

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 22, 2022

Red Shamrock 4, LLC., Joshua Skarsguard, Josh@scarsguardfirm.com, 505-262-2323, NMR10052A
Skarsgard Construction, LLC., Jason Skarsguard, jason@scarsco.com, 505-803-3757, NMR10052U
Delegated Authority, Trish Kvern, trish@retailsouthwest.com, 505-262-2323
8220 San Pedro Dr. NE Ste 500
Albuquerque NM 87113

Sites: Coors Pavilion Subdivision – 4111 Coors Blvd NW - G11E069

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

Inspection History – The first inspection and Notice of Violation were emailed on 8/16/22 and included the following general categories of violations:

1. Permit Coverage
2. Posting
3. SWPPP
4. BMPs
5. Sediment
6. Stabilization

The following conditions were observed during a City follow-up inspection on 9/21/22.

1. The 2017 Permit Coverage NMR1000FN expired at the end of the 2017 CGP. A new NOI was filed with the EPA on 8/31/22. Both the owner and contractor are operators with coverage under both the 2017 and 2022 CGP. The current area of land disturbing activities is different than that originally approved by the City in 2017. Neither a 2022 ESC Plan nor the 2022 NOI's have been submitted to the City for approval.

2. Permit coverage was posted in the middle of the property, not visible from any public street.



Sep 21, 2022 at 10:36:07 AM
4101 Coors Blvd NW
Albuquerque NM 87120
United States

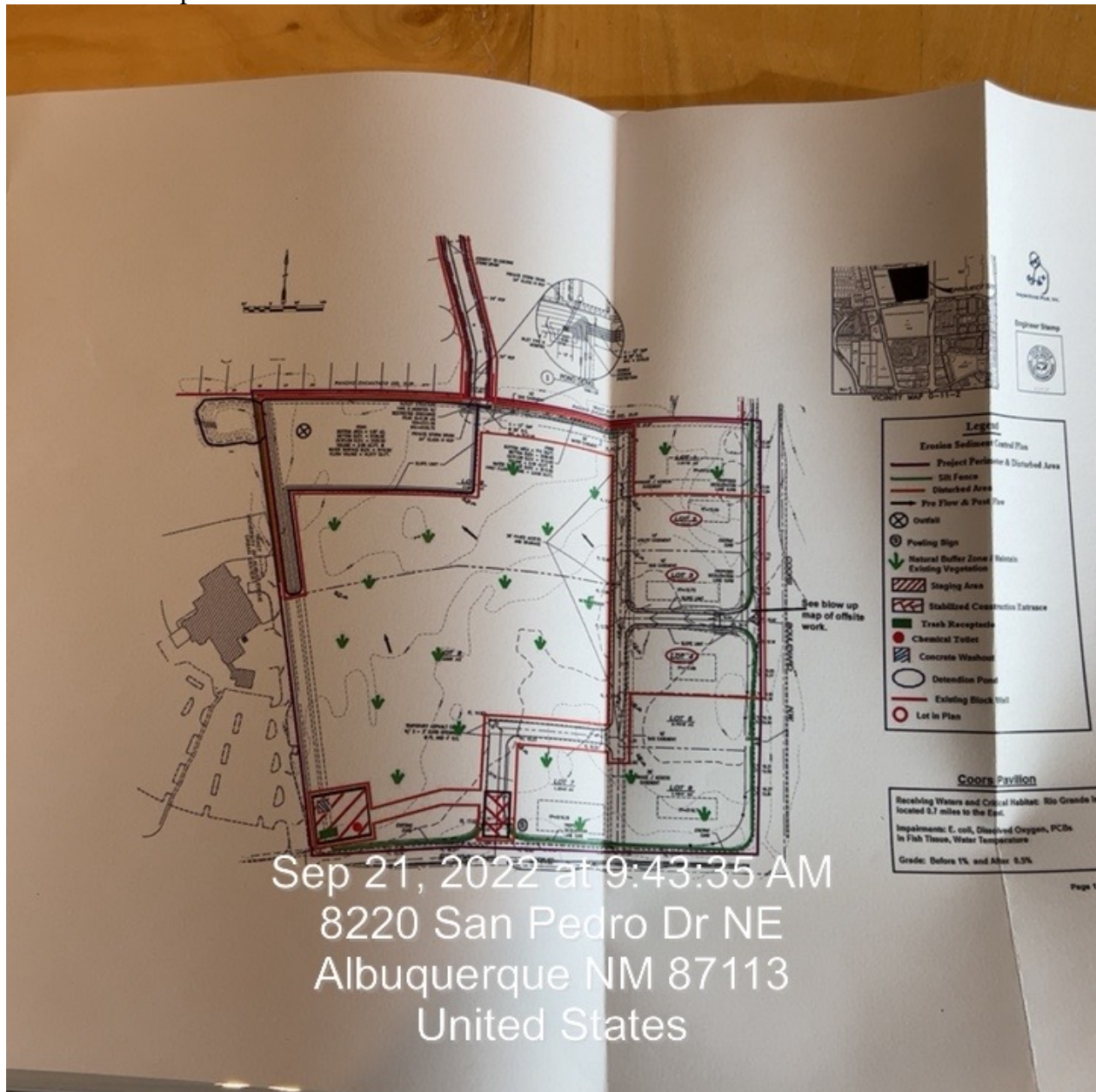
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3. The SWPPP wasn't up-to-date. Inspection Reports or Corrective Action Reports weren't available, and the SWPPP Map doesn't show current site conditions.



4. BMPs – The silt fence is still falling down and hasn't been repaired or replaced.



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5. Sediment is still in the street east of Lots 8C and 9C.



6. Lots 8C and 9C are still covered by mostly bare dirt, but a small area near Chick-fil-a was recently covered with gravel. The stockpiles are bare dirt and are not covered as required by CGP 2.2.14.



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 comply with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

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Required Mitigation:

1. 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. You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way per CGP 1.5.
3. The SWPPP must be kept up-to-date per CGP 7.1.
 - a. The SWPPP Map was prepared under a previous version of this permit, so the operator must review and update the SWPPP to ensure that the CGP requirements are addressed per CGP 7.1. The information required by the CGP is the minimum that must be contained in the SWPPP per CGP 7.2. The SWPPP map must include:
 - i. Boundaries of the property owned by the operator per CGP 7.2.4a
 - ii. Locations where earth disturbing activities will (or have already) occur per CGP 7.2.4.b.i
 - iii. Locations of stockpiles per CGP 7.2.4b.iii
 - iv. The projected schedule for stormwater control installation/implementation per CGP 7.2.6a.iv
 - v. **Stabilization measures** including specific vegetative and non-vegetative practices that will be used per CGP 7.2.6b.vi
 - b. Routine maintenance and reports must begin immediately per CGP 2.1.4b. If at any time you find that a stormwater control needs routine maintenance you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.” Inspection reports must be accessible per CGP 4.7.3.
 - c. Corrective actions must begin immediately per CGP 2.1.4d. “If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.” The Corrective Action Log should identify the deadline for each action and differentiate between routine maintenance corrective actions. Explanations must be included for every corrective action not completed by the deadline. The actual date of completion and operator’s certification is required for each corrective action. All logs must be available at the site per CGP 5.4. Specific corrective actions that must be included in the report along with SWPPP modifications per CGP 5.2.1.c. include:
 - i. Posting permit coverage where the public can read it.
 - ii. The replacement of perimeter BMP controls
 - iii. Remove sediment from pavement
 - iv. Stabilization
4. BMPs – Silt fence must be reset according to a new plan that identifies all disturbed areas, stockpiles, and the current property boundaries.
5. Where sediment has been tracked-out from your site onto paved roads remove the deposited sediment by the end of the same business day CGP 2.2.4.d,

6. Stabilization, either temporary or permanent, must be applied to all disturbed areas according to the criteria and deadlines in CGP 2.2.14 and specifications for the stabilization must be included in the SWPPP.

Per the previous Violation letter dated 8/18/2022, the City is assessing a fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 9/22/2022. 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.