

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

November 6, 2025

Uncer Property LLC – Mohamad Touffaha – [mtouffaha@gmail.com](mailto:mtouffaha@gmail.com) – 316-308-5507

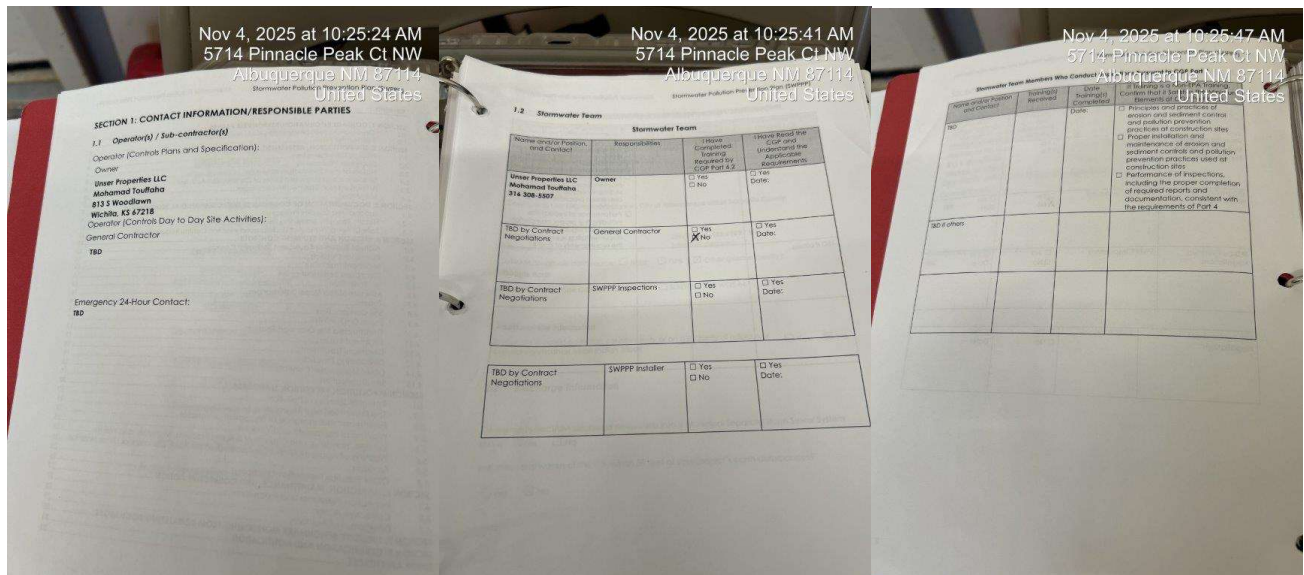
**Site: 10850 Unser Blvd NW (A11E018A)  
Tract 4-B (1.3 acres) of Paradise Plaza Cont**

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

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 11/4/2025 to determine compliance with City Ordinance § 14-5-2-11 (attached) and the Environmental Protection Agency’s (EPA’s) Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

Repeated violations of the CGP were observed during the inspection involving the SWPPP and the permit coverage posting. The SWPPP has not been amended to reflect the current site conditions. Your permit coverage posting has been removed from the site and has not been replaced. These violations have been repeated multiple times (see History of Violations) throughout the City’s routine stormwater inspections. Specifically, the violations observed on 11/4/2025 were:

- 1. SWPPP** – The contractor and stormwater team have not been identified in the SWPPP in violation of CGP Parts 7.2.1 and 7.2.2. The only operator identified is Uncer Property, LLC, and the contractor and stormwater team are still listed as TBD. The SWPPP, including the SWPPP map, has not been amended to reflect current site conditions in violation of CGP Part 7.4.1. This includes the change in silt fence placement and the construction on the southern property. The self-inspection reports were not current on-site at the time of inspection in violation of CGP Part 4.7.3 and City Ordinance §14-5-2-11. The latest self-inspection report available during the inspection is dated 6/2/25. The contractor’s NOI is missing from the SWPPP in violation of CGP Part 7.2.11.



2. **Posting** – The permit coverage posting was missing from the site in violation of CGP Part 1.5.

**Required Mitigation:**

1. **SWPPP** – Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control per CGP Part 7.2.1. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to CGP Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections per CGP Part 7.2.2. Include documentation that members of the stormwater team have received the training required by CGP Part 6.2 (permit compliance) and 6.3 (inspectors). You must modify your SWPPP, including the site map(s), within seven (7) days whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP per CGP Part 7.4.1. You must keep a copy of all inspection reports at the site or at an easily accessible location, so they can be made immediately available at the time of an on-site inspection per CGP Part 4.7.3. Once authorized for coverage under the CGP, you must include a copy of your NOI submitted to the EPA along with any other correspondence exchanged between you and the EPA related to coverage under the CGP per CGP Part 7.2.11.
2. **Posting** – 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.

**History of Violations:**

Notice of the types of violations was reported on the dates below.

1. NOI – 8/12/24, 8/22/24, 9/5/24 (Mitigated)
2. Posting – 8/12/24, 8/22/24, 9/5/24, 9/25/24, 6/6/25, 11/5/25 (Level 4)
3. SWPPP – 8/12/24, 8/22/24, 9/5/24, 9/25/24, 10/3/24, 3/4/25, 6/6/25, 11/5/25 (Level 4)
4. BMPs – 8/12/24, 8/22/24, 9/5/24, 9/25/24 (Mitigated)
5. Stabilization - 9/5/24, 9/25/24, 10/3/24, 3/4/25 (Mitigated)

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 9/25/2024 and following inspection reports sent 3/4/2025 and 6/6/2025, the City is assessing a fine of \$500 to Uncer Property, LLC for the current Level 4 SWPPP and Posting violations, and the non-compliance is being reported to the EPA. This fine is for 1 day (11/5/2025). Additional days may be added if the violations are not mitigated within 7 days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.**

If you have any questions, contact me at 505-924-3325 or [cenglish@cabq.gov](mailto:cenglish@cabq.gov).

Sincerely,

*Chancellor English*

Chancellor English, CPESC

Erosion and Sediment Control Specialist - Stormwater Quality

Planning Dept.