

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Interim Director



Mayor Timothy M. Keller

January 25, 2022

Anvil Development, LLC Mako Kellman – mkellman@swcp.com

Site: Dutch Brothers @ 9600 Universe Blvd NW - B10E003I - NMR1004FT

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

The following violations were observed while inspecting the site on 1/24/2022.

1. The up-to-date SWPPP wasn't available onsite. (1st Violation) Advance notice of this inspection was given on Friday 1/21/2022 and a separate informal notice was e-mailed on 1/10/2022.

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) <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>.

Required Mitigation:

1. The SWPPP must be kept up-to-date and available onsite per CGP 7. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site. Provide a copy of the up-to-date SWPPP, e-mailed to me.

If the violations are not mitigated within 7 days, 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.