

May 21, 2025



Circle K Stores Inc. – Mark Tate VP - Mtate@circlek.com – 303-903-1116 – NMR10074M
and
RS Golf Course LLC – Kevin Mattson – Kmattson@RedSkyHoldings.com – 972-369-4123
NMR10071S

Site: Circle K at 10850 Golf Course Rd NW - A12E008B1 - (SWQ-2025-000157)
Tract D-1-A of Paradise Heights, Unit 1

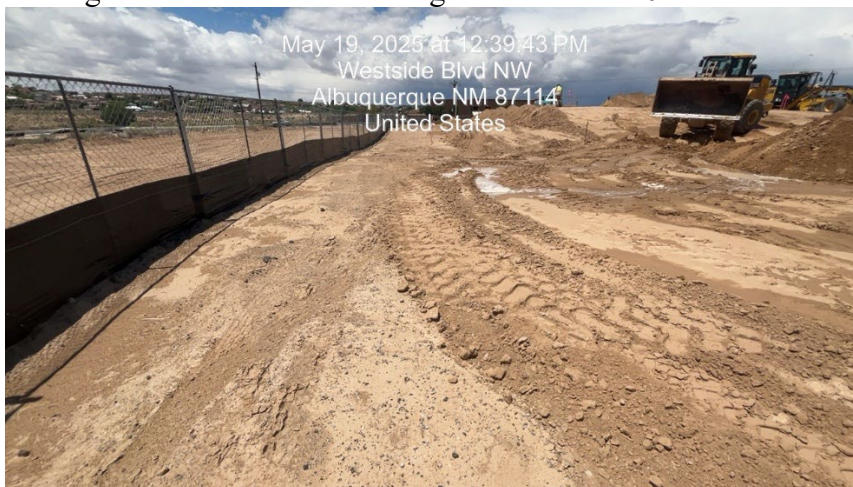
Re: Drainage Ordinance (14-5-2-11) Violations for Erosion and Sediment Control

Mr. Tate and Mr. Mattson,

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 5/19/25 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](#). The Circle K site is a 2.0-acre part of a 7.6-acre Common Plan of Development or Sale (CPDOS).

The specific violations on May 19, 2025, are as follows.

1. **NOI** – Construction support activities were being conducted on the neighbor's property, Tract D-1-D, without an ESC Plan or Property Owner's NOI approved by the City for that portion of your construction in Violation of City Ordinance § 14-5-2-11(A). The security and silt fence encroached approximately 30 feet into Tract D-1-D, and trucks hauling dirt off the site were using an additional 40 feet of dirt road outside the fence.



2. **SWPPP** - The signatures of all property owners/operators were missing from the SWPPP and self-inspection reports. NOI – The ESC Plan in the SWPPP was prepared by Inspections Plus and dated 1/30/25, and it was not submitted to or approved by the city SWQ Section. The city approved the ESC Plan prepared by Matrix dated 3/19/25 (attached), but it was missing from the SWPPP.
3. **BMPs** – The ponds and berms shown on the approved ESC Plan were missing in violation of CGP 2.1.2, 2.1.3, and 2.1.4.

Required Mitigation:

1. **NOI** – Your ESC Plan must be modified to show the area of Construction Support Activity and include downgradient Best Management Practices (BMPs) and stabilization. The changes to the ESC Plan must be certified by a Professional Engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPESC) and then submitted to the city's SWQ Section for approval.
2. The **SWPPP** must contain the ESC Plan, as approved by the city's SWQ Section. All operators, including 'RS Golf Course, LLC.', 'Circle K Stores Inc.', and 'Dennis and George LLC', must sign the certification statement on the SWPPP, Self-Inspection Reports, and Corrective Action Reports, and they 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.
3. **BMPs** – A corrective action is required to complete the downgradient controls in accordance with the ESC Plan, as approved by the city's SWQ Section, within 7 days, as per CGP 5.2.1.

History of Violations:

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

NOI - 5/21/25 (Level 2)

SWPPP - 5/21/25 (Level 2)

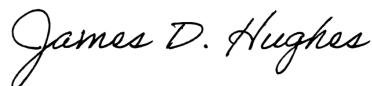
BMPs - 5/21/25 (Level 2)

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 Level 2 violations are not mitigated within seven days, the property owner will be subject to a fine of \$500/day per the City's Drainage Control Ordinance, and the non-compliance will be reported to the EPA. Recalcitrant or repeat offenders are also subject to a fine of \$500/day.

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

Sincerely,



James D. Hughes, P.E.
Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.



Alan Varela, Director



Mayor Timothy M. Keller