

CITY OF ALBUQUERQUE



Planning Department
Brennon Williams, Director

Mayor Timothy M. Keller

September 8, 2020

Novus Properties LLC – Michael Montoya michael@cginm.com
4590 Paradise Blvd. (Lot A2B1)

JB2C. LLC. – Bju Cherian – bjucherian@hotmail.com
4551 Vista Fuente Rd. NW (Lot A2A)

Sites: Fountain Hills Assisted Living C12E003B8

Re: Drainage Ordinance (14-5-2-1) Violations for Erosion and Sediment Control

The following violations were observed while inspecting the SWPPP that has been e-mailed to me in pieces over the last couple of weeks.

1. The original area of concern was SWPPP Modifications (CGP 7.4) specifically the addition of the Construction Support Activity, the stockpiling of the excess earth on lot A2B1.

The investigation has revealed the following additional areas of concern:

2. Onsite Availability of the SWPPP (CGP 7.3) The SWPPP was requested from the superintendent onsite during the inspection in the morning of 8/21/2020 and he didn't know what or where it was nor was he able to contact anyone who did. On 8/24/2020 I requested the SWPPP from Inspections Plus who supplied the original (Pre NOI) SWPPP, and later that day I sent an E-mail to all operators asking if this was the only SWPPP and received no reply. In a phone call on 8/31/2020 I asked Shawn Biazar for the SWPPP, and he said he was working on it and asked for a couple of days to get it to me. In a meeting on 9/4/2020 onsite, I asked for the SWPPP again and Shawn said he was still working on it and so he sent me a few pieces by the end of the day (19 self-inspection reports, the Operator's signature page, table 2.4 dates of construction, an "Assignment of Authority" from Shawn to Shawn, an "Acknowledgement of SWPPP Requirements", and the "Letter Agreement" between Novus, SBS, and Azaan signed only by Shawn)
3. Persons Responsible for Inspecting the Site (CGP 4.1) does not appear to be a "qualified person" because he is using a form made for City of Albuquerque inspectors, with the city logo at the top of the page and without the certifications (CGP 4.7.2). City and EPA inspections are different than the operator's self-inspections and should use an appropriate form. None of the reports have been certified by either the person making the report or the operator. Inspection Report (CGP 4.7) Corrective Action Reports (CGP 4.8)

Required Mitigation:

1. The SWPPP must be up-to-date and available onsite. It must include:
 - a. the updated SWPPP Map showing the offsite Construction Support Activity on Novus's Property,
 - b. Novus signature on the letter agreement must be in the SWPPP.
 - c. Certifications on the Inspection and Corrective Action Reports.
 - d. Correction of the "Estimated area to be Disturbed" on the NOI and included NOIs in the SWPPP.

Because there has been cooperation and progress since the last Violation Notice, enforcement will not be escalated at this time. If the violations are not mitigated within 10 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.

If you have any questions, you can contact me at 924-3420 or jhughes@cabq.gov

Sincerely,

James D. Hughes

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