

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

September 20, 2022

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**Site: Inspiration Subdivision at Arroyo Vista Blvd/ 118<sup>th</sup> St. NW – J08E005**

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

This Notice of Violation #2 pertains to observation during City Follow-up inspections on 9/1/22 and 9/15/22.

### Inspection History

In 2019 the City provided 7 inspections with 2 deficiencies, one for Posting and one for BMPs (silt fence), then another 4 inspections in 2021 with no deficiencies. There was only one inspection in 2021 with 3 deficiencies. In 2022 there were 2 previous inspection reports with deficiencies sent on 7/14/22, 8/8/22. The general categories of deficiencies were as follows.

1. Sediment (4/21/21, 7/14/22, 8/8/22 )
2. BMPs, inlet protection (4/21/21), cut-back (8/8/22), erosion at discharge point (7/14/22, 8/8/22)
3. Waste (4/21/21, 8/8/22)
4. SWPPP, permit coverage (7/14/22),
5. Washout (8/8/22)
6. Porta Potties (8/8/22)

The following violations were observed during City follow-up inspections on 9/1/22 and 9/14/22.

1. Sediment was on the AC Trail at the west end of Arroyo Vista Blvd.



Sep 14, 2022 at 3:25:37 PM  
12224 Bear Valley Ln NW  
Albuquerque NM 87120  
United States

and in the Albuquerque Regional Sports Complex parking lot (Previously reported 7/14/22 and 8/8/22).



Sediment was also on several onsite streets and sidewalks throughout the site. (Previously reported 4/21/21, 7/14/22, and 8/8/22) All of the street and utility construction is complete and is serving the public. Housing construction is about 60% complete and the houses are occupied. The onsite streets discharge stormwater runoff into the City's MS4 system.



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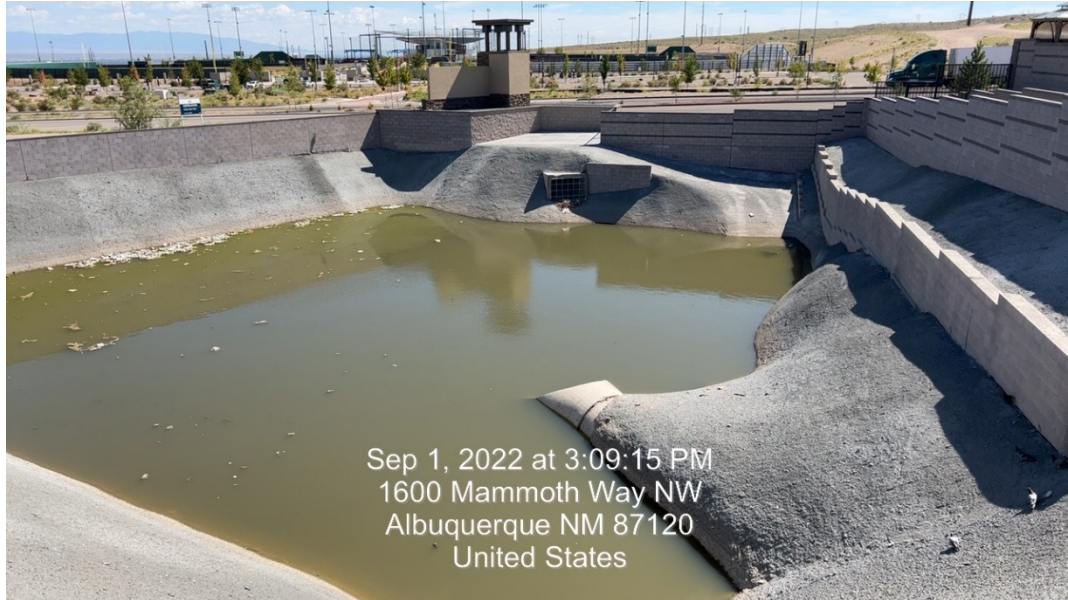
2. BMPs –Cut-back swales behind the curbs are not keeping sediment out of the streets.



Silt Fence repairs, replacement, and additions are needed in several locations along the northern perimeter. Additional Silt fence is needed at the above photo of Badger Mountain Trail.

The erosive stormwater discharge near the east end of Arroyo Vista Blvd. the 118<sup>th</sup> St curb cut, has caused causing erosion and contributed sediment to the downstream Arroyo Vista Blvd. and to the Albuquerque Regional Sports Complex. (Previously reported during 7/14/22 inspection and 8/8/22 Notice of Violation) No new erosion or rain since last inspection (see previous notice).

Two sediment basins are identified on the SWPPP map, but the SWPPP doesn't provide any criteria for inspection or a maintenance schedule for these BMPs, as required by CGP 9.6.1.c.i, so it isn't clear how to remedy the waste floating on top of the brackish water the First Flush Pond in the south east corner of the subdivision. It has an as-built retention volume of 0.93 ac-ft which is less than 1/3 of the volume required for Sediment Basins



by CGP 2.2.12. The pond has had standing water in it during every inspection since 7/6/22. Infiltration is prevented by shotcrete lined sides and a dirt bottom that is sealed with fine sediment. The pond owner, Inspiration Community Association Inc., doesn't have an NOI. They also own another dirt pond on a 1.1 acre tract along the north edge of the subdivision that needs to be stabilized per CGP 2.2.14. So permit coverage is required for the Association and the transfer must be shown on Pulte's SWPPP. Severe erosion at two of the rip-rap rundowns needs repaired and the tumble weeds in the picture to the right violate the City's weed control ordinance § 9-8-4 [https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque\\_nm/0-0-0-97141](https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-97141) which prohibits weeds wider or taller than 4".



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3. Construction and domestic waste is overflowing dumpsters and is strewn about the site.



4. The SWPPP isn't up-to date. Corrective action logs are incomplete, deadlines have been missed for no reason, like the deficiencies identified in the City Inspection reports sent on 8/8/22. The SWPPP hasn't been updated to reflect changes like the addition of a temporary diversion ditch at the west end of Arroyo Vista Blvd., or BMP details for the diversion berm, or sediment traps criteria for inspection and maintenance schedules per CGP 9.6.1.c.i. The transfer of the two ponds to the Inspiration Community Association Inc., is missing, and add their NOI is missing from the SWPPP.
5. Washout of concrete, stucco, and paint is on the ground at many of the houses under construction and at the concrete washout in the northeast corner of the subdivision. Lined containers were absent. Washout had overflowed and was still sitting on the ground at the sign.



No liner could be found at the main washout or anywhere else.



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Washout by the construction trailer.

Washout on Mammoth Way.



Curb cut is another form of concrete wash water.



**Required Mitigation:**

1. Where sediment has been washed or tracked out onto paved roads, sidewalks, and parking lots remove the deposited sediment by the end of the same business day CGP 2.2.4.d. Most of the existing instances of sediment in the street have been there longer than 7 days so they must be escalated from Routine Maintenance to Corrective Actions.
2. BMPs - Ensure that all stormwater controls (BMPs) are maintained and remain in effective operating condition during permit coverage per CGP 2.1.4. If you find that a stormwater control needs routine maintenance, CGP 5 requires you to immediately initiate the necessary 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.
  - a. Better perimeter controls need to be established per CGP 2.2.3.c.ii around each lot and block to keep sediment out of the streets and off of the sidewalks. The City standard cut-back detail says to use check dams or silt fences to slow stormwater runoff down on steep (>2%) streets. Modify the SWPPP accordingly.
  - b. The temporary diversion ditch on the west end of Arroyo Vista Blvd. should be constructed in accordance with a standard BMP detail. Modify the SWPPP by adding both a detail and the symbol on the Map.
  - c. Repair and prevent erosion at the 118<sup>th</sup> St. discharge point on Arroyo Vista Blvd. per CGP 2.2.11. This shouldn't be a discharge point.
  - d. Inspect and maintain the sediment basins in accordance with standard procedures and modify the SWPPP accordingly.
    - i. Monitor the sediment accumulations in both basins and remove sediment when it reaches half capacity per CGP 2.2.12.f
    - ii. Remove and dispose of construction and domestic waste.
    - iii. Provide temporary and permanent stabilization in accordance with CGP 2.2.14.
    - iv. Repair severe erosion at two rundowns in the north
3. Dispose of construction and domestic waste in acceptable containers daily and use lids or tarps to cover waste containers when not in use per CGP 2.3.3.e
4. The SWPPP must be kept up-to-date and available on-site per CGP 7.1.
  - a. 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. the improved perimeter controls around each block and lot,
    - ii. the diversion ditch with details at the west end of Arroyo Vista Blvd,
    - iii. modification of the impromptu discharge point at 118<sup>th</sup> St., and
    - iv. the Sediment Basin criteria for inspections and maintenance schedule.

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- b. Permit coverage is required for the Inspiration Community Association, LLC., and the transfer must be shown on Pulte's SWPPP map. Their NOI should either be added to the Pulte SWPPP or another SWPPP will be required for the Association.
5. Direct wash water from concrete, paint, and stucco into a leak-proof container and never onto the ground per CGP 2.3.4. Provide lined containers at the primary washout location and at convenient locations for each house during such construction. Remove and dispose of hardened concrete with other waste in per CGP 2.2.3.
6. Support all portable toilets to prevent tipping per CGP 2.2.3.f.

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.