

# ESC Violations at Buglo Apartments 5330 Buglo Ave NW

By Doug Hughes SWQ Principal Engineer for the City of Albuquerque

History and Justification of (\$8,000) fines on City Project B11E013, EPA ID NMR1003YA

The file is available to the public through the following link,

### Index of /government/planning/drainage/B11D013/ESC (cabq.gov)

- 1. 5/5/2021 The first photos show more than one acre graded. Silt fence in the photos is improperly installed and blew down later.
- 2. 5/10/2021 ESC Inspector Tomas Evans contacted neighbor who filed complaints with the City and EPA.
- 3. 5/11/2021 Photos show sediment in Buglo Ave next to the site.
- 4. 5/11/2021 Notice of Violation #1 was sent to the owner for:
  - a. ESC Plan and NOI approval by City SWQ prior to land disturbing activities missing.
  - b. Posting missing
  - c. BMPs (Silt fence & Construction entrance) missing
  - d. Sediment in street.
- 5. 5/12/21 Photos show no progress mitigating violations.
- 6. 5/13/21 Photos show most sediment removed from street and equipment gone from site.
- 7. 5/18/21 photos show more sediment in street and silt fence down.
- 8. 5/19/21 Notice of Violation #2 and fine #1 (\$500) was sent to the owner and the EPA for:
  - a. ESC Plan and NOI approval by City SWQ prior to land disturbing activities missing.
  - b. Posting missing
  - c. BMPs (Silt fence & Construction entrance) missing
  - d. Sediment in street.
- 9. 5/20/21 E-mail explanation to Shanna Schultz City Council Senior Planner
- 10. 5/24/21 Photos after major wind storm dumped several inches of sediment in the street and front yards of houses for one block north of site on Saragossa St.
- 11. 5/25/21 E-mail granted one-week extension to complete mitigation of Violations since progress was made getting ESC Consultants working on ESC Plan and NOI.
- 12. 5/27/21 photos show Silt fence repaired along Buglo and south side of site, sediment pond constructed in SE Corner of site, and Buglo street was partially swept however, sediment still on Saragossa St. and front yards.
- 13. 5/28/21 ESC Plan and NOI conditionally approved mitigating the first item in the first two Violation Notices.
- 14. 6/4/21 Notice of Violation #3 and Fine #2 (\$7,500) was sent to owner and EPA for
  - a. Posting missing
  - b. BMPs (Silt fence) missing and need repair
  - c. Sediment in street.

- d. SWPPP not available on-site
- 15. 6/14/21 Photos and inspection report and photos show:
  - a. NPDES Permit coverage is Posted
  - b. BMPs silt fence in good repair, sediment trap(pond) in place,
  - c. sediment has been removed from streets
  - d. Temporary stabilization, light coat of Hydromulch, applied
  - e. SWPPP was available on-site
- 16. 11/4/21 Inspection and photos show no violations except that owner was slow to produce SWPPP with self-inspection reports on-site.

Planning Department
Brennon Williams, Director



Mayor Timothy M. Keller

May 11, 2021

Sharif Rabadi 11201 San Antonio Dr. NE Albuquerque, NM 87122

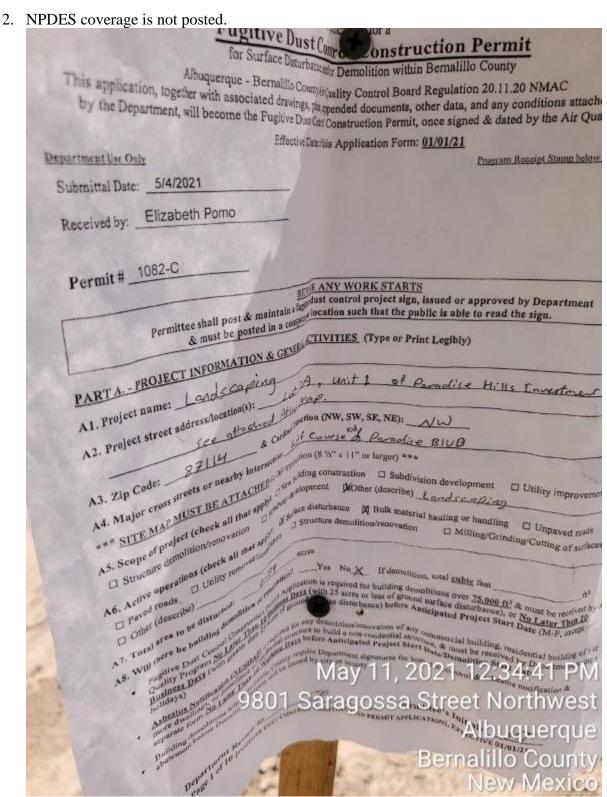
Site: 5530 Buglo NW – Lot 13A and part of lots 13B, 14A, 14B, and 14C – 2.0 acres

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

The following violations were observed while inspecting the Site today.

1. Earth disturbance began prior to approval of an NOI and ESC Plan by the City. The area is square shaped, 300' x 300' and includes a pile of topsoil and rocks along the south edge 8'high 24' wide at the base and 300' long containing about 1000 cy. Clean fill has been imported and spread over about half of the site containing about 2500 cy. So the total earthwork was about 3500 cy today and they are still bringing more dirt in.





3. Silt fence missing from south side.

Planning Department
Brennon Williams, Director



Mayor Timothy M. Keller

4. Construction entrance missing.



5. Trackout in the street.



### **Required Mitigation:**

- 1. The Erosion and Sediment Control Plan (ESC Plan) must be submitted to the City for approval.
- 2. The property owner's NOI and related documentation must be submitted and approved by the City.
- 3. 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.
- 4. Install, inspect and maintain BMPs including but not limited to the south silt fence and the trackout pad. Ensure that all stormwater controls (BMPs) are 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.
- 5. Where sediment has been tracked-out from your site onto paved roads and sidewalks remove the deposited sediment by the end of the same business day CGP 2.2.4.d.

If the violations are not mitigated within 7 days, 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.

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

Sincerely,

James D. Hughes

James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality

Planning Dept.

From: Hughes, James D.

To: Armijo, Ernest M.; Sharif Rabadi (startrustofnm@yahoo.com); Mohamad Tahat (mntahat10@gmail.com)

Cc: <u>Biazar, Shahab; Romero, Tony M.; Evans, Thomas C.</u>
Subject: RE: Violation of Ordinance - Grading without a Permit

Date: Tuesday, May 11, 2021 3:31:00 PM
Attachments: B10E013 Violation1-signed.pdf

image001.jpg

### Mr. Rabadi.

Please see attached notice of Violation of the ESC Ordinance.

cid:image003.jpg@01D41F50.A8AE0A90



### **DOUG HUGHES, P.E., CFM, CPESC**

principal engineer construction SWQ

- o 505.924.3420
- e jhughes@cabq.gov

cabq.gov/planning

From: Armijo, Ernest M.

**Sent:** Thursday, May 06, 2021 9:19 AM

**To:** Sharif Rabadi (startrustofnm@yahoo.com) <startrustofnm@yahoo.com>; Mohamad Tahat (mntahat10@gmail.com) <mntahat10@gmail.com>

Cc: Biazar, Shahab <sbiazar@cabq.gov>; Hughes, James D. <jhughes@cabq.gov>

Subject: Violation of Ordinance - Grading without a Permit

#### Mr. Rabadi,

Based on more than one visit to the site by City personnel and reports from the neighborhood it appears that you are in violation of City ordinances by grading without a permit. Please see attached violation letter for instructions on addressing this violation.



### **ERNEST ARMIJO, P.E.**

principal engineer

- o 505.924.3986
- e earmijo@cabq.gov

## cabq.gov/planning

Planning Department
Brennon Williams, Director



Mayor Timothy M. Keller

May 19, 2021

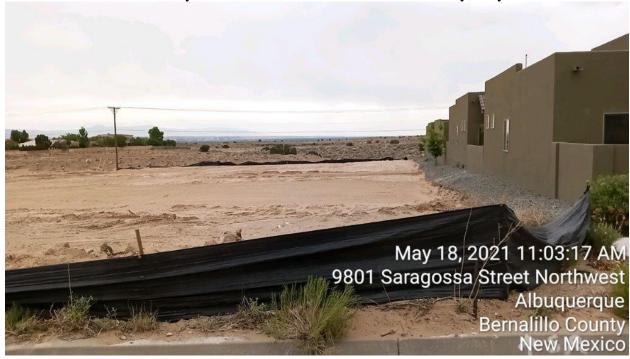
Sharif and Samia Rabadi trusties of Star Trust <a href="mailto:startrustofnm@yahoo.com">startrustofnm@yahoo.com</a> Mohamad Tahat <a href="mailto:mntahat10@gmail.com">mntahat10@gmail.com</a>

Site: 5530 Buglo NW – Lot 13A and part of lots 13B, 14A, 14B, and 14C – 2.0 acres

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

The following violations were observed while inspecting the site today.

1. Earth disturbance began prior to approval of an NOI and ESC Plan by the City. The area is square-shaped, 300' x 300', and includes a pile of topsoil and rocks along the south edge 8'high 24' wide at the base and 300' long, containing about 1000 cy. Clean fill has been imported and spread over about half of the site containing about 2500 cy. So the total earthwork was about 3500 cy. The site has been inactive since Thursday, May 13<sup>th</sup>





2. NPDES coverage is not posted.

3. Perimeter controls not at the edge of earth disturbance and needs maintenance



Planning Department
Brennon Williams, Director



Mayor Timothy M. Keller

4. Construction entrance(s) missing.



### 5. Trackout in the street.



### **Required Mitigation:**

- 1. The Erosion and Sediment Control Plan (ESC Plan) must be submitted to the City for approval.
- 2. The property owner's NOI and related documentation must be submitted and approved by the City.
- 3. 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.
- 4. Install, inspect and maintain BMPs, including silt fence and the track out pad. Ensure that all stormwater controls (BMPs) are 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.
- 5. Where sediment has been tracked out from your site onto paved roads and sidewalks, remove the deposited sediment by the end of the same business day CGP 2.2.4.d.

Planning Department Brennon Williams, Director



Mayor Timothy M. Keller

Per the previous Violation letter, the City is assessing a fine of \$500. This fine is for one day. Additional days may be added if the violation is not mitigated within seven days and the noncompliance is being reported to the EPA.

If you would like to schedule a follow-up inspection at a day and time of your convenience, before seven days from the date of this letter, please let me know.

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

Sincerely,

James D. Hughes

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



# CITY OF ALBUQUERQUE INVOICE

SHARIF RABADI 11201 SAN ANTONIO DR. NE

Reference NO: SI-2021-00741 Customer NO: CU-102540505

DateDescriptionAmount5/19/21Application Fee (Manual)\$500.00

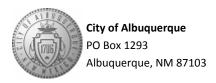
Due Date: 5/19/21 Total due for this invoice: \$500.00

### Options to pay your Invoice:

1. Online with a credit card: http://posse.cabq.gov/posse/pub/lms/Default.aspx

2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



Date: 5/19/21 Amount Due: \$500.00

**Reference NO:** SI-2021-00741

Payment Code: 130

**Customer NO:** CU-102540505

SHARIF RABADI 11201 SAN ANTONIO DR. NE ALBUQUERQUE, NM 87122

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From: Hughes, James D.

To: "Sharif Rabadi"; "Mohamad Tahat"

Cc: Armijo, Ernest M.; Biazar, Shahab; "David Soule"; Evans, Thomas C.; Esparza, David

**Subject:** RE: B11E013 - Buglo five lots 13A, 13B, 14A, 14B, and 14C

Date: Wednesday, May 19, 2021 3:19:00 PM
Attachments: B10E013 Violation2 fine1-signed.pdf

image001.jpg

#### Mr. Rabadi and Mr. Tahat.

Please see attached second Violation Notice. An Invoice for the fine will be sent separately.

cid:image003.jpg@01D41F50.A8AE0A90



### **DOUG HUGHES, P.E., CFM, CPESC**

principal engineer construction SWQ

- o 505.924.3420
- e jhughes@cabq.gov

cabq.gov/planning

From: Hughes, James D.

**Sent:** Monday, May 17, 2021 9:08 AM

**To:** 'David Soule' <david@riograndeengineering.com>

Cc: 'Mohamad Tahat' <mntahat10@gmail.com>; 'Sharif Rabadi' <startrustofnm@yahoo.com>;

Armijo, Ernest M. <earmijo@cabq.gov>; Biazar, Shahab <sbiazar@cabq.gov>

**Subject:** B11E013 - Buglo five lots 13A, 13B, 14A, 14B, and 14C

#### David.

The penalties are motivation to bring the site into compliance with the ESC Ordinance and the CGP rapidly. Both the ordinance and the CGP only allow seven days to comply.

Whether construction continues or not, the disturbed property poses an increased risk of adverse impact to the environment. It would be best if you mitigated the violations rapidly. The mitigations cost a lot more than the penalties. I recommend a more comprehensive look at the scope of the project and the costs, including:

- Penalties,
- SWPPP plan preparation,
- Initial installation of BMPs,
- Inspections,
- Maintenance and replacement of BMPs
- Restoration of neighbor's property (lot13B),
- Temporary stabilization

- Final stabilization
- Remove BMPs and file "NOT."

Start working on the SWPPP and the ESC Plan immediately. Don't wait on the survey or the grading plan.

The CGP is attached, along with a copy of the ESC ordinance. You and the owners should read both and hire a professional to explain the rules and prepare a SWPPP.

cid:image003.jpg@01D41F50.A8AE0A90



### **DOUG HUGHES, P.E., CFM, CPESC**

principal engineer construction SWQ

- o 505.924.3420
- e jhughes@cabq.gov

cabq.gov/planning

**From:** David Soule < <u>david@riograndeengineering.com</u>>

Sent: Friday, May 14, 2021 4:58 PM

To: Hughes, James D. <<u>jhughes@cabq.gov</u>>; Armijo, Ernest M. <<u>earmijo@cabq.gov</u>>

**Cc:** 'Mohamad Tahat' <<u>mntahat10@gmail.com</u>>; 'Sharif Rabadi' <<u>startrustofnm@yahoo.com</u>>

Subject: FW: Buglo lot 13A

### **External**

Mr Hughes and Mr. Armijo. The owner of this property recently contacted me and has hired me to assist them. I will be preparing a corrective grading plan based upon existing conditions. The plan will probably include a temporary water quality pond and requirements for restoration of disturbed areas. I am helping obtain an ESC from a separate company. To complete these tasks we have ordered a topographic survey, which will take over a week. I will submit the corrective plan within a week of obtaining the survey. The corrective grading plan is required for the 3rd party to prepare the ESC. Based upon the duration and dependence of these items, the mitigation will not be complete within the stipulated time. The owner has ceased operation and removed his equiptment. He has begun cleaning the dirt in the roadways and installing silt fencing. As long as we show progress as described will that be acceptable to avoid pentalties? Thank you

**David Soule** 

From: Mohamad Tahat [mailto:mntahat10@gmail.com]

Sent: Friday, May 14, 2021 1:28 PM To: David Soule; Sharif Rabadi Subject: Buglo lot 13A

Hello David

I cleaned Buglo St at the east entrance and the front entrance of the lot on Buglo as shown in the attached pictures. Also I installed silt fence around lot 13A as shown in the attached pictures.

Thank you

From: <u>Hughes, James D.</u>
To: <u>Schultz, Shanna M.</u>

Cc: Morris, Petra; Biazar, Shahab; Williams, Brennon; Gould, Maggie S.; Clark, Land

Subject: RE: Development around Bulgo Ave / Lilienthal Ave / Justin Drive

**Date:** Thursday, May 20, 2021 2:51:00 PM

Attachments: <u>image001.jpg</u>

image002.png image003.png

Screenshot 2021-05-20 140555.png

RE B11E013 - Buglo five lots 13A 13B 14A 14B and 14C.msg RE Violation of Ordinance - Grading without a Permit.msg

image004.jpg

#### Shanna.

I only represent the Stormwater Quality Section of the Planning Department. I sent 2 violation notices (attached) to the owner of record, Sharif and Samia Rabadi trusties of Star Trust, for disturbing two acres without an approved ESC Plan. The approximate location of the two acres is hatched orange and labeled B11E013 in the attached screenshot. Approximately 2 acres of land attached E-Mails and vicinity map. I don't know of any development plans submitted to the City yet, though I heard a rumor that a sketch plat may have been submitted to DRB.

Mr. Rabadi and Mr. Tahat have repeatedly denied the size of the disturbed area and the volume of earthwork in an attempt to get out of permit requirements. Their contractor, Desert Fox Landscaping, placed an  $8' \times 24' \times 300'$  pile of rocks and topsoil on the neighbor's lot 13B, damaging that property. One \$500 fine has been issued, and there will be an additional \$500/day if they don't get ESC Permits by May  $27^{th}$ .

The owners have hired Rio Grande Engineering to design a G&D Plan and submit it to Hydrology, and they hired Inspections Plus to develop an SWPPP and file the NOI with the EPA.

cid:image003.jpg@01D41F50.A8AE0A90



### **DOUG HUGHES, P.E., CFM, CPESC**

principal engineer construction SWQ

• 505.924.3420

e jhughes@cabq.gov

cabq.gov/planning

From: Gould, Maggie S.

**Sent:** Thursday, May 20, 2021 10:19 AM

To: Schultz, Shanna M. <smschultz@cabq.gov>; Clark, Land <lclark@cabq.gov>

Cc: Morris, Petra <pmorris@cabq.gov>; Biazar, Shahab <sbiazar@cabq.gov>; Hughes, James D.

<jhughes@cabq.gov>

**Subject:** RE: Development around Bulgo Ave / Lilienthal Ave / Justin Drive

Hello Shanna,

I am including Shahab and Doug on this e-mail. I believe that the City did look into grading activity on that site



### **MAGGIE GOULD**

planning manager land development coordination

o 505-924-3880

c 505-553-0682

e mgould@cabq.gov cabq.gov/planning

From: Schultz, Shanna M.

**Sent:** Thursday, May 20, 2021 10:15 AM

**To:** Gould, Maggie S. < MGould@cabq.gov >; Clark, Land < lclark@cabq.gov >

**Cc:** Morris, Petra pmorris@cabq.gov

**Subject:** Development around Bulgo Ave / Lilienthal Ave / Justin Drive

Hi Maggie and Land,

Council staff has received an inquiry regarding the area I've provided an image of below. There is concern that Mr. Rabadi, who owns many of the parcels in this subdivision, began development of apartments without City approval. The constituent believes the City gave him a notice to cease construction.

Are either of you aware of any building permit requests or Site Plan – DRB requests for this area? If so, can you tell me about these requests?



Thank you, Shanna



Shanna Schultz, MPA, MCRP Council Senior Planner Albuquerque City Council 505.768.3185 smschultz@cabq.gov From: Hughes, James D.

To: "Mohamad Tahat"

Cc: Shahab Biazar; Sharif Rabadi; Armijo, Ernest M.; Sam Stribling; Romero, Tony M.; Evans, Thomas C.; Esparza,

<u>David</u>

Subject: B11D013 - Buglo Site temporary stabilization Date: Tuesday, May 25, 2021 5:09:00 PM

Attachments: North Star Plantago Binder MSDS 7 21 2010.pdf

North Star Plantago Tackifier.pdf

image001.jpg

TimePhoto 20210524 170038.jpg TimePhoto 20210524 170117.jpg TimePhoto 20210524 170415.jpg TimePhoto 20210524 170549.jpg TimePhoto 20210524 165138.jpg TimePhoto 20210524 165142.jpg TimePhoto 20210524 165415.jpg TimePhoto 20210524 165438.jpg TimePhoto 20210524 165509.jpg TimePhoto 20210524 165534.jpg TimePhoto 20210524 165645.jpg TimePhoto 20210524 165656.jpg TimePhoto 20210524 165724.jpg TimePhoto 20210524 165802.jpg TimePhoto 20210524 165828.jpg TimePhoto 20210524 165912.jpg TimePhoto 20210524 170000.jpg TimePhoto 20210524 170020.jpg

### Mr Tahat,

The tackafier and mulch are commonly used, but I don't see any literature attached that talks about the functional longevity of the product. There is just Sam's statement below that it should last 3 to 6 months.

Sam said he would use wood fiber and tackafier at the recommended rates on the last sheet of the attached PDFs. The actual rates used should be documented in a report to be placed in the SWPPP. The perimeter silt fence is still required and both the hydromulch and the and BMPs must be inspected regularly and reports of those inspections put into the SWPPP.

The city engineer has given permission to move the stockpile off of your neighbor's property, lot 13B, onto property to the east owned by Mr. Rabadi, with the following conditions:

- 1. The pile is the only earthmoving activity,
- 2. dust suppression Water will be used when moving the pile and if the wind blows until the hydromulch stabilization is applied,
- 3. The work will be inspected by Tommy Evans (Phone # 803-6215) who is to verify that these conditions are followed.
- 4. The City will waive the requirement for the Trackout Pad until the Grading and ESC plans are approved and permits issued. so there will not be any traffic on and off of the site other than that necessary to move the pile, dust suppression with a water truck, and the hydromulch equipment.
- 5. Crews are to install a silt fence per the city standard detail.
- 6. All of the sediment that blew offsite and landed in the street north of the site must be picked up, and the yards of the houses on that street restored (See attached pictures). Corrective action reports should begin immediately and include each time sediment is removed, silt fence repaired or replaced, and stabilization is applied.
- 7. Please also consider the immediate "Final Stabilization" of Lot 13B instead of temporary hydromulch.

8. I look forward to receiving the SWPPP, NOI, and ESC Plan soon.

If you show significant progress on these items we will extend the deadline for having all areas of concern mitigated by seven days. All areas of concern must be mitigated by June 4<sup>th</sup>. A follow-p inspection will be scheduled for that day.

cid:image003.jpg@01D41F50.A8AE0A90



### DOUG HUGHES, P.E., CFM, CPESC

principal engineer construction SWQ

- o 505.924.3420
- e jhughes@cabq.gov

cabq.gov/planning

**From:** Mohamad Tahat [mailto:mntahat10@gmail.com]

**Sent:** Tuesday, May 25, 2021 3:26 PM

To: Hughes, James D. <jhughes@cabq.gov>

Cc: Shahab Biazar <shahab19@aol.com>; Sharif Rabadi <startrustofnm@yahoo.com>; Armijo, Ernest

M. <earmijo@cabq.gov> **Subject:** Fwd: Dust Control

### External

Hi James

I will use the material I the forwarded email to stabilize the disturbed area on Buglo. I can do the contractor can apply it as soon as Friday. I am going to schedule it for Friday unless you have objection.

Please advise.

----- Forwarded message -----

From: **Sam Stribling** < <u>Sam@814solutions.com</u>>

Date: Tue, May 25, 2021, 2:23 PM

Subject: Dust Control

To: mntahat10@gmail.com <mntahat10@gmail.com>

Cc: Sergio Lozoya < Sergio @ 814 solutions.com >, Kevin Langham

<Kevin@814solutions.com>

Good afternoon Joseph,

See attached some literature about the dust control product that we would be putting down. It is considered a short term dust suppressant to allow you to finish work on the site and achieve final grading. This should last 3-6 months using this product as long as you can keep vehicular and foot traffic off the site and prevent breaking of the crust. We apply the material

based on the attached manufacturer recommendations taking into consideration slope and soil content. If you need additional info or would like to schedule the application please do not hesitate to call or email.

Thank you,

Sam Stribling
Chief Executive Officer
5750 Pino Ave. N.E. | Albuquerque, New Mexico 87109
P: 1-505-872-0846 | C: 1-505-977-6747 | F: 1-505-883-2838
sam@814solutions.com | www.814solutions.com



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Planning Department Brennon Williams, Director



May 28, 2021

Cassandra Durkin, CPESC, CESSWI Inspections Plus Inc. 504 El Paraiso Rd. NE Suite B Albuquerque, NM 87113

Re: Buglo Apartments - 5530 Buglo Ave NW Erosion and Sediment Control Plan Engineer's Stamp Date 5/26/2021 (K19E108)

Dear Ms. Durkin,

Based upon the information provided in your submittal received 5/27/2021, the above-referenced plan is approved for preliminary activities and to be included in the SWPPP. This plan can't be approved for Grading Permit or Building Permit until after Hydrology approves a Grading and Drainage Plan and the following comments are addressed.

- 1. The plan must be updated using the approved G&D Plan as a base. The existing and proposed grades must be shown on the plan. (CGP7.2.4.b.ii);
- 2. The limits of disturbance must be shown and include the disturbance on the adjacent properties. Show the staging and stockpile areas adjacent to the proposed apartments.
- 3. Identify Final Stabilization measures for those and include specifications such as Native Seed and Aggregate Mulch per City Standard Specification 1012. The Hydromulch shown on sheet 5 doesn't satisfy the Final Stabilization Criteria.
- 4. Describe undisturbed and pre-construction ground cover, including the percentage of ground cover. (CGP7.2.4.e);
- 5. Describe the nature and extent of construction activities for each operator (CGP 7.2.2.), including a) nature of construction activities, b) size of the properties, c) size of disturbed area, d) description of construction support activities, e) size of maximum disturbed area, and f) Project Schedule including temporary stabilization of inactive areas, and final stabilization of off-site areas adjacent to the apartments. The hydro-mulch shown is a temporary measure

6. Include e-mail addresses for both operators on the ESC Plan and describe the areas of control of each. Will they share one SWPPP? Which operator was in control of the original land-disturbing activates? When will control of construction activities be transferred to a new owner?

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 NPDES FORM 3510-9

**\$EPA** 

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR THE 2017 NPDES CONSTRUCTION PERMIT

FORM Approved OMB No. 2040-0004

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

Permit	Inform	otion

~

NPDES ID: NMR1003YA

State/Territory to which your project/site is discharging: NM

Is your project/site located on federally recognized Indian Country lands? No

Are you requesting coverage under this NOI as a "Federal Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2019-05/documents/final\_2017\_cgp\_appendix\_a\_-\_definitions.pdf)?

Nο

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? No

Will you use polymers, flocculants, or other treatment chemicals at your construction site? No

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling this NOI, as required? Yes

Are you able to demonstrate that you meet one of the criteria listed in Appendix D (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_d\_-endangered\_species\_reqs\_508.pdf) with respect to protection of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated critical habitat?

Yes

Have you completed the screening process in Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_e\_-\_historic\_properties\_reqs\_508.pdf) relating to the protection of historic properties?

Yes

Indicating "Yes" below, I confirm that I understand that CGP only authorized the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state or local authorities after issuance of this permit via any means, Including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an Inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

#### Operator Information

~

Operator Information

Operator Name: Sharif Rabadi Trustee of Star Trust

Operator Mailing Address:

Address Line 1: 11201 San Antonio Dr NE

Address Line 2: City: Albuquerque

ZIP/Postal Code: 87122 State: NM

County or Similar Division: Bernalillo

Operator Point of Contact Information First Name Middle Initial Last Name: Sharif Rabadi Title: Trustee Phone: 505-440-6443 Ext.: Email: startrustofnm@y ahoo.com **NOI Preparer Information** f extstyle extstyleFirst Name Middle Initial Last Name: Cassandra Durkin Organization: Inspections Plus Phone: 505-344-9410 Ext.: Email: cassandra@inspectionsplus.com Project/Site Information Project/Site Name: Apartments on Buglo Project/Site Address Address Line 1: 5530 Buglo Ave NW City: Albuquerque Address Line 2: ZIP/Postal Code: 87114 State: NM County or Similar Division: Bernalillo Latitude/Longitude: 35.1931°N, 106.6997°W Latitude/Longitude Data Source: Google Earth Horizontal Reference Datum: WGS 84 Project Start Date: 05/14/2021 Project End Date: 07/04/2022 Estimated Area to be Disturbed: 1.5 Types of Construction Sites: • Multi-Family Residential Will there be demolition of any structure built or renovated before January 1, 1980? No Was the pre-development land use used for agriculture? No Have earth-disturbing activities commenced on your project/site? Yes Is your project an "emergency-related project"? No Is your project/site located on federally recognized Indian Country lands? No Is your project/site located on a property of religious or cultural significance to an Indian tribe? No Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? No Are there any waters of the U.S. within 50 feet of your project's earth disturbances? No Are any of the waters of the U.S. to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? See Appendix F (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_f -\_tier\_3\_tier\_2\_and\_tier\_2.5\_waters\_508.pdf) 001: Piedras Marcadas Canyon Latitude/Longitude: 35.189856°N, 106.698392°W Tier Designation: N/A Is this receiving water impaired (on the CWA 303(d) list)? No Has a TMDL been completed for this receiving waterbody? No Stormwater Pollution Prevention Plan (SWPPP) First Name Middle Initial Last Name: Mohammad Tahat Organization: Title: SWPPP Development Phone: 575-650-0380 Ext.: Email: mntahat10@gmail.com **Endangered Species Protection** Using the Instructions in Appendix D of the CGP, under which criterion listed in Appendix D are you eligible for coverage under this Criterion A Provide a brief summary of the basis for criterion selection listed above (the necessary content for a supportive basis statement is provided under the criterion you selected.): Per USFWS there are no critical habitats within the project action area. Historic Preservation Are you installing any stormwater controls as described in Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_e\_-historic\_properties\_reqs\_508.pdf) that require subsurface earth disturbances? (Appendix E (https://www.epa.gov/sites/production/files/2017-02/documents/2017\_cgp\_final\_appendix\_e\_-\_historic\_properties\_reqs\_508.pdf), Step 1)

Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (https://www.epa.gov/sites/production/files/2017-

02/documents/2017\_cgp\_final\_appendix\_e\_-\_historic\_properties\_reqs\_508.pdf), Step 2):

### Certification Information

V

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: Samia Rabadi

Certifier Title: Trustee

Certifier Email: ohhhthemann@aol.com

Certified On: 05/27/2021 5:58 PM ET



# CITY OF ALBUQUERQUE INVOICE

### **CASSANDRA DURKIN**

**504 EL PARAISO RD NE STE B** 

Reference NO: SI-2021-00801 Customer NO: CU-112604419

DateDescriptionAmount5/28/21Application Fee (Manual)\$605.00

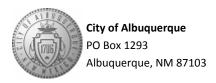
Due Date: 5/28/21 Total due for this invoice: \$605.00

### Options to pay your Invoice:

- 1. Online with a credit card: http://posse.cabq.gov/posse/pub/lms/Default.aspx
- 2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT

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Date: 5/28/21 Amount Due: \$605.00

**Reference NO:** SI-2021-00801

Payment Code: 130

**Customer NO:** CU-112604419

CASSANDRA DURKIN 504 EL PARAISO RD NE STE B ALBUQUERQUE, NM 87113

## դովոսըկներուիլիՍիկրիիովիՍիՍիկի

From: Hughes, James D.

To: "Mohamad Tahat"; Cassandra Durkin

Cc: Biazar, Shahab; Armijo, Ernest M.; Sharif Rabadi; Esparza, David; "Jones, Curry"

Subject: RE: SWPPP

Date: Friday, May 28, 2021 4:41:00 PM
Attachments: B11E013 ESC GR BP Prelim Appr-signed.pdf

image001.jpg

#### Mr. Tahat and Cassandra.

Please see attached preliminary ESC Plan approval letter. It mitigates the violation of working without ESC approval. The NOI should be posted on site and the SWPPP's location must also be posted if the SWPPP is not kept on site. No further earth moving is allowed until the Grading Plan is approved by Hydrology and a revised ESC Plan is approved by Stormwater Quality.

Please contact me for a follow-up inspection prior to June 4<sup>th</sup> to verify that all of the rest of the areas of concern have been mitigated. Please be sure that:

- 1. all of the sediment has been removed from the street and sidewalk
- 2. NPDES coverage and SWPPP location are posted,
- 3. your SWPPP is up-to-date and available onsite at all times.
- 4. The outstanding invoices for \$500 and \$605 are paid
- 5. all self-inspection and corrective action reports are e-mailed to me both past and future for the duration of this project.

cid:image003.jpg@01D41F50.A8AE0A90



### **DOUG HUGHES, P.E., CFM, CPESC**

principal engineer construction SWQ

- o 505.924.3420
- e jhughes@cabq.gov

cabq.gov/planning

**From:** Mohamad Tahat [mailto:mntahat10@gmail.com]

**Sent:** Thursday, May 27, 2021 5:04 PM

**To:** Planning Development Review Services <PLNDRS@cabq.gov>; Hughes, James D.

<jhughes@cabq.gov>

**Cc:** Biazar, Shahab <sbiazar@cabq.gov>; Armijo, Ernest M. <earmijo@cabq.gov>; Sharif Rabadi

<startrustofnm@yahoo.com>; Cassandra Durkin <cassandra@inspectionsplus.com>

**Subject:** SWPPP

### **External**

Hello there

I want to submit SWPPP as attached in this email. This SWPPP is for lot 13A Buglo St and surrounding area. Please let me know if you want anything else. thanks you

Planning Department Brennon Williams, Director



Mayor Timothy M. Keller

June 4, 2021

Sharif and Samia Rabadi trusties of Star Trust <a href="mailto:startrustofnm@yahoo.com">startrustofnm@yahoo.com</a>
Prestige Custom Designs - Mohamad Tahat <a href="mailto:mntahat10@gmail.com">mntahat10@gmail.com</a>

Site: 5530 Buglo NW – Lot 13A and part of lots 13B, 14A, 14B, and 14C – 2.0 acres NMR

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

The following violations were observed while inspecting the site today.

1. NPDES coverage is not posted. (3<sup>rd</sup> Violation)

2. Silt fence, isn't at the edge of earth disturbance and needs maintenance. (3<sup>rd</sup> Violation)





3. Sediment in the street. (3<sup>rd</sup> violation)



Planning Department
Brennon Williams, Director



Mayor Timothy M. Keller



4. SWPPP not available on site and /or not up-to-date. (1<sup>st</sup> Violation)

### **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.
- 2. Install, inspect and maintain BMPs, including silt fence. Ensure that all stormwater controls (BMPs) are 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.
- 3. Where sediment has been tracked out from your site onto paved roads and sidewalks, remove the deposited sediment by the end of the same business day CGP 2.2.4.d.
- 4. The SWPPP must be kept up-to-date and available onsite per CGP 7. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

Per the previous Violation letter, the City is assessing a fine of \$7,500. This fine is for fifteen additional days, May 20 –June 3, since the last Violation notice was sent on 5/19/2021. Additional days may be added if the violation is not mitigated within ten days and the noncompliance has been reported to the EPA.

If you would like to schedule a follow-up inspection at a day and time of your convenience, before seven days from the date of this letter, please let me know.

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

Sincerely,

James D. Hughes

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



# CITY OF ALBUQUERQUE INVOICE

### MOHAMMAD TAHAT 5816 ERMEMIN AVE NW

Reference NO: SI-2021-00830 Customer NO: CU-59909097

DateDescriptionAmount6/04/21Application Fee (Manual)\$7,500.00

Due Date: 6/04/21 Total due for this invoice: \$7,500.00

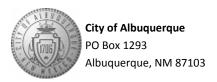
### Options to pay your Invoice:

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### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT

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Date: 6/04/21
Amount Due: \$7,500.00
Reference NO: SI-2021-00830

Payment Code: 130

**Customer NO:** CU-59909097

MOHAMMAD TAHAT 5816 ERMEMIN AVE NW ALBUQUERQUE, NM 87114

## 

From: Hughes, James D.
To: "Mohamad Tahat"

Cc: Biazar, Shahab; Armijo, Ernest M.; "Sharif Rabadi"; "Esparza, David"; "Jones, Curry"; Romero, Tony M.

Subject: B11E013 - Buglo Apartments Violation #3 Fine #2 - NMR1003YA

Date: Friday, June 04, 2021 12:00:00 PM
Attachments: B10E013 Violation3 fine2-signed.pdf

image001.jpg

#### Mr. Tahat.

Attached please find the third violation notice. An invoice for the fine will be sent separately. A follow-up inspection has been scheduled for June 14<sup>th</sup> to verify that all of the areas of concern have been addressed and that the site is incompliance with the EPA's CGP and the City's ESC Odrinance.

cid:image003.jpg@01D41F50.A8AE0A90



### DOUG HUGHES, P.E., CFM, CPESC

principal engineer construction SWQ

o 505.924.3420

e jhughes@cabq.gov

cabq.gov/planning

From: Hughes, James D.

**Sent:** Friday, May 28, 2021 4:42 PM

**To:** 'Mohamad Tahat' <mntahat10@gmail.com>; Cassandra Durkin

<cassandra@inspectionsplus.com>

**Cc:** Biazar, Shahab <sbiazar@cabq.gov>; Armijo, Ernest M. <earmijo@cabq.gov>; Sharif Rabadi

<startrustofnm@yahoo.com>; Esparza, David <esparza.david@epa.gov>; 'Jones, Curry'

<jones.curry@epa.gov>
Subject: RE: SWPPP

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principal engineer construction SWQ

- o 505.924.3420
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**Sent:** Thursday, May 27, 2021 5:04 PM

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<i hughes@cabq.gov>

**Cc:** Biazar, Shahab <<u>sbiazar@cabq.gov</u>>; Armijo, Ernest M. <<u>earmijo@cabq.gov</u>>; Sharif Rabadi

<startrustofnm@yahoo.com>; Cassandra Durkin <cassandra@inspectionsplus.com>

Subject: SWPPP

### External

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I want to submit SWPPP as attached in this email. This SWPPP is for lot 13A Buglo St and surrounding area. Please let me know if you want anything else. thanks you