

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 10, 2024

GTA San Pedro LLC – Mark Tekin – mark.tekin@tekindevelopment.com –

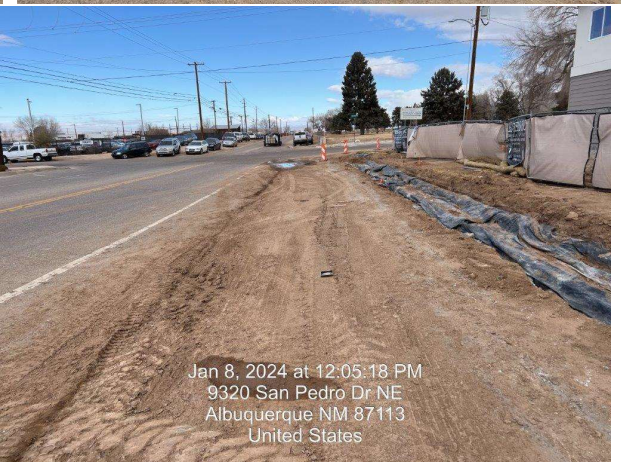
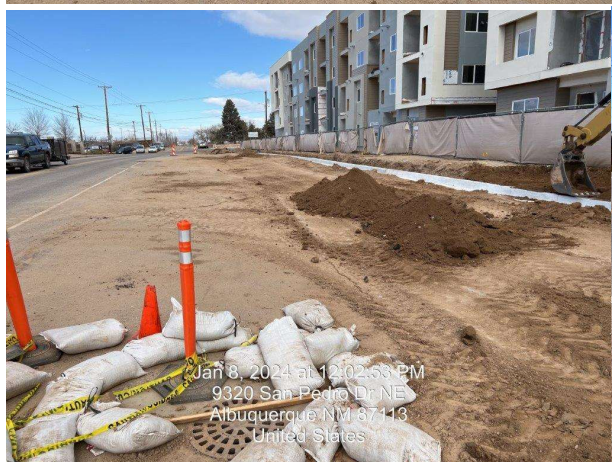
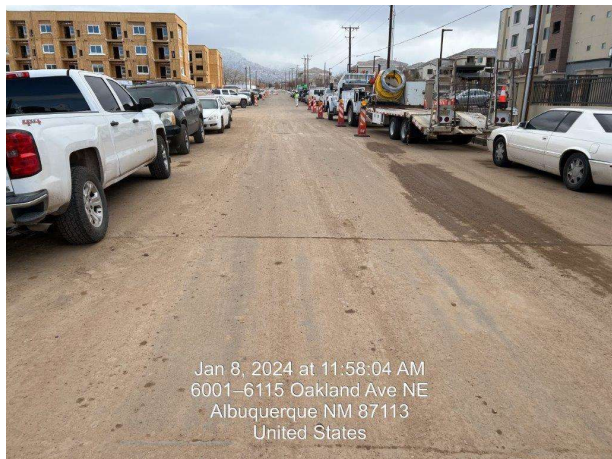
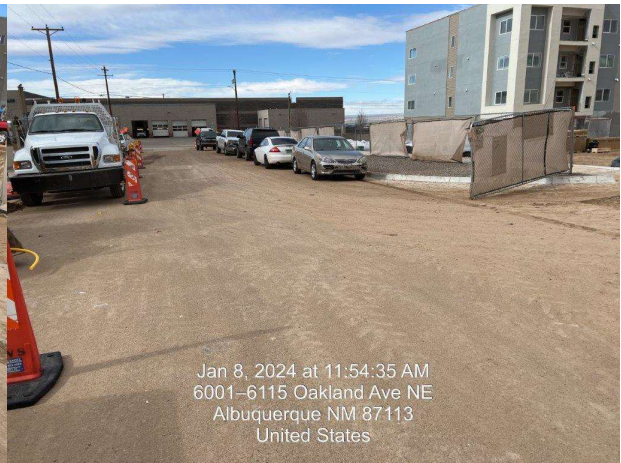
Site: San Pedro Apartments at 9320 San Pedro Dr. NE (C18E108) – NMR10055P

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

The City performed a follow-up stormwater inspection to observe any mitigation of previous violations. 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 inspection the City observed the following violations of the CGP and City Ordinance § 14-5-2-11

CONSTRUCTION SITE RESPONSIBILITY BY PROPERTY OWNER.

1. **Sediment** – There is sediment along all three City roads that surround the perimeter of the site. The construction exit is not minimizing sediment track-out onto Oakland Ave. in violation of CGP Part 2.2.4. Vehicles are cutting the corner of the construction exit rock causing additional track-out. The disturbances outside of the perimeter construction fencing has also produced sediment deposit along San Pedro Dr. and Eagle Rock Ave. Sediment track-out has been observed and reported on each of the previous three City inspections; additional measures will be needed to minimize track-out.



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2. **BMPs** – Multiple storm drain inlets either have no protection or the protection is in poor condition in violation of CGP Parts 2.2.10 and 2.1.4. The unprotected storm drain inlets are located throughout the site and along the City roads around the perimeter of the construction site.



3. **SWPPP** – The latest self-inspection reports were not available at the time of inspection in violation of CGP Part 4.7.3 and City Ordinance 14-5-2-11. The only inspection report available on-site was dated 11/20/23, and it was not signed by the operator(s) in violation of CGP Part 4.7.2.

4. **Stabilization** – The disturbance along Eagle Rock Rd. has been inactive for over 14 calendar days without temporary or permanent stabilization measures in violation of CGP Part 2.2.14.



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. *You must implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit.* 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. 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** – Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet. Inlet protection should create ponding upstream of the inlet without blocking the inlet. Clean, or remove and replace, the protection measures as sediment accumulates. Remove sediment by the end of the business day per CGP 2.2.10. 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. **SWPPP** – You must keep a copy of all inspection reports at the site or at an easily accessible location, so that they can be made available at the time of an on-site inspection per CGP Part 4.7.3. Each inspection report must be signed by the operators' signatories per CGP Part 4.7.2.
4. **Stabilization** – Initiate the installation of stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days and complete the installation of

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stabilization measures as soon as practicable, but no later than seven calendar days after stabilization has been initiated per CGP Part 2.2.14.

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, 1/10/24 (Level 3)
2. BMPs – 11/6/23, 12/22/23, 1/10/24 (Level 3)
3. Sediment – 11/6/23, 11/16/23, 12/20/23, 1/10/24 (Level 3)
4. Stabilization – 1/10/24 (Level 1)

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 12/22/2023, the city is assessing a fine of \$500 for the current level 3 violations, and the non-compliance is being reported to the EPA. This fine is for one day, 1/10/24. 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 924-3325, or cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English

Erosion and Sediment Control Specialist, Stormwater Quality
Planning Dept.