

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

March 30, 2023

Western Hills Real Estate/Development – Julian Garza - rio7712@aol.com & rio4404@aol.com 269-1179

Sites: Dutch Brothers Work Order at 3615 NM 528 NW (A14E019_WO) NMR1004R9

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

A follow-up inspection was conducted on 3/23/23 to verify compliance with the City Ordinance and the CGP, especially the progress in mitigating the areas of concern in the inspection report sent to you on 3/11/23. The following ongoing Violations were noted during the inspection last Thursday on 3/23/23.

1. The property owner's NPDES permit coverage isn't posted for safe public viewing.
2. The up-to-date SWPPP and the reports are not available on site.
3. Stabilization was missing on most of the site that wasn't covered by structures (building, sidewalks, and asphalt both on site and in the adjacent R/W).



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 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.
2. The SWPPP, including 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. Provide a scanned copy of the up-to-date SWPPP with all reports to the Storm Water Quality Section at 600 2nd St NW suite 400 - Jhughes@cabq.gov - Per CGP 4.8.2
3. Stabilization in accordance with CGP 2.2.14 is required on all disturbed areas. You must continue permit coverage, self-inspections, SWPPP and BMP maintenance until the City determines that the Final Stabilization Criteria CGP 2.2.14.c has been satisfied. Then you must remove the BMPs and send documentation of the Final Stabilization to the EPA with a Notice of Termination (NOT) per CGP 8.2 to end your coverage under the CGP. This step is independent of the Work Order. Please copy me with the documentation and the EPA's acceptance of the NOT.

History of Violations:

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

1. Posting –3/11/23, 3,30/23 (Level 2)
2. SWPPP – 3/11/23, 3,30/23 (Level 2)
3. Stabilization - 3/11/23, 3,30/23 (Level 2)

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 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, you can contact me at 924-3420, jhughes@cabq.gov .

Sincerely,

James D. Hughes

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