



Alan Varela, Director

Mayor Timothy M. Keller

January 11, 2023

Holly Partners, LLC – Yogesh Patel – yogi1020@gmail.com – 505-275-8223

**Site: Unser/McMahon Mixed Use Subdivision Lots 1, & 3-7
10605 Unser Blvd NW
McMahon Blvd. NW – A11E017**

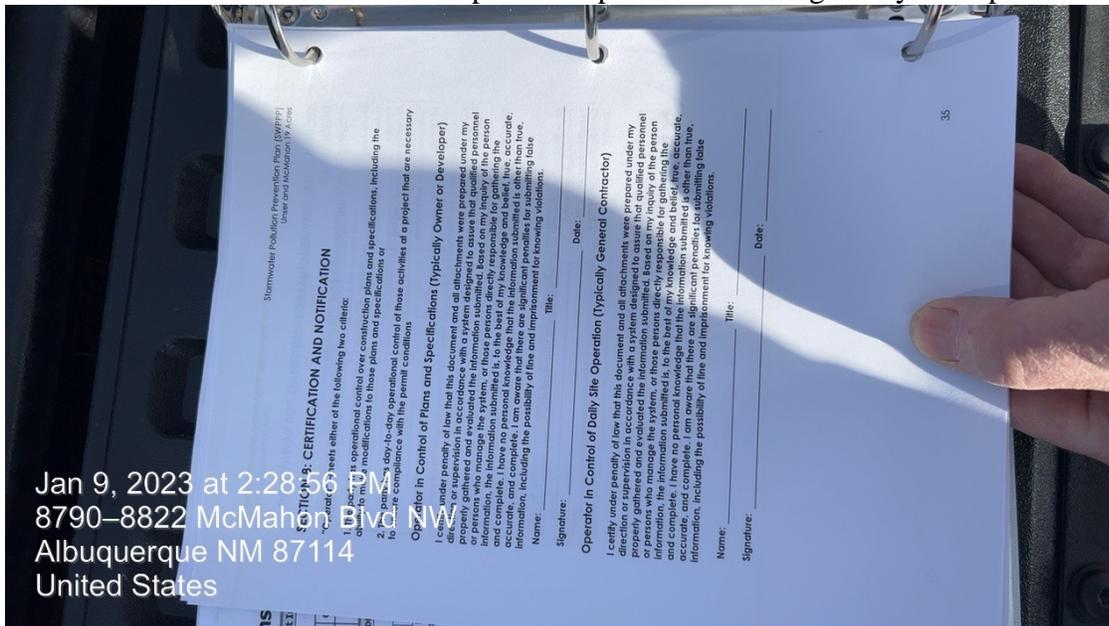
Re: Drainage Ordinance (§14-5-2-11) Violations for Erosion and Sediment Control

Subsequent to an inspection on 1/9/23 the City finds that the site, lots 1, and 3-7, is not in compliance with the Construction General Permit and that stormwater controls will not prevent sediment and waste from entering the City's drainage system and/or leaving the construction site.

This site was originally a 19 acre common plan of development or sale that was graded and subdivided into 9 lots. It remains disturbed with BMPs and has no construction activity at this time. The property ownership of Lot 2 has been transferred to TWAS Properties LLC and lots 8 & 9 to Omni Universal Trust, but no building construction has started on any portion of the 19 acre common plan of development.

The following violations were observed on 1/9/23 on lots 1, and 3-7.

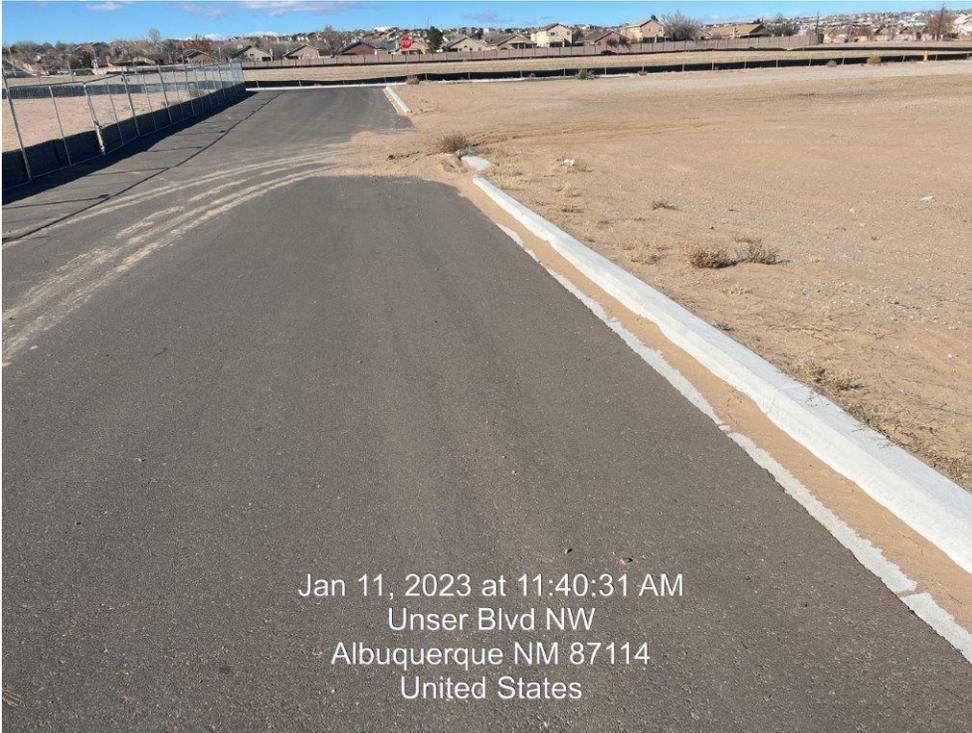
1. The permit coverage wasn't posted.
2. The SWPPP certification and inspection reports were not signed by the Operator.



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3. The BMPs, silt fence and inlet protection need maintenance. Additional silt fence is needed to keep sediment out of the street on the west side of lot 7 and on the south side of lot 5.





4. Sediment must be picked up and removed from the adjacent street.

Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 at link https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897 requires the property owner to comply with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

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. The notice must be located so it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way per CGP 1.5.
2. The SWPPP, including Self Inspection Reports and Corrective Action Reports, must be kept up-to-date per CGP 7.1 and available on-site per CGP 4.7.3, 5.4.3, and 7.3. If an on-site location is unavailable to keep the SWPPP when no personnel are present, a notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3.



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3. Ensure that all stormwater controls (BMPs), including the silt fence and inlet protection, are installed and 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 5.2.1.
4. Where sediment from this site has been deposited on the adjacent roads and sidewalks, remove the deposited sediment by the end of the same business day CGP 2.2.4.d,

History of Violations and Escalation Process:

Notice of the following types of violations was sent on the dates noted below:

1. Posting – 1/11/23 (Level 2)
2. SWPPP – 1/11/23 (Level 2)
3. BMPs – 1/11/23 (Level 2)
4. Sediment– 1/11/23 (Level 2)

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

If the violations are not mitigated within seven days from receipt of this notice, the property owner is subject to a fine of \$500/day per the City’s Drainage Control Ordinance, and the non-compliance will be reported to the EPA. Repeat violations are also subject to a fine of \$500/day.

If you have any questions, you can contact me at 924-3420 or jhughes@cabq.gov .

Sincerely,

James D. Hughes

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