

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

August 18, 2022

Property Owner: Red Shamrock 4, LLC, Josh Skarsguard, [Melissa@retailsouthwest.com](mailto:Melissa@retailsouthwest.com) , 262-2323

Site Contact: Jason Skarsguard, [Jason@skarsco.com](mailto:Jason@skarsco.com) , 803-3757

**Sites: Coors Pavilion Subdivision – 4111 Coors Blvd NW -**

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

The following violations were observed during City compliance inspections on 8/16/22.

1. Recent land disturbing activity has been conducted without coverage under the EPA's CGP and without City approval. Lots 8C and 9C are covered by mostly bare dirt. There are also two stockpiles of dirt west of there.







2. NPDES permit coverage was not posted.
3. An up-to-date SWPPP was not available onsite.
4. Some BMPs are in place and in need of maintenance. Other BMPs are missing completely.
5. Sediment has accumulated in the internal street east of lots 8C and 9C.
6. The disturbed areas appear to be inactive including lots 8C, 9C, and the two stockpiles, and they haven't been stabilized.



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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](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](#).

## Required Mitigation:

1. The property owner must obtain CGP coverage from the EPA by filing a Notice of Intent NOI with the EPA. Then the NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval in accordance with the above referenced ordinance.
2. Permit coverage must be posted for safe public viewing per CGP 1.5.
3. The SWPPP must be kept up-to-date and available onsite per CGP 7.1. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3.
4. 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.
5. Where sediment has been tracked-out from your site onto paved roads and sidewalks remove the deposited sediment by the end of the same business day CGP 2.2.4.d.
6. Implement and maintain stabilization measures in areas that remain inactive for 14 days or more. Measures must be initiated within 14 days and complete the installation not later than 7 days. Stabilize the inactive disturbed areas. Keep record of the stabilization methods, materials, rates and dates of each application with the SWPPP and provide copies.

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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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