

April 12, 2022 Report on

ESC Violations at Buglo Apartments 5330 Buglo Ave NW

By Doug Hughes SWQ Principal Engineer for the City of Albuquerque

History and Justification of (\$8,000) fines on City Project B11E013, EPA ID NMR1003YA

The file is available to the public through the following link,

[Index of /government/planning/drainage/B11D013/ESC \(cabq.gov\)](https://cabq.gov/index/government/planning/drainage/B11D013/ESC)

1. 5/5/2021 The first photos show more than one acre graded. Silt fence in the photos is improperly installed and blew down later.
2. 5/10/2021 ESC Inspector Tomas Evans contacted neighbor who filed complaints with the City and EPA.
3. 5/11/2021 Photos show sediment in Buglo Ave next to the site.
4. 5/11/2021 Notice of Violation #1 was sent to the owner for:
 - a. ESC Plan and NOI approval by City SWQ prior to land disturbing activities missing.
 - b. Posting missing
 - c. BMPs (Silt fence & Construction entrance) missing
 - d. Sediment in street.
5. 5/12/21 Photos show no progress mitigating violations.
6. 5/13/21 Photos show most sediment removed from street and equipment gone from site.
7. 5/18/21 photos show more sediment in street and silt fence down.
8. 5/19/21 Notice of Violation #2 and fine #1 (\$500) was sent to the owner and the EPA for:
 - a. ESC Plan and NOI approval by City SWQ prior to land disturbing activities missing.
 - b. Posting missing
 - c. BMPs (Silt fence & Construction entrance) missing
 - d. Sediment in street.
9. 5/20/21 E-mail explanation to Shanna Schultz City Council Senior Planner
10. 5/24/21 Photos after major wind storm dumped several inches of sediment in the street and front yards of houses for one block north of site on Saragossa St.
11. 5/25/21 E-mail granted one-week extension to complete mitigation of Violations since progress was made getting ESC Consultants working on ESC Plan and NOI.
12. 5/27/21 photos show Silt fence repaired along Buglo and south side of site, sediment pond constructed in SE Corner of site, and Buglo street was partially swept however, sediment still on Saragossa St. and front yards.
13. 5/28/21 ESC Plan and NOI conditionally approved mitigating the first item in the first two Violation Notices.
14. 6/4/21 Notice of Violation #3 and Fine #2 (\$7,500) was sent to owner and EPA for
 - a. Posting missing
 - b. BMPs (Silt fence) missing and need repair
 - c. Sediment in street.

- d. SWPPP not available on-site
15. 6/14/21 Photos and inspection report and photos show:
- a. NPDES Permit coverage is Posted
 - b. BMPs silt fence in good repair, sediment trap(pond) in place,
 - c. sediment has been removed from streets
 - d. Temporary stabilization, light coat of Hydromulch, applied
 - e. SWPPP was available on-site
16. 11/4/21 Inspection and photos show no violations except that owner was slow to produce SWPPP with self-inspection reports on-site.