

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 26, 2022

Subdivision Owner:

Kevin Patten - Pulte Homes of New Mexico, Kevin.Patton@PulteGroup.com, 505-341-8591 NMR1004P9

Stockpile Owners in Volcano Cliffs Subdivision Unit 26:

In Block 1 Tract 8 - Lois Ann Elliott C/O Johnell Washburn, bdubv@MSN.com, 505-262-1026

In Block 2 Tract 1 - Group II U26, LLC C/O Billy Wright, 2400 Louisiana Blvd NE Bldg. 3 Rm. 115,
Albuquerque NM 87110

In Block 6:

Tract 1 - Michael and Linda Rollins, MLRollins3@MSN.Com Lina.rollins@yahoo.com, 505-514-8350

Tract 2 - Jude & Marie Worden, 10910 Santa Monica Dr NE, Albuquerque NM 87122

Tract 3 - Jeffery and Patricia Lotz, jlotz12@q.com, 505-249-3135

Tracts 4 & 5 – Tract 5 U26, LLC., C/O Guzman Construction, rudu@guzmancs.com 505-452-0663

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 7/25/22. 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. Guzman Construction, working for Pulte, stockpiled dirt primarily on lots that Guzman controls, Tracts 4 & 5. In the last week, the dirt pile has been moved into Pulte’s subdivision leaving disturbed dirt on all of the lots listed above. The disturbed area meets the definition of a “Construction Support Activity” as defined in Appendix A of the CGP. While working on Pulte’s subdivision, Pulte’s contractor, Guzman Construction, encroached on these adjacent properties without permission from the owners and without permits coverage from the EPA.

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](#).

These activities were noted in an informal notice sent to Pulte and Guzman on 7/1/2022 and in a formal notice sent to all lot owners including Pulte and Guzman on 7/14/2022. The following violations were noted during the City’s followup inspection on 7/25/2022.

1. The property owner’s NOIs were missing for the stockpile/staging area, so they don’t have NPDES Permit coverage. NPDES Permit coverage is required for all disturbed areas. Tracts 1-5 Block 6 are entirely covered by recent land disturbing activities. There is also a large area of land disturbance on the portion of Tract 1 Blk 2 Plat of Tr1 Blk 2 Volcano Cliffs Subdivision Unit 26 that is due east of Tract 5 and where a water tank, porta potty, and other haul roads are located. An additional haul road is located on Tract 8 Blk 1.

2. A SWPPP wasn't available onsite for the area of Construction Support Activities. Pulte's SWPPP didn't include the required information on the staging area (NOIs & SWPPP Map of BMPs) either.



3. BMPs were missing at the staging/stockpile area

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Jul 25, 2022 at 2:20:59 PM
Calle Plata
Albuquerque NM 87114
United States



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Required Mitigation:

1. Each property owner's NOI(s) must be submitted and approved by the City, then added to the SWPPP. Alternatively Guzman or Pulte may provide coverage under their own NOI if have either a lease or an easement on the lot.
2. An updated SWPPP Map of the staging/stockpile area with appropriate BMPs and stabilization must be submitted and approved by the City and then added to either Pulte's SWPPP or a new SWPPP for the stockpile area.
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.

Per the previous Violation letter dated 7/15/2022, the City is assessing a fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 7/26/2022. 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 924-3420, jhughes@cabq.gov.

Sincerely,

James D. Hughes

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