City SWQ Inspection at 1321 Flightway Avenue SE on 1/8/2024

By James Hughes

Some of the previous violations had been worked on: 1) NPDES coverage was posted, 2) the west silt fence had been repaired and maintained number three, the SWPPP and self-inspection reports were emailed to me after the inspection, 4) “Stockpile #3”, and “Grading Area #2” had been seeded and mulched. However, some of the previous violations remained, specifically: 1) the East silt fence hadn't been moved to the east property line, 2) construction equipment and personnel were moving dirt on Graded Area #2”, and into the adjacent lot at 1341 Flightway Ave. SE, owned by James P. and Rosemary Garcia, where a new building is starting construction, 3) “Stockpile #1” and the 50 ft wide strip of disturbance on the west side of the property hadn't been stabilized with any seed or mulch. Mr. Garcia, president of Garcia and Garcia Air Cargo Delivery Service Inc. at 505-243-5286 email ops@ Garcia air cargo.com, said that “Grading Area #2” and the easterly 50 ft of the lot at 1321 Flightway Avenue belonged to him, and all the land east of the silt fence was his. He also said that “Stockpile #1” had been there for 15 years, and he had a purchase agreement on the lot at 1321 Flightway Avenue but didn't exercise that option. Whether “Stockpile #1” was placed 3 years ago or 15 years ago, the area was newly disturbed on the Google Earth photo dated 8/2021, but the area wasn't disturbed one year earlier, on the 8/2020 or 10/2020 photos.

I found the front property corner between 1321 and 1341 Flightway and showed Mr. Garcia that the lot line was at the edge of his parking lot. I explained that the dirt moved by his contractor from 1321 to 1341 makes the construction on 1341 part of a “Common Plan of Development or Sale” and that coverage under the EPA's Construction General Permit CGP will now be required for the construction project at 1341 Flightway even though that part of the land-disturbing activity is less than one acre.

I then went to Mr. Jariwala’s office, one block away, at the Hampton Inn, where the SWPPP is being kept. He had a digital copy of the SWPPP and self-inspection report, which he emailed to me. He said he spoke with Mr. Garcia that morning about the property line location, and they disagreed on its location. He blamed Mr. Garcia for putting up a sign that said “Fill Dirt Wanted,” which we noted during our first inspection.

Regardless of the lot line location between 1321 and 1341, Mr. Garcia’s contractor moved

 dirt from 1321 into 1341 Flightway. Mr. Garcia said he didn't have a surveyor locate his lot corners; instead, his understanding is based on what the realtor told him when he bought the property, saying there was a fence near where the silt fence is now, and the realtor said that was the lot line.