

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

May 10, 2022

Faizel Kassam, KLG 9, LLC, [fkassam@legacydm.net](mailto: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**

The following violations were observed during a City compliance inspection on 5/9/2022.

1. Land-disturbing activity has commenced without City approval of either an Erosion and Sediment Control (ESC) Plan or an NOI. (1st Violation Notice).





2. Land-disturbing activity has commenced without installing any BMPs. (1st Violation Notice.)



3. The NPDES permit coverage has not been posted onsite. (1st Violation Notice.)
4. The up-to-date SWPPP was not available onsite. The SWPPP Map is neither up-to-date nor complete. The land disturbing activities encroach about 30' into the City owned property south of the site and a construction staging area has been fenced on City Property southwest of the site. (1st Violation Notice.)



# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

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](https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897) requires the property owner to provide an ESC Plan and the EPA's Notice of Intent (NOI) to the city for review and approval prior to any land-disturbing activity. It also requires compliance with the Construction General Permit [2022 Construction General Permit \(CGP\) | US EPA](#).

## Required Mitigation:

1. The Erosion and Sediment Control Plan and NOI are being reviewed by the City. They are satisfactory for Grading and Foundation Permit approval, thus mitigating the lack of on approved plan and NOI, but the ESC Plan must be revised. The 14 day waiting period began with the operator's certification of the NOI on 5/6/2022. The owner/operator identity must be verified prior to approval for Building Permit or Work Order.
2. Install the BMPs. Ensure that all stormwater controls (BMPs) are maintained and remain in effective operating condition during permit coverage per CGP Part 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 Part 5.
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 per CGP Part 1.5.
4. Update the SWPPP and make it available on site. The SWPPP must be kept up-to-date and available onsite per CGP 7.1. 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 CGP 7.3. The SWPPP map must be up-dated to accurately include the encroachments on City Property and identify stabilization and BMPs for those areas.

If all of the violations are not mitigated within seven 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. Repeat violations are also subject to a fine of \$500/day.

If you have any questions, you can contact me at 924-3420, [jhughes@cabq.gov](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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