

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

June 17, 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 5/9/22 and again on 6/16/22.

1. The NPDES permit coverage has not been posted onsite. (2<sup>nd</sup> Violation Notice.)
2. The up-to-date SWPPP was not available onsite. (2<sup>nd</sup> Violation Notice.)
3. Land-disturbing activity has commenced without installing any BMPs. (2<sup>nd</sup> Violation Notice.)



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. 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.
2. 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.
3. 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.

Per the previous Violation letter dated 5/10/2022, the City is assessing a fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 6/17/2022. 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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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