

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

November 27, 2023

Heritage Trails Development I, LLC (aka Success Land Holdings, LLC.), Garret Price,
gprice@priceldg.com – 505-243-3949

Sites: Aspire Units 2-4 at 118th St. and Colobel Ave. SW - NMR1003RV – N08E006F

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

On 11/22/23, the City of Albuquerque SWQ Section conducted a routine inspection to verify compliance with the Environmental Protection Agency (EPA) Construction General Permit (CGP) and the City's ESC Ordinance § 14-5-2-11 during which the following violation was observed.

1. **NOI** – The property owner's NOI with NPDES ID NMR1003RV expired on 2/17/22 per CGP 1.4.5.c and missed the deadline for coverage under the 2022 CGP in Violation of CGP 1.4.3, so all stormwater discharges from this site have been unpermitted since 2/18/22 in violation of the statement on the cover page of the 2022 CGP that says "*Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).*"

Required Mitigation:

1. **NOI** – Success Land Holdings , LLC must file an NOI with the EPA per CGP 1.4.3 and provide the NOI to the SWQ Section of the Development Services Division of the Planning Department of the City of Albuquerque for approval per Ordinance § 14-5-2-1.

History of Violations:

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type. Lack of permit coverage is an egregious violation, so level 1 is being skipped, and this starts as a level 2 violation.

If the violation is not mitigated within seven days from receipt of this notice, 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 or jhughes@cabq.gov.

Sincerely,
James D. Hughes, P.E., CPESC

James D. Hughes

Principal Engineer, Planning Dept.
Development and Review Services