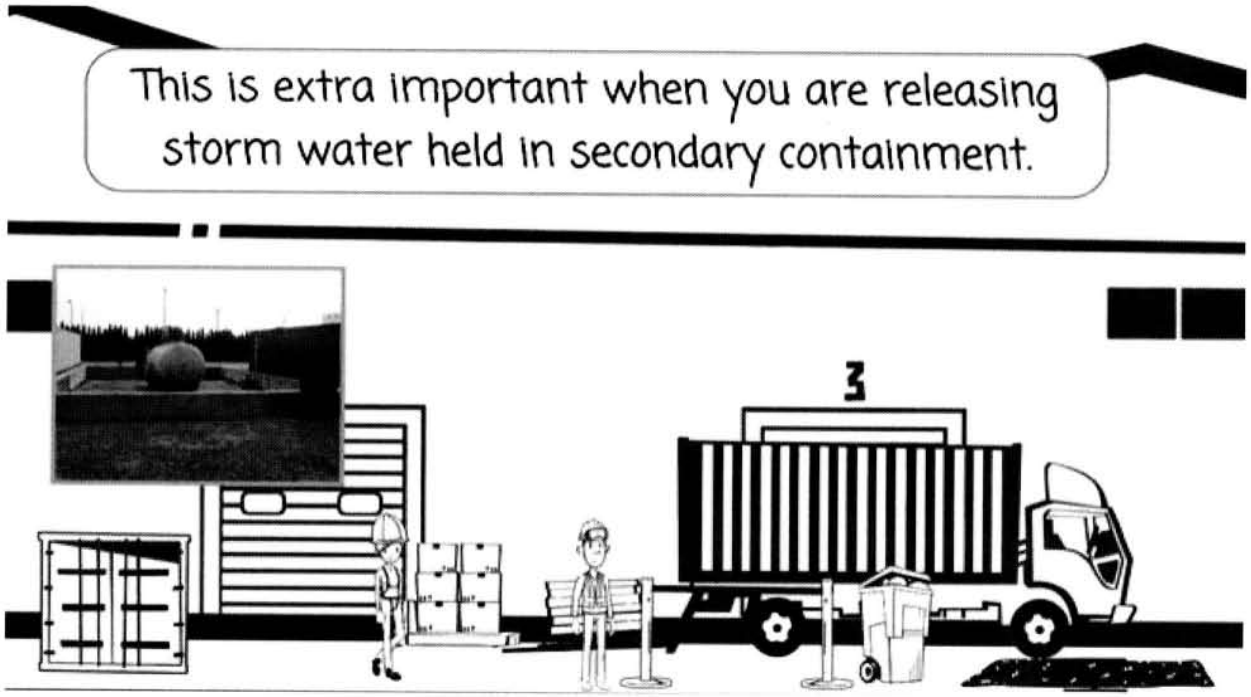
If the spill contaminates soil and vegetation, it may need to be removed.



If a spill penetrates soil, facilities may need to test to verify it is cleaned up.



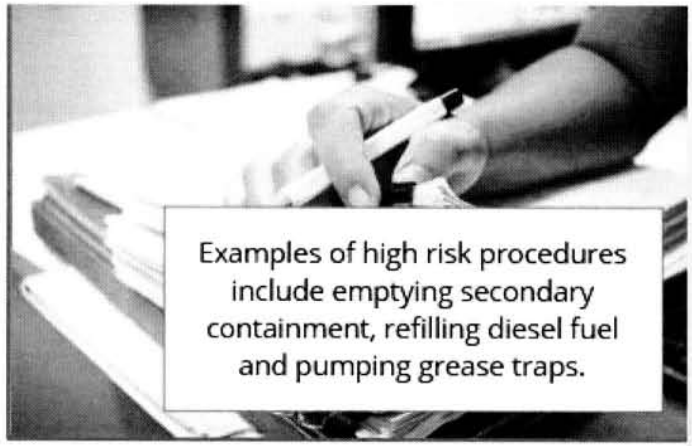

In your area, regulations likely require monitoring and reporting to ensure the water remains clean.
3


This is extra important when you are releasing storm water held in secondary containment.
3


If a spill happens despite our best efforts, you have a very important job to do.
2
3

Documentation Requirements

- All spill events
- Inspection checklists
- List of inspection responsible personnel
- Written procedures for activities impacting storm water
- Monitoring locations
- Sampling procedures
- Storm water discharge limits



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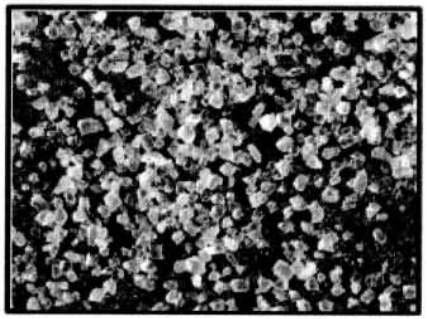
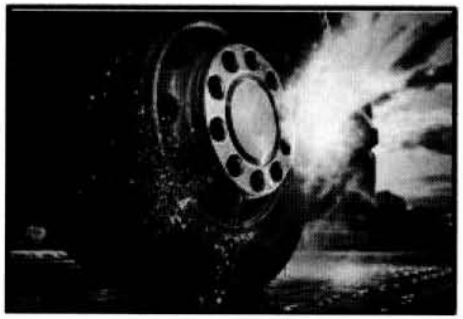
Common Threats





Road salt
Trash Collection
Delivery Truck Leaks
Portable Generator Fueling
Employee Vehicle Leaks

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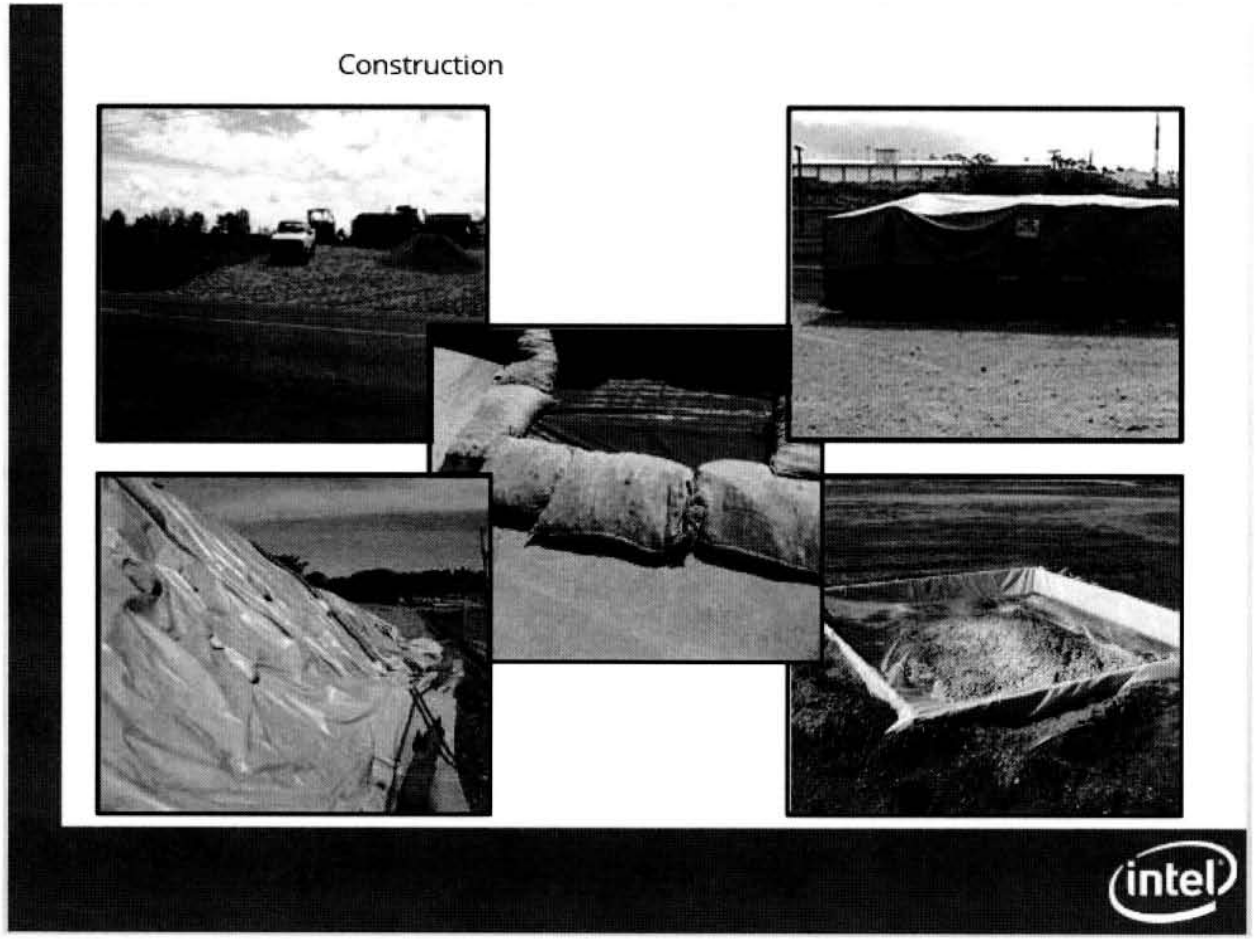
Construction
intel

Storm Water Discharge Permits

- Required by some local agencies
- Must be accurate
- Must be reasonable and achievable
- Changes to discharge must be pre-approved by local authority
- Information must be maintained
- Permitting process must be documented
- Permit concerns must be escalated

Roles and Responsibilities

Site EHS Environmental	System Owners	Managers and Technicians
Ensure compliance to the storm water standards and the spill prevention program	Ensure system complies with storm water management procedures and inspections are completed	Ensure that storm drains are identified, labeled, inspected and maintained and that procedures for spill response are in place.

KNOW YOUR ROLE

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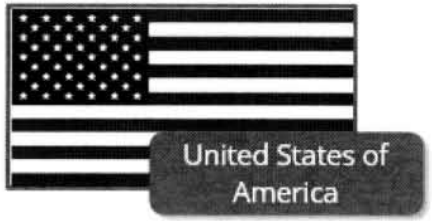
Choose the Most Appropriate Option for You



United States of America

Ireland

Israel

Other

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Spill Prevention Control and Countermeasure (SPCC)

Oil includes: diesel fuel, transformer mineral oil, hydraulic fluid; lubricating and cooking oil

Qualified Facility Applicability

If the facility total aboveground oil storage capacity is 10,000 gallons or less ...		
And...	**And the facility has..**	**Then the facility is a:**
Within three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, the facility has not had: • A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 gallons, or • Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 gallons within any 12-month period.	No individual aboveground oil containers greater than 5,000 gallons;	**Tier I Qualified Facility:** Complete and self-certify Plan template (Appendix G to 40 CFR part 112) in lieu of a full PE-certified Plan or other self-certified SPCC Plan.
	Any individual aboveground oil container greater than 5,000 gallons;	**Tier II Qualified Facility:** Prepare a self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B or C of the rule, in lieu of a PE-certified Plan.

Additional Requirements:

Oil Inventory

Mapping of Potential Release Outlets

Emergency Spill Procedures

Inspections

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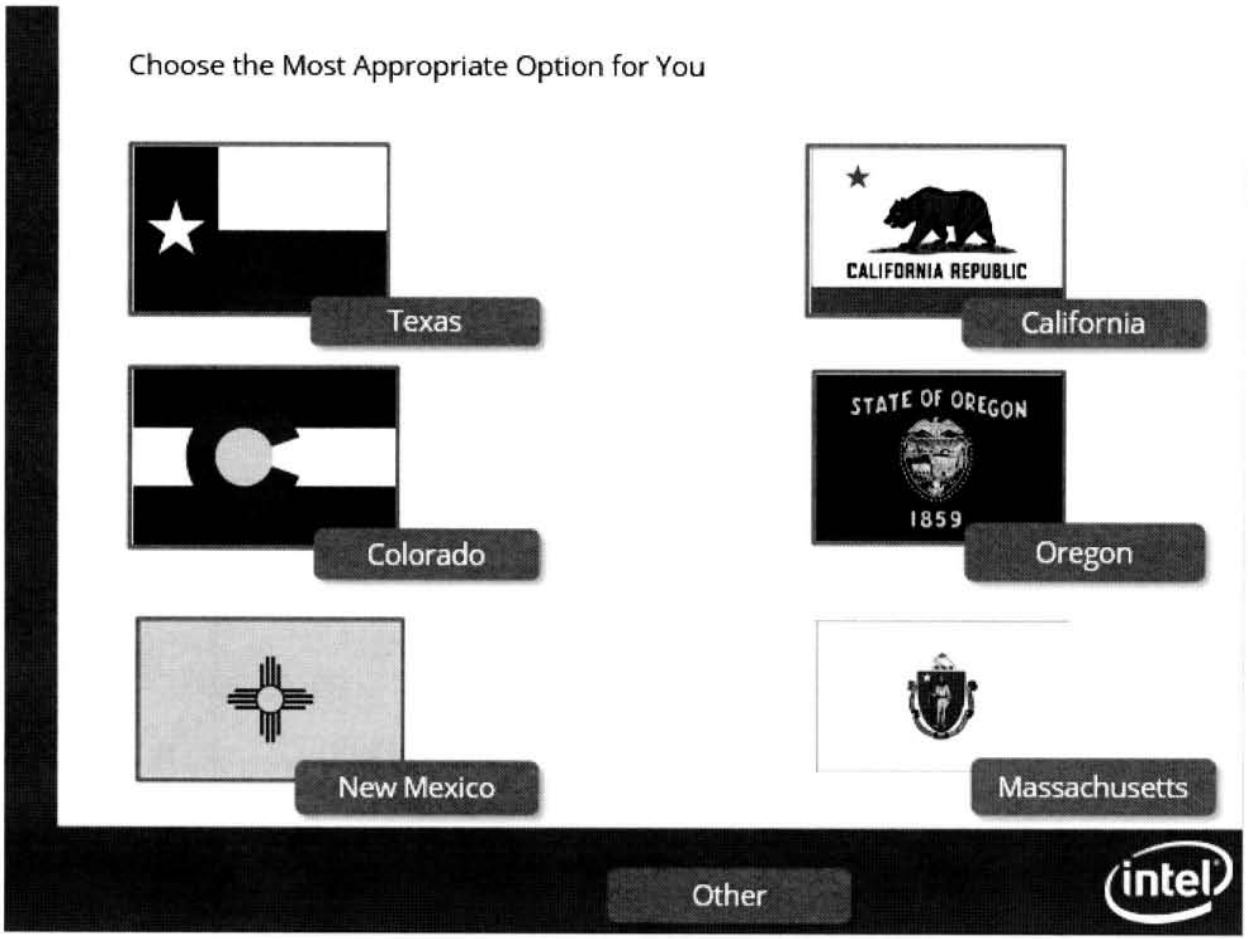
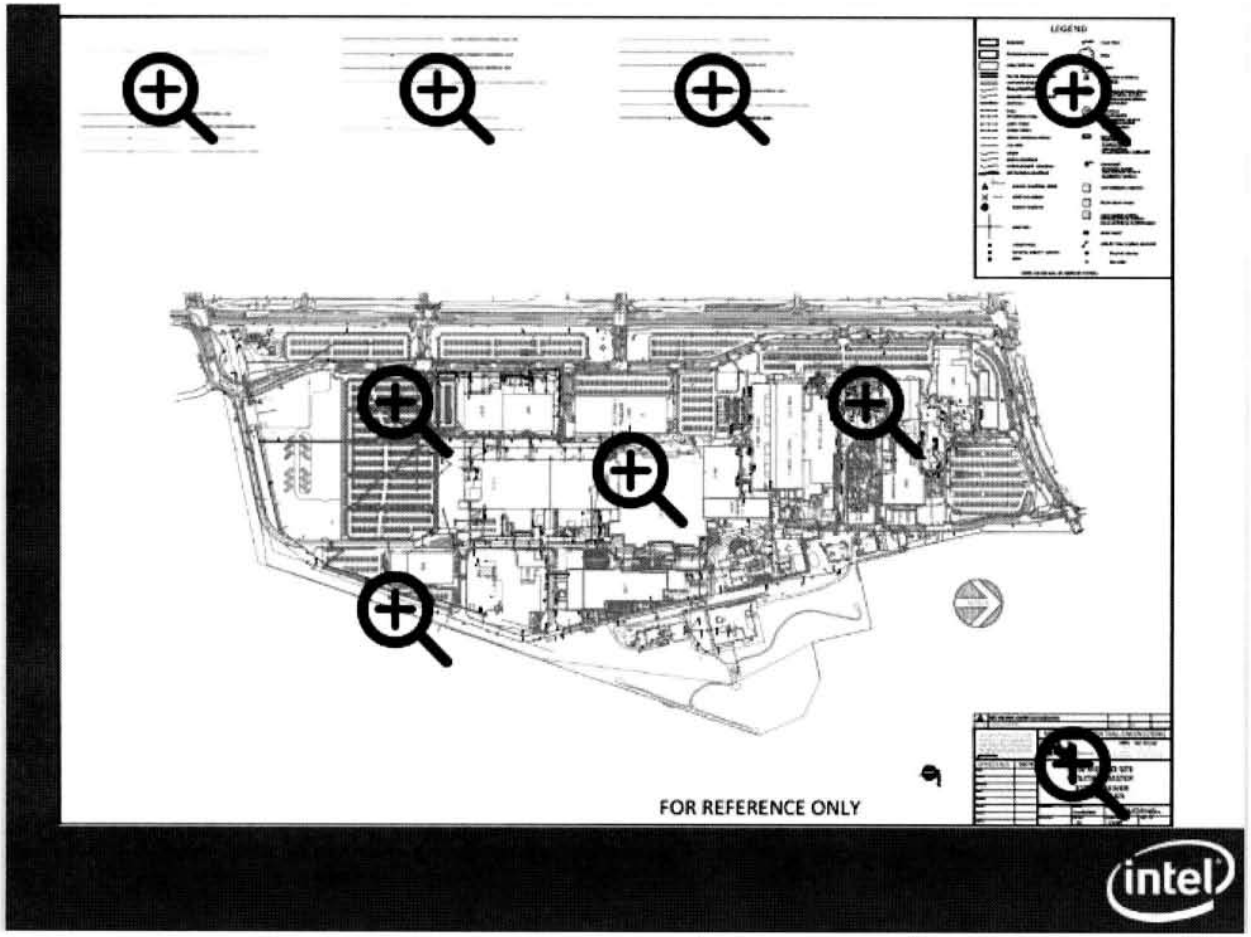
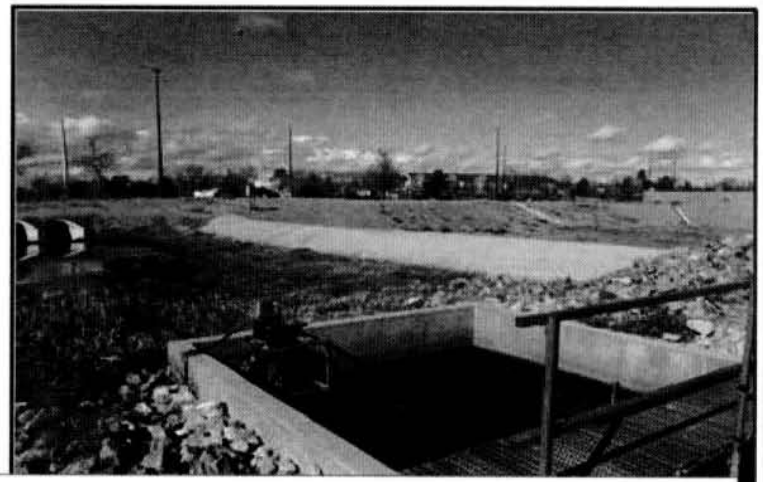
Choose the Most Appropriate Option for You

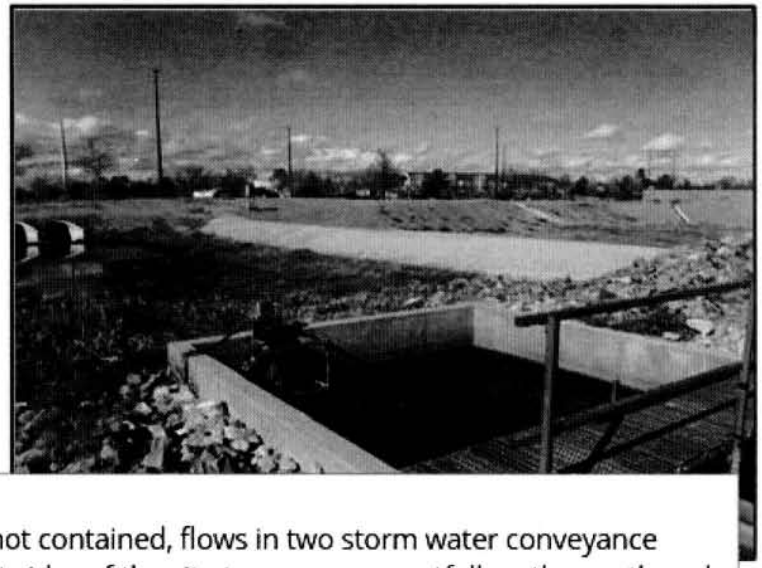



LEGEND
FOR REFERENCE ONLY
intel



- Intel NM is regulated by a Multi-Sector General Permit issued by the EPA. The goal is to comply with the Clean Water Act and minimize exposure of contaminates to precipitation and runoff.
- CS IWS maintains and operates the site storm water equipment.

Water flow from NM Site



- Water from Intel NM that is not contained, flows in two storm water conveyance systems on the east and west sides of the site to a common outfall on the south end of the site.
- Water is discharged through culverts under HWY 528 into the 7-Bar Channel.
- It then travels to Black's Diversion Channel, the Calabacillas Arroyo, and eventually the Rio Grande.

Click next to continue

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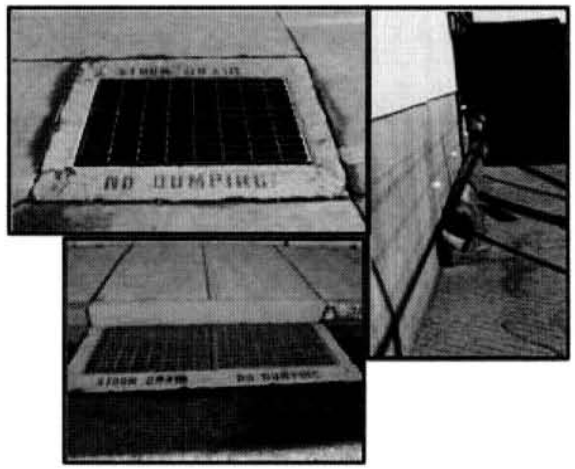
How storm water leaves the site

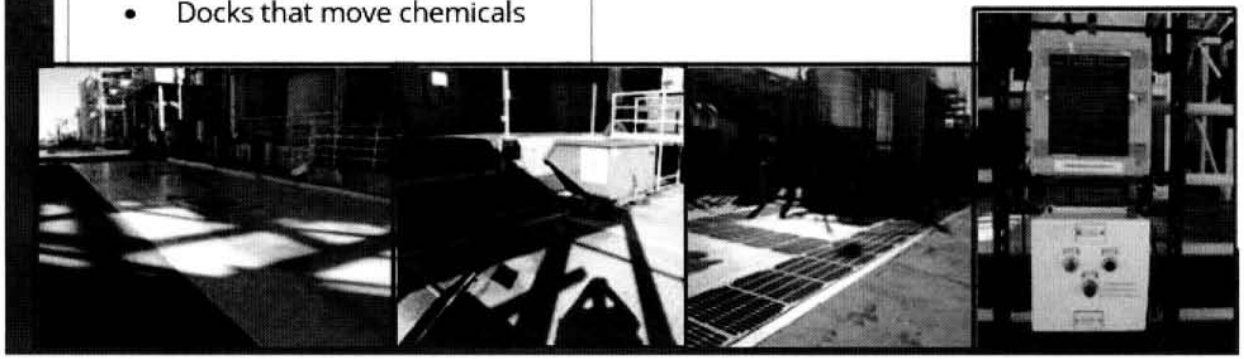
Non-Red Valve locations – no contamination:

- Curb and road drains
- Some Docks
- Roof Drains
- Decommissioned areas

Active Red Valve locations – potential contamination – IWS tests before release:

- Offload pads
- Docks that move chemicals

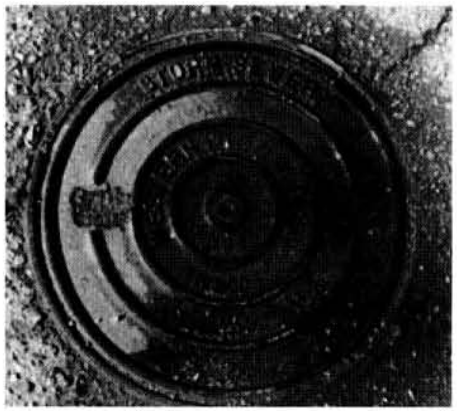




Allowable Discharge

Non-Storm water
- Domestic City Water
- Untreated Well Water
- Fire protection water

Storm water
- Rain & Snow



Click next to continue

Responsibilities

- All NM Site staff, including both Intel employees and contractors, are responsible for storm water pollution prevention, including best management practices and vigilance for and reporting/resolving of potential storm water pollution problems.
- EHS should be notified via email to environmental.notification@intel.com if a potential problem is observed or if you would like to request to discharge to storm water.
- ERT should be notified if an immediate issue is observed (a spill, something discharging to storm drain, etc.) by contacting **command center at 893-9999**.
- If there is any significant leak on site that could make its way to the storm drain, IWS should be included in the notification process to ensure that the outfall valve is closed. IWS can be contacted via IWS gang pager at **1-866-296-7554.**

Appendix J

Intel New Mexico Site Stormwater Inspection Forms & Intel New Mexico Site SPCC Inspection Forms

QX 20XX – Quarterly Storm Water Site Audit Form

Auditor: _____

Signature: _____

Date/Time: _____

Weather Conditions: _____

Storm Water Management Locations

Figure #	Description / Location	Inspection Questions	Y, N, N/A	Area Owner Group	Rounds Owner	Closure Status / ECD
1	North Storm water Detention Pond (Pond eliminated, flow through basin)	Is the storm drain in the basin free of debris and able to flow freely?		EHS	N/A	
		Is the storm drain equipped with a medallion?		EHS	N/A	
		Is area surrounding basin free from trash/debris/leaves?		EHS	N/A	
		Is the basin landscaping/housekeeping in good condition, i.e. vegetation is <2' tall on average and basin is free of trash?		EHS	N/A	
2	RR4 Warehouse Shipping and Receiving Dock (Dock 5)	Are the storm drains in the area free of debris and able to flow freely?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
3	Fab 7 Back Dock (Dock 6)	Are the storm drains in the area free of debris and able to flow freely?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
4	Fab 7 Chemical Transfer Dock (Dock 3)	Are the storm drains in the area free of debris and able to flow freely?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
5	Fab 11W Chemical Transfer Dock (Dock 2)	Are the storm drains in the area free of debris?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
6	F7 North Dock	Are the storm drains in the area free of debris and able to flow freely?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
7	Fab 11W Emergency Generator Diesel Fuel Storage Facility (Dock 2)	Are the storm drains in the area free of debris and able to flow freely?		Electrical	UPW/IWS	
		Are the storm drains equipped with a medallion?		Electrical	UPW/IWS	
		Is surrounding area free from trash/debris/leaves?		Electrical	UPW/IWS	
		Is the area free from evidence of Diesel Generator Leaks?		Electrical	UPW/IWS	
8	Fab 11W Shipping and Receiving Dock (Dock 7)	Are the storm drains in the area free of debris and able to flow freely?		EHS	N/A	
		Are the storm drains equipped with a medallion?		EHS	N/A	
		Is surrounding area free from trash/debris/leaves?		EHS	N/A	
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?		EHS	N/A	
9	Fab 11N Emergency Generator Diesel Fuel Storage Facility (Dock 8)	Are the storm drains in the area free of debris?		Mechanical	UPW/IWS	
		Are the storm drains equipped with a medallion?		Mechanical	UPW/IWS	
		Is surrounding area free from trash/debris/leaves?		Mechanical	UPW/IWS	
		Is the area free from evidence of Diesel leaks within containment?		Mechanical	UPW/IWS	
		Is the area outside of the containment free from evidence of recent spills/leaks, i.e. vehicle oil drips?		Mechanical	UPW/IWS	

10	Fab 11N Chemical Transfer Dock/Service Yard (Dock 8)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
11	Fab 11S Chemical and Hazardous Waste Transfer Dock (Dock 14)	Are the storm drains in the area free of debris?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is containment area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of chemical contamination?	UPW/IWS	UPW/IWS
12	North C4 Tank Vault	Is the vault free of trash/debris/leaves?	UPW/IWS	N/A
		Is the vault free of standing water?	UPW/IWS	N/A
		Is the vault free of biological growth?	UPW/IWS	N/A
13	North Energy Center Transfer Dock	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
14	North Energy Center Cooling Towers	Are the storm drains in the area free of debris and able to flow freely?	Mechanical	N/A
		Are the storm drains equipped with a medallion?	Mechanical	N/A
		Is surrounding area free from trash/debris/leaves?	Mechanical	N/A
		Is the area free from evidence of recent cooling tower spills/leak?	Mechanical	N/A
15	Recycle Yard	Are the storm drains in the area free of debris and able to flow freely?	JLL	N/A
		Are the storm drains equipped with a medallion?	JLL	N/A
		Is the recycle yard area free from trash/debris/leaves?	JLL	N/A
		Is the area free from evidence of recent spills/leaks, i.e. oil, compactors, chemicals, cooling towers, etc.?	JLL	N/A
		Is ice melt properly stored and fully covered?	JLL	N/A
16	CUB Solvent Offload Facility	Are the storm drains in the area free of debris?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	UPW/IWS	UPW/IWS
17	CUB Bulk Chemical Offload Facility	Are the storm drains in the area free of debris?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	UPW/IWS	UPW/IWS
18	CUB Emergency Generator Diesel Fuel Storage Facility	Is containment area free from trash/debris/leaves?	Mechanical	UPW/IWS
		Is the containment and offload area free from evidence of recent spills/leaks, i.e. oil, and diesel?	Mechanical	UPW/IWS
19	Site outfall 5,000-gallon spill containment	Is the outfall sluice gate in an open position?	UPW/IWS	UPW/IWS
		Is the outfall containment and earthen area free of debris/trash?	UPW/IWS	UPW/IWS
		Are the sample bottles empty and clean?	UPW/IWS	UPW/IWS
		Is the sample bottle enclosure free from evidence of animals, i.e. no animal droppings and wires have not been chewed?	UPW/IWS	UPW/IWS
		Is the containment and earthen area free from evidence of chemical contamination (for example oil sheen if water is present)?	UPW/IWS	UPW/IWS
		Is the landscaping (vegetation and grading) maintained such that flow offsite will not be impeded?	UPW/IWS	UPW/IWS
20	CUB Cooling Towers	Are the storm drains in the area free of debris and able to flow freely?	Mechanical	N/A
		Are the storm drains equipped with a medallion?	Mechanical	N/A
		Is surrounding area free from trash/debris/leaves?	Mechanical	N/A
		Is the area free from evidence of cooling tower leaks?	Mechanical	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	Mechanical	N/A
21	Fab11X Emergency Generator Diesel Fuel Storage Facility	Is surrounding area free from trash/debris/leaves?	Mechanical	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	Mechanical	N/A
		Is the area free from evidence of recent diesel spills/leaks?	Mechanical	N/A
22	Fab11X Caustic Offload (Dock 17)	Are the storm drains in the area free of debris?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	UPW/IWS	UPW/IWS
23		Are the storm drains in the area free of debris?	BCD	UPW/IWS
		Are the storm drains equipped with a medallion?	BCD	UPW/IWS

	Fab11X PSSS Chemical Dock (Dock 17)	Is surrounding area free from trash/debris/leaves?	BCD	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	BCD	UPW/IWS
24	Fab11X Hazardous Waste Management Facility (Dock 18)	Are the storm drains in the area free of debris and able to flow freely?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	UPW/IWS	UPW/IWS
25	Fab11X Scrubbers (Dock 16)	Are the storm drains in the area free of debris and able to flow freely?	Mechanical	N/A
		Are the storm drains equipped with a medallion?	Mechanical	N/A
		Is surrounding area free from trash/debris/leaves?	Mechanical	N/A
		Is the area free from evidence of scrubber equipment spills/leaks?	Mechanical	N/A
26	Fab11X Southeast Shipping and Receiving Dock (Dock 19)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
27	Fab11X Southwest Shipping and Receiving Dock (Dock 20)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
28	RR9 Shipping and Receiving Dock (Dock 22)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
29	RR7 Shipping and Receiving Dock (Dock 23)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
30	CUB PSSS Hydrogen Peroxide Offload Facility	Are the storm drains in the area free of debris?	BCD	UPW/IWS
		Are the storm drains equipped with a medallion?	BCD	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	BCD	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	BCD	UPW/IWS
31	CUB Trimix Caustic Offload Facility	Are the storm drains in the area free of debris?	UPW/IWS	UPW/IWS
		Are the storm drains equipped with a medallion?	UPW/IWS	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	UPW/IWS	UPW/IWS
32	CUB Hoist Pit	Is the hoist pit free from trash/debris/leaves?	UPW/IWS	UPW/IWS
		Is the hoist pit free from evidence of chemical contamination?	UPW/IWS	UPW/IWS
33	CUB Cooling Tower Dock	Are the storm drains in the area free of debris and able to flow freely?	Mechanical	UPW/IWS
		Are the storm drains equipped with a medallion?	Mechanical	UPW/IWS
		Is surrounding area free from trash/debris/leaves?	Mechanical	UPW/IWS
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	Mechanical	UPW/IWS
34	F11 East Dock (Dock 11)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
35	F11N Chemical Offload (Dock 10)	Are the storm drains in the area free of debris and able to flow freely?	EHS	N/A
		Are the storm drains equipped with a medallion?	EHS	N/A
		Is surrounding area free from trash/debris/leaves?	EHS	N/A
		Is the area free from evidence of recent spills/leaks, i.e. vehicle oil drips, compactors, trash/recycling containers?	EHS	N/A
		Is the kitchen grease secondary containment free of contamination?	EHS	N/A
		Are the kitchen grease drums clean, in good condition, and properly sealed?	EHS	N/A
36	Chemical Storage Cages	Are the storage cages free from evidence of chemical leaks/spills?	EHS	N/A
		Are the chemical storage cages generally tidy?	EHS	N/A

Other Areas Observed with Comments:

Visual Inspection Certification

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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, 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.

Print Name _____ Title _____

Signature _____ Date _____

DIESEL TANK SECONDARY CONTAINMENT/ TRANSFORMER INSPECTION CHECKLIST

To inspect the integrity of tanks, containment, and piping for the large diesel tanks, Diesel generator Day Tanks, Fire protection Diesel tanks and the oil filled transformers. Inspection addresses the Spill Prevention, Control, and Countermeasures regulation (CFR 112.8(c)(6))

DATE INSPECTED: _____

NAME OF INSPECTOR(S): _____

SIGNATURE OF INSPECTOR(S): _____

DIESEL TANK CONTAINMENT PM (Fab 7 Diesel Fuel Storage and Pumping Facility, Temporary Diesel Fuel Storage South of NEC, Fab 11West Emergency Generator Diesel Fuel Storage Facility, Fab11 North Emergency Generator Diesel Fuel Storage Facility, Central Utility Building (CUB) Emergency Generator Diesel Fuel Storage Facility, Fab 11X Emergency Generator Diesel Fuel Storage Facility, Diesel Generator Day Tanks, Diesel Generator Crankcase Oil, and North and South Fire Pump Diesel Tanks)

1. Check tanks, valve, piping, and piping support for leaks or signs of deterioration which might cause a spill (weld breaks, cracks, corrosion, etc.)

2. Check tank liquid level gauge verify it is legible and in good working condition.

3. Check overfill equipment "test button" to confirm operable, if applicable.

4. Check valves and tanks for discoloration, corrosion, drips, and stains.

5. Check footing of tank support system for signs of deterioration (cracks, etc.).

6. Insure there is not accumulation of oil inside the containment area. Follow the site spill response and storm water management protocol if liquid is present.

7. Check condition of containment for cracks, holes, loss of protective coating, etc.

8. Check housekeeping of containment area (cleanliness, no litter, etc.)

9. Check that the system is free from any other conditions that need to be addressed for continued operation safe operation.

Generator Name	Location	Diesel in Day Tank (gal)	Motor Oil in Crankcase (gal)	Inspection Findings
F7 Nikon Generator	Southwest of RR2	75	46	
9.2 Generator	Northwest of RR3	75	46	
9.25 Generator	East of RR3	75	45	
N. Fire Pump	N Fire Pump House	280	10	
S. Fire Pump	S Fire Pump House	400	16	
F11NX 1	CUB	150	106	
F11NX 2	CUB	150	106	
F11NX 3	CUB	150	106	
F11NX 4	CUB	150	106	
F11NX 5	CUB	150	250	
F11NX 6	CUB	150	250	
F11X 1	South of CUB	150	106	
F11X 2	South of CUB	150	106	
F11X 3	South of CUB	150	106	
F11X 4	South of CUB	150	106	

Comments on Findings:

Notes:
Demolished/decommissioned generators and transformers on site have been removed from this list.
Inspections to take place annually.
Retain all records for a period of three years.

TRANSFORMERS

1. Cross-check that the oil filled transformers list matches Maximo.

2. Check that the transformers are in good condition with no evidence of leaks.

3. Check tanks, valve, piping, and piping support for leaks or signs of deterioration which might cause a spill (weld breaks, cracks, corrosion, etc.)

4. Check tank liquid level gauge verify it is legible and in good working condition.

5. Check overfill equipment "test button" to confirm operable, if applicable.

6. Check valves and tanks for discoloration, corrosion, drips, and stains

7. Check footing of tank support system for signs of deterioration (cracks, etc.)

8. Insure there is not accumulation of oil inside the containment area, if applicable. Follow the site spill response and storm water management protocol if liquid is present.

9. Check condition of containment for cracks, holes, loss of protective coating, etc.

10. Check housekeeping of containment area (cleanliness, no litter, etc.)

11. Check that the system is free from any other conditions that need to be addressed for continued operation safe operation.

Transformer	Contents	Gallons	Location	Findings
T-1	NON-PCB	291	WEST OF NEC	
T-2	NON-PCB	271	SOUTH OF FAB 7	
T-3	NON-PCB	208	SOUTH OF FAB 7	
T-4	NON-PCB	208	SOUTH OF FAB 7	
T-5	NON-PCB	304	SOUTH OF FAB 7	
T-6	NON-PCB	227	SOUTH OF FAB 7	
T-7	NON-PCB	378	RR1	
T-8	NON-PCB	378	RR1	
T-9	NON-PCB	860	SOUTH OF FAB 7	
T-10	NON-PCB	860	SOUTH OF FAB 7	
T-11A	NON-PCB	312	SOUTH OF FAB 7	
T-12	NON-PCB	312	SOUTH OF FAB 7	
T-13	NON-PCB	1056	WEST OF NEC	
T-14	NON-PCB	1056	WEST OF NEC	
T-15	NON-PCB	345	WEST OF NEC	
T-16	NON-PCB	345	WEST OF NEC	
T-19	NON-PCB	331	GN2 #1	
T-19A	NON-PCB	200	GN2 #1	
T-20	NON-PCB	690	GN2 #2	
T-20A	NON-PCB	180	GN2 #2	
T-21	NON-PCB	303	NORTH OF FAB 11W	
T-22	NON-PCB	389	NORTH OF FAB 11W	
T-23	NON-PCB	389	NORTH OF FAB 11W	
T-40	< 1 ppm PCB	286	WEST OF SHOP BUILDING	

T-45	< 1 ppm PCB	298	EAST OF DI LINE-UP	
T-46	< 1 ppm PCB	298	EAST OF DI LINE-UP	
APCI-T-1	NON-PCB	2178	AIR PRODUCTS	
APCI-T-1A	NON-PCB	415	AIR PRODUCTS	
APCI-T-2	NON-PCB	2178	AIR PRODUCTS	
APCI-T-2A	NON-PCB	415	AIR PRODUCTS	
T-63	NON-PCB	435	CUB	
T-64	NON-PCB	435	CUB	
T-65	NON-PCB	435	CUB	
T-66	NON-PCB	435	CUB	
T-67	NON-PCB	435	CUB	
T-68	NON-PCB	435	CUB	
T-69	NON-PCB	435	CUB	
T-70	NON-PCB	435	CUB	
T-71	NON-PCB	435	CUB	
T-72	NON-PCB	435	CUB	
T-73	NON-PCB	711	CUB	
T-74	NON-PCB	711	CUB	
T-107	NON-PCB	260	WELL #2	
T-108	NON-PCB	260	WELL #3	
T-109	NON-PCB	333	WELL #1	
T-114	NON-PCB	604	SOUTH OF FAB 7	
T-117	NON-PCB	348	SOUTHEAST CORNER RR8	
T-159	< 2 ppm PCB	475	Fab 7 HPDC	
T-160	< 2 ppm PCB	475	Fab 7 HPDC	
T-162	NON-PCB	475	Fab7 HPDC	
T-163	NON-PCB	475	Fab7 HPDC	
T-164	< 2 ppm PCB	475	Fab 7 HPDC	

Comments on Findings:

Notes:

Demolished/decommissioned generators and transformers on site have been removed from this list.
Inspections to take place annually.
Retain all records for a period of three years.

Appendix K

Reportable Quantities and Emergency Release Job Aid

EMERGENCY RELEASE NOTIFICATION

Purpose: To determine the actions and notifications required in the event of a hazardous substance release under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), *40 CFR 302* and Emergency Planning and Community Right-to-Know Act (EPCRA), *40 CFR 355*. This also includes actions and notification required in the event of a release, sabotage, or theft of a Chemical of Interest (COI) which is identified under the DHS Chemical Facility Anti-Terrorism Standards (CFATS) *6 CFR 27*.

Scope: This applies to a hazardous substance stored or generated by Intel that is released to the environment, with or without potential for offsite impact.

GENERAL DESCRIPTION: In the event of a hazardous substance release at or above a reportable quantity within a 24-hour period, notification to the proper authorities is required so that the response may be determined and initiated as soon as possible. This notification serves as a way to help prevent the potential for harm to public health and/or the environment.

It should also be noted that in the event of any liquid release, UPW/IWS is tasked with closing the site Stormwater outfall sluice in case of accidental release to waterways.

Applicable Forms/Documents:

1. **List of Hazardous Chemicals & Reportable Quantities (40 CFR 302.4):**
   http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr302_main_02.tpl
2. **Emergency Planning and Notification, Appendix A (40 CFR 355):**
   http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr355_main_02.tpl
3. **Chemical Facility Anti-Terrorism Standards (6 CFR 27):**
   http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title06/6cfr27_main_02.tpl
4. **Notice of Discharge to Surface Waters (NMAC 20.6.2):**
   http://www.nmcpr.state.nm.us/nmac/parts/title20/20.006.0002.htm
5. **Reporting Requirements for Continuous Releases of Hazardous Substances:**
   http://www.epa.gov/superfund/policy/release/faciliti.htm
6. **EPCRA Emergency Release Notification Requirements (Section 304):**
   http://www.epa.gov/osweroe1/content/epcra/epcra_report.htm
7. **Reportable Quantities EPA Information Page:**
   http://www.epa.gov/superfund/policy/release/rq/
8. **US Department of Energy RQ Calculator:**
   http://homer.ornl.gov/rq/
9. **NRC Online Reporting Tool:**
   www.nrc.uscg.mil/nrchp.html
10. **RMP*COMP (Used to calculate the distance to the toxic endpoint or other worst case distance):**
    https://cdxnodengn.epa.gov/cdx-rmp-maintain/action/rmp-comp#_ga=1.230416476.1707011766.1393451448
11. **RQ Event Information Form:**
    ENVIRON\CERCLA & EPCRA\Reports\Reportable Quantities
12. **Emergency Response Contingency Plan (ERCP):**
    ENVIRON\Waste\Miscellaneous\Contingency Plan

Definitions:

1. *Release:* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. However, it does not include a release that results in exposure to persons solely within a workplace (with respect to a claim which such persons may assert against the employer of such persons); and it excludes emissions from the engine exhaust of a motor vehicle *(40 CFR 302.3)*. EPA has stated in guidance that releases from tanks that are contained within the secondary containment system need not be reported
2. *Continuous Release:* A release of a hazardous substance that is "continuous" and "stable in quantity and rate." For example, a continuous release may be a release that occurs 24 hours a day (e.g. a radon release from a stockpile), a release that occurs during a certain process (e.g. benzene released during the production of polymers), or a release that occurs intermittently (e.g. the release of a hazardous substance from a tank vent each time the tank is filled).
3. *Continuous:* A release that occurs without interruption or abatement, or that is routine (i.e., occurs during normal operating procedures or processes), anticipated, intermittent, and incidental to normal operations.
4. *CERCLA Extremely Hazardous Substance (EHS):* a substance listed under *40 CFR 355 Appendix A*.
5. *Non-CERCLA EHS:* have RQs that are the same as the threshold planning quantities (TPQs) assigned to those substances
6. *Reportable Discharge:* A discharge of any material in a quantity that may, with reasonable probability, injure or be detrimental to human health, animal/plant life, or property; or may unreasonably interfere with the public welfare or the use of the property must be reported. This includes chemicals, biohazard materials, petroleum products, and sewage. In addition to recent spills, the discovery of evidence of previous unauthorized discharges, such as contaminated soil or ground water, also must be reported. If you are unsure whether or not you should report a particular release, it is better to err on the side of caution and report it.
7. *Hazardous Substance:* The elements, compounds, and hazardous wastes appearing in *40 CFR 302.4*. Evaluated for six primary criteria, including aquatic toxicity, mammalian toxicity, ignitability, reactivity, chronic toxicity, and potential carcinogenicity. A primary RQ is set for each criterion.
8. *Unlisted hazardous substances:* A solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the Act if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.
9. *Into the Environment:* As stated in §101(8) of CERCLA, "the environment" includes all environmental media (i.e., air, water, land surface and subsurface strata). Releases to the environment do not include releases that are wholly contained inside a closed containment structure, such as a building or an enclosed vehicle. Hazardous substances discharged in buildings or vehicles with active vents or openings, however, may become releases into the environment. Mere exposure of a hazardous substance to the environment constitutes only the threat of a release unless the substance volatilizes or otherwise enters the environment.

Determining what constitutes "into the environment" is often left to be resolved on a case-by-case basis.

10. *Mixture Rule (CWA & RCRA):* If a mixture of hazardous substances or EHSs is released and the concentration of all hazardous substances and EHSs in the mixture are known, the CWA mixture rule may be used to calculate whether an RQ of any hazardous substance or EHS has been released.
11. *Stable in quantity and rate:* A release that is predictable and regular in the amount and rate of emission.
12. *RCRA Characteristic Wastes:* Unlisted wastes exhibiting the characteristics of ignitability, corrosivity, and/or reactivity (ICR) have a RQ of 100 pounds. If a waste known to be hazardous solely because of the characteristic of ignitability was released into the environment, the RQ would be 100 pounds. If an unlisted ICR waste is analyzed and the concentrations of all of its hazardous components are identified, the waste is no longer an unlisted waste, but one characterized by its components. Therefore, the RQ of the specific listed components of the hazardous substance can be used to determine when reporting is required.
13. *Reportable Quantity (RQ):* The quantity of a hazardous substance which requires notification in the event of a release. Listed hazardous substances have a unique RQ for each substance. Unlisted hazardous substances designated by *40 CFR 302.4* have the reportable quantity of 100 lbs., except for those unlisted hazardous wastes which exhibit toxicity identified in 261.24.
14. *Statutory RQ:* Congress established RQs for hazardous substances that are enforceable until EPA sets a final RQ for the substance. The statutory RQ is one pound (CERCLA §102(b)) for all hazardous substances unless a higher RQ had already been established under the CWA. The statutory RQ for non-CERCLA EHSs is also one pound (EPCRA §304(a) (2)).
15. Threshold Planning Quantity (TPQ): Community Right-to-know threshold quantities for chemicals stored onsite, above which facilities must submit annual Tier II & quarterly MSDS chemical inventory reports to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department. The amount is maintained on the latest List of Lists (LOL) issued by the EPA, and for Extremely Hazardous Substances (EHSs) is either 500 lbs. or the TPQ, whichever is lower. For chemicals not listed on the LOL, the default threshold quantity is 10,000 lbs.

Frequency/Due Date: Non-routine

Fee Requirements: Not Applicable

Key Contacts:

1. Command Post/Emergency Operations Center
   External: (505) 893-9999
   Internal: 3-9999
2. EHS Manager
   Frank Gallegos
   Cell: (505) 794-4923
3. CS Manager On-Call Phone:
   (505) 850-9338
   https://sharepoint.amr.ith.intel.com/sites/CS-FSMTD/NM/SitePages/EZ%20Find.aspx

4. EPCRA/CERCLA Owner
   Amy Reed
   Cell: (972) 658-1758
5. UPW/IWS Manager
   Brian Freeman
   Desk: 505-991-7612
   Cell: 505-794-7638
6. Site CS Manager
   Mindy Koch
   Work: (505) 794-4908
   Cell: (505) 400-9744
7. National Response Center (NRC) (24 hours): 1-800-424-8802
8. NM State Police Headquarters: (505) 827-9300
   After Hours (Emergency 24-hour): (505) 827-3476
9. Sandoval County Emergency Manager – Seth Muller
   Albuquerque/Bernalillo County Local Emergency Planning Committee (LEPC)
   24-hr Emergency Hotline: 505-891-7226
   Normal: (505) 771-7197
10. State Emergency Response Commission (SERC), NM DHS & EM
    24-hr Emergency Hotline: 1-800-476-9600
    24-hr EOC: (505) 476-9635
    Normal: (505) 476-9628
11. NMED Notification of Spills and Unauthorized Discharges
    Emergencies (24 hour): (505) 827-9329
    Non-Emergencies (24 hour): (866) 428-6535
    Non-Emergencies on-duty NMED staff member (normal business hours): (505) 476-6000
12. EPA, Region 6
    CR-ERNS Coordinator
    Chief, Emergency Response Branch
    1445 Ross Avenue, Suite 1200
    Dallas, TX 75202-2733
    Main Office: 1-800-887-6063
    (214) 665-2292
12. DHS National Infrastructure Coordinating Center (NICC)
    (202) 282-9201
    nicc@dhs.gov
13. Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
    Travis Peacock – ABCWUA Industrial Pretreatment Engineer
    Work: (505) 289-3439
    Mobile: (505) 274-1820
    Email: tpeacock@abcwua.org
    SWRP Control Room: (505) 289-3411

Program	Agency	Notification Threshold	Notification Requirements & Timeline	Follow Up Reporting	Important Information
CERCLA	NRC	Release of Hazardous Substance at or above the 24-hour Reportable Quantity (RQ)	Call to NRC immediately upon release of a substance above an RQ (within 15 minutes of becoming aware of the reportable release).	As requested	RQ Event Information Form should be filled out to prepare for call; if amount is uncertain, make the call & follow up with known data after.
CERCLA/EPCRA (Continuous Release)	NRC, EPA, SERC, LEPC, NM State Police	Release of Hazardous Substance or Extremely Hazardous Substance (EHS) at or above the 24-hour Reportable Quantity (RQ) that is continuous and stable in nature; does not apply to unanticipated incidents (see procedure).	Call to all agencies must be made as soon as establishing a basis for release at or above the 24-hour RQ that is continuous and stable in quantity and rate (within 15 minutes of becoming aware of the reportable release).	Within 30 days to the EPA Regional Office (CERCLA only), SERC, and LEPC (CERCLA & EPCRA); at the 1-year anniversary of the initial report to the EPA Regional Office (CERCLA only).	30-Day: Provide sufficient information to enable agencies to determine if the release qualifies as a continuous release. 1-Year: Identical to 30-Day but after reassessing the initial continuous release report and information on all substances being released.
EPCRA, RCRA	NRC, SERC, LEPC	Release of Hazardous Substance and/or EHS at or above the 24-hour RQ with the potential for offsite impact or endangers drinking water.	Call to state and local agencies must be made as soon as becoming aware that an RQ has been exceeded (within 15 minutes). NRC must be called per 264.56(d) and 265.56(d). A call to 911 satisfies transportation-related releases.	As soon as practicable after a release which required NRC, LEPC & SERC notification	Latest information since notification, actions taken to contain the release, known or anticipated health risks, and medical attention necessary
Storm water, RCRA	NRC, NMED	Discharge of water contaminant in any quantity that may injure or be detrimental to human health, property, or the environment; release that poses offsite threat or has reached surface water	Call must be made to NMED Chief of the Ground Water Quality Bureau as soon as possible after becoming aware of discharge (no later than 24 hours). Call to NRC must be made immediately upon discovering the release per 262.34(d)(5)(iv)(C).	Within 1 week written notification; Within 15 days written corrective action report; Additional reporting upon request	Contact information, facility information, date/time/location of discharge, source of discharge, description of discharge (chemical composition), estimated volume of discharge, actions taken to mitigate immediate damage.
SPCC	EPA	Discharge of oil which may affect natural resources belonging to or under management of the United States in quantities that the President determines are harmful.	Call must be made to NRC immediately per CWA 110.3 and 110.6.	As requested	Discharges of oil to navigable waters or adjoining shorelines that 1) violates applicable water quality standards, 2) causes a film or sheen on the surface of the water or adjoining shorelines, or 3) causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.
PST	NMED	Any suspected or confirmed release from Petroleum Storage Tank system. Suspected releases are those where: petroleum is near the tank site, dispensing equipment malfunctioning, failed release detection monitoring test. Confirmed releases are those where: leak or seepage visible, verified presence of petroleum at tank site in soil, as vapor, as stain, as odor.	Call must be made to NMED within 24 hours	Investigation of suspected release & written report within 14 days	Contact information, facility information, date/time/location of discharge, source of discharge, tank system description, description of discharge (chemical composition), estimated volume of discharge, actions taken to mitigate immediate damage

Program	Agency	Notification Threshold	Notification Requirements & Timeline	Follow Up Reporting	Important Information
Wastewater	ABCWUA	Any accidental or slug discharge to the sanitary sewer, or any substantial change in volume as outlined in the Sewer Use and Wastewater Control Ordinance	Call must be made to ABCWUA immediately of an accidental/slug discharge; within 24 hours of any violation of the permitted pH and/or concentration limits.	Within 5 working days of the event	Formal notification includes circumstances and remedies; may include additional monitoring requirements by request from the authority.
Air	NMED	Applicable hourly and annual limits listed in the Site Air Permit per the Excess Emission Regulations 20.2.7 NMAC	Initial report no later than end of the next regular business day after the time of Excess Emission discovery.	No later than ten (10) days after the end of the excess emission.	Specific and detailed information in Subsection B of 20.2.7.110 NMAC
Air (Only Applies to Major Sources - NM currently Minor Source)	NMED	An "emergency" that results in a release that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency.	The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of 20.2.70.302.E.2 NMAC. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.	As requested	Review the requirements outlined in Section B114 Emergencies under Operating Permit No. P257 and 20.2.70.304 NMAC.
RCRA	NMED, EPA	Release from a hazardous waste tank to the environment exceeding one pound	Regulations 264.196(d) and 265.196(d) require reporting to EPA or authorized state agency	Within 24 hours	Release into secondary containment does not constitute a release "into the environment".
RCRA	NMED, EPA	Implementation of ERCP	Immediately for release outside the facility. If the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, they must activate the ERCP and report their findings (NRC, hospital, police, etc...)	Within 15 days after the incident and notation in the operating records.	The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. Release into secondary containment does not warrant ERCP implementation. The plan must be updated if it fails in an emergency.
Security	DHS	Security incident including detection of suspicious person(s), vehicles, devices, or intrusion alarms; only employees who have been CVI trained & certified should be involved in DHS related incidents, including notification.	911 immediately upon detecting security incident; National Infrastructure Coordination Center (NICC) once the incident has concluded and immediate emergencies dealt with; the local FBI Field Office may also be contacted for follow-up investigation.	As requested	Details regarding the incident such as persons involved, event timeline, and any verified loss or theft of dangerous chemicals, such as chemicals of interest (COI).
General	NMED	A discharge of any material in a quantity that may, with reasonable probability, injure or be detrimental to human health, animal/plant life, or property; or may unreasonably interfere with the public welfare or the use of the property, or evidence of previous	Call must be made to NMED emergency/non-emergency hotline as soon as possible after becoming aware of discharge (no later than 24 hours).	As requested	Contact information, facility information, date/time/location of discharge, source of discharge, description of discharge (chemical composition), estimated volume of

Program	Agency	Notification Threshold	Notification Requirements & Timeline	Follow Up Reporting	Important Information
		unauthorized discharges that are discovered must be reported. This includes chemicals, biohazard materials, petroleum products, and sewage. In addition to recent spills, the discovery of evidence of previous unauthorized discharges, such as contaminated soil or ground water, also must be reported. If you are unsure whether or not you should report a particular release, it is better to err on the side of caution and report it.			discharge, actions taken to mitigate immediate damage
OSHA PSM/ CAA RMP 112r	EPA/Fire Department	Accidental Release of a PSM/RMP chemical, or Activation of Local Emergency Plan due to an incident involving these processes (HCl tube trailer & NF3 tube trailer).	Notification required immediately (within 15 minutes). Incident investigation shall begin with 48 hours following an incident.	Update RMP within six months per 40 CFR 68.195 Required Corrections	Accidental release associated with Bulk Anhydrous Hydrogen Chloride (PSM, RMP) & Nitrogen Trifluoride (PSM). Concluding report shall include date on incident, date investigation began, a description of the incident, the factors that contributed to the incident, and any recommendations resulting from the investigation. Incident investigation report shall be retained for at least 5 years.

1. Determine if a Reportable Quantity (RQ) has been exceeded for any listed or unlisted hazardous substances. Refer to *40 CFR 302.4* (CERCLA) and to *40 CFR 355* Appendix A (EPCRA) to determine whether a CERCLA hazardous substance and/or an EPCRA Extremely Hazardous Substance (EHS) has been released to the environment equal to or greater than its reportable quantity.
    - Refer to the "Final RQ" column in Table *302.4* and the "Reportable Quantity" column in *40 CFR 355 Appendix A*.
    - Use the latest version of the List of Lists issued by the EPA (Columns F & G):

Consolidated List
of Lists March 2015.

13. You may also use the online calculators listed in the applicable forms & documents section. The EPA's **RMP*COMP** tool is used to calculate the distance to the toxic endpoint or other worst case distance for listed chemicals/gases and can be useful to quickly calculate expected impact distances.
2. Please note that you need to compare the released amount against two independent threshold lists (EPCRA & CERCLA) so this may not give you all the information you need to make a determination.
3. There are five specific conditions that must be met to trigger the CERCLA requirement for notifying the National Response Center (NRC). There must be a:
    - Release
    - Of a hazardous substance
    - That equals or exceeds a reportable quantity under CERCLA 302.4
    - From a vessel or facility
    - Within a 24-hour period
4. The conditions that trigger notification to the SERC and LEPC under EPCRA are similar to the above CERCLA conditions. There are, however, some important differences. To trigger EPCRA §304 notification there must be a:
    - Release <u>with the potential to affect off-site persons</u>
    - Of a hazardous substance or Extremely Hazardous Substance (EHS)
    - That equals or exceeds a reportable quantity under CERCLA 302.4 or EPCRA 355.A
    - From a facility at which a hazardous substance or extremely hazardous substance is produced, used, or stored
    - Within a 24-hour period
5. CERCLA notification must be determined by whether or not a release from a facility or vessel enters into the environment. If a release does not remain wholly contained within a building or structure, then it is a release into the environment for CERCLA's purposes, whether or not it occurs solely within a workplace (50 FR 13462; April 4, 1985).
6. As a result, a release that is reportable under CERCLA may not be reportable under EPCRA. EPA, however, encourages facilities to report on-site releases under EPCRA §304 if there is any potential for the release to migrate off-site (i.e., via groundwater or air pathways).
7. NMED requires notification of spills and unauthorized discharges of any material in any amount that may injure or be detrimental to human health, animal or plant life, or property, or may unreasonably interfere with the public welfare or the use of property.

8. The mixture rule applies to releases, where only the portion of the listed EHS or hazardous substance can be used in determining exceedance of RQ thresholds. If the mixture concentrations are unknown, the constituent with lowest RQ threshold must be used, assuming 100% of the unknown mixture amount as that substance.
9. Determine if the event requires activation of the site ERCP. Not all ERT call outs will result in implementation of the ERCP, which requires notifications when activated. Examples of emergencies that require implementation of the agency notification/contingency plan portion of the ERCP are:
    - Release of a reportable quantity (RQ) of an extremely hazardous substance (40 CFR 355) or a hazardous substance/hazardous waste (40 CFR 302.4 and ARS 49-284) outside of an "impervious" surface.
    - Release of an extremely hazardous substance (40 CFR 355) or a hazardous substance/hazardous waste (40 CFR 302.4 and ARS 49-284) if the amount expected to evaporate would exceed an RQ.
    - Release of a hazardous waste or hazardous waste constituent that results in an Intel employee requiring off-site medical attention.
    - Release of a hazardous waste or hazardous waste constituent which requires assistance from the Fire Department or other off-site organization for cleanup.

Notification Procedure

1. In the event of a hazardous substance release, the Command Post/Emergency Operations Center notifies the CS on-call manager from a safe location as soon as possible.
2. The CS on-call manager shall then notify the EHS Manager and/or appropriate environmental program owners as follows:
    A. In all Cases, environmental program owner who receives the call shall notify the EPCRA/CERCLA Owner if not already notified.
    B. If release involves surface and/or ground waters, notify the Storm water Owner.
    C. If release involves waste systems and/or materials (hazardous or non-hazardous), notify the Waste Owner.
    D. If release involves the waste water/AWN system, notify the Wastewater Owner.
    E. If event requires the activation of the ERCP, notify the Waste Owner so they may begin RCRA and NMED Hazardous Waste Bureau reporting requirements as needed.
3. Determine if the hazardous substance release is a one-time release or a continuous release. Use the appropriate procedure below based on the determination of the type of release. Please refer to the Definitions section when making this determination.
4. <u>When in doubt, call it in so that you don't have to worry about notification timing requirements for notification. Notification to the NRC is required "immediately" upon becoming aware that an RQ has been released, with interpretation defining this as within 15 minutes of becoming aware of the release exceeding the RQ. Follow up later with any data & additional information you may have which may show you didn't need to notify (this is not penalized).</u>

Hazardous Substance Release (one-time event)

1. When reporting a release, first fill out the RQ Event Information Form on the share drive. The following information is needed prior to contacting any of the above agencies/persons (included on the RQ Event Information Form):
    a. Reporter name, address, and your telephone number
    b. Name and telephone number of the EHS Manager
    c. Name and contact information of the on-scene contact (if applicable)
    d. Specific location of the incident
    e. Date and time the incident occurred or was discovered
    f. Duration of event
    g. Name of the chemical/material released
    h. Source and cause of the release
    i. Total quantity discharged
    j. Medium into which the substance was discharged
    k. Amount spilled into water
    l. Weather conditions
    m. Name of the carrier or vessel, the rail/truck number, or other identifying information
    n. Number and type of injuries or fatalities
    o. Actual or potential hazards to human health and/or the environment
    p. Whether an evacuation has occurred
    q. Estimation of the dollar amount of property damage
    r. Description of cleanup and future cleanup actions
    s. Other agencies notified or about to be notified
2. If an RQ has been met or exceeded under CERCLA (for releases of HS chemicals) or EPCRA (for releases of HS & EHS Chemicals which result in exposure to persons *beyond the boundaries of the facility*), the following authorities must be contacted immediately in the order listed below:
    a. Intel NM command post – ensure the command post notifies 911 for releases with offsite potential. They need to indicate if evacuation is needed so that a reverse 911 notification may be activated for the affected areas
    b. EHS Manager. The EHS Manager will then proliferate to upper management and Intel Legal.
    c. NRC
    d. NMED
    e. NM State Police Dispatch Hotline (for offsite potential only)
    f. SERC (for offsite potential only)
    g. LEPC (for offsite potential only)
3. Once this notification has been completed, the NRC, NMED, SERC, and LEPC will evaluate the need for further response action.
4. Depending on what is released and to what medium, different regulatory agencies may need to be contacted within a certain timeframe. Ensure appropriate program owners are aware of the full impact of a release as soon as possible so they may report within their various reporting timeframes.
5. If the release has led to an occupational fatality, ensure the OH Nurse or Safety Engineer provides a written report within 8 hours of even to the Area Office of OSHA. If the release has led to an accidental injury which involves the in-patient hospitalization of 3 or more

workers, ensure the OH Nurse provides an oral or written report within 8 hours of the event to the Area Office of OSHA.

Continuous Hazardous Substance Release

The purpose of creating a different procedure for continuous releases is to reduce the reporting of predicable release notifications and to alert government officials of releases that may require a timely response action to prevent harm to the public or to the environment. Continuous releases are those that occur without interruption or abatement, or that are routine and are stable in quantity and rate. Unanticipated incidents such as spills, equipment failures, pipe ruptures, or emergency equipment shutdown do not qualify for continuous release qualification. There are three steps in the reporting process:

1. Notify the EHS Manager. The EHS Manager will then proliferate to upper management and Intel Legal.
    a. Initial telephone notification to the NRC, NMED, NM State Police Dispatch Hotline, SERC, and LEPC: The initial telephone notification shall be made as soon as there is sufficient information establishing that the release is continuous and stable in quantity and rate. Include the following information:
    b. Statement that this is an initial telephone notification of a continuous release
    c. Name and location of the facility or vessel responsible for the release
    d. Name and identity of each hazardous substance released.
    e. Provide your name and telephone number, and the name and telephone number of the person in charge of the facility. In this case, give the name and number of the environmental manager.
2. Depending on what is released and to what medium, different regulatory agencies may need to be contacted within a certain timeframe. Ensure appropriate program owners are aware of the full impact of a release as soon as possible so they may report within their various reporting timeframes.
3. Initial Written Report: Within 30 days of the initial telephone call to the NRC, NMED, NM State Police Dispatch Hotline, SERC, and LEPC, an initial written report must be submitted to the following authorities:
    a. EPA Region 6
    b. SERC
    c. LEPC

    Attached in the binder are Continuous Release Forms that may be used for the written reports. The information required in the initial written report can also be referenced in *Reporting Requirements for Continuous Releases of Hazardous Substances.*
3. Follow-up Report: A report must be submitted to the EPA Region 6 office at the one year anniversary of the continuous release. This report is identical to the initial written report except that it is based upon subsequent release data and calculations performed over the year.

Written Follow-Up:

1. If a hazardous substance continuous release occurs, a written report must be submitted within 30 days and at the one-year anniversary to the proper authorities.
2. For a one-time release, the proper authorities will determine if/when a report is needed.

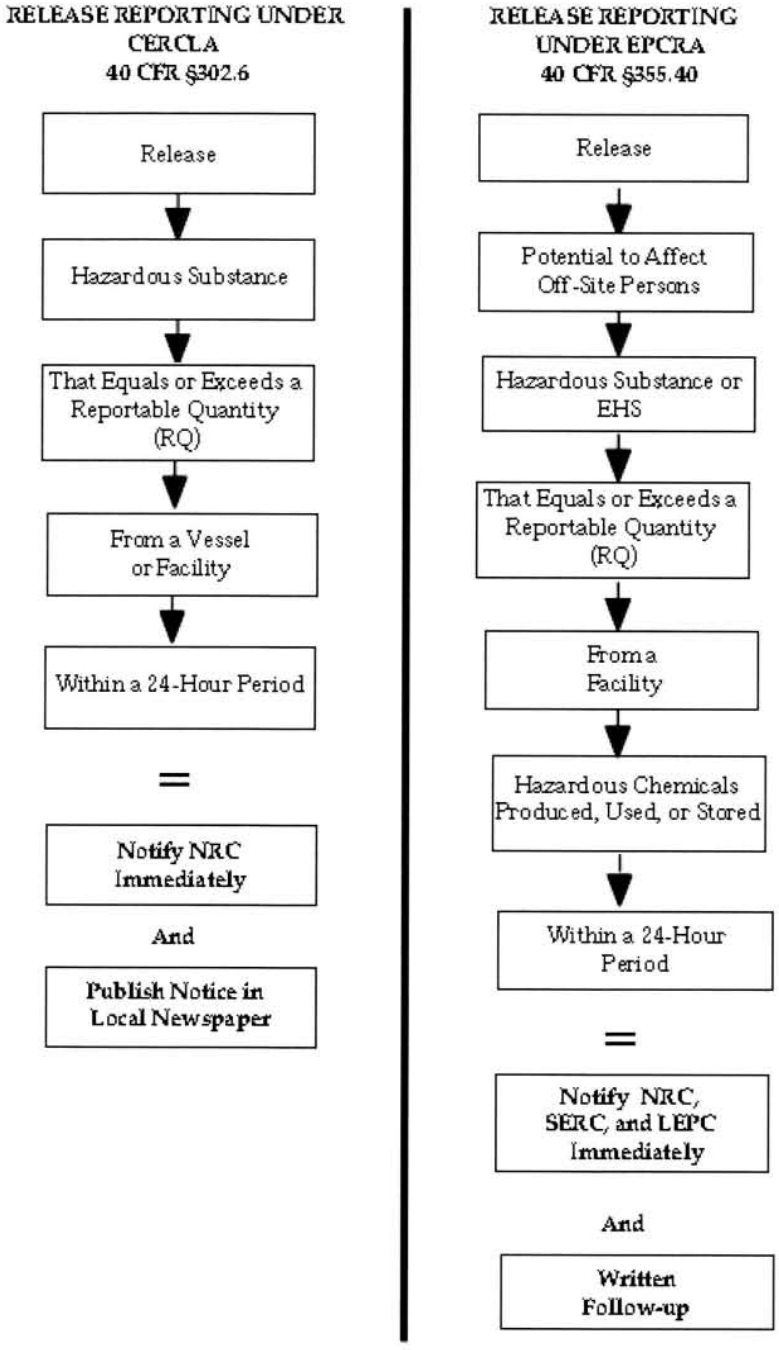
3. As soon as practicable after a release which requires LEPC & SERC notification, written follow-up notices must be provided which include:
    a. Information setting forth and updating the information required for the initial notification
    b. Actions taken to respond to and contain the release
    c. Any known or anticipated acute or chronic health risks associated with the release
    d. Advice regarding medical attention necessary for exposed individuals.

Revisions: The Environmental Group contact shall revise this document on an as-needed basis and review the *40 CFR 302* and *40 CFR 355* to determine if an updated version is needed.

Filing: Any written reports submitted to the proper authorities shall be copied and placed in the environmental files under Section 511: Reportable Events. Security events will be filed in the Site Security Records for CFATS.

Figure 1:

FACILITY REPORTING UNDER EPCRA §304 AND CERCLA §103(a)



Appendix A: Information Requirements for documenting RQ events

NRC Number: 1-800-424-8802
NMED Non-emergency Hotline: 866-428-6535 (voicemail 24 hrs. /day)

1. Prepare the following information for documentation and reporting of any RQ events:
    a. Reporter name, address, and telephone number
    Intel Corporation
    4100 Sara Road, M/S RR5-491
    Rio Rancho, NM 87124
    b. Name and telephone number of the EHS manager
    c. *§265.56(i)(1) & (2):* Name and telephone number of the owner/operator
    d. Specific location of the incident
    e. *§265.56(i)(3):* Date and time the incident occurred or was discovered, and type of incident
    f. Duration of event
    g. *§265.56(i)(4):* Name and quantity of material(s) involved Name of the chemical/material released
    h. Source and cause of the release
    i. Total quantity discharged
    j. Medium into which the substance was discharged
    k. Amount spilled into water
    l. Weather conditions
    m. Name of the carrier or vessel, the rail/truck number, or other identifying information
    n. *§265.56(i)(5):* Number and type of injuries or fatalities
    o. *§265.56(i)(6):* Actual or potential hazards to human health and/or the environment
    p. Whether an evacuation has occurred
    q. Estimation of the dollar amount of property damage
    r. *§265.56(i)(7):* Description of cleanup and future cleanup actions, including amount recovered
    s. Other agencies notified or about to be notified
    On-duty NMED staff member (non-emergency): 505-476-6000
2. Additional information for the written report includes the following:
    a. Actions taken to respond to and contain the release
    b. Measures which have been or will be taken at the Intel facility to avoid a reoccurrence of similar releases

Rev12
Owner: Megan Rosebrough
Date: February 2019
Description: Updated EHS POC to Amy Reed

Rev11
Owner: Megan Rosebrough
Date: November 2018
Description: Updated LEPC and ABCWUA POC information

Rev 10
Owner: Jeff Rudnik
Date: Q1 2017
Description: Added IWS/UPW procedure for stormwater outfall into General Description. Slight formatting updates. Added RQ event reporting template. Added ERCP activation criteria.

Rev 9
Owner: Jeff Rudnik
Date: June 2016
Description: Added RMP*COMP information & link to easily calculate expected impact distances for toxic chemical/gas releases.

Rev 8
Owner: Ashley Walsh
Date: February 2016
Description: Updated contact information

Rev7
Owner: Linda Wong
Date: January 2016
Description: Added wording from NMED website on what kind of discharges need to be reported

Rev6
Owner: Alissa Cramer
Date: November 2015
Description: Made minor modifications detailing calling program owner

Rev5
Owner: Jeff Rudnik
Date: September 2015
Description: Added detail to definitions, reporting matrix table, and RQ determination. Updated contacts. Embedded latest LOL Excel workbook within procedure document.

Rev 4
Owner: Andrew Moen
Date: February 2014
Description: Added reference to Emergency Reporting requirements outlined Section B114 Emergencies by the site P257 Title V Air Permit.

Rev 3
Owner: Jeff Rudnik

Date: July 2013
Description: Added notification table, added definitions, and added Figure 1 for reporting.

Rev 2
Owner: Jeff Rudnik/Alissa Cramer
Date: Dec 2012
Description: Updated the reference websites, key contacts (to include on-call phone), and some language

Rev 1
Owner: Jeff Rudnik
Date: May 2012
Description: Updated owners, contact information, regulation references, instructions for releases to surface waters, and added DHS & reverse 911 notification portions. This procedure will be maintained in the EPCRA/CERCLA folder instead of the Waste ERCP folder moving forward.

Appendix L

EPA Annual Report

Reports are submitted annually through EPA CDX NetMSGP Application and are also maintained on the EHS Sharedrive

Appendix M

Quarterly Stormwater Inspection Results

Quarterly Stormwater Inspection Results for the duration of the permit period are maintained internally on the EHS Share Drive.

Appendix N – Revision History

Date of Change: 5/20/2021

Author: Lauren Gomez

Description of Changes:

Update to Stormwater Management Locations List to remove inactive locations
Generally reordered Appendices to match description of Appendices in Body of SWPPP. Substantive changes to appendices include:
Appendix B – Updated Industrial Area Locations Map
Appendix C – Updated to reference the 2021 MSGP
Appendix D – Added 2015 NOI to Appendix D
Appendix E – Reference to Quarterly Sample Results
Appendix F – Updated with revised Impaired Water Monitoring Procedure
Appendix G – Updated with Revised Containment Structure SOP
Appendix H – Updated with Revised JLL Quarterly Maintenance to include updated stormwater management locations
Appendix I – Updated with revised SW/SPCC Course Material
Appendix J – Updated with revised inspection forms
Appendix M – New Appendix – Reference to Quarterly Inspection Results for duration of permit
Appendix N – New Appendix – Revision Log
Appendix O – Added to include the Endangered Species Assessment and the Historic Properties Evaluation

Do Changes include documentation of corrective actions taken, including corrective actions associated with quarterly stormwater inspection findings?

No

Signature Requirements:

1) If Changes to documentation include Corrective Actions taken, CS Site Manager Signature and date is required below per 2021 MSGP, Appendix B, Subpart 11:

"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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, 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."

N/A – Changes to SWPPP did not include Corrective Actions Taken

CS Site Manager Signature, Date

2) All other changes to documentation require signature of person preparing the change or documentation, per 2021 MSGP, Appendix B, Subpart 11

Signature of person preparing the change or documentation, Date

Appendix O

Endangered Species Assessment and Historic Properties Evaluation

ERM Endangered Species Assessment

ERM

555 17th Street
Suite 1700
Denver, CO
80202

Telephone: +1 303 741 5050
Fax: +1 303 773 2624

www.erm.com

September 22, 2020

Ms. Megan Rosebrough
NM Environmental Engineer
Intel Environmental, Health, and Safety
4100 Sara Road SE
Rio Rancho, NM 87124
Megan.rosebrough@intel.com

Subject: ERM's 2020 Endangered Species Project Review for the Intel's Rio Rancho Facility MSGP
Project No. 0566892

Dear Ms. Rosebrough,

Environmental Resources Management, Inc. (ERM) has been retained by the Intel Corporation (Intel) in support of Intel's updated Notice of Intent (NOI) to file a Multi-Sector General Permit (MSGP) Renewal Application to the Environmental Protection Agency (EPA) for the Rio Rancho Facility (Facility), located at 4100 Sara Road, Rio Rancho, New Mexico 87124 (Latitude: 35.231779, Longitude: -106.654521). In June 2015, ERM performed an assessment of potential impacts associated of the Rio Rancho Facility storm water discharges to endangered species and critical habitat areas located in the vicinity of the Facility, in accordance with the 2015 MSGP.[1] This document provides information and updates to the assessment in support of the renewal process under the Draft 2020 MSGP, Part 1.1.4. Appendix E, Endangered and Threatened Species and Critical Habitat Protection.

In accordance with the 2020 MSGP[2], coverage is available only if the Facility's stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities were the subject of an Endangered Species Act (ESA) consultation or an ESA section 10 permit, or if the stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened ("listed") and are not likely to adversely affect habitat that is designated as "critical habitat" under the ESA (50 CFR 17). The Facility must comply with any measures that formed the basis of eligibility determination in Part 1.1.4. Appendix E, Criterion A-E to be in compliance with the permit. These measures will ultimately become permit requirements per Part 2.3 and documentation of these measures must be kept as part of the Facility's Storm water Pollution Prevention Plan (SWPPP).

[1] ERM. 2015. Request for Endangered Species Act Project Review for the Intel Rio Rancho Facility. Letter Report to Ms. Alissa Cramer, EHS. New Mexico Corporate Services. Dated. January 24, 2015.

[2] Proposed 2020 MSGP: https://www.epa.gov/npdes/proposed-2020-msgp-public-comment

The review criteria within the Draft 2020 MSGP related to endangered and threatened species and critical habitat, as outlined in Part 1.1.4. Appendix E are similar to the 2015 MSGP and the conclusion of the 2015 assessment performed by ERM remains valid.

On September 10, 2020, ERM performed an electronic search of regulatory agency's environmental databases to review whether there have been changes to species listings since June 2015. According to the USFWS Information, Planning, and Conservation System (IPaC)[3] and USFWS critical habitat mapper[4], seven federally listed species are known to occur in the vicinity of the Facility (Table 1). No new species have been added to the protected ESA list since the review in 2015. One candidate species, Sprague's pipit (*Anthus spragueii)*, was listed on 2015 IPaC report. However, the USFWS came to the conclusion on August 5, 2016 that the federal listing/protection of the Sprague's pipit was not warranted.[5] The USFWS maintains designated critical habitat for the Rio Grande Silvery Minnow (*Hybognathus amarus*) located approximately 1.8 miles to the east along the Rio Grande River. Contrary to the 2015 review, previously mapped proposed designated critical habitat for the Yellow Billed Cuckoo (*Coccyzus americanus*) along the river was revised in February 2020, and is no longer present in the area[6].

Based on ecological setting of the area and extent of species preferred habitat, two species have a moderate potential to occur in the vicinity of the Facility, including the Rio Grande Silvery Minnow and the Southwestern Flycatcher (*Empidonax trailii extimus*). The Yellow Billed Cuckoo has a low potential to occur in the vicinity. Each of these species are associated with natural areas of the river or unfragmented areas of native tree habitats. Neither of these habitats occur in and around the Facility, although habitat is potentially present approximately 2.7 miles downstream. Intel continues to implement best management practices and measures that ensure potential contaminants are captured to the greatest extent practicable and not in exceedance of any provided benchmarks, limitations, or guidelines prior to discharge via the drainage canal system.

Attachment A provides additional information from the IPaC and the Biota Information System of New Mexico (BISONM). Attachment B provides figures of the extent of the designated critical habitat Areas as provided by the USFWS.

Updated results of the USFWS and New Mexico Department of Game and Fish (NMDGF) database searches indicate that seven species are federally-listed as either threatened or endangered, as displayed below.

Table 1 presents a summary of the federal and state-listed species, their suitable habitats, and related findings.

---

[3] USFWS IPaC - Information, Planning and Conservation System. 2020. https://ecos.fws.gov/ipac/.

[4] USFWS - Critical Habitat Portal. 2015. https://ecos.fws.gov/crithab/

[5] USFWS - Federal Register Notice. 2016. https://ecos.fws.gov/ecp0/profile/speciesProfile?sId=8964

[6] USFWS - Yellow Billed Cuckoo designation. https://www.biologicaldiversity.org/species/birds/yellow-billed_cuckoo/pdfs/Yellow-billed-cuckoo-proposed-critical-habitat.pdf.

Table 1: Federally Listed Species Known to Occur Near the Rio Rancho Facility

Common Name	Scientific Name	Federal Protection Status	Listed in Bernalillo?	Listed in Sandoval?	Habitat	Likelihood to Occur near Facility
Rio Grande Silvery Minnow	*Hybognathus amarus*	Endangered	Yes	Yes	Large streams with slow to moderate current over a mud, sand, or gravel bottom	Moderate
Jemez Mountains Salamander	*Plethodon neomexicanus*	Endangered	No	Yes	Shady, wooded sites at elevations of 2190-2800 m: mixed coniferous forests dominated by white fir	None
Aplomado Falcon	*Falco fermoralis*	Endangered	Yes	No	Yucca grasslands and adjacent shrubby habitats at lower elevations	None
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Endangered	Yes	Yes	Riparian patches consisting primarily (greater than 90 percent) of native trees	Moderate
Mexican Spotted Owl	*Strix occidentalis lucida*	Threatened	Yes	Yes	Closed-canopy forests: presence of large trees, snags, down logs, dence canopy, and multi-storied conditions within predominately mixed-conifer and pine-oak habitats	None
Yellow-Billed Cuckoo	*Coccyzus americanus*	Threatened	Yes	Yes	Riparian patches with broad-leaf and shrub dominated, greater than 50 acres in size at low to moderate elevations	Low
New Mexico Meadow Jumping Mouse	*Zapus hudsonius luteus*	Endangered	Yes	Yes	Persistent emergent herbaceous and scrub-shrub wetlands associated with river/stream systems up to 8,000 feet elevation	None

CONCLUSIONS

Results of this assessment indicate that the discharges associated with Intel's Facility are not likely to impact these listed species or designated critical habitat. These findings are consistent with the 2015 determination of impacts. Three protected species with moderate and low potential to occur and one designated critical habitat within the review area. Intel continues to implement best management practices and measures that ensure potential contaminants are captured to the greatest extent practicable and not in exceedance of any provided benchmarks, limitations, or guidelines prior to discharge via the drainage canal system.

In conclusion, Intel's Rio Rancho Facility is likely to meet Eligibility Criterion C under Part 1.1.4.Appendix E. Endangered and Threatened Species and Critical Habitat Protection of the Draft 2020 MSGP. In accordance with procedures outlined in the 2020 MSGP, facilities that are may be eligible under Criterion C must submit a completed Criterion C Eligibility Form to EPA a minimum of 30 days prior to submitting the NOI for permit coverage.

Should you have any questions or need additional information, please do not hesitate to contact Sean Casto at (843) 416-5132 or Kurt Parker at (720) 200-7156.

Sincerely,

Sean Casto
Project Manager

Appendix A - Protected Species Information
Appendix B - Critical Habitat Figure
Appendix C - Previous Consultation Documents

Appendix A: Protected Species Information

IPaC **U.S. Fish & Wildlife Service**

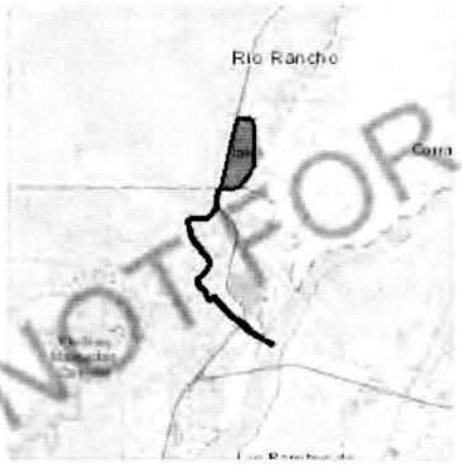
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Bernalillo and Sandoval counties, New Mexico



Local office

New Mexico Ecological Services Field Office

(505) 346-2525
(505) 346-2542

2105 Osuna Road Ne
Albuquerque, NM 87113-1001

http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS

NAME	STATUS
New Mexico Meadow Jumping Mouse Zapus hudsonius luteus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl Strix occidentalis lucida There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher Empidonax traillii extimus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo Coccyzus americanus There is **proposed** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Jemez Mountains Salamander Plethodon neomexicanus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/4095	Endangered

Fishes

NAME	STATUS
Rio Grande Silvery Minnow Hybognathus amarus There is **final** critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1391	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE

Rio Grande Silvery Minnow Hybognathus amarus Final
https://ecos.fws.gov/ecp/species/1391#crithab

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN

THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle Haliaeetus leucocephalus — Breeds Dec 1 to Aug 31
This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1626

Brewer's Sparrow Spizella breweri — Breeds May 15 to Aug 10
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9291

Burrowing Owl Athene cunicularia — Breeds Mar 15 to Aug 31
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9737

Chestnut-collared Longspur Calcarius ornatus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/1680

Grace's Warbler Dendroica graciae — Breeds May 20 to Jul 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Long-billed Curlew Numenius americanus — Breeds Apr 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/5511

Marbled Godwit Limosa fedoa — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9481

Olive-sided Flycatcher Contopus cooperi — Breeds May 20 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3914

Pinyon Jay Gymnorhinus cyanocephalus — Breeds Feb 15 to Jul 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9420

Rufous Hummingbird selasphorus rufus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8002

Virginia's Warbler Vermivora virginiae — Breeds May 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9441

Willow Flycatcher Empidonax traillii — Breeds May 20 to Aug 31
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/3482

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence

across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

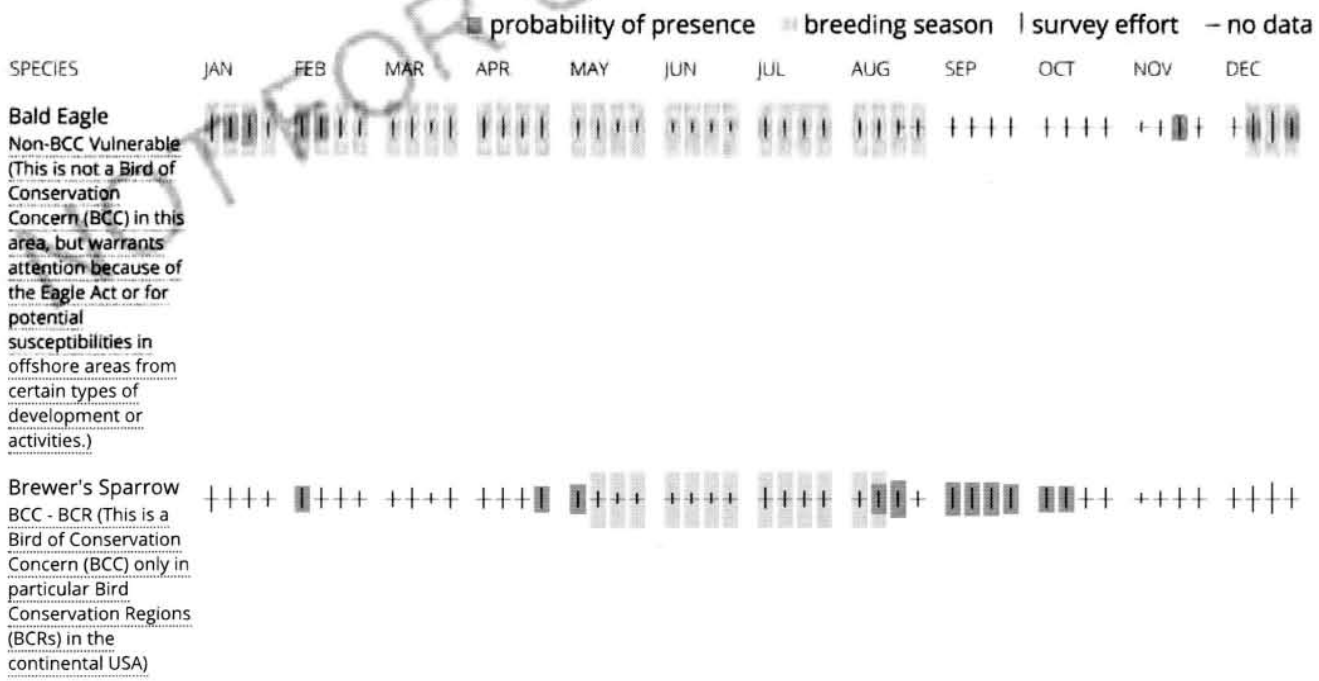
Breeding Season ( )
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

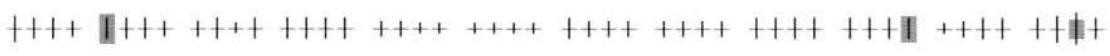
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

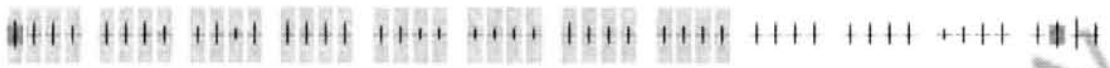


Burrowing Owl
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Chestnut-collared Longspur
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

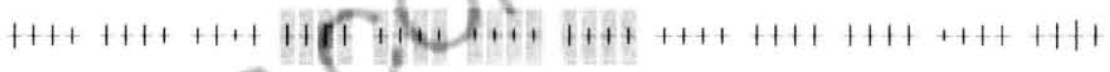


Golden Eagle
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

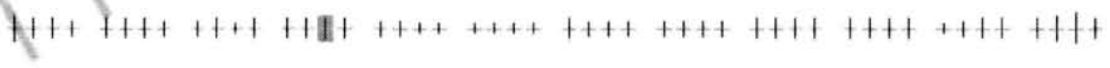


Grace's Warbler
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Long-billed Curlew
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

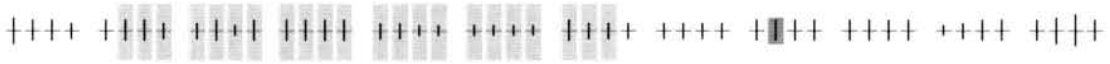


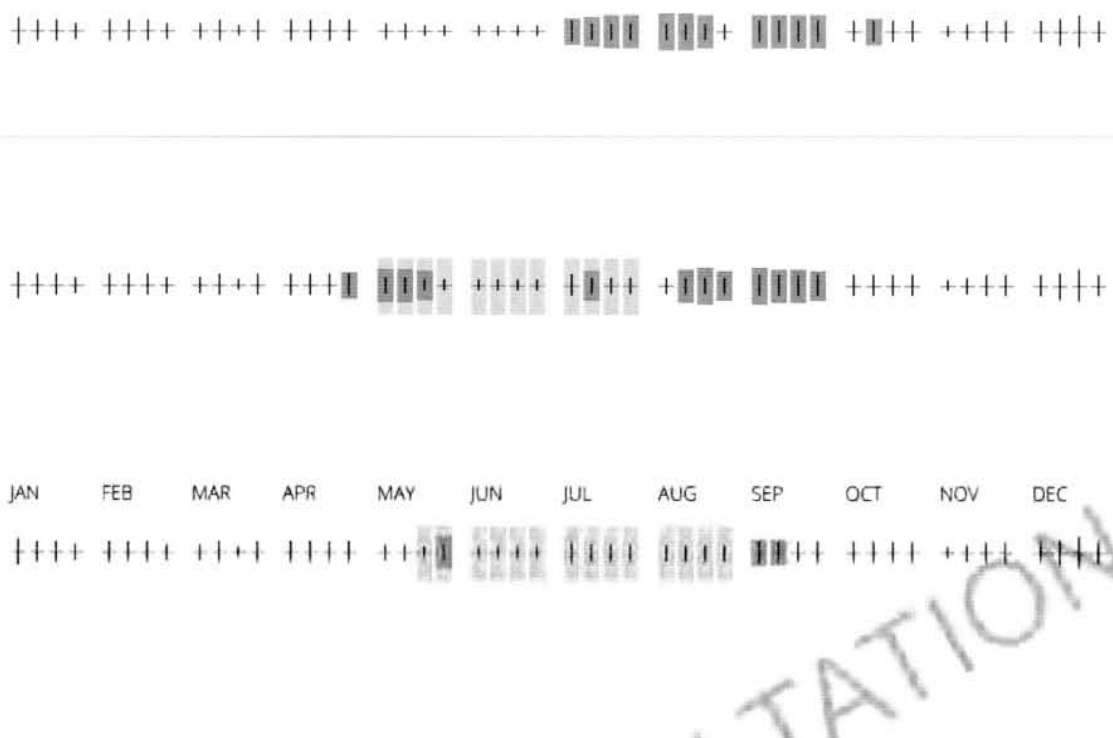
Marbled Godwit
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Olive-sided Flycatcher
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Pinyon Jay
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10

km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

PEM1/SS1A

RIVERINE

- R2UBH
- R4SBJ
- R4SBAx
- R4SBC
- R5UBFx
- R2USA
- R5UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Federal or State Threatened/Endangered Species
Bernalillo

Taxonomic Group	# Species	Taxonomic Group	# Species
Birds	15	Fish	1
Mammals	2		

TOTAL SPECIES: 18

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat	SGCN	Photo
Spotted Bat	Euderma maculatum	T			Y	View
Meadow Jumping Mouse	Zapus luteus luteus	E	E	Y	Y	View
Yellow-billed Cuckoo (western pop)	Coccyzus americanus occidentalis		T		Y	View
Broad-billed Hummingbird	Cynanthus latirostris	T			Y	View
White-eared Hummingbird	Hylocharis leucotis	T				View
Least Tern	Sternula antillarum	E	E		Y	View
Neotropic Cormorant	Phalacrocorax brasilianus	T			Y	View
Brown Pelican	Pelecanus occidentalis	E				View
Bald Eagle	Haliaeetus leucocephalus	T			Y	View
Common Black Hawk	Buteogallus anthracinus	T			Y	View
Mexican Spotted Owl	Strix occidentalis lucida		T	Y	Y	View
Aplomado Falcon	Falco femoralis	E	E		Y	View
Peregrine Falcon	Falco peregrinus	T			Y	View
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y	Y	View
Bell's Vireo	Vireo bellii	T			Y	View
Gray Vireo	Vireo vicinior	T			Y	View
Baird's Sparrow	Centronyx bairdii	T			Y	View
Rio Grande Silvery Minnow	Hybognathus amarus	E	E	Y	Y	View

Federal or State Threatened/Endangered Species
Sandoval

Taxonomic Group	# Species	Taxonomic Group	# Species
Amphibians	1	Birds	12
Fish	1	Mammals	3
Molluscs	2		

TOTAL SPECIES: 19

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat	SGCN	Photo
Spotted Bat	Euderma maculatum	T			Y	View
Pacific Marten	Martes caurina	T			Y	View
Meadow Jumping Mouse	Zapus luteus luteus	E	E	Y	Y	View
Yellow-billed Cuckoo (western pop)	Coccyzus americanus occidentalis		T		Y	View
Costa's Hummingbird	Calypte costae	T			Y	View
Broad-billed Hummingbird	Cynanthus latirostris	T			Y	View
Neotropic Cormorant	Phalacrocorax brasilianus	T			Y	View
Brown Pelican	Pelecanus occidentalis	E				View
Bald Eagle	Haliaeetus leucocephalus	T			Y	View
Common Black Hawk	Buteogallus anthracinus	T			Y	View
Mexican Spotted Owl	Strix occidentalis lucida		T	Y	Y	View
Peregrine Falcon	Falco peregrinus	T			Y	View
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y	Y	View
Gray Vireo	Vireo vicinior	T			Y	View
Baird's Sparrow	Centronyx bairdii	T			Y	View
Jemez Mountains Salamander	Plethodon neomexicanus	E	E	Y	Y	View
Rio Grande Silvery Minnow	Hybognathus amarus	E	E	Y	Y	View
Wrinkled Marshsnail	Stagnicola caperata	E			Y	View
Paper Pondshell	Utterbackia imbecillis	E			Y	View

Appendix B: Critical Habitat Figure

Figure 1
Site Aerial Map
Rio Rancho Facility
Intel Corporation
Bernalillo and Sandoval Counties, New Mexico

ERM *The business of sustainability*

Figure 2
USGS Topographic Map
Rio Rancho Facility
Intel Corporation
Bernalillo and Sandoval Counties, New Mexico

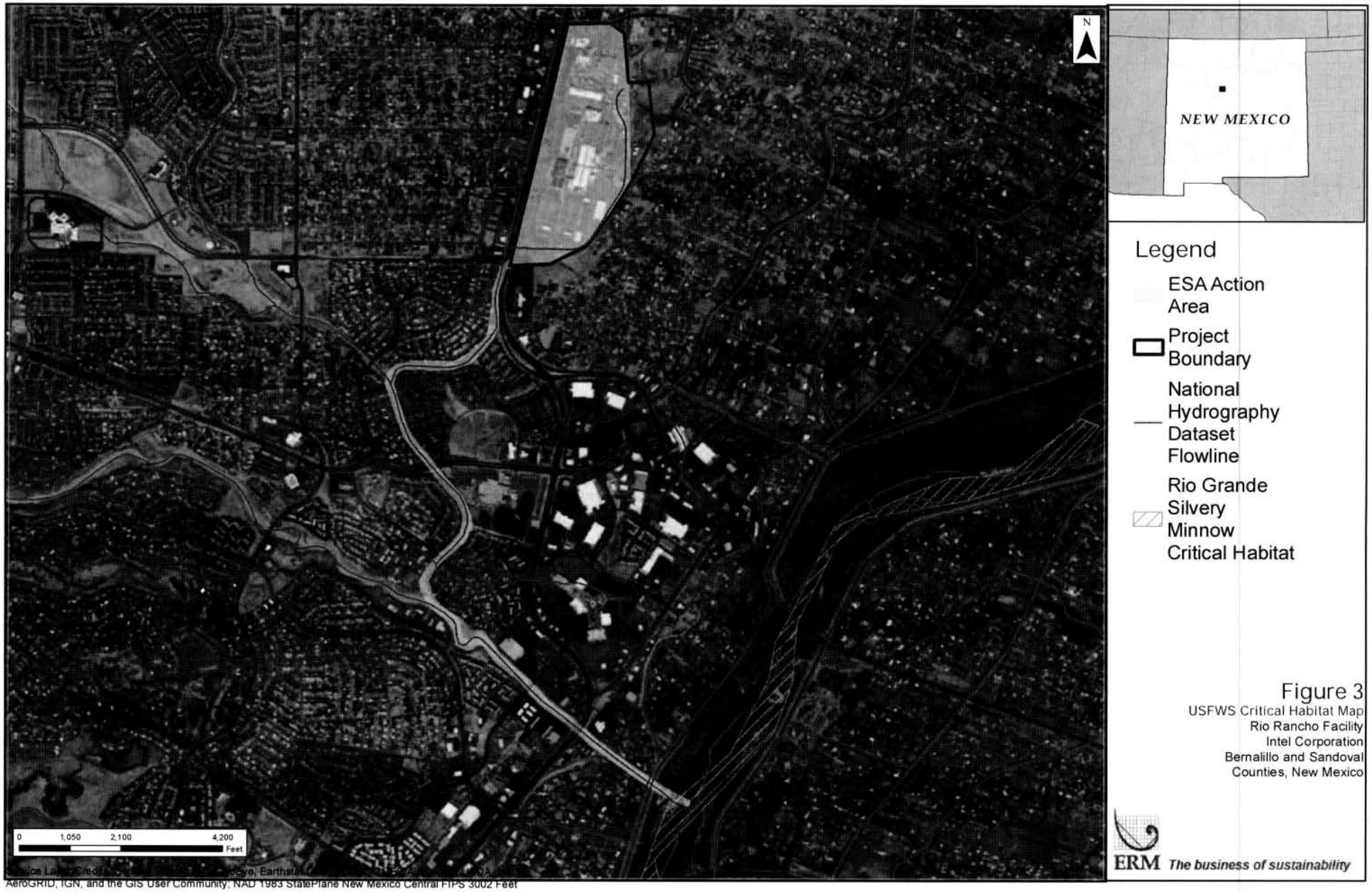


Figure 3
USFWS Critical Habitat Map
Rio Rancho Facility
Intel Corporation
Bernalillo and Sandoval
Counties, New Mexico

ERM *The business of sustainability*

Appendix C: Previous Consultation Documents

Environmental Resources Management
6455 South Yosemite Street, Suite 900
Greenwood Village, CO 80111-4954

(303) 741-5050
(303) 773-2624 (fax)

February 2014

Alissa Cramer
New Mexico Corporate Services,
Environmental, Health and Safety
Intel Corporation
4100 Sara Road
Rio Rancho, NM 87124

Project No. 0114780

Subject: Request for Endangered Species Act Project Review For the Intel Rio Rancho Facility

Dear Ms. Cramer:

Per our conversation on February 4, 2014, Environmental Resources Management (ERM) understands that the Intel Corporation (Intel) plans to submit a 2013 Multi-Sector General Permit Renewal to the Environmental Protection Agency (EPA) for the Rio Rancho Facility located at 4100 Sara Road, Rio Rancho, New Mexico 87124 (Latitude: 35.231779, Longitude: -106.654521). On behalf of Intel, ERM performed a desktop endangered species and critical habitat assessment per requirements provided in Appendix E (Procedures Related to Endangered Species) of the draft 2013 MSGP, in support of the 2013 MSGP renewal filing to the EPA. The results of this desktop assessment are summarized below, with additional detail provided in a memo included as Attachment 1 to this letter.

The Intel facility in Rio Rancho, New Mexico, is one of the company's 300mm semiconductor manufacturing facilities (SIC code 3674, NAICS code 334413), comprised of approximately 184.24 acres. The facility's storm waters collect in an on-site detention basin which conveys stormwater down a slope southwest to the relatively north-south running Black drainage canal. The Black drainage canal intersects the west-east running Calabacillas Arroyo drainage canal after approximately 1.85 miles. The Calabacillas Arroyo continues eastward for 1.3 miles to the Rio Grande River. Both the Black and Calabacillas Arroyo drainage canals are state-managed (Albuquerque Metropolitan Arroyo Flood Control Authority) drainages that convey other storm waters from the southern half of Rio Rancho to the Rio Grande.

The Intel facility is located within the Rio Grande Albuquerque Watershed (8-digit hydrologic unit code (HUC) 13020203) and the larger Town of Corrales-Rio Grande watershed (12 digit HUC 130202030107). The facility's Action Area crosses through Bernalillo and Sandoval County. Additional information as well as figures illustrating the Rio Rancho facility and the Action Area are provided in Attachment 1.

Areas surrounding the Intel facility are primarily developed for residential use, with scrub-shrub vegetative cover. 1.44 miles to the southeast of the facility, as the crow flies, is the Rio Grande River, with associated woody wetlands on either bank.

On behalf of Intel, ERM conducted a desktop protected species and critical habitat analysis, based on current publically available data, maps and information, and an electronic search of environmental data from state and federal agency databases.

Results of the US Fish and Wildlife Service (USFWS) and New Mexico Department of Game and Fish (NMDGF) database searches indicate that five species are listed as either threatened or endangered, as displayed below. Of these five species, two have suitable habitat (based on Natural Resources Conservation Service (NRCS) land use assessments and USFWS critical habitat maps, see Figure 4 inlcuded in Attachment 1) and are likely to occur in or near the Action Area.

Species Common Name	Species Scientific Name	Federal Status	Listed in Bernalillo?	Listed in Sandoval?	Habitat	Likely to Occur?
Rio Grande Silvery Minnow	*Hybognathus amarus*	Endangered	✔	✔	large streams with slow to moderate current over a mud, sand, or gravel bottom	✔
Jemez Mtns. Salamander	*Plethodon neomexicanus*	Endangered		✔	shady, wooded sites at elevations of 2190-2800 m: mixed coniferous forests dominated by white fir	
Aplomado Falcon	*Falco femoralis*	Endangered	✔		yucca grasslands and adjacent shrubby habitats at lower elevations	
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Endangered	✔	✔	riparian patches consisting primarily (greater than 90 percent) of native trees	✔
Mexican Spotted Owl	*Strix occidentalis*	Threatened	✔	✔	closed-canopy forests: presence of large trees, snags, down logs, dense canopy cover, and multi-storied conditions within predominantly mixed-conifer and pine-oak habitats	

ERM determined that while there are two protected species and two critical habitats that are likely to occur in or near the Action Area, Intel's discharges are not likely to impact either these species or their critical habitat.

Discharged water from the Intel facility is visually observed on a quarterly basis for the following parameters: color, odor, clarity, floating solids, settled solids, suspended solids, foam, and oil sheen per the 2008 MSGP requirements. The Intel site has not observed any contaminates that lead site personnel to the belief that any stormwater pollution issues have at any point been or are currently present. Additionally, best management practices are employed to ensure that contaminants in run-off are captured prior to discharge via the drainage canal systems. These controls include:

- A storm water pond designed with a 100-year event capacity;
- The presence of native grasses to capture runoff sediment;
- Site contouring and landscaping to prevent erosion and sedimentation; and
- Throughout the site storm water conveyance system at locations where industrial activities create potential for exposure and at the site outfall, a single-valve pipes are present that can be manually closed for containment in the event of an unexpected spill or discharges.

Based on these management measures, Intel's discharges are not likely to impact these species or their critical habitat. We recommend that Intel seek concurrence with this determination from the USFWS. A letter requesting concurrence with this determination may be provided to the USFWS at:

U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office (NMESFO)
Attn: Biological Science Technician
2105 Osuna NE
Albuquerque, NM 87113

Should you have any questions, or need additional information, please do not hesitate to contact Jessica Stephens at (832) 730-4417, or Kurt Parker at (720) 200-7156.

Sincerely,

ERM-West, Inc.

Kurt Parker
Partner

Memorandum

Environmental Resources Management
6455 South Yosemite Street, Suite 900
Greenwood Village, CO 80111-4954

(303) 741-5050
(303) 773-2624 (fax)

To:	Alissa Cramer – Intel Corporation
From:	Kurt Parker
Copy:	Jessica Stephens
Date:	February 19, 2014
Subject:	Endangered Species Assessment for the Intel Rio Rancho Facility

Intel Corporation's (Intel's) Rio Rancho Facility located in Rio Rancho, New Mexico (Figures 1 and 2, Appendix 1), is currently authorized to discharge storm water associated with the facility's industrial activities under the Environmental Protection Agency's (EPA) 2008 Multi Sector General Permit (MSGP). Although this permit expired in September 2013 and a new replacement permit has not yet been issued, EPA has granted administrative continuance of permit coverage until the new MSGP is issued (anticipated spring 2014), at which time, facilities desiring coverage under the MSGP must submit a Notice of Intent (NOI) to the EPA for permit coverage.

EPA released the draft 2013 MSGP in September 2013. The draft permit contained several modifications to the industry reporting, discharge and resource protection requirements provided in the 2008 MSGP. This included revised eligibility requirements for demonstrating that a facility's storm water discharges do not have the potential to adversely affect endangered species and critical habitat areas.

Intel retained Environmental Resources Management (ERM) to assess potential impacts associated with the Rio Rancho Facility's storm water discharges to endangered species and critical habitat areas located in the vicinity of the facility in accordance with the revised 2013 MSGP requirements. The results of this assessment, including a brief introduction to the 2013 MSGP endangered species and critical habitat assessment requirements, assessment methodology, and impact assessment results, are provided below.

Introduction

On behalf of Intel, ERM performed a desktop endangered species and critical habitat assessment per requirements provided in Appendix E (Procedures Related to Endangered Species) of the draft 2013 MSGP. As provided in Appendix E, permit applicants *must assess potential direct or indirect impacts to threatened and endangered species that have the potential to occur in any areas indirectly or directly impacted by the facility's discharges (also known as the Action Area) due to applicable storm water discharges, discharge-related activities, and allowable non-storm water discharges*. Compliance with this requirement may be demonstrated through one of five (A-E) Eligibility Criteria through execution of an endangered species and critical habitat assessment. ERM understands that Intel intends to demonstrate compliance with this requirement using

Eligibility Criteria C, which states that while protected species may be present, the facility's discharges are not likely to adversely impact these species or habitat.

In 2001, Intel retained Marron and Associates, Incorporated to assess potential impacts associated with the Rio Rancho Facility's storm water discharges to endangered species and critical habitat areas located in the vicinity of the facility (Knight 2001), herein referred to as 'the Knight study'. The Knight study defined the Rio Rancho Facility's storm water discharge Action Area, provided a baseline assessment of potential protected species and critical habitat with the potential to occur within the Action Area, and assessed potential impacts to protected species and critical habitat associated with facility storm water discharges.

ERM utilized the Knight study as the basis for defining the Rio Rancho Facility Action Area and for providing a baseline list of endangered (federally-protected, or 'protected') species and critical habitat to be assessed per the draft 2013 MSGP requirements. The Knight Study results were then paired with additional protected species, critical habitat, land use and water resource data collected by ERM and analyzed via a desktop screening study.

In summary, five protected species were noted as having the potential to occur in the vicinity of the Rio Rancho Facility. Of these five, two were noted as having the potential to occur in or near the Action Area. Additionally, two critical habitats areas were noted in or near the Action Area. Through implementation of Intel's currently practiced management measures such as storm water best management practices, the Rio Rancho Facility's storm water discharges are not likely to adversely affect either the protected species or the critical habitat. Based on this level of analysis, Intel is likely to meet Eligibility Criteria C. Additional consultation with US Fish and Wildlife Services (USFWS) will be required in order to obtain concurrence with this determination.

Methods

As noted, ERM utilized the Action Area defined in the Knight study as the basis for conducting this desktop protected species and critical habitat assessment. ERM then reviewed the following sources to identify which protected species have the potential to occur in the vicinity of the Action Area:

- USFWS Information, Planning, and Conservation System;
- USFWS critical habitat mapper;
- National Marine Fisheries Service (NMFS) protected species lists;
- NMFS critical habitat; and
- NMDGF Biota Information System (BISON-M).

This species information was then paired with U.S. Department of Agriculture's (USDA) Natural Resources Conservation Services (NRCS) land use and land cover datum (Figure 3, Appendix 1) and current aerial images of the Action Area (Figures 1 and 2, Appendix 1) to determine if habitat suitable for the protected species identified had the potential to exist within Action Area. Potential suitable habitat areas as well as critical habitat areas were noted and

compared to each protected species' life history profiles to assess the potential for a species to occur within the Action Area.

The Knight study was also analyzed in conjunction with the desktop assessment in order to determine if potential protected species noted as having the potential to occur within the Action Area had changed over time.

Results

Action Area

As defined in the Knight study, the Action Area for the facility consists of both a 184.24 acre area encompassing the facility itself, in addition to a 3.23 mile stretch that connects the Intel facility to the Rio Grande River via the Black and Calabacillas Arroyo drainage canals (Figures 1 and 2, Appendix 1). Both the Black and Calabacilla Arroyo drainage canals are state-managed (Albuquerque Metropolitan Arroyo Flood Control Authority) drainages that convey other storm waters from the southern half of Rio Rancho to the Rio Grande.

The immediate Intel facility is located within Sandoval County, and houses a storm water detention basin which conveys storm water down a slope southwest to the relatively north-south running state-managed Black drainage canal in Bernalillo County. The Black drainage canal intersects the west-east running Calabacillas Arroyo drainage canal after approximately 1.85 miles. The Calabacillas Arroyo continues eastward for 1.3 miles to the Rio Grande River.

Land Use and Land Cover

Areas surrounding the Intel facility are primarily developed for residential use, with scrub-shrub vegetative cover (Figure 3, Appendix 1). The Intel facility houses a stormwater drainage basin, situated on a hillside (Knight, 2001). Land Use/Land Cover data provided by the USDA NRCS indicates that the dominant land cover of the area west of the Rio Grande is developed for industrial and residential use, with isolated areas of scrub-shrub and pastureland. 1.44 miles to the southeast of the facility, as the crow flies, is the Rio Grande River, with associated woody wetlands on either bank. Rio Rancho consists of approximately 105 square miles, one third of which is developed for residential use, while the majority is undeveloped (City of Rio Rancho, 2010). The economy of Rio Rancho revolves largely around Intel, which as of 2007 was estimated to employ 3,300 people; the second largest employer was the Rio Rancho public school system which employed 1,838 people (RREDC, n.d).

Protected Species

Previous Assessment

The Knight study identified five protected species that were endangered, threatened and or have critical habitat designations in the vicinity of the Action Area. These species included:

- Mexican spotted owl, *Strix occidentalis* (threatened);
- black-footed ferret, *Mustela nigripes* (endangered);

- bald eagle, *Haliaeetus leucocephalus* (threatened- proposed for removal)
- Rio Grande silvery minnow, *Hybognathus amarus* (endangered with critical habitat); and
- Southwestern willow flycatcher, *Empidonax traillii extimus* (endangered).

In addition, the mountain plover (*Charadrius montanus*) was listed as a proposed threatened species, while the whooping crane (*Grus Americana*) was listed as an endangered-experimental population species. Three of these species were noted as having the potential to occur in or near the Action Area: the bald eagle, the Rio Grande silvery minnow, and the southwestern willow flycatcher. The Rio Grande silvery minnow was the only species noted as having habitat in the Action Area.

Current Assessment

ERM noted five protected species as having the potential to occur in the vicinity of the Action Area (i.e., Bernalillo and Sandoval counties), listed as either threatened or endangered, as provided in Table 1. Of these five species, two have suitable habitat (based on NRCS land use assessments and USFWS critical habitat maps, see Figure 4, Appendix 1) and are likely to occur in or near the Action Area.

TABLE 1: Protected Species in the Vicinity of the Action Area

Species Common Name	Species Scientific Name	Previously assessed?	Federal Status	Listed in Bernalillo?	Listed in Sandoval?	Habitat	Likely to Occur?
Rio Grande Silvery Minnow	*Hybognathus amarus*	✔	Endangered	✔	✔	large streams with slow to moderate current over a mud, sand, or gravel bottom	✔
Jemez Mtns. Salamander	*Plethodon neomexicanus*		Endangered		✔	shady, wooded sites at elevations of 2190-2800 m: mixed coniferous forests dominated by white fir	
Aplomado Falcon	*Falco femoralis*		Endangered	✔		yucca grasslands and adjacent shrubby habitats at lower elevations	
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	✔	Endangered	✔	✔	riparian patches consisting primarily (greater than 90 percent) of native trees	✔

Species Common Name	Species Scientific Name	Previously assessed?	Federal Status	Listed in Bernalillo?	Listed in Sandoval?	Habitat	Likely to Occur?
Mexican Spotted Owl	*Strix occidentalis*	✔	Threatened	✔	✔	closed-canopy forests: presence of large trees, snags, down logs, dense canopy cover, and multi-storied conditions within predominantly mixed-conifer and pine-oak habitats	
Black-footed ferret	*Mustela nigripes*	✔	No longer listed in New Mexico			short or middle grass prairies, abandoned prairie dog burrows.	
Bald eagle	*Haliaeetus leucocephalus*	✔	Delisted			densely forested areas of mature trees that are isolated from human disturbance adjacent to shorelines.	

Since the 2001 surveys, comprehensive recovery plans have been released and are underway for the Mexican spotted owl (first final revision of the plan dated 12/18/2012 approved) and the black-footed ferret (second final revision of the plan dated 12/23/2013 approved). The black-footed ferret is no longer listed as protected in New Mexico. Recovery plans provide a specific framework to ensure the continued restoration of a species.

A species is officially delisted when populations are considered stable due to restoration efforts and are no longer protected under the ESA. The bald eagle was federally delisted in August 2007. While this species is no longer considered threatened or endangered, additional frameworks such as the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) or the Migratory Bird Treaty Act continue to provide federal protection to the bald eagle. Assessment of species under the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act was not included as part of the scope of this assessment.

Rio Grande Silvery Minnow

This species was previously assessed in the Knight study. The Rio Grande silvery minnow is a federally endangered species, with the potential to occur in both Bernalillo and Sandoval counties. The Rio Grande silvery minnow's habitat consists of large streams with slow to moderate current over a mud, sand, or gravel bottom. The substrate for the Rio Grande at Rio Rancho is comprised of larger-sized materials including gravel and cobble, in addition to silts and sand (Dudley and Platania, 1997).

The Rio Grande is classified as a critical habitat (Figure 4, Appendix 1) for the minnow and the upper reaches of this critical habitat is located approximately 3.23 miles downstream from the

Intel facility. The Action Area has direct connectivity to the Rio Grande. The Rio Grande at the Calabacillas outfall is narrow due to the sandy delta of the drainage canal, and the River is likely to be slow moving and shallow in this area (Knight, 2001). The minnow has been historically observed both upstream (at the U.S. Highway 550 bridge) and downstream (at the Rio Rancho wastewater treatment facility) (Bureau of Reclamation, 2006). While the Action Area (drainage canal system) does not contain suitable habitat for the minnow, the Rio Grande at the outfall location may contain high-quality habitat for the minnow: this species is likely to occur near the Action Area (Figure 5, Appendix 1).

Jemez Mountains Salamander

The Jemez Mtns. salamander is a federally endangered species, with the potential to occur in Sandoval County. The Jemez Mtns. Salamander's habitat consists of shady, wooded sites at elevations of 2190-2800 m, and mixed coniferous forests dominated by white fir. No suitable habitat for this species exists within the Rio Rancho Facility's Action Area. This species is not likely to occur within the Action Area.

Aplomado Falcon

The Aplomado falcon is a federally listed endangered species with the potential to occur in Bernalillo County. The Aplomado falcon's habitat consists of yucca grasslands and adjacent shrubby habitats at lower elevations. While this habitat exists (NRCS, 2012) approximately 1.4 miles west of the Intel facility, the drainage canals that constitute the Action Area cut through largely developed residential areas. These residential areas are expanding westward, and will likely eliminate the remaining potential habitat for the Aplomado Falcon within Sandoval and Bernalillo counties. The Aplomado falcon's historic range is confined largely to southern New Mexico (TESF, 2014) with the northernmost county being Socorro. This species is not likely to occur within the Action Area.

Southwestern Willow Flycatcher

This species was previously assessed in the Knight study. The southwestern willow flycatcher is a federally endangered species, with the potential to occur in both Bernalillo and Sandoval counties. The southwestern willow flycatcher's habitat consists of riparian patches containing primarily (greater than 90 percent) native trees; this habitat may be found along the Rio Grande edges, which are classified as woody wetland, and appear on the USFWS database as critical habitat for the southwestern willow flycatcher (Figure 4, Appendix 1). The southwestern willow flycatcher is dependent on marshy, wet areas associated with waterbodies for both prey and habitat, and is considered an aquatic-dependent species under MGSP guidelines.

Historically (2004), 12-16 breeding pairs have been identified in San Juan Pueblo (approximately 80 miles north of the Intel facility), and 8-12 breeding pairs have been identified in Isleta Pueblo (approximately 25 miles south of the Intel facility) (Bureau of Reclamation, 2006). The drainage canals that constitute the Action Area cut through largely developed residential areas and shrub areas. At its confluence with the Rio Grande, the Calabacillas Arroyo is a large sandy delta with scattered vegetation. This scattered vegetation is not likely large enough to constitute suitable

habitat for the southwestern willow flycatcher; this species is not likely to occur within the Action Area.

Mexican Spotted Owl

The Mexican spotted owl is a federally threatened species, with the potential to occur in both Bernalillo and Sandoval counties. The Mexican spotted owl's habitat consists of closed-canopy forests and the presence of large trees, snags, down logs, dense canopy cover, and multi-storied conditions within predominantly mixed-conifer and pine-oak forests. According to available data (NRCS, 2012), there are no forests within the Action Area, and consequently no suitable habitat for the Mexican spotted owl; this species is not likely to occur within the Action Area.

Other Species

Ken Salazar, USFWS and WildEarth entered into a settlement agreement in May 2011 under which USFWS agreed to a six-year work plan to address 251 species listed as candidate species on the 2010 Candidate Notice of Review in the Federal Register. In return, WildEarth agreed not to bring further litigation to enforce statutory deadlines under the USFWS's Listing Program. Of these 251 listed species, four species are currently listed by the USFWS as either proposed or candidate species for Bernalillo and Sandoval counties. These include:

Species Common Name	Species Scientific Name	Federal Status	Habitat	Likely to occur?
Sprague's pipit	*Anthus spragueii*	Candidate	open grassland with good drainage and no shrubs or trees	
Yellow-billed cuckoo, Population: Western U.S. DPS	*Coccyzus americanus*	Proposed threatened	dense cover and water nearby- riparian woodlands of willows, cottonwoods and dense stands of mesquite	✔
Rio Grande cutthroat trout	*Oncorhynchus clarkii virginalis*	Candidate	clear, cold water, a silt free rocky substrate in riffle-run areas	
New Mexico meadow jumping mouse	*Zapus hudsonius luteus*	Proposed endangered	tall dense sedges on moist soil along the edge of permanent water, riparian areas along perennial streams	

Of these four species only one, the yellow-billed cuckoo, is likely to occur in or near the Action Area. While no additional level of assessment is required at this time in regards to these species, they may become protected at a later date.

Impact Analysis

Of the protected species discussed, the Rio Grande silvery minnow and the southwestern willow flycatcher are have been identified as having the potential to occur in or near the Action Area. The Rio Grande silvery minnow has the potential to occur at the confluence of the Calabacillas Arroyo and the Rio Grande River.

The Intel facility's storm waters travel through the Black and Calabacillas Arroyo drainage canals to the Rio Grande River. This water is visually observed on a quarterly basis for the following parameters: color, odor, clarity, floating solids, settled solids, suspended solids, foam, and oil sheen per the 2008 MSGP requirements. The Intel site has not observed any contaminates that lead site personnel to the belief that any storm water pollution issues have at any point been or are currently present. . Additionally, best management practices are employed to ensure that contaminants in run-off are captured prior to discharge via the drainage canal systems. These controls include:

- A storm water pond designed with a 100-year event capacity;
- The presence of native grasses to capture runoff sediment;
- Site contouring and landscaping to prevent erosion and sedimentation; and
- Throughout the site storm water conveyance system at locations where industrial activities create potential for exposure and at the site outfall, a single-valve pipes are present that can be manually closed for containment in the event of an unexpected spill or discharges.

Based on these management measures, the Rio Grande silvery minnow is not likely to be impacted by the Rio Rancho Facility's storm water discharges.

The southwestern willow water discharges. flycatcher is likely to occur north of the Rio Grande outfall, along the banks of the Rio Grande River. However its nesting habitat is not likely to be impacted by the facility discharges due to adverse water quality or flooding (Knight, 2001), as the previously mentioned best management practices have been implemented to prevent facility discharges from adversely affecting water quality. Based on these management measures the southwestern willow flycatcher is not likely to be impacted by the Rio Rancho Facility's storm.

Criterion Worksheets

Under Appendix E of the 2013 MGSP, a facility must assess potential impacts to threatened and endangered species due to applicable stormwater discharges, discharge-related activities, and allowable non-stormwater discharges in order to meet one of five (A-E) Eligibility Criteria. This eligibility determination must be completed prior to submitting a NOI for coverage under the 2013 MSGP. The five Eligibility Criteria are as follows:

Criteria	Conditions
A	No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in the Action Area.
B	The industrial activity's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under this permit and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area" (e.g., due to a new species listing or critical habitat designation).
C	Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your facility's "action area," and your industrial activity's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat.
D	Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act (ESA) has been concluded.
E	Your industrial activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the facility's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat.

Based on the level of analysis presented herein, Intel is likely to meet Eligibility Criteria C. Only aquatic/aquatic-dependent species are present in the Action Area, so it is likely that only Section V of the Criterion C worksheet needs to be completed. Additional consultations with USFWS will be required in order to obtain concurrence with the determination provided in this assessment.

Conclusion

Five protected species were noted as having the potential to occur in the vicinity of the Action Area. However, suitable habitat is only available for two of these species, the Rio Grande silvery minnow and the southwestern willow flycatcher, in or near the Action Area. Additionally, two critical habitat areas were noted in the vicinity of the Action Area. Storm water best management practices employed by the Rio Rancho Facility will ensure that facility storm water discharges are not likely to adversely affect these protected species or critical habitat.

Four species were also listed as proposed or candidate species within the USFWS and WildEarth agreement of 2011. Of these four species, the yellow-billed cuckoo is the only species

with suitable habitat in or near the Action Area. No additional assessment is required for the yellow-billed cuckoo at this time; however, additional considerations may need to be taken if the species is listed prior to future permit renewals.

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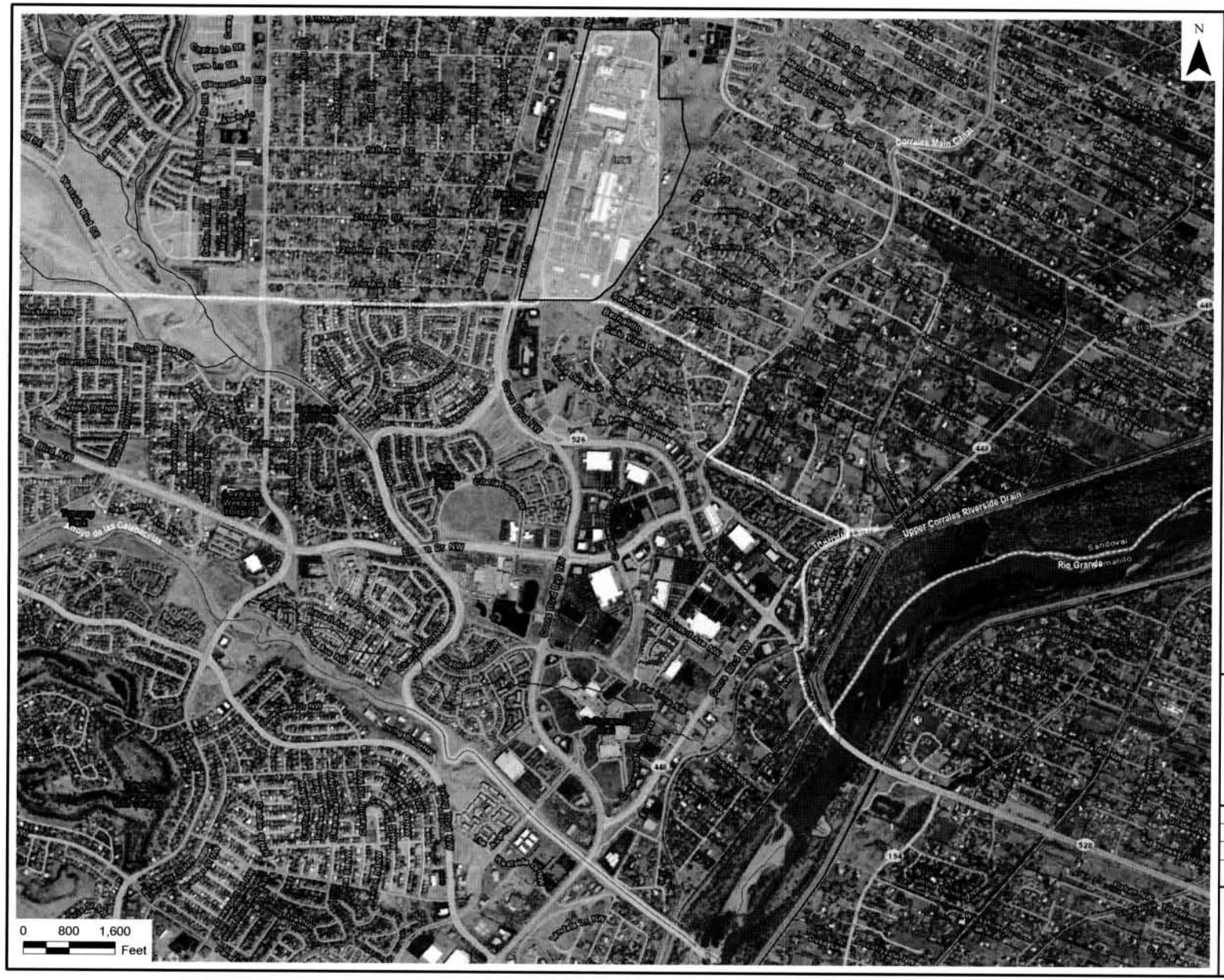
Figures

Appendix 1



Legend

Action Area for Endangered Species Assessment

Property Boundary

National Hydrography Dataset (NHD)

Drainage Network Flowline Layer

Artificial Path

Canal/Ditch

Stream/River

Basemap: National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, iPC. Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom, Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community.
The National Hydrography Dataset (NHD) is a digital vector dataset developed by the U.S. Geological Survey (USGS). The drainage network features shown have not been surveyed.

FIGURE 1
ACTION AREA FOR ENDANGERED SPECIES ASSESSMENT - AERIAL

Rio Rancho Facility

Intel

Sandoval and Bernalillo Counties, New Mexico

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ERM

Environmental Resources Management

Legend

Action Area for Endangered Species Assessment

Property Boundary

National Hydrography Dataset (NHD)

Drainage Network Flowline Layer

Artificial Path

Canal/Ditch

Stream/River

Basemap: National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, iPC.
The National Hydrography Dataset (NHD) is a digital vector dataset developed by the U.S. Geological Survey (USGS). The drainage network features shown have not been surveyed.

FIGURE 2
ACTION AREA FOR ENDANGERED SPECIES ASSESSMENT - TOPO

Rio Rancho Facility

Intel

Sandoval and Bernalillo Counties, New Mexico

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CHECKED:	J Stephens	DATE:	2/7/2014
SCALE:	AS SHOWN	REVISION:	0

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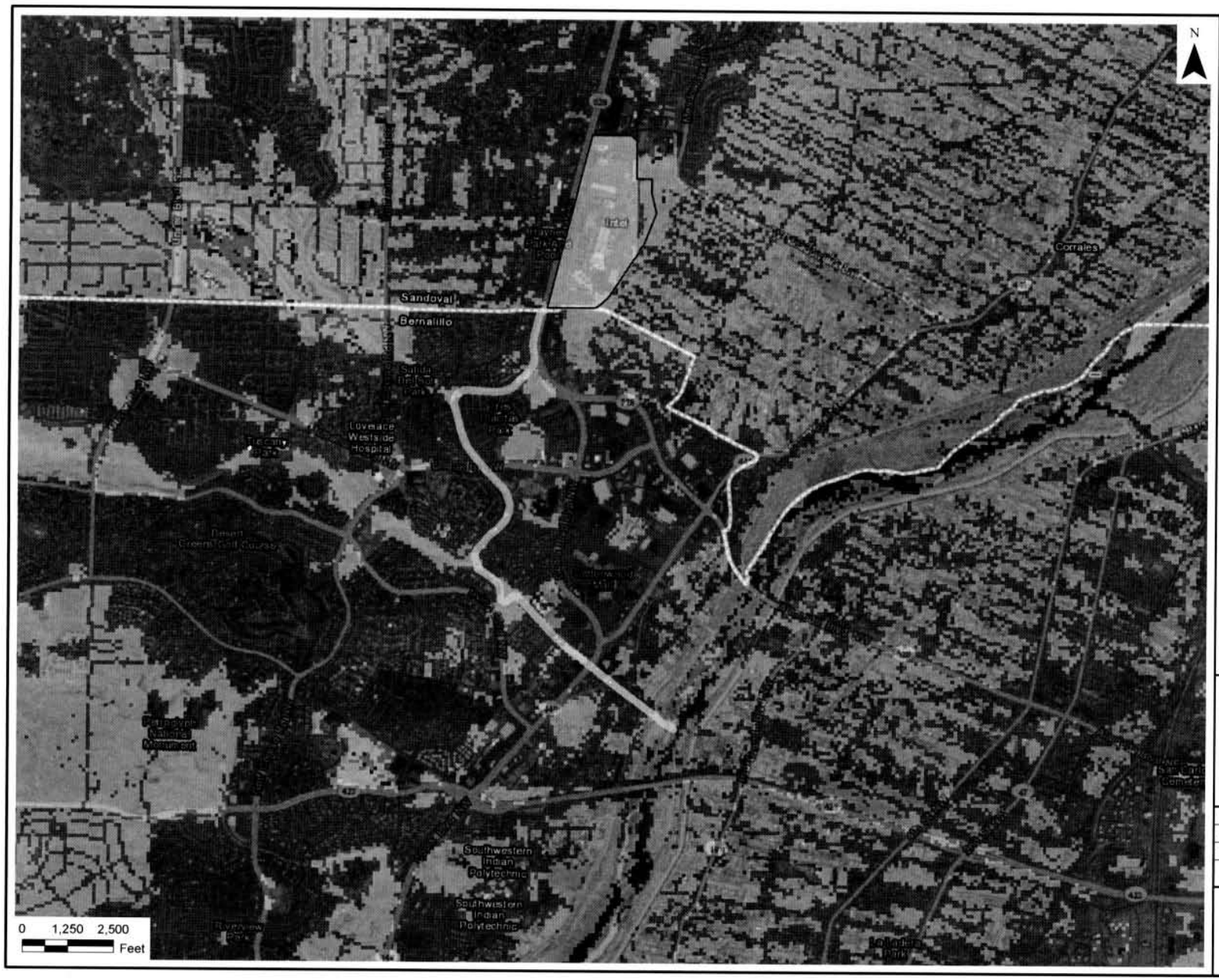
ERM

Environmental Resources Management



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Action Area for Endangered Species Assessment

Property Boundary

2012 Landcover Classes (NRCS)

- Barren
- Cultivated Crops
- Developed
- Forest
- Grassland Herbaceous
- Hay/Pasture
- Herbaceous and Woody Wetlands
- Open Water
- Shrub/Scrub

FIGURE 3
LANDCOVER

Rio Rancho Facility
Intel
Sandoval and Bernalillo Counties, New Mexico

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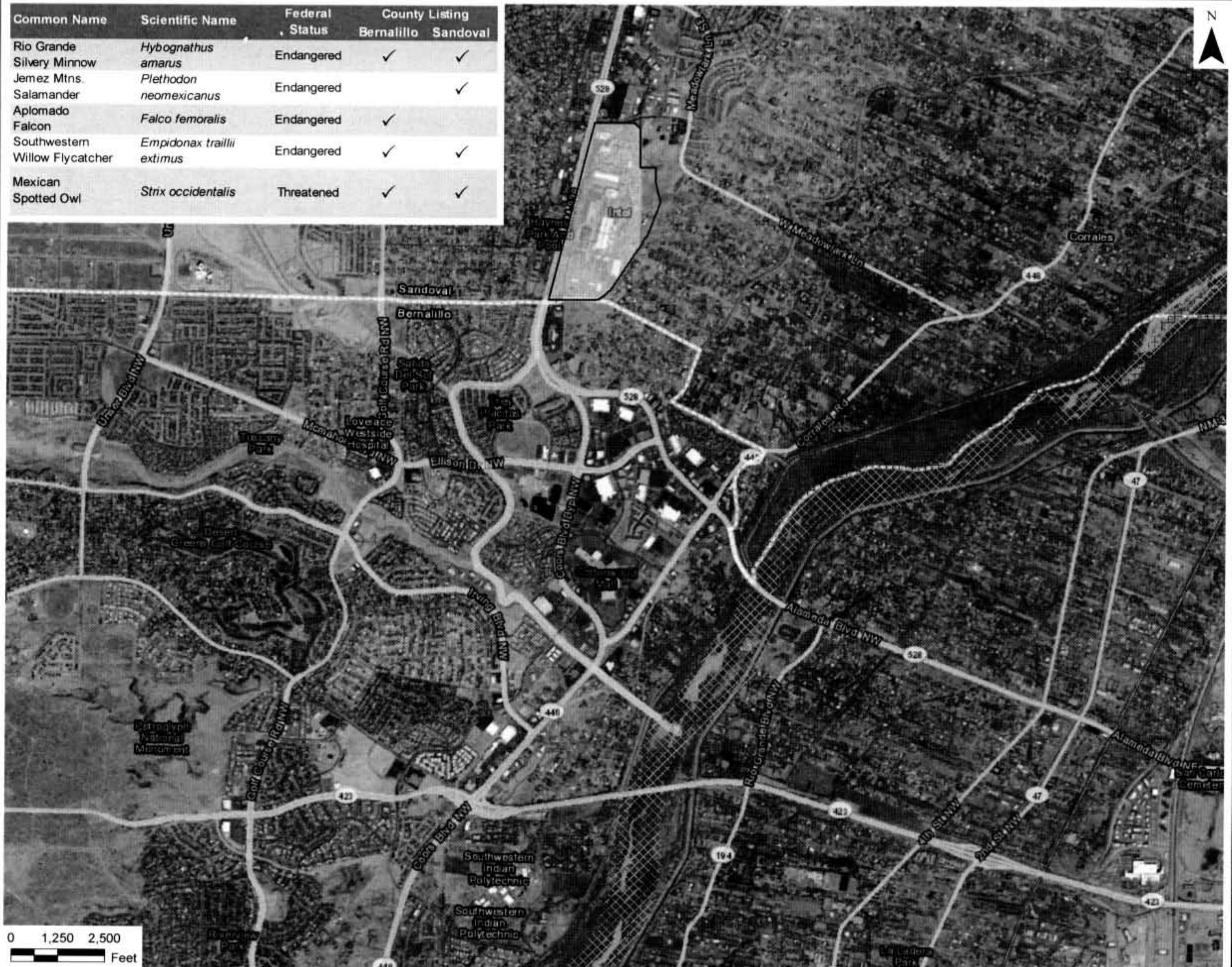
ERM
Environmental Resources Management

Common Name	Scientific Name	Federal Status	County Listing Bernalillo	County Listing Sandoval
Rio Grande Silvery Minnow	*Hybognathus amarus*	Endangered	✓	✓
Jemez Mtns. Salamander	*Plethodon neomexicanus*	Endangered		✓
Aplomado Falcon	*Falco femoralis*	Endangered	✓	
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Endangered	✓	✓
Mexican Spotted Owl	*Strix occidentalis*	Threatened	✓	✓



Legend

Action Area for Endangered Species Assessment

Property Boundary

Listed Species Approximate Habitat Areas

Rio Grande Silvery Minnow

Southwestern Willow Flycatcher

Basemap: Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom, Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

FIGURE 4
CRITICAL HABITATS

Rio Rancho Facility
Intel
Sandoval and Bernalillo Counties, New Mexico

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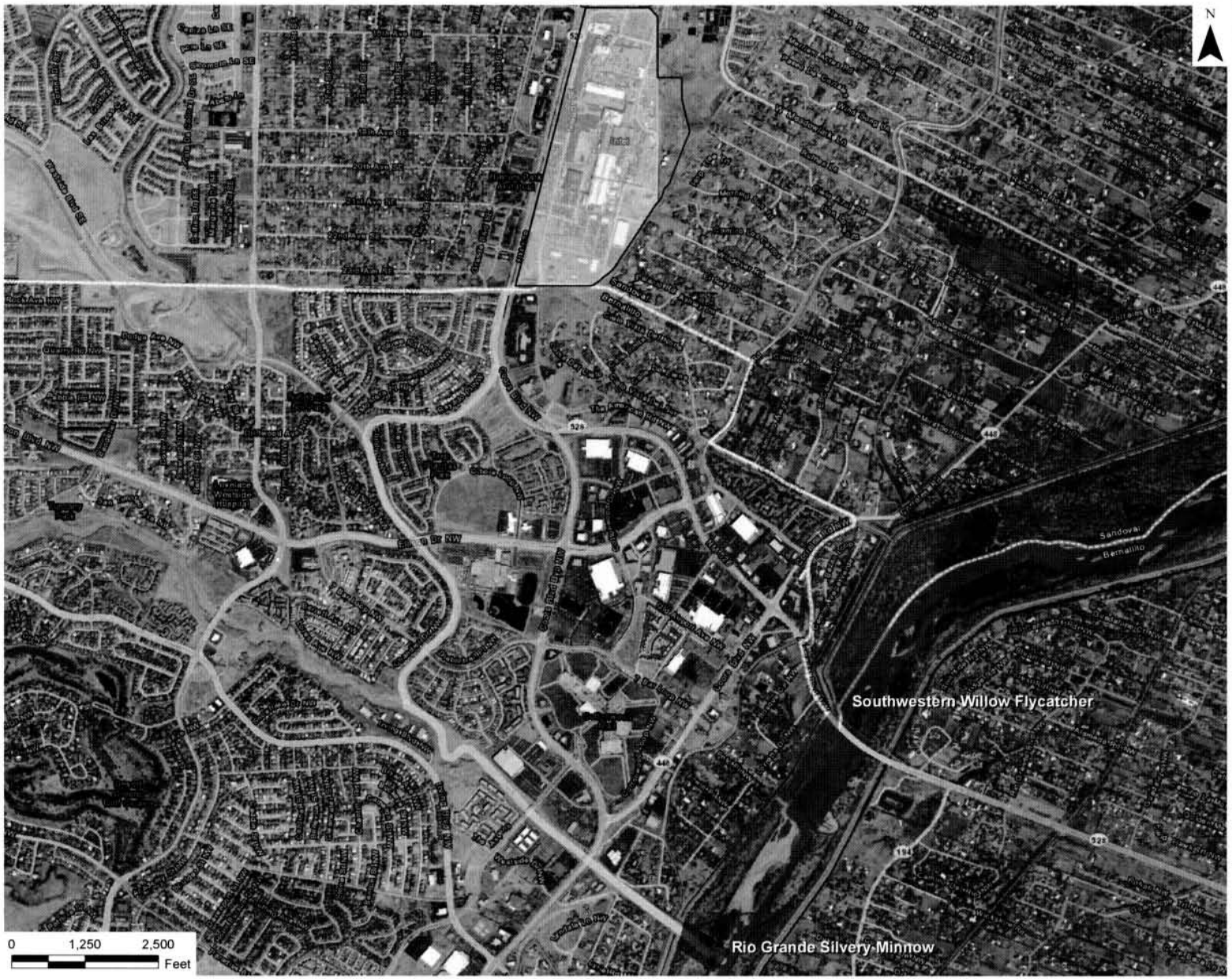
ERM Environmental Resources Management



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Action Area for Endangered Species Assessment

Property Boundary

Potential Habitat

Rio Grande Silvery Minnow

Southwestern Willow Flycatcher

FIGURE 5
POTENTIAL HABITAT

Rio Rancho Facility
Intel
Sandoval and Bernalillo Counties, New Mexico

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Memo

To	Lauren Gomez | Intel Corporation
From	Kurt Parker & Becky Moores | ERM
Date	22 April 2021
Subject	2021 Endangered Species Review – Rio Rancho Facility MSGP
Reference	2020 Endangered Species Project Review for Intel's Rio Rancho Facility MSGP

In September 2020, ERM-West Inc. (ERM) completed a review of potential impacts to federally listed threatened and endangered species that could result from activities at Intel Corporation's Rio Rancho Facility (Facility). An additional species has been added to the list of federal species for the area in which the Facility is located. This memorandum provides updated information on sensitive species listed for the Facility, and supplements the previous review dated September 22, 2020.

On April 22, 2021, ERM obtained an updated resource list (Attachment A) from the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC)[1] online tool. The resource list included seven federally listed species that are known to occur in the vicinity of the Facility (Table 1), with one new species since the review in September 2020 – the Rio Grande cutthroat trout (RGCT, *Oncorhynchus clarkia virginalis*). This memo provides information on the RGCT. The conclusions made in the September 2020 review for the other six listed species in Table 1 still remain valid.

The RGCT was listed as a candidate species in 2008. In 2014, the USFWS determined that listing the RGCT as threatened or endangered was not warranted, and the species was removed as a candidate. In September 2019, a federal court vacated in part the decision not to list the species, and the RGCT is currently listed as a candidate species again. The species is now included in the list of federal sensitive species within the vicinity of the Facility.

The RGCT is found in high elevation streams and lakes of the Rio Grande, Canadian, and Pecos River drainages in Colorado and New Mexico. The fish require clean, cold water, ample riparian cover, and diverse in-stream cover. The 2016 *Range-Wide Status of Rio Grande Cutthroat Trout*[2] indicates that the closest known current range of the species is approximately 50 miles north and upstream from the Facility. Therefore, it is anticipated that discharges associated with the Facility will have no impact on the RGCT.

[1] USFWS IPaC - Information, Planning and Conservation System. 2021. https://ecos.fws.gov/ipac/.

[2] Range-wide status of Rio Grande cutthroat trout (Oncorhynchus clarkii virginalis): 2016 http://www.wildlife.state.nm.us/download/fishing/rio-grande-cutthroat-trout/RGCT-Status-Assessment-2016.pdf

Table 1: Federally Listed Species Known to Occur Near the Rio Rancho Facility

Species	Federal Protection Status	Habitat	Likelihood to Occur near Facility
Rio Grande Cutthroat Trout *Oncorhynchus clarkia virginalis*	Candidate	Clean, cold water, ample riparian cover, and diverse in-stream cover	Low
Rio Grande Silvery Minnow *Hybognathus amarus*	Endangered	Large streams with slow to moderate current over a mud, sand, or gravel bottom	Moderate
Jemez Mountains Salamander *Plethodon neomexicanus*	Endangered	Shady, wooded sites at elevations of 2190-2800 m: mixed coniferous forests dominated by white fir	None
Southwestern Willow Flycatcher *Empidonax traillii extimus*	Endangered	Riparian patches consisting primarily (greater than 90 percent) of native trees	Moderate
Mexican Spotted Owl *Strix occidentalis lucida*	Threatened	Closed-canopy forests: presence of large trees, snags, down logs, dence canopy, and multi-storied conditions within predominately mixed-conifer and pine-oak habitats	None
Yellow-Billed Cuckoo *Coccyzus americanus*	Threatened	Riparian patches with broad-leaf and shrub dominated, greater than 50 acres in size at low to moderate elevations	Low
New Mexico Meadow Jumping Mouse *Zapus hudsonius luteus*	Endangered	Persistent emergent herbaceous and scrub-shrub wetlands associated with river/stream systems up to 8,000 feet elevation	None

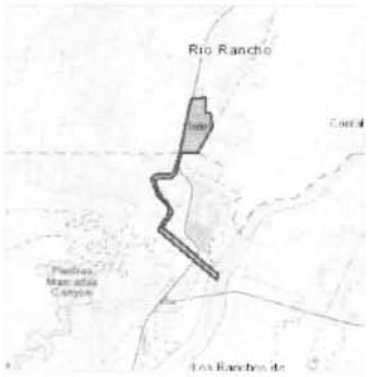
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Bernalillo and Sandoval counties, New Mexico



Local office

New Mexico Ecological Services Field Office

(505) 346-2525
(505) 346-2542

2105 Osuna Road Ne
Albuquerque, NM 87113-1001

http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
New Mexico Meadow Jumping Mouse Zapus hudsonius luteus Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl Strix occidentalis lucida Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/8196	Threatened

Southwestern Willow Flycatcher Empidonax traillii extimus Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo Coccyzus americanus There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Jemez Mountains Salamander Plethodon neomexicanus Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4095	Endangered

Fishes

NAME	STATUS
Rio Grande Cutthroat Trout Oncorhynchus clarkii virginalis Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/920	Candidate
Rio Grande Silvery Minnow Hybognathus amarus There is **final** critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1391	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Rio Grande Silvery Minnow Hybognathus amarus https://ecos.fws.gov/ecp/species/1391#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php

- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Brewer's Sparrow *Spizella breweri* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9291	Breeds May 15 to Aug 10
Burrowing Owl *Athene cunicularia* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737	Breeds Mar 15 to Aug 31
Chestnut-collared Longspur *Calcarius ornatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Golden Eagle *Aquila chrysaetos* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Grace's Warbler *Dendroica graciae* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 20 to Jul 20

Long-billed Curlew Numenius americanus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5511	Breeds Apr 1 to Jul 31
Marbled Godwit Limosa fedoa This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Olive-sided Flycatcher Contopus cooperi This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Pinyon Jay Gymnorhinus cyanocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9420	Breeds Feb 15 to Jul 15
Rufous Hummingbird selasphorus rufus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Virginia's Warbler Vermivora virginiae This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9441	Breeds May 1 to Jul 31
Willow Flycatcher Empidonax traillii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/3482	Breeds May 20 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

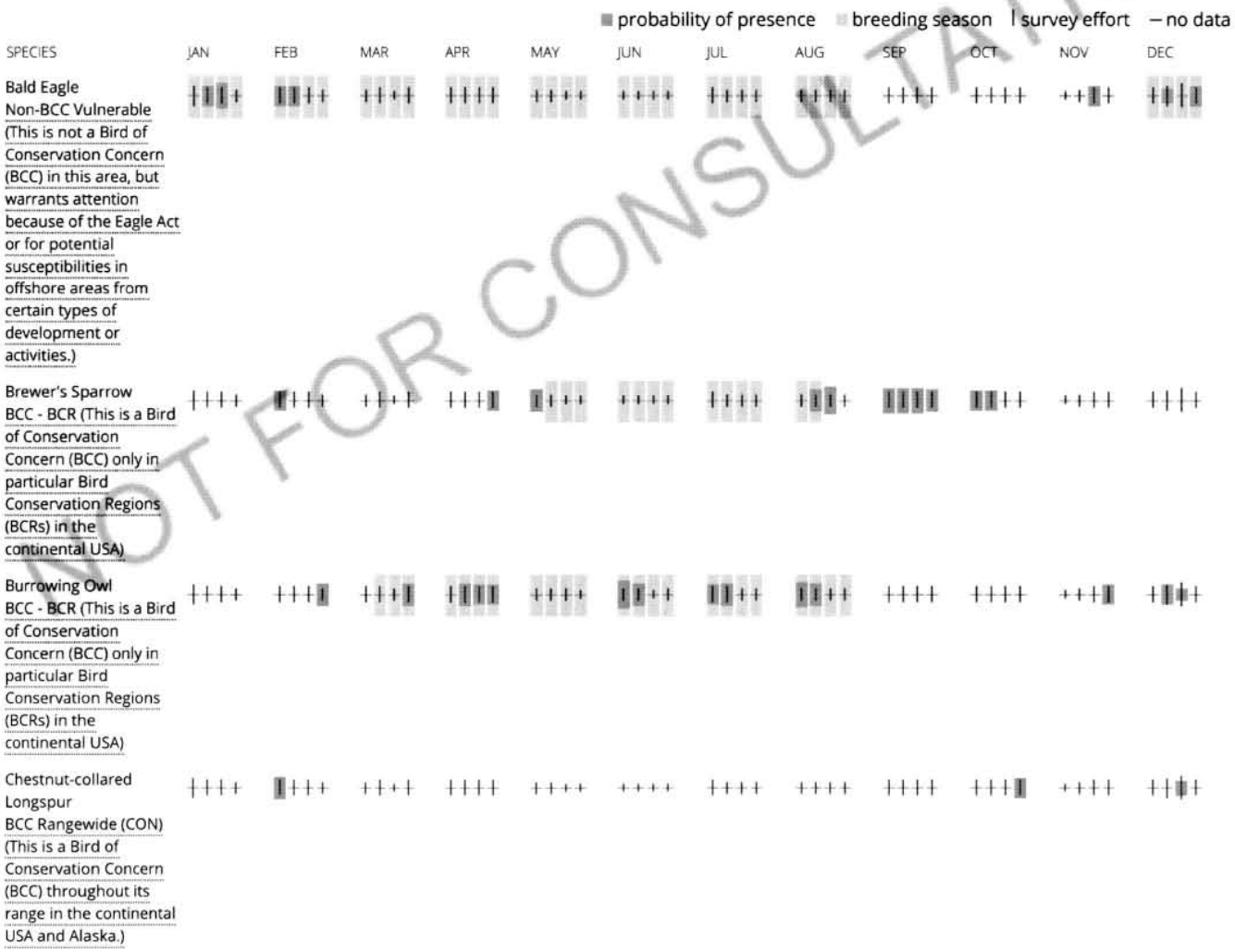
Breeding Season (▬)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

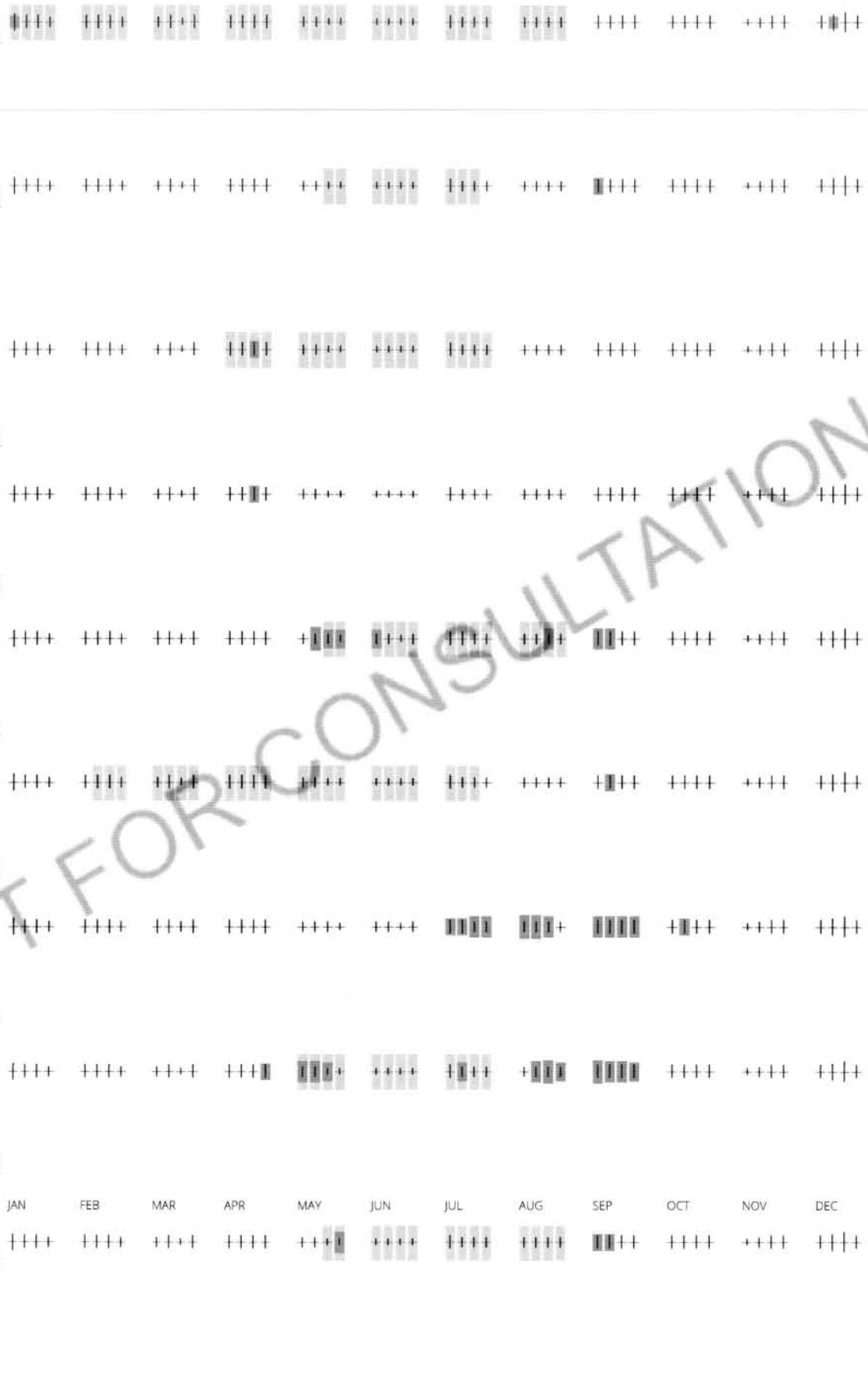
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

- PEM1/SS2A

RIVERINE

- R2UBH
- R5UBFx
- R4SBJ
- R4SBAx
- R4SBC
- R2USA
- R5UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

USFWS 2021 Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
Phone: (505) 346-2525 Fax: (505) 346-2542
http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To: April 06, 2021
Consultation Code: 02ENNM00-2021-SLI-0739
Event Code: 02ENNM00-2021-E-01713
Project Name: ESA Species List for Intel Rio Rancho, New Mexico

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with

Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State fish, wildlife, and plants.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment(s):

- Official Species List
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

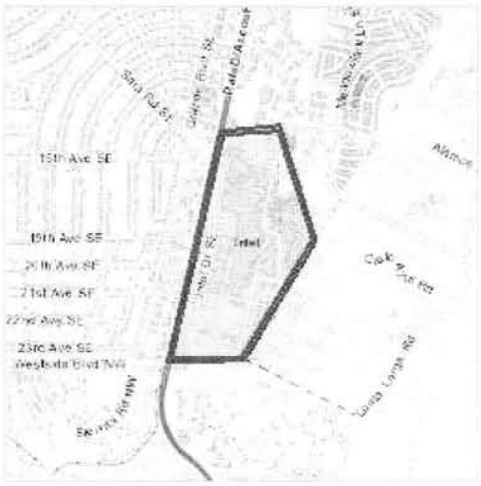
New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

Project Summary

Consultation Code: 02ENNM00-2021-SLI-0739
Event Code: 02ENNM00-2021-E-01713
Project Name: ESA Species List for Intel Rio Rancho, New Mexico
Project Type: ** OTHER **
Project Description: A list for applicable listed USFWS species and critical habitat(s) for storm water permit approval under the 2021 MSGP.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@35.22477915,-106.6519122688762,14z



Counties: Bernalillo and Sandoval counties, New Mexico

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
New Mexico Meadow Jumping Mouse *Zapus hudsonius luteus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl *Strix occidentalis lucida* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher *Empidonax traillii extimus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Jemez Mountains Salamander *Plethodon neomexicanus*	Endangered

There is **final** critical habitat for this species. The location of the critical habitat is not available.
Species profile: https://ecos.fws.gov/ecp/species/4095

Fishes

NAME	STATUS
Rio Grande Cutthroat Trout *Oncorhynchus clarkii virginalis*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/920

Rio Grande Silvery Minnow *Hybognathus amarus*	Endangered

Population: Wherever found, except where listed as an experimental population
There is **final** critical habitat for this species. The location of the critical habitat is not available.
Species profile: https://ecos.fws.gov/ecp/species/1391

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Brewer's Sparrow *Spizella breweri* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9291	Breeds May 15 to Aug 10

NAME	BREEDING SEASON
Burrowing Owl *Athene cunicularia* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737	Breeds Mar 15 to Aug 31
Chestnut-collared Longspur *Calcarius ornatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Golden Eagle *Aquila chrysaetos* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Grace's Warbler *Dendroica graciae* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 20 to Jul 20
Long-billed Curlew *Numenius americanus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5511	Breeds Apr 1 to Jul 31
Marbled Godwit *Limosa fedoa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Olive-sided Flycatcher *Contopus cooperi* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Pinyon Jay *Gymnorhinus cyanocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9420	Breeds Feb 15 to Jul 15
Rufous Hummingbird *selasphorus rufus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Virginia's Warbler *Vermivora virginiae* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9441	Breeds May 1 to Jul 31

NAME	BREEDING SEASON
Willow Flycatcher *Empidonax traillii* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/3482	Breeds May 20 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ( )

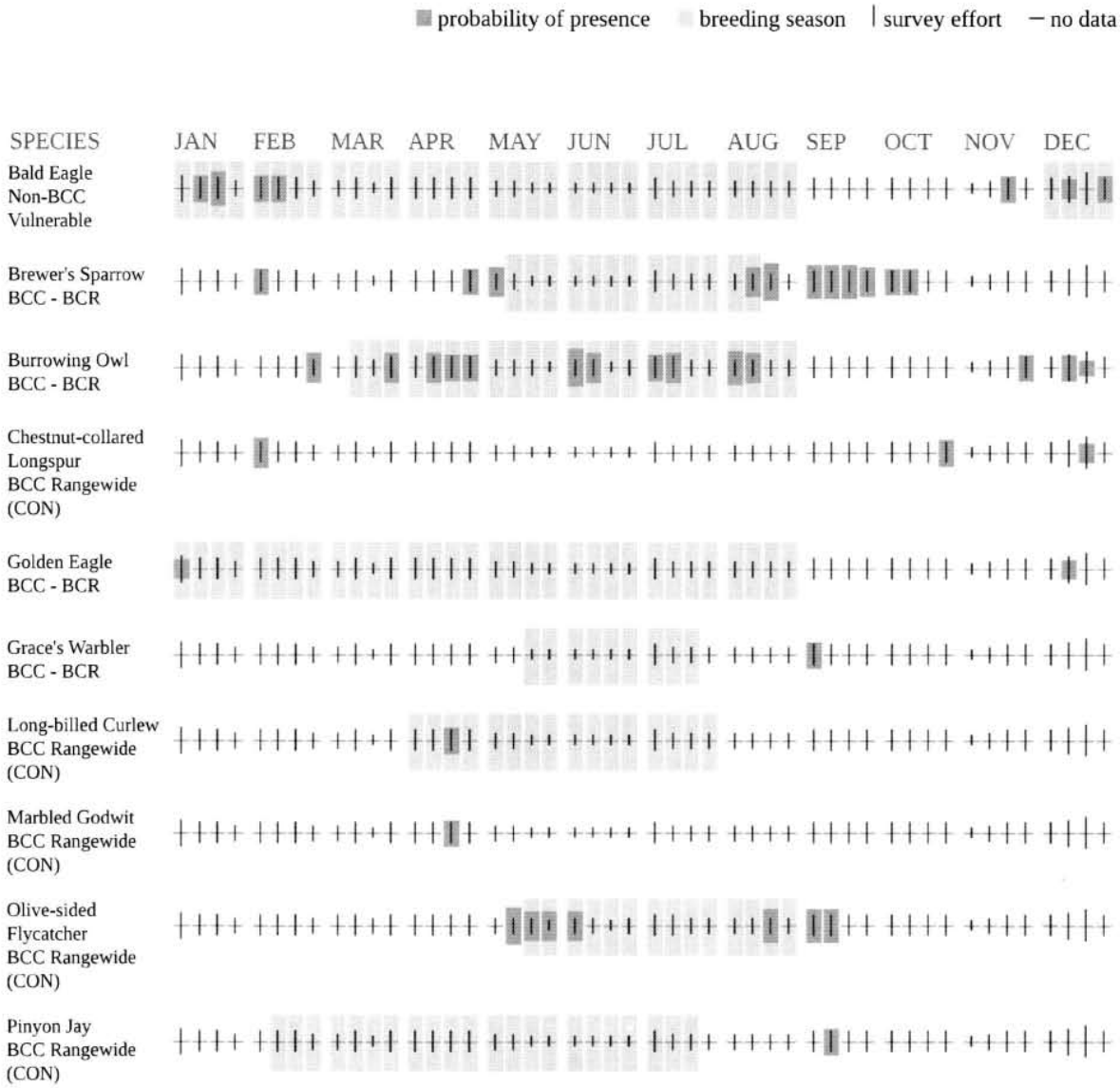
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

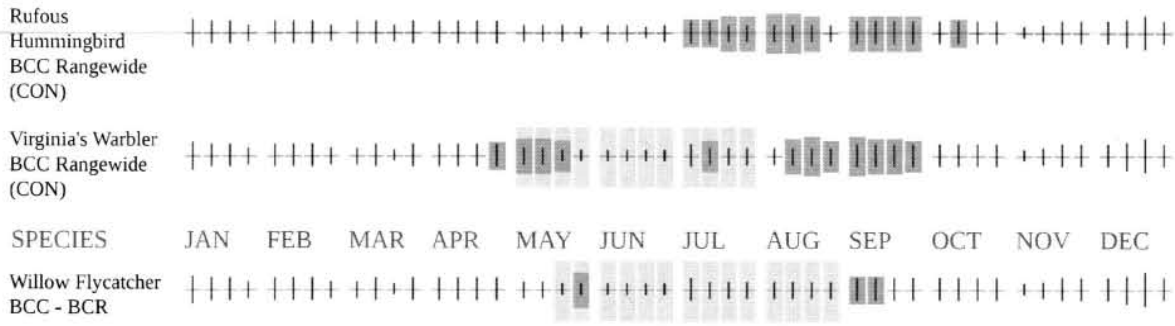
Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides

birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Historic Properties Evaluation

Intel Corporation
4100 Sara Road
Rio Rancho, NM 87124-1025
(505) 893-7000
www.intel.com

JAN 2 4 2001
MMÉ

January 17, 2001

061410

Certified Mail No. P 304 260 720
Return Receipt Requested

Ms. Michelle M. Ensey
State of New Mexico
Office of Cultural Affairs Historic Preservation Division
La Villa Rivera Building
228 East Palace Avenue
Santa Fe, New Mexico 87501

Re: National Historic Preservation Act Section 106 Consultation for Intel, Rio Rancho.

Dear Ms. Ensey:

The purpose of this letter is to complete the National Historic Preservation Act Section 106 Consultation for Intel's Rio Rancho Facility. Intel's Rio Rancho Facility is requesting a Section 106 Consultation to prove eligibility under Part 1.2.3.7 of the Final Reissuance of the National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit 2000. The criteria required to be evaluated for eligibility under the permit is outlined in Addendum B – Historic Properties Guidance. Addendum B requires Intel determine if the storm water discharges, allowable non-storm water discharges, or storm water related-activities have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places. Through the completion of the evaluation criteria outlined in the permit and the completion of the Section 106 Consultation with the Office of Cultural Affairs Historic Preservation Division Intel will have completed the requirements under Part 1.2.3.7.1.1 Criteria A of the NPDES Storm Water MSGP-2000. Criteria A states that Intel, Rio Rancho has evaluated its storm water discharges, allowable non-storm water discharges, and discharge-related activities and determined there will be no adverse affects to property that is listed or is eligible for listing on the National Register of Historic Places.

Please find enclosed the Section 106 Consultation Application for Intel's Rio Rancho Facility.

If you have any further questions or need additional information please do not hesitate to contact Andrew Moen at 893-8784 or myself at 893-8762.

Sincerely,

Mindy J. Koch
Site Environmental Manager

(EHS002)

cc: J.R. Casciano
A.D. Moen

NO HISTORIC PROPERTIES AFFECTED.
for NM STATE HISTORIC PRESERVATION OFFICER
1/26/01

An Equal Opportunity Employer

TO: State of New Mexico Office of Cultural Affairs Historic Preservation Division

FROM: Intel Corporation, Rio Rancho, NM

RE: Section 106 Consultation

Project Description

1. Detailed description of the proposed project, including related activities to be carried out in conjunction with the project, and the status of property acquisition, if required.

The "project" represents Intel's existing facility in Rio Rancho. Intel's Rio Rancho facility occupies approximately 210 acres and is located east of New Mexico State Highway 528 and south of Sara Road in the City of Rio Rancho, Sandoval County, New Mexico. The site is bordered on the east and south by a steep mesa escarpment. The site slopes generally to the east and south at about a one percent grade. The terrain is comprised primarily of Madurez, fine sandy loam and sandy clay loam soil which is classified as Soil Conservation Service hydrologic soils group "B" (Bohannan Huston Inc., 1985).

The storm water discharges, allowable non-storm water discharges and discharge related activities represent the storm water classifications that can be discharged. The following paragraph is a section from Intel, Rio Rancho's Storm Water Pollution Prevention Plan describing the path these discharges take to the Rio Grande:

All storm water runoff from the New Mexico site that is not contained in detention ponds or containment structures is collected in two storm water conveyance systems on the east and west sides of the property. These two systems convey the storm water runoff to a common outfall at the southwest end of the site. Storm water runoff from the Intel property is discharged through three 42 inch culverts under Highway 528 into a concrete lined channel on the west side of the highway. The Intel runoff is combined with runoff from Rio Rancho on the west side of Highway 528 and discharged approximately 100 feet south into the 7-Bar channel, a concrete open channel structure. As indicated in Figure 1, the 7-Bar channel, an Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) structure, conveys the runoff to the southeast approximately 4075 feet until it outfalls into the Black's Diversion Channel. The Black's Diversion also accepts storm water runoff from the Black's Arroyo Dam, and subsequently discharges this combined flow into the Calabacillas Arroyo. The Calabacillas Arroyo ultimately flows into the Rio Grande (Bohannan Huston Inc., 1993c).

2. Discussion of all federal and state involvement in the project. Identify the specific federal program applicable to your project. If there are other federal agencies or a state agency involved, specify the agency and the type of assistance requested (for example: financial, permit, license).

The Environmental Protection Agency administers the National Pollutant Discharge Elimination System Storm Water Multi Sector General Permit with local support provided by the New Mexico Environment Department.

3. Provide the following information regarding the project site:
    a. Describe the size (acres), terrain, and present land uses of the project site;

    The site is approximately 210 acres and is presently used for semiconductor manufacturing.

    b. Describe the adjacent land uses;

    Adjacent land uses include commercial stores, some residential properties and the Rio Rancho Wastewater Treatment Plant to the northeast.

c. A map with the boundaries of the project clearly marked on a USGS 7.5 quadrangle topographic map;

Please find attached USGS 7.5 Quadrangle Topographic Map of Los Griegos, NM
Sandoval County, Township T11N and T12N Section Numbers: un-plotted

Please find Figure 1. Vicinity Map prepared by Bohannan Huston Inc.

d. Provide a street address and plot the project on a street map for all projects involving existing structures;

Intel Corporation
4100 Sara Road
Rio Rancho, NM 87124

e. Photographs of the project site and the adjacent properties.

Photographs of the project site and adjacent properties can be provided if additional clarification is required.

f. Provide a written description of the proposed boundaries of the project's Area of Potential Effects (APE) and clearly mark on the project site map(s).

Intel's Rio Rancho facility occupies approximately 210 acres and is located east of New Mexico State Highway 528 and south of Sara Road in the City of Rio Rancho, Sandoval County, New Mexico. The site is bordered on the east and south by a steep mesa escarpment. For additional detail please see the attached map.

Efforts to identify Cultural Properties

1. Describe any efforts (research, surveys, etc.) that have been made or are on-going to identify and evaluate historic properties (structures, archaeological sites, and traditional cultural properties) that may be affected by the proposed project. Remember that Section 106 requires consideration of properties listed in the National Register of Historic Places OR properties eligible for listing in the National Register.

    a. The Historic Preservation Division (HPD) maintains a current list of properties listed in the National Register of Historic Places and on the State Register of Cultural Properties. Both lists may be accessed at the HPD web site: http://museums.state.nm.us/hpd/.

    Investigated properties listed in the National Register of Historic Places resulting in no listed properties that would be impacted by Intel's storm water discharges, allowable non-storm water discharges and discharge related activities.

    b. The Archaeological Records Management Section of HPD maintains information on archeological surveys and archaeological sites throughout New Mexico. Note: Some information on archeological sites is subject to confidentiality requirements under federal and state statutes. Contact HPD for assistance.

    As a result of prior investigations into listed properties under the National Register of Historic Places no investigation was made into additional archeological records.

c. Local historical societies or museums are excellent sources for information on properties of importance to the community.

As a result of prior investigations into listed properties under the National Register of Historic Places no inquiries were made to local historical societies or museums.

Results of Identification Efforts

1. Describe all cultural resources identified by your research efforts.

No cultural resources where identified by Intel's research efforts because no historical properties were identified.

2. List of parties currently being consulted on this issue.

No parties are currently being consulted in regards to Intel, Rio Rancho's Section 106 consultation.

3. Any other information pertinent to this project, which would be helpful in understanding the project and its potential for impacts to historic property.

The Intel Rio Rancho Facility is requesting a Section 106 Consultation is to confirm eligibility under National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit 2000. A copy of the permit can be found at (www.epa.gov/owm/sw/industry/msgp/msgp2000.pdf). The criteria required to be evaluated for eligibility under the permit is outlined in Addendum B – Historic Properties Guidance. Under the requirements of Addendum B Intel is following the evaluation criteria to determine if the storm water discharges, allowable non-storm water discharges, or storm water related-activities have any potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places. The steps to complete the evaluation criteria outlined in the permit include the following: 1) Assess the "National Register of Historic Places" information listed on the National Park Service's web page (http://www.nr.nps.gov/nrishome.htm) to check for Historic Places in Sandoval County where the facility is located and 2) Contacting the New Mexico Historic Preservation Division for further assistance. After investigating the "National Register of Historic Places" for step 1, no listed properties were found to be in the area associated with the storm water discharge path to the Rio Grande. Step 2 was complete upon contacting the Office of Cultural Affairs Historic Preservation Division. After contacting the office it was requested that Intel complete a Section 106 Consultation application under the National Historic Preservation Act. This application represents that request and consists of a detailed description of Intel's Rio Rancho Facility and the storm water discharges, allowable non-storm water discharges, and storm water related-activities associated with the facility's operation.

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FIGURE 1
VICINITY MAP