

January 23, 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- NMR1004PN

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

The City conducted another follow-up inspection on 1/19/23 finding the same violations that existed during the previous inspection on 12/21/22 and on 1/9/23.

This site was originally a 19 acre common plan of development or sale that was graded and subdivided into 9 lots. The Final Stabilization Criteria hasn't been satisfied on any of the lots so permit coverage is still required on all of them. Lot 4 has building permit activity that has adversely impacted lots 1, 3, and 5. 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 other than lot 4.

The following violations were observed on 1/19/23 on lots 1, and 3-7.

1. The permit coverage wasn't posted.
2. 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



Alan Varela, Director

Mayor Timothy M. Keller

And SF on the south side of lot 5. There is an inlet under all of that sediment.



Jan 19, 2023 at 2:58:56 PM
Unser Blvd NW
Albuquerque NM 87114
United States

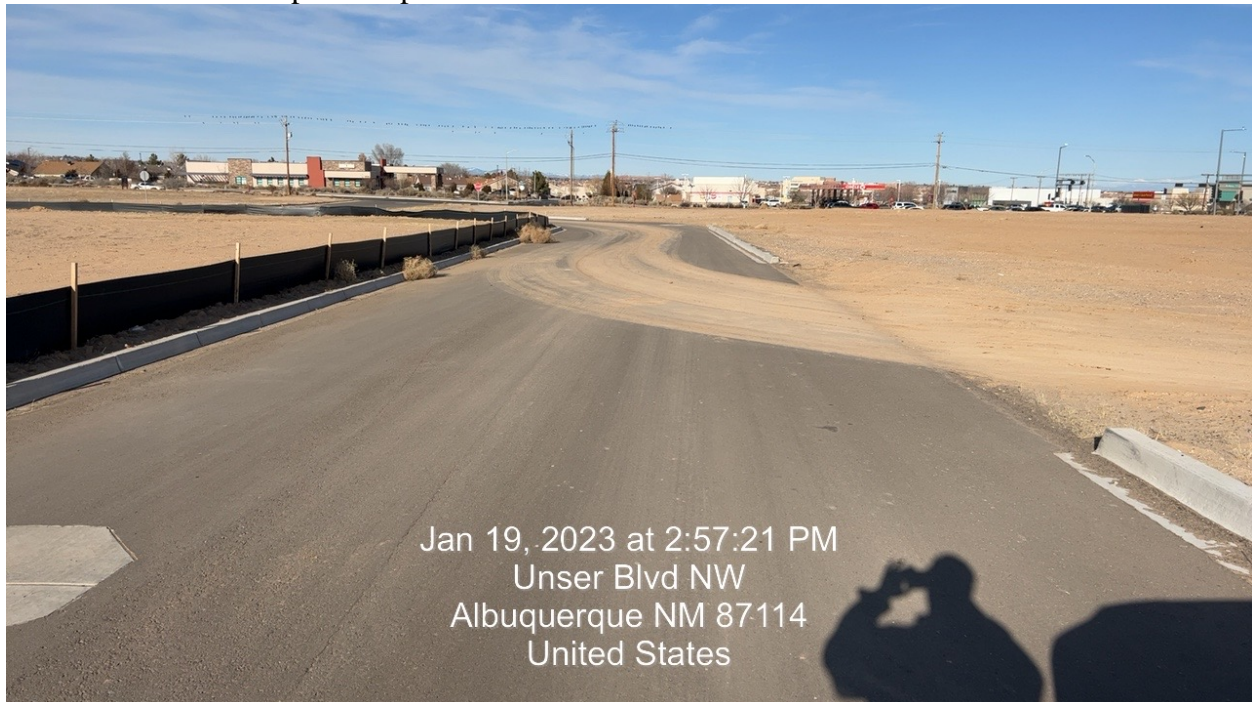
Silt Fence down on lots 3, and 7.



Jan 19, 2023 at 3:24:32 PM
Unser Blvd NW
Albuquerque NM 87114
United States



3. Sediment must be picked up and removed from the street.





Alan Varela, Director



Mayor Timothy M. Keller

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. 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.
3. 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, Modify construction practices and controls to stop track out.

History of Violations and Escalation Process:

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

1. Posting – 12/21/22, 1/11/23, 1/23/23 (Level 3)
2. BMPs – 12/21/22, 1/11/23, 1/23/23 (Level 3)
3. Sediment– 12/21/22, 1/11/23, 1/23/23 (Level 3)

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

Per the previous Violation letter dated 1/11/23, the City is assessing a fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 1/23/23. Additional days may be added if the violation is not mitigated within seven days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

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.