

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

November 3, 2023

Faizel Kassam, KLG 9, LLC, fkassam@legacydm.net

Sites: Peaks at Markana Phase 2 – 6500 Glendale - NMR1004WQ – B18E029

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

On 11/02/23, the City of Albuquerque SWQ Section conducted a routine inspection to verify compliance with the Environmental Protection Agency (EPA) Construction General Permit (CGP) and the City's ESC Ordinance § 14-5-2-11 during which the following violations were observed.

1. The **SWPPP** wasn't up-to-date. The SWPPP map doesn't include the offsite areas of land disturbing activities south of the site, the offsite areas of land disturbing activities within



the public right of ways on Glendale Ave. and Modesto Ave. that are part of the Work Order associated with Phase 2, and the offsite 40' to 50' wide strip of land disturbing activities north of Modesto Ave and east of Glendale Ave on the Pueblo of Sandia's property in violation of CGP 7.2.4. The SWPPP Map with CPESC stamp date 2/2/23 was approved by the City for Work Order, but it was missing from the SWPPP and needs to be modified to include all of the land-disturbing activities associated with this project.



The self-inspection reports were not available on site in violation of CGP per CGP 4.7.3, 5.4.3 and 7.3 and City Ordinance § 14-5-2-11(c)

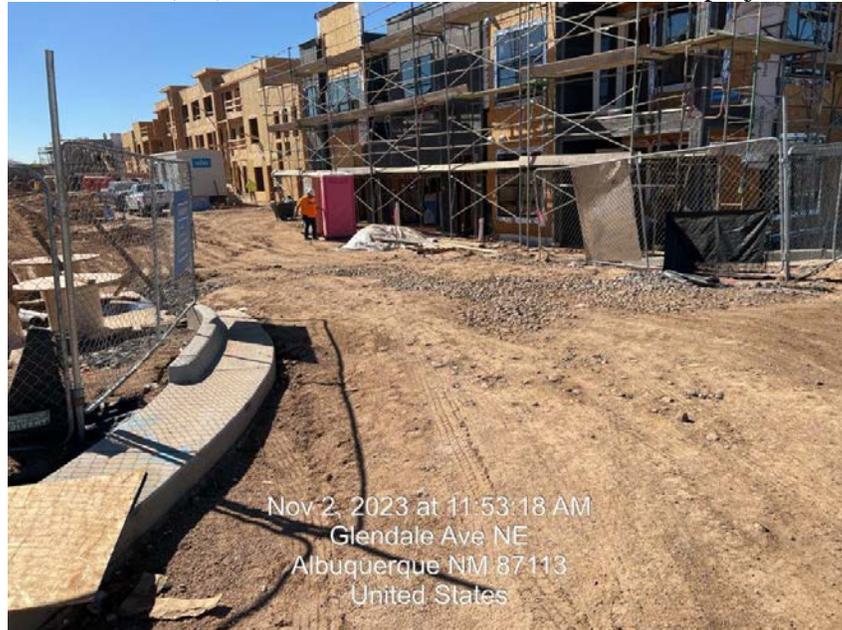
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2. The **BMPs** are missing. Perimeter controls and stabilization are missing on the offsite 40' to 50' wide strip of land disturbing activities north of Modesto Ave and east of Glendale Ave on the Pueblo of Sandia's property in violation of CGP 2.2.3 and CGP 2.2.14 respectively. The Silt Fence (SF), as shown on the SWPPP Map, is missing along the north side of the site. Track-out pads are missing or completely covered by sediment at the two Construction Exits (CE) entrances on the north end of the site project.



3. **Sediment** has been tracked out the two entrances into the paved portion of Glendale Ave. north and west of the site, where excess water from the water truck was flowing from the site down to the City's existing storm drain at San Pedro Dr.



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Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached) requires the property owner to comply with the Construction General Permit [2022 Construction General Permit \(CGP\) | US EPA](#).

Required Mitigation:

1. The **SWPPP**, including Self Inspection Reports and Corrective Action Reports, 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. The SWPPP map must include locations and specifications for stabilization and erosion and sediment controls in the off-site areas of land-disturbing activities.
2. **BMPs** - The missing BMPs must be installed per the SWPPP map, including SF and CE. Additional erosion and sediment controls must be designed and implemented per CGP 2.2 in the additional off-site areas of land disturbance, and those areas must be stabilized per CGP 2.2.14. 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 5.2.1.
3. **Sediment** - 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., especially in Glendale Ave north and west of this site. Remove the sediment by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

History of Violations:

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

1. NOI ----- 5/10/22 (Level 2)
2. Posting -- 5/10/23 (Level 2), 6/17/22 (Level 3)
3. SWPPP – 5/10/23 (Level 2), 6/17/22 (Level 3), 11/3/23 (Level 3)
4. BMPs ---- 5/10/23 (Level 2), 6/17/22 (Level 3), 11/3/23 (Level 3)
5. Sediment -----11/3/23 (Level 1)

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 6/17/2022, the city is assessing a fine of \$500 for the current level 3 violations, and the non-compliance is being reported to the EPA. This fine is for one day, 11/3/23. Additional days may be added if the violation is 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, 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.