

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 20, 2023

Kevin Wechter, PV Trails Apartments LLC, NMR1004NN kwechter@pacventures.com
Kevin Wechter, PV Trails Albuquerque LLC, NMR1004QE kwechter@pacventures.com
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Sites: Preserve at Woodmont - C09E015

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

The following violations were observed during a City compliance inspections on July 12, 2023.

1. The up-to-date SWPPP was not available onsite in violation of City Ordinance § 14-5-2-11 and CGP 7.3 (4th Violation Notice.)
2. Silt Fence (SF) was down across the south and west property line in violation of CGP 2.1.4 (4th Violation Notice.)



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. 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.
2. Install and repair all 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.

History of Violations and Escalation Process:

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

1. NOI – 5/2/22 (Level 2),
2. Posting – 5/2/22 (Level 2),
3. SWPPP – 5/2/22 (Level 2), 6/9/22 (Level 3), 6/17/22 (Level 4), 7/20/23 (Level 3)
4. BMPs – 5/2/22 (Level 2), 6/9/22 (Level 3), 6/17/22 (Level 4), 7/20/23 (Level 3)

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 another fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 7/20/23. Additional days may be added if the violation is not mitigated within seven 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.