

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

December 22, 2023

GTA San Pedro LLC – Mark Tekin – [mark.tekin@tekindevelopment.com](mailto:mark.tekin@tekindevelopment.com) –

**Site: San Pedro Apartments at 9320 San Pedro Dr. NE (C18E108) – NMR10055P**

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

During a recent snow and rain event, the City observed sediment laden discharge originating from the San Pedro Apartments construction site and flowing across San Pedro Dr. and down Eagle Rock Ave. The City later received a complaint about sediment track-out along Oakland Ave. GTA San Pedro LLC, the owner of the property, has coverage under the Environmental Protection Agency's (EPA's) *Construction General Permit* (CGP) with National Pollutant Discharge Elimination System (NPDES) ID "NMR10055P. During the response the City observed the following violations of the CGP and City Ordinance § 14-5-2-11 *CONSTRUCTION SITE RESPONSIBILITY BY PROPERTY OWNER*.

1. **Sediment** – Vehicles parking on disturbed soil outside of the perimeter controls have caused sediment track-out along Eagle Rock Rd. and Oakland Ave. in violation of CGP Part 2.2.4. The track-out was exacerbated with the wet conditions caused by the precipitation.



1 Tracks through exposed soil and track-out on Eagle Rock Ave.

2. **BMPs** – Corrective action is needed as sediment laden concentrated flows were coming from the site in three different locations (two from the site and one from the street on

Eagle Rock Ave.) in violation of CGP Parts 2.2.12, 2.2.14, and 5.1.1. Neither Silt fence nor wattle are appropriate BMPs for concentrated flow paths as they did nothing to stop the sediment laden discharge. This is the second notice of failing and inadequate BMPs. This precipitation event (0.6" in two days) was considerably smaller than a 2-year storm (1.0" in 24 hours), so there should not be any stormwater discharge coming from your site.



2 Erosion and undercut of BMPs with discharge on San Pedro Dr.



3 Sediment discharge from Eagle Rock Ave. and on San Pedro Dr.

### Required Mitigation:

1. **Sediment** – You are required to minimize sediment track-out per CGP Part 2.2.4. Use appropriate stabilization techniques at all points that exit onto paved roads. Where



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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. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces. You are prohibited from hosing or sweeping tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2. **BMPs** – You must take corrective action and rectify the ineffective BMPs with properly sized sediment basins and/or sediment traps per CGP Part 5.1.1. The pond(s) must be sized according to CGP Part 2.2.12 (storage for a 2-year, 24-hour storm or 3,600 cubic feet per acre drained). The portion of Eagle Rock Ave. that has been at grade for three months must be stabilized immediately per CGP Part 2.2.14. The stabilization must be non-erosive when exposed to concentrated flows.

## **History of Violations:**

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

1. SWPPP – 11/6/23, 11/16/23 (Level 2)
2. BMPs – 11/6/23, 12/20/23 (Level 2)
3. Sediment – 11/6/23, 11/16/23, 12/20/23 (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.

If the violations are not mitigated within seven days from receipt of this notice, 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 924-3325, or [cenglish@cabq.gov](mailto:cenglish@cabq.gov).

Sincerely,

*Chancellor English*

Chancellor English  
Erosion and Sediment Control Specialist, Stormwater Quality  
Planning Dept.