

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

May 2, 2022

Kevin Wechter, PV Trails Apartments LLC, kwechter@pacventures.com

Sites: Preserve at Woodmont - NMR1004NN - C09E015

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

The following violations were observed during a City compliance inspection on April 25, 2022.

1. About 4 acres of land-disturbing activity has commenced without an ESC Plan and Property owner's NOI approved by the City of Albuquerque (1st Violation Notice.) According to images from Google earth the initial land disturbing activity began before 11/2015.



The Preserve at Woodmont

Woodmont disturbance 10/2021

Legend

Feature 1

Center of Woodmont

500 ft

Google Earth

In 2020 Trails Albuquerque LLC transferred ownership of the property to PV Catalonia LLC, but PV Catalonia did not obtain permit coverage. The NOI for Catalonia at the Trails 27.25 Acre (NMR1002ET) was re-certified on 3/28/2022 by PV Trails Albuquerque LLC instead of PV Catalonia LLC. The NOI for the Preserve at Woodmont 18.87 acre (NMR1004NN) was certified on 4/5/2022 by PV Trails Apartments LLC, which satisfies City requirements for the portion of the site owned by PV Trails Apartments LLC.

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2. The NPDES permit coverage has not been posted onsite. (1st Violation Notice.)
3. The up-to-date SWPPP was not available onsite. (1st Violation Notice.)
4. Silt Fence (SF) was missing across the south property line, and on both sides of the disturbed area in Woodmont. (1st Violation Notice.) Some dilapidated SF is located at the toe of the slope east of Woodmont that should be reset, preferably at the top of the slope.



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 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 the property owner's NOI were reviewed by the City and found to be satisfactory for grading approval, but the BMPs and Stabilization specifications were missing in the offsite Work Order (WO) portion of the site and must be provided for approval prior to approval of the Building Permit and the WO.
2. 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.

3. The SWPPP must be kept up-to-date and available onsite per CGP Part 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 Part 7.3.
4. 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.

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.

Sincerely,

James D. Hughes

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