

From: [Hughes, James D.](#)
To: [Eddie Loven](#); [Eric Berman](#)
Cc: [Dallas Murphy](#)
Subject: 22.10.18 Permit and stabilization for Desert Sands Subdivision on 98th St. SW (N09E014) NMR1000BE
Date: Tuesday, October 18, 2022 11:14:00 AM
Attachments: [image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[N09E014 - NMR1000BE - Desert Sands - Violation at offsite pond.msg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Eddie,

If you use Hydromulch, then the only way to satisfy the “final stabilization criteria” is with 70% perennial vegetative cover (CGP 2.2.14B.i) below) because Hydromulch doesn’t provide “cover for at least three years without active maintenance” as is required in the Arid & Semi-arid Exception (CGP 2.2.14.b.iii.(a) below). Rock Mulch and Rolled Erosion Control Products (RECP) are known to provide “cover for at least three years without active maintenance.” Rock mulch was recommended to you in an email on 3/9/21 (attached). Here is a link to the City Ordinance and the EPA’s 2022 CGP:

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 provide an ESC Plan and the EPA’s Notice of Intent (NOI) to the city for review and approval prior to issuing construction permits and prior to any land-disturbing activity. It also requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

The hydromulch you applied in June 2021 satisfied the Stabilization requirement in CGP 2.2.14.a, and it allowed the reduced frequency of inspections in CGP 4.4.1.a, and it could lead to the growth of vegetation that satisfies the “Final Stabilization Criteria,” but that hasn’t happened.



DOUG HUGHES, P.E., CFM, CPESC
principal engineer construction SWQ
o 505.924.3420
e jhughes@cabq.gov
cabq.gov/planning

From: Eddie Loven <eloven@lgihomes.com>
Sent: Monday, October 17, 2022 4:51 PM
To: Hughes, James D. <jhughes@cabq.gov>; Eric Berman <eric.berman@lgihomes.com>
Cc: Tartaglia, Dianna <dtartaglia@cabq.gov>; Dallas Murphy <dmurphy@lgihomes.com>
Subject: RE: 22.10.14 LGI invoices for Desert Sands Subdivision on 98th St. SW (N09E014) NMR1000BE

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

James,

We reached final stabilization at the pond in Desert Sands on 6-22-2021 when the area was hydro-mulched. This was communicated to Thomas Evans via email at that time.

Per the 2017 CGP

- b. **Final Stabilization Criteria** (for any areas not covered by permanent structures):
 - i. Establish uniform, perennial vegetation (*i.e., evenly distributed, without large bare areas*) that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or
 - ii. Implement permanent non-vegetative stabilization measures³⁵ to provide effective cover.
 - iii. **Exceptions:**
 - (a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

It is our understanding that after the passing of the three year time period above, if the vegetation is not sufficient, the EPA can then force the issue and require further action. It is our belief that there is no further action or BMP's needed by LGI or the Desert Sands Community association (which assumed the drainage easement agreement in 2017) to meet the requirements of the CGP as the pond has been stabilized and the permit was allowed to expire after construction was completed.

The attached NOI with Curtis's signature at the bottom is a form we submit to satisfy the requirement that we have an active CGP for permitting. I'm not aware of anything requiring the city's approval or acceptance of our NOT, or LGI allowing the permit to expire when we are 100% stabilized per the CGP guidelines and complete with construction perhaps that is the city ordinance you reference below. Please forward any such document or ordinance for our review.

With regards to inspections and invoices, the last email we have from the city of Albuquerque regarding SWPPP inspections is from 06-29-2021 from Thomas Evans. We also received one form you on 6-15-2021, but we don't see any invoices or the mention of past invoices. Have we been contacted since that time? What is the policy for sending invoices for SWPPP inspections, are they emailed, mailed or posted online in the city payment portal. I don't believe it was anyone's intent to not pay the invoices, I'm confused that we haven't heard about them until now.

Sincerely,
Eddie Loven



Eddie Loven

VP of Construction

M: 505-991-0807

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From: Hughes, James D. <jhughes@cabq.gov>

Sent: Friday, October 14, 2022 3:50 PM

To: Eric Berman <eric.berman@lgihomes.com>; Eddie Loven <Eloven@lgihomes.com>

Cc: Tartaglia, Dianna <dtartaglia@cabq.gov>

Subject: 22.10.14 LGI invoices for Desert Sands Subdivision on 98th St. SW (N09E014) NMR1000BE

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Eric and Eddie,

LGI needs to pay all of the outstanding invoices (Attached) for inspections on Desert Sands. SWQ Records show that there were 10 inspections that should have been invoiced beginning with an inspection on 9/19/18 and the last one on 8/11/20. There were actually several more inspections during that time frame that were not invoiced, and some of the ones that were invoiced may have already been paid, so they don't show up in the past-due invoices that the City Accounts Receivable department sent to you. Please pay the ones that were sent to you.

Attached please find NOI NMR100GE that was certified by Eddie Loven who was and still is the primary point of contact for the reports. This project is not over because LGI still hasn't stabilized the offsite pond that LGI built to serve the SWQ requirements for this subdivision on the east side of 98th St. There were an additional 5 inspections in 2021 mostly in the month of June when Notice of Violation #3 was issued to LGI (attached). It now looks like more Violations have taken Place because LGI terminated their permit coverage

on 3/21/22 before the offsite pond area was stabilized. The attached 7/6/22 Google Earth Photo shows the pond east of 98th St is still not stabilized. If LGI has transferred their property rights to another entity, LGI must provide a copy of that recorded document to the City along with contact information, and that new entity is required to obtain permit coverage.

To avoid further escalation, LGI must mitigate the following Violations within 7 days:

1. submit an up-to-date SWPPP map and new NOI to the City for approval and pay the new inspections fees in advance,
2. Post permit coverage
3. keep the SWPPP and inspection reports and corrective Action Reports up-to-date and available on-site,
4. Maintain and repair the BMPs
5. Stabilize the disturbed area.

The City will conduct another inspection in one week to verify compliance with the CGP and City Ordinance.



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From: Eric Berman [<mailto:eric.berman@lgihomes.com>]

Sent: Tuesday, September 13, 2022 4:32 PM

To: Hughes, James D. <jhughes@cabq.gov>

Subject: FW: Scanned image from LGI - Arizona Corporate

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Mr. Hughes,

Thank you for taking the time to speak with me this afternoon in regards to the bills we just received pertaining to Stormwater Quality for two old projects we had in the City of Albuquerque (Desert Sands & Volterra Village).

As you see in the pdf attached, these bills are anywhere from 2-4 years old and the people who worked with LGI at the time are no longer with the company. I want to make sure this get resolved, but I do not comfortable paying these back dated bills without any context as to why they were not paid in the 1st place, or who they were sent to at the time they should've been paid.

If there is anyone at the City who has additional information, or can provide any correspondence with someone from LGI during the time of these two projects, I'd be happy to help get this resolved and payments processed as needed.

Please feel free to reach out to me with any additional information. Thank you,



Eric Berman

Land Acquisitions Analyst

845-536-2183 | eric.berman@lgihomes.com

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-----Original Message-----

From: LGI Homes No Reply <noreply@lgihomes.com>

Sent: Tuesday, September 13, 2022 3:26 PM

To: Eric Berman <eric.berman@lgihomes.com>

Subject: Scanned image from LGI - Arizona Corporate

Reply to: noreply@lgihomes.com <noreply@lgihomes.com> Device Name: LGI - Arizona Corporate Device Model: MX-3571

Location: Scottsdale, AZ

File Format: PDF (Medium)

Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

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