

# CITY OF ALBUQUERQUE

Planning Department  
Brennon Williams, Director



Mayor Timothy M. Keller

June 28, 2021

JMD-McMahon, LLC – Doug Peterson [doug@petersonproperties.net](mailto:doug@petersonproperties.net)

**Site: 5750 McMahon Blvd NW – Lot 9A, 9B, 9C, & 9D Plat of McMahon Market Place  
A11E011I – NMR1002NB**

**Re: Drainage Ordinance (14-5-2-11) Violations for Erosion and Sediment Control**

The following violations were observed while inspecting the site on 6/25/2021.

1. NPDES coverage is not posted. (3<sup>rd</sup> Violation)
2. SWPPP not available on site and/or not up-to-date. (3<sup>rd</sup> Violation)
3. Self-inspection reports were not provided when requested. (2<sup>nd</sup> Violation)
4. Silt fence, is missing around center island and west edge, and minor repairs needed elsewhere. (3<sup>rd</sup> Violation)







5. Domestic waste, trash, and weeds and debris are strewn about the site. Weeds more than 4" tall or 4" wide must be removed per weed control ordinance. Dispose of construction and domestic waste in acceptable containers daily. CGP 2.3.3.e. (3<sup>rd</sup> Violation)



6. Inactive portions of the site have not been stabilized in accordance with CGP2.2.14 (2<sup>nd</sup> Violation)



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## Required Mitigation:

1. You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site CGP1.5.
2. The SWPPP must be kept up-to-date and available onsite per CGP 7. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site. Provide a copy of the up-to-date SWPPP.
3. Conduct self-inspections Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater per CGP 4.2 and City ESC Ordinance § 14-5-2-11(C)(1) until final acceptance of site stabilization by the city.. Provide copies self-inspection reports per CGP 4.7 and Corrective action reports per CGP 5.4.
4. Install, inspect and maintain BMPs, including silt fence. Ensure that all stormwater controls (BMPs) are maintained and remain in effective operating condition during permit coverage per CGP 2.1.4. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work and complete such work by the close of the next business day. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery per CGP 5.
5. Dispose of construction and domestic waste in acceptable containers daily and use lids or tarps to cover waste containers when not in use per CGP 2.3.3.e.

6. Implement and maintain stabilization measures in areas that remain inactive for 14 days or more. Measures must be initiated within 14 days and complete the installation not later than 14 days per CGP 2.2.14. **Stabilize the inactive disturbed areas.** Keep record of the stabilization methods, materials, rates and dates of each application with the SWPPP and provide copies.

Per the previous Violation letter, the City is assessing a fine of \$4,500. This fine is for nine additional days, June 17 –June 25, since the last Violation notice was sent on 6/16/2021. Additional days may be added if the violation is not mitigated within ten days and the non-compliance has been reported to the EPA.

If you would like to schedule a follow-up inspection at a day and time of your convenience, prior to seven days from the date of this letter please let me know.

If you have any questions, you can contact me at 924-3420, [jhughes@cabq.gov](mailto:jhughes@cabq.gov) .

Sincerely,

*James D. Hughes*

James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality  
Planning Dept.