

September 12, 2024

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

On 9/3/24, the City was inspecting the construction on Lot 2 of the Subdivision and noticed a front-loader hauling dirt from the stockpiles on Lot 1. Due to the construction activity, the City performed a stormwater inspection and noted several violations of the CGP. The equipment operator informed the City that they were loading trucks for fill at another site and would finish within a day or two. The equipment operator also stated that once finished, they would grade and stabilize the area with seed and mulch. The City returned to the site on 9/10/24 to observe the same conditions as the initial visit, but the equipment had been removed and the property was vacant. The following violations of the CGP were observed on both site visits.

1. The **Posting** of permit coverage was missing in violation of CGP Part 1.5.
2. The **SWPPP** and self-inspection reports were unavailable during the time of inspection in violation of CGP Parts 4.7.3 and 7.3.
3. **Washout** was observed on your site at the construction exit in violation of CGP Part 2.3.4.



Alan Varela, Director

Mayor Timothy M. Keller

4. **BMPs** – The construction exit is inundated with dirt and starting to track-out sediment onto Bandelier Dr. in violation of CGP Part 2.1.4.





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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 per CGP Part 1.5. 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.
2. You must keep an up-to-date copy of the SWPPP and all self-inspection reports at the site or at an easily accessible location, so that it can be made easily available at the time of an on-site inspection per CGP Parts 4.7.3 and 7.3.
3. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation per CGP Part 2.3.4. Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground.
4. Ensure that all stormwater controls (BMPs), including the silt fence, inlet protection, and construction exits, 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. 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 sediment from leaving the site.

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, 9/12/24 (Level 3)
2. BMPs - 12/21/22, 1/11/23, 1/23/23, 4/6/23, 9/12/24 (Level 3)
3. Sediment- 12/21/22, 1/11/23, 1/23/23, 4/6/23 (Level 3)
4. SWPPP - 12/21/22, 4/6/23, 9/12/24 (Level 3)
5. Washout - 4/6/23, 9/12/24 (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.



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Per the previous Violation letter dated 4/6/23, the City is assessing a fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 9/12/24. 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 924-3325 or cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English, CPESC
Erosion and Sediment Control Specialist, Planning Dept.
Development and Review Services