

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

August 12, 2024

RS Bluewater LLC – Kevin Mattson, KMattson@RedSkyHoldings.com – (972) 369-4123

**Site:** Avalon Subdivision at 98<sup>th</sup>/Bluewater – K09E048 - NMR10050Y

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

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 8/7/24 and 8/12/24 to determine compliance with City Ordinance § 14-5-2-11 (attached) and the Environmental Protection Agency's (EPA's) Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#). This was a follow-up to inspections conducted by the City on 6/5/23 7/21/23, 8/30/23, and 2/5/24.

**Violations Observed 8/12/24:** - The **SWPPP** wasn't available on-site at the time of inspection, nor was it provided in a timely manner when requested in violation of CGP 7.3. **Final Stabilization** was missing from the permanent pond(s) in the southerly 0.5 acres of Tract F.

**Required Mitigation:** The **SWPPP**, including the SWPPP Map, Self-Inspection Reports, and Corrective Action Reports, must be kept up-to-date per CGP 7.1 and available on-site per CGP 4.7.3, 5.4.3, and 7.3. If an on-site location is unavailable to keep the SWPPP when no personnel are present, a notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3.

The SWPPP must contain at least four SWPPP Modifications per CGP 7.4.1.b and 7.4.2, one modification for each of the four transfers, and the division of Tract F into F1 and F2. Include authorizations per CGP 7.4.3.

Update the NOI Point of Contact.

Show the division of Tract F into F1 and F2 and specify weed maintenance and **Final Stabilization** of the ponds on the south 0.5 acres of Tract F2. Clarify which ponds are permanent and which ponds are temporary, and which ponds go with which lots. Provide pond stabilization per STD DWG 1013 for all permanent ponds.

**History of Violations:** Notice of the following types of violations was sent on the dates noted below:

- On 6/5/23, Gaylen Barnet and Ashly Klein, the official "Operator Point of Contact," were first notified of the missing SWPPP and Posting.
- On 7/11/23, you, Ashly Klein, and Gaylen Barnet received a stern warning regarding the missing SWPPP and Posting, and you were allowed 7 additional days.
- On 7/21/23, another notice was sent about the missing SWPPP and Posting

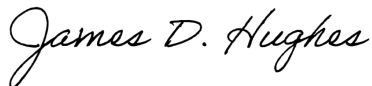
- On 8/1/23, we conducted another inspection and notified you, Ashly Klein, and Gaylen Barnet, again because the SWPPP and
- On 9/1/23, the SWPPP was available on a computer in the field, and there were still some minor problems with the posting.
- On 2/8/24, the SWPPP was missing, and you were asked to send a PDF copy of signed self-inspection reports and the up-to-date SWPPP map. The only reply we received was your email saying that Ashley was no longer with Red Sky and you would make sure the violations were taken care of. Additional violations at that inspection included Posting, Washout, Sediment, stabilization, & BMPs.

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

**If 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, contact me at 924-3420, [jhughes@cabq.gov](mailto:jhughes@cabq.gov) .

Sincerely,



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