

7018 2290 0001 9290 2552

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

FINE 2
9/8/23

Postage

\$

Total Postage and Fees

\$

Sent To

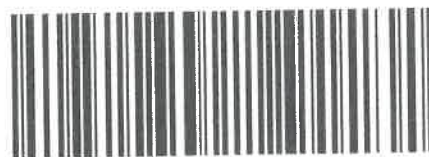
Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

0552 0626 7000 0622 8702



CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

7018 2290 0001 9290 2552

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SUPPORT APARTMENTS, LLC
 c/o PETER GINERIS
 6509 COOKS BLVD NW
 ALBUQUERQUE, NM 87120



9590 9402 2944 7094 6633 16

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

CITY OF ALBUQUERQUE



ing Department

CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 IT & BUILDING SERVICES DIVISION
 SIGN REVIEW SECTION
 PO BOX 1293
 ALBUQUERQUE, NM 87108

SUPPORT APARTMENTS, LLC
 c/o PETER GINERIS
 6509 COOKS BLVD NW
 ALBUQUERQUE, NM 87120

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 8, 2023

Sunport Apartments, LLC – Zack Snyder – zsnydernm@gmail.com - 505-250-8595
- Peter Gineris – 6509 Coors Blvd NW, Albuquerque, NM 87120

Site: Mulberry Park Apartments at 2930 Mulberry St. SE (M15E036) NMR100385

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

A follow-up inspection was conducted on 9/6/23 to verify compliance with the City Ordinance and the CGP, especially the progress in mitigating the areas of concern described in Notice of Violation (NOV) #2, emailed on 8/28/23. The City observed the same violations from the previous NOV on the follow-up inspection. There has been no change to the site and zero effort to bring the site into compliance with the 2022 EPA CGP and City of Albuquerque Ordinance 14-5-2-11 (attached). Because there has been a lack of effort in mitigating previously reported violations to the EPA CGP, the City is fining Sunport Apartments, LLC \$500 for each day since the delivery of NOV #2 emailed 8/28/23 to the date of this inspection, 9/6/23. The same violations were found during multiple inspections starting with one conducted on 8/2/23. These violations include the following:

1. The SWPPP and self-inspection reports were not available on-site, again, at the time of inspection in violation of CGP Parts 4.7.3 and 7.3 and City Ordinance 14-5-2-11-C-1. The NOI has expired, causing the SWPPP to be out-of-date had it been available.
2. Your permit coverage posting was missing or not visible from a safe, publicly accessible location. It was not located so it is visible from the public road and the font was not legible due to font size and position of posting, in violation of CGP Part 1.5. It is also missing owner/operator contact information and location of the SWPPP if no personnel are onsite.



3. BMPs need maintenance, repair, or replacement. The perimeter silt fence has holes and gaps in multiple areas and the inlet protection that leads to the stormwater discharge is incorrectly installed, as it only covers part of the inlet. These are violations of CGP Parts 2.1.4, 2.2.3, and 2.2.10.



4. The area of land disturbance has been inactive for more than 14 calendar days and remains un-stabilized in violation of CGP Part 2.2.14. The site has remained unchanged since the inspection performed on 8/2/23.

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](#).

Required Mitigation:

1. You must keep a current copy of your SWPPP and self-inspection reports at the site or at an easily accessible location so that they can be made available at the time of an on-site inspection as per CGP Parts 7.3 and 4.7.3. City Ordinance 14-5-2-11-C-1 states that at a minimum a routine compliance self-inspection is required to review the project for compliance with the Construction General Permit once every 14 days and after any precipitation event of 1/4 inch or greater until the site construction has been completed and the site determined as stabilized by the city. Reports of these inspections shall be kept by the person or entity authorized to direct the construction activities on the site and shall be conducted during progress of the work, during work suspensions, and until final acceptance of site stabilization by the city.
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. Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas per CGP Part 2.2.3. You must protect storm drain inlets per CGP Part 2.2.10. Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage per CGP 2.1.4. Re-install stormwater controls properly.

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

4. Implement and maintain stabilization measures that minimize erosion from any areas of exposed soil. Initiate the installation of stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more consecutive calendar days, as per CGP 2.2.14.

History of Violations:

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

1. NOI – 2/27/23 (Level 1)
2. SWPPP – 2/27/23, 8/4/23, 8/22/23, 9/6/23 (Level 4)
3. Posting – 2/27/23, 8/4/23, 8/22/23, 9/6/23 (Level 4)
4. BMPs – 2/27/23, 8/4/23, 8/22/23, 9/6/23 (Level 3)
5. Stabilization – 8/4/23, 8/22/23, 9/6/23 (Level 3)

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

Per the previous Violation letter dated 8/25/23 and emailed 8/28/23, the City is assessing a fine of \$500 per day, and the non-compliance is being reported to the EPA. This fine is for 9 days, 8/28/23 – 9/6/23, for a total of \$4,500. Additional days may be added if the violation is not mitigated within seven 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 924-3325, cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English
Erosion and Sediment Control Specialist, Stormwater Quality
Planning Dept.



CITY OF ALBUQUERQUE INVOICE

ZACK SNYDER

6509 COORS BLVD NW

Reference NO: SI-2023-01496

Customer NO: CU-188838386

Date	Description	Amount
9/08/23	2% Technology Fee	\$90.00
9/08/23	Storm Water Quality Fine	\$4,500.00

Due Date: **9/08/23**

Total due for this invoice:

\$4,590.00

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 9/08/23
Amount Due: \$4,590.00
Reference NO: SI-2023-01496
Payment Code: 130
Customer NO: CU-188838386

ZACK SNYDER
6509 COORS BLVD NW
ALBUQUERQUE, NM 87120



130 0000SI20230149600099355118883837800000000000459000CU188838386



Escalation Process for Drainage Ordinance Violations during the Construction Phase

Mayor Tim Keller

The City Ordinance includes several specific means of enforcing the City's regulations including but not limited to § 14-5-2-11(C)(3).

The city will utilize sanctions and penalties to enforce upon violations of permit requirements.

Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

The four levels of escalation apply to each specific violation type (e.g. sediment in the street, BMP maintenance, waste, washout, self-inspection reports, posting, expired permit, stabilization, etc...). Each recalcitrant or repeat offence for a particular violation type results in escalation to the next level.

1st Level - Optional Informal Warning w/o Fine (not required by Ordinance) w

- E-mail with explanation of violation(s) with a corrective action date. Standard mitigation time is seven days. Additional time may be given at the City's discretion⁽¹⁾.
- This step is skipped if land disturbance began without City approval and/or without BMPs, the

2nd Level - Formal Warning w/o Fine – (1st) Notice of Violation (NOV) Letter

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. The NOV letter will state that the property owner is subject to a \$500 fine/day if the violations are not mitigated within the specified time frame (escalation to 3rd Level). Additional time to mitigate may be given at the discretion of the City⁽¹⁾.
- Level 2 applies to the second time a particular violation type is noted during a City inspection (first repeat violation).
- Level 2 also applies to the first time for either of the following two egregious violation types: either starting land disturbance without approval from the City or starting land disturbance without BMPs.

3rd Level – Formal Notice of Violation w/ Fine for 1 day - (2nd & up) NOV Letter

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. A fine will be issued to the property owner(s) per the Penalty provisions of §§ 14-5-2-1 et seq. typically \$500 for the first day of violation. Failure to pay the fine may result in additional sanctions. The NOV letter will state that the property owner is subject to a \$500 fine/day if the violations are not mitigated within the specified time frame (escalation to 4th Level). Additional time may be given at the discretion of the City⁽¹⁾.

4th Level – Formal Notice of Violation w/ Fine for each new day of violation since the last day of fine.

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. A fine will be issued to the property owner(s) per the Penalty provisions of §§ 14-5-2-1 et seq. typically \$500/day of violation since the last day of fine. The NOV letter will state that the property owner is subject to a \$500 fine/day and additional sanctions if the violations are not mitigated and the fine paid within the specified time frame.
- The EPA is typically notified when NOV's with fines are sent.

- 1) Additional time is typically not granted unless the owner is cooperative and makes significant progress mitigating the violations within the specified time frame (3 out of 4 violations mitigated).