

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 7, 2023

Cottonwood Classical Foundation, LLC – Mike Vigil mike.vigil@cottonwoodclassical.org & John Binnert john.binnert@cottonwoodclassical.org 505-998-1021

Site: Cottonwood Classical School at 7800 Jefferson St NE - D17D003A - NMR1004DU

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

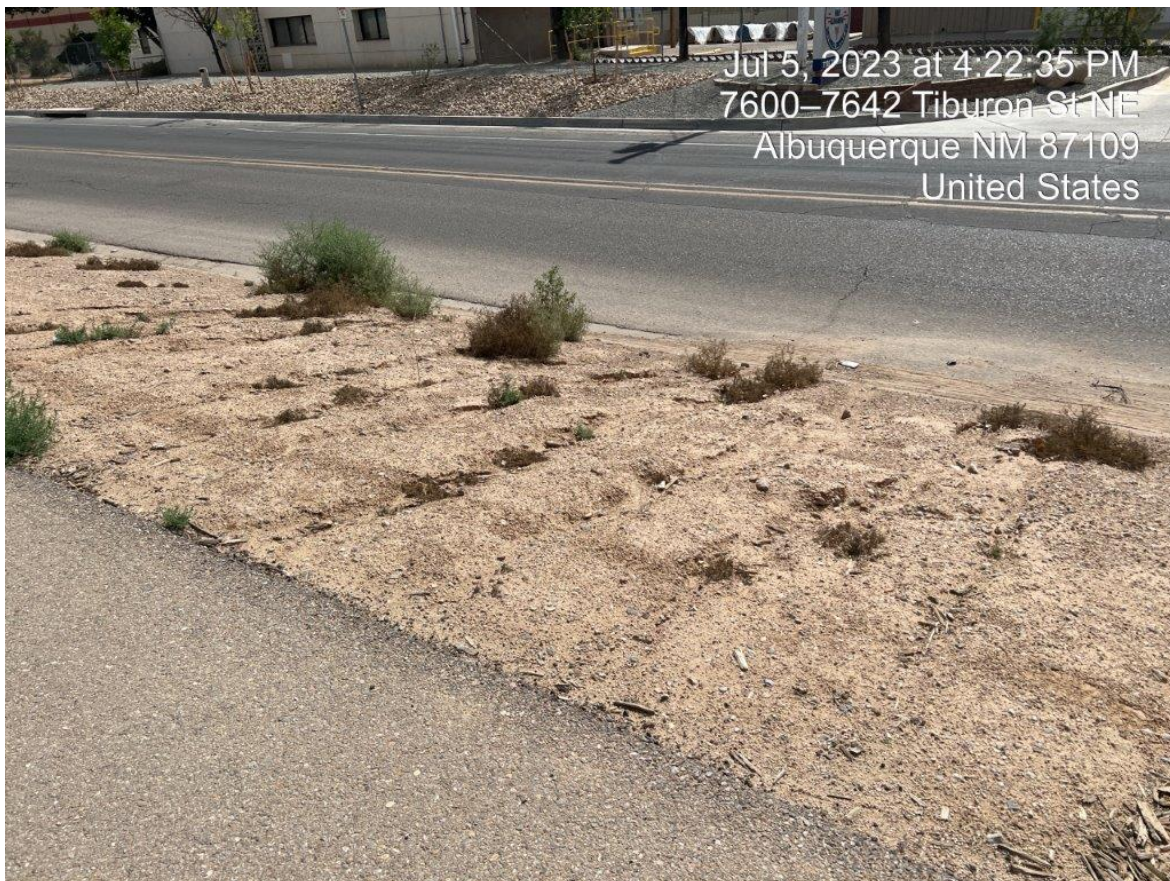
A Stormwater Quality (SWQ) inspection was conducted by the City on 6/13/2023 and 7/5/2023 which identified the following violations of the City Ordinance and the EPA's Construction General Permit (CGP). The Google Earth photo taken 4/18/23 (below) shows a 5.1 acre area of land disturbing activity including a recently completed building addition, parking lot changes, landscaping and pavilion.



At the time of the inspections:

1. There was no sign for safe public viewing with your NPDES permit coverage posted on it, which is a violation of CGP 1.5.
2. Your SWPPP and Self inspection reports were not available on-site during the inspection in violation of City Ordinance § 14-5-2-11(C)(1) and in violation of CGP 7.1. Your SWPPP also seems to be out-of-date in violation of CGP 7.3. due to an inaccurate map, expired CGP coverage, and missing inspection reports.

3. The stormwater discharged from the west side of your site is causing erosion on the slope in the City's public right of way in violation of CGP 2.2.11.



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4. Sediment has been washed into the paved roadway along the west side of the school's site, Tiburon St., in stormwater discharges at your driveway and at the slope mentioned above and it hasn't been removed the same day that the discharge occurred in violation of CGP 2.2.4.d.



5. BMPs were missing. Inlet protection in Tiburon St., and Silt Fence around the perimeter of the site were missing.



Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 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. City ordinance § 14-5-2-11(C)(1) says "Self-inspections by permittee. At a minimum a routine compliance self-inspection is required to review the project for compliance with the Construction General Permit once every 14 days and after any precipitation even of 1/4 inch or greater until the site construction has been completed and the site determined as stabilized by the city. Reports of these inspections shall be kept by the person or entity authorized to direct the construction activities on the site and shall be conducted during progress of the work, during work suspensions, and until final acceptance of site stabilization by the city. An owner's or his/her agent's failure to properly maintain records shall subject that owner to the penalty provisions of §§ 14-5-2-1 et seq."
3. You must provide permanent stabilization at the discharge point within the City's right of way via sidewalk culverts, rip-rap or similar means. The work in the right of way must be shown on the approved G&D Plan and be conducted under permit issued by the City Public Works Department.

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4. You must remove the deposited sediment from the adjacent streets and sidewalks by the end of the same business day that it is deposited there.
5. Install and maintain all BMPs per an updated SWPPP Map. Ensure that all stormwater controls (BMPs) are maintained and remain in effective operating condition during permit coverage per CGP 2.1.4. If at any time you find that a stormwater control needs routine Maintenance, you must immediately initiate the needed maintenance work and complete such work by the close of the next business day. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery per CGP 5.2.1.

History of Violations:

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

1. Posting – 7/7/23 (Level 2)
2. SWPPP – 7/7/23 (Level 2)
3. Erosion downstream – 7/7/23 (Level 2)
4. Sediment – 7/7/23 (Level 2)
5. BMPs - 7/7/23 (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.