

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 1, 2023

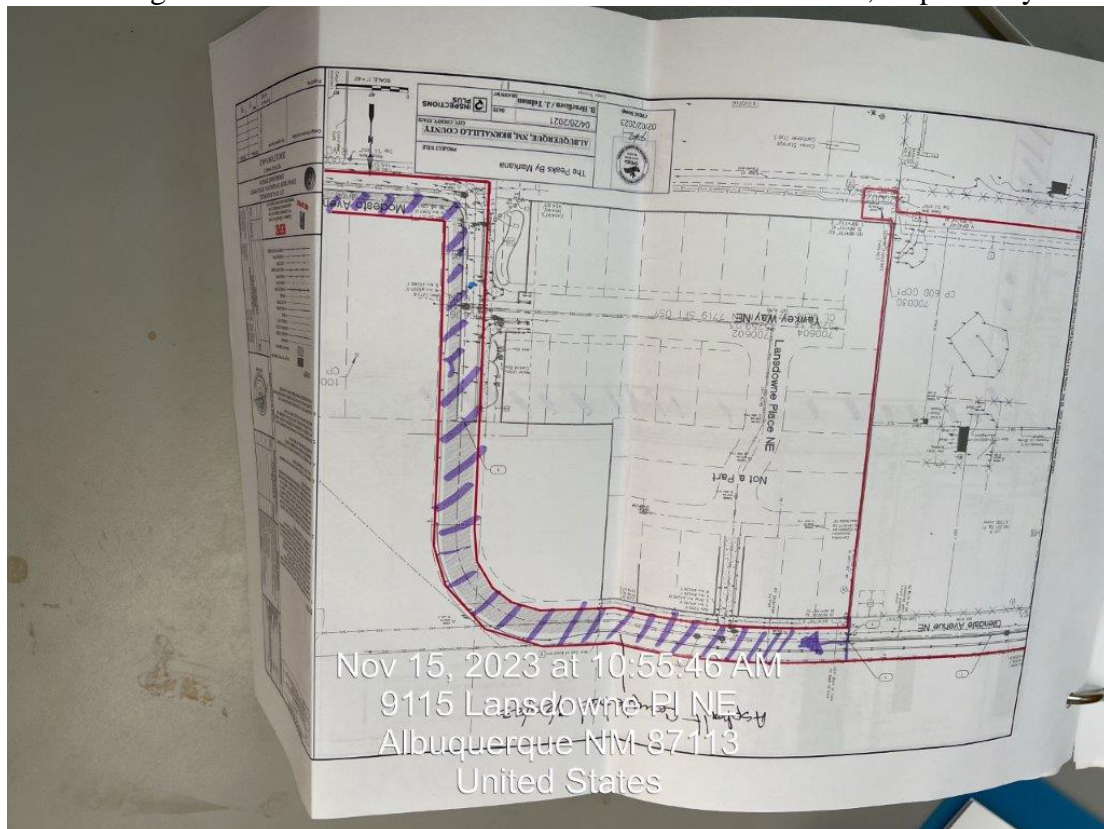
Faizel Kassam, KLG 9, LLC, fkassam@legacydm.net

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

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

On 11/15/23, the City of Albuquerque SWQ Section conducted a follow-up 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 updated SWPPP map showing 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 that was emailed to me on 11/17/23 didn't make it into the SWPPP in violation of CGP 7.2.4. Specifications for BMPs and stabilization were also missing from the SWPPP in violation of CGP 2.2.3 and 2.2.14, respectively.



The owner/operator did not sign the self-inspection reports, in violation of CGP Appendix G.11

INSPECTIONS PLUS

Weather Event Inspection

Site Name:	The Peaks by Markana Pk II The Peaks by Markana Pk II	Inspector:	Marcos Valadez	
Permit #:		Inspection Frequency:		
Date of Visit:	Nov 20, 2023, 8:38:34 AM	Last Rain Event Monday, November 20, 2023, 0.82"	Last Precipitation Monday, November 20, 2023, 0.82"	48h Forecast 59% Chance of Rain

6. What did the water look like at the time of the discharge?

☐ Clear ☐ During storm event
☐ Very sandy

Notes: N/A

7. Was Inspection Conducted Within 24 Hours of Last Rainfall Over 1/4"?

☒ Yes ☐ No

Notes: Rain was during the weekend.

8. How much did it rain?

Reference precipitation values included with this form.

Notes: 0.82 inches of precipitation.

Certification & Signatures

Certification Statement:
"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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Electronic Signature - Inspector
X Marcos Valadez Date: Nov 20, 2023
Title: Inspector

Electronic Signature - Site Operator
X Date:
Title:

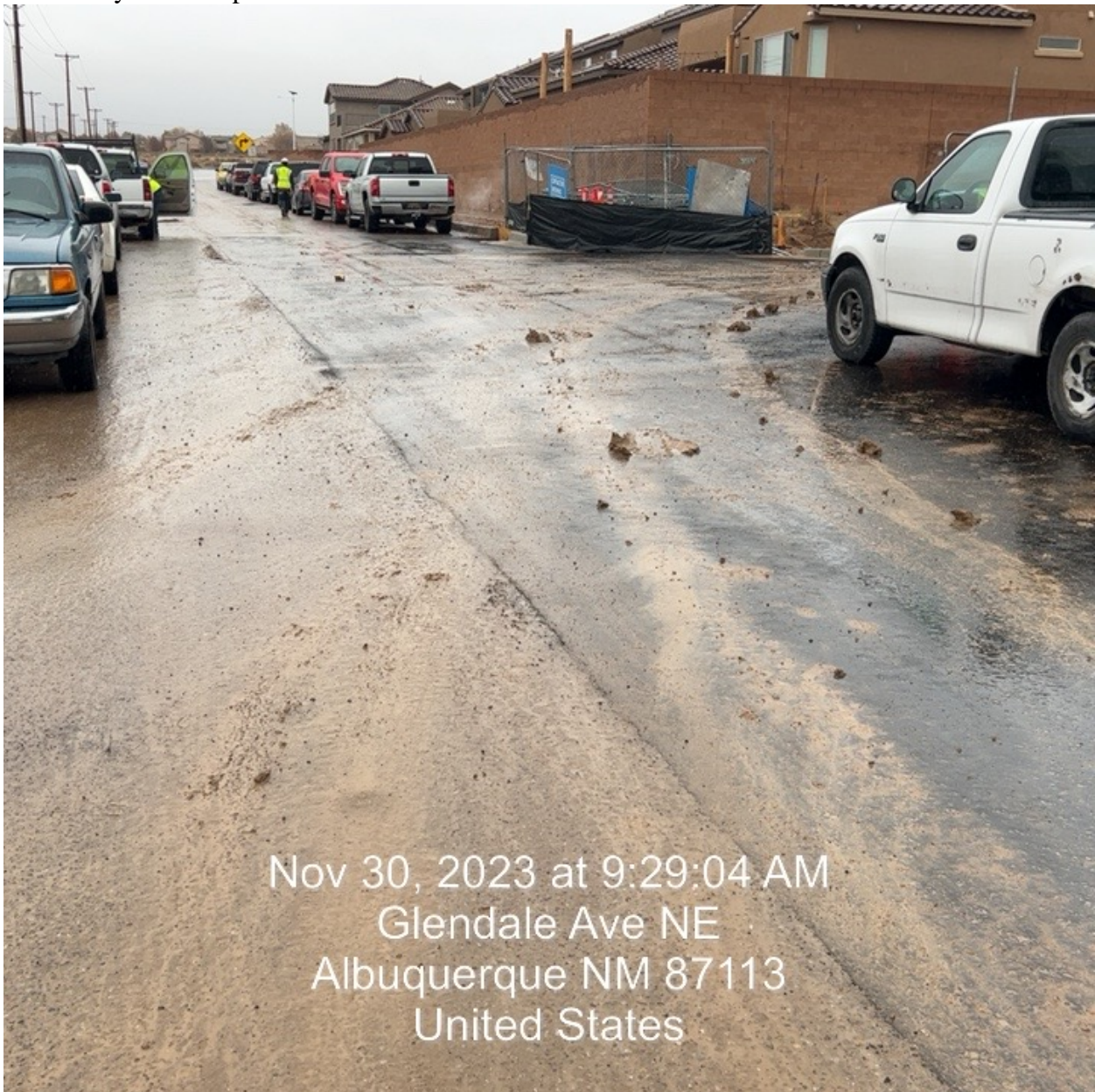
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2. The **BMPs** were missing and inadequate to control sediment in violation of CGP 2.2.3, 2.2.4, and 2.2.14. Perimeter controls and stabilization are missing on the offsite 40' to 50' wide strip of land disturbing activities north of Modesto Ave and east of Glendale Ave on the Pueblo of Sandia's property in violation of CGP 2.2.3 and CGP 2.2.14 respectively.
3. **Sediment** -The construction exits didn't adequately control sediment in Glendale Ave., resulting in large quantities of sediment-laden discharge in violation of CGP 2.2.4. It is unclear when the sediment was tracked out into Glendale so this violation is just for one day. It is a repeat violation at level 2.





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 show 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, including locations and specifications for erosion and sediment controls and stabilization in the off-site areas of land-disturbing activities. Self-Inspection reports must be signed
2. **BMPs** – Minimize sediment track-out. Implement additional track-out controls, for example, prevent the use of exit points during wet periods as necessary to ensure that sediment removal occurs prior to vehicle exit. Other Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates. Additional erosion and sediment controls must be designed and implemented on the offsite 40' to 50' wide strip of land disturbing activities north of Modesto Ave and east of Glendale

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Ave on the Pueblo of Sandia's property per CGP 2.2.3, 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, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out 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 per CGP 2.2.4.d.

History of Violations:

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

1. NOI ----- 5/10/22
2. Posting -- 5/10/23, 6/17/22
3. SWPPP -- 5/10/23, 6/17/22, 11/3/23 (Level 3), 12/1/23, (Level 4)
4. BMPs ---- 5/10/23, 6/17/22, 11/3/23 (Level 3), 12/1/23, (Level 4)
5. Sediment -----11/3/23 (Level 1), 12/1/23, (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.

Per the previous Violation letter dated 11/3/2022, the city is assessing a fine of \$13,500 for the current level 4 violations, and the non-compliance is being reported to the EPA. This fine is for twenty-seven (27) days, 11/4/23 through 11/30/23. 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.