

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 15, 2022

Subdivision Owner:

Kevin Patten - Pulte Homes of New Mexico, Kevin.Patton@PulteGroup.com, NMR1004P9

Stockpile Owners:

Tracts 1-5 Block 6 Volcano Cliffs Subdivision Unit 26 and

Tract 1 Block 2 Plat of Tract 1 Blk 2 Volcano Cliffs Subdivision Unit 26 (see attached list)

Sites: La Cuentista III Rosa Parks/Kimmick – D10E002D

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

The following violations were observed during City compliance inspections on 7/14/22. Land disturbing activities have recently occurred on all of the tracts listed above as part of a “Common Plan of Development” (CGP Appendix A) in association with the La Cuentista III Subdivision being developed by Pulte Homes of New Mexico. The properties have been disturbed since 2014, according to Google Earth images in association with other projects. The disturbed area north of Valiente Rd. has been stabilized with gravel per the Final Stabilization Criteria (CGP 2.2.14.C.ii), so it isn’t included in the area requiring permit coverage. Other lots may promptly follow suit to avoid the permit coverage requirements. The current “Construction Support Activity” consists of stockpiles of dirt and rocks.

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 issuing construction permits and prior to any land-disturbing activity. It also requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#). Each lot owner must immediately comply with the CGP and ESC Ordinance.

Some of the violations noted in a previous informal notice sent on 7/1/2022 have been mitigated. The contact person on the posting was corrected to Kevin Patton, the point of contact on Pulte’s NOI. Pulte’s SWPPP was made available on site. Trackout on Rosa Parks was cleaned up. The following additional violations remained during the City compliance inspection on 7/14/22.

1. The property owner’s NOIs were missing for the stockpile/staging area, so they don’t have NPDES Permit coverage. Most of the stockpile is located on the 2.5-acre Tract 5 Block 6 owned by ‘Tract 5 U26, LLC’ whose address is the same as Guzman Construction. Tracts 1, 2, and 3 (1.2ac total) are entirely covered by recent land disturbing activities, but the 40’ stockpile is mostly east of these lots. The stockpile doesn’t encroach into the larger 15 ac tract farther to the east, but the water tank, porta potty, and three haul roads are located on a portion of Tract 1 Blk 2 Plat of Tr1 Blk 2 Volcano Cliffs Subdivision Unit 26 (15ac). Much of the newly disturbed area drains to an inlet on the 15-ac tract.
2. The SWPPP isn’t up-to-date because all required information on the staging area (NOIs & BMPs) are missing. The SWPPP map needs updating.

Jul 14, 2022 at 9:28:01 AM
Rosa Parks Rd NW
Albuquerque NM 87120
United States

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- A wide-angle photograph of a desert landscape under a clear blue sky. In the foreground, there is a vast, flat, sandy area with visible tire tracks. In the background, there are several large, dark, rocky hills or mountains. The text "Jul 14, 2022 at 9:14:29 AM" is overlaid in the top right corner, followed by "Rosa Parks Rd NW", "Albuquerque NM 87120", and "United States".

A wide-angle photograph of a desert landscape under a clear blue sky. In the foreground, there is a vast, flat, sandy area with visible tire tracks. In the background, there are several large, dark, rocky hills or mountains. The text "Jul 14, 2022 at 9:14:29 AM" is overlaid in the top right corner, followed by "Rosa Parks Rd NW", "Albuquerque NM 87120", and "United States".

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Jul 14, 2022 at 8:47:02 AM
Calle Plata
Albuquerque NM 87114
United States



Jul 14, 2022 at 8:46:59 AM
Calle Plata
Albuquerque NM 87114
United States



Required Mitigation:

1. Each property owner's NOI(s) must be submitted and approved by the City, then added to the SWPPP.
2. An updated SWPPP Map of the staging/stockpile area must be submitted and approved by the City and then added to the SWPPP.
3. Compliance with CGP 2.1.4 is required. 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, CGP 5 requires you to 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.

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.