

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

April 26, 2022

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**Site: Hakes Brothers at Durango Units 3 and 4 - Woodmont Ave. and Sunlight Peak;  
NMR1003L6; C09E012A\_HB**

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

The following violations were observed while inspecting the Site on April 25, 2022.

1. The up-to-date SWPPP was not available on-site, and Self-Inspection reports were missing. (3<sup>rd</sup> Violation Notice). Previous violations:
  - a. On 4/20/2021 inspection reports were requested by email but not received
  - b. On 4/20/2021, the SWPPP was not up-to-date and reports were missing (informal violation notice emailed)
  - c. On 7/8/2021 the SWPPP was not available on site (1<sup>st</sup> Violation Notice)
  - d. On 4/6/2022 the SWPPP was not available on site (2<sup>nd</sup> Violation Notice).
2. Construction General Permit coverage wasn't posted for safe public viewing (1<sup>st</sup> Violation Notice). Similar violations were reported during inspections:
  - a. On 4/6/2022 coverage was not posted (informal violation notice emailed)
3. Concrete, paint, and stucco washout was on the ground and not in a lined container (1<sup>st</sup> Violation Notice). Similar violations were reported during inspections:
  - a. On 4/6/2022 washout was on the ground (informal violation notice emailed)



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](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. 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.
2. 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 per CGP 1.5.
3. Direct wash water from concrete, paint, and stucco into a leak-proof container per CGP 2.3.4. Remove and dispose of hardened concrete with other waste in per CGP 2.2.3.

Per the previous Violation letter dated 4/11/2022, the City is assessing a fine of \$500 per day for the 14 days of recalcitrance since the first day of fine on 4/11/2022 for the up-to-date SWPPP not being available onsite. The recalcitrant non-compliance is being reported to the EPA. The fine amount is \$7,000.00 is for 4/12/2022 through 4/25/2022. Additional days may be added if the violation is not mitigated within 7 days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

If you have any questions, you can contact me at 924-3420, [jhughes@cabq.gov](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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