

Alan Varela, Director

Mayor Timothy M. Keller

August 10, 2023

Site: Guthrie's Garage at 3831 Masthead St NE (D17E095A) NMR1005KO

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

A follow-up inspection was conducted on 8/2/23 to verify compliance with the City Ordinance and the CGP, especially the progress in mitigating the areas of concern sent on 7/17/23. The following violations were noted during the inspection.

1. The SWPPP was not up-to-date in violation of CGP 7.1. The owner operator was incorrectly identified as Car Crafters on the SWPPP Cover Page, on the SWPPP Operator Page, and on Jim Guthrie's NOI in violation of City Ordinance § 14-5-2-11 and CGP 7.2.1. Car Crafters may need to be identified as an additional operator with additional permit coverage but Headstart Enterprises, LP. must be included as the property owner/operator, and their NOI must be in the SWPPP.

Stormwater Pollution Prevention Plan (SWPPP)

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Sub-contractor(s)

Operator (Controls Plans and Specification):

Owner

Jim Guthrie
Car Crafters
600 Montano Rd NE
Albuquerque, NM 87107

Operator (Controls Day to Day Site Activities):

General Contractor

Wilger Enterprises
345 Edmon Rd NE
Albuquerque, NM 87107

Emergency 24-Hour Contact:
TBD

Aug 2, 2023 at 12:12:54 PM
3901 Masthead St NE
Albuquerque NM 87109
United States

NPDES FORM 3310-9

EPA

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section I identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section II of this form. Permit coverage is required prior to commencement of construction activity until you are accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you

Permit Information

NPDES ID: NMR1005KO

State/Territory to which your project/site is discharging: NM

Is your project/site located on federally recognized Indian Country lands? No

Are you requesting coverage under this NOI as a "Federal Operator" or a "Federal Facility" as defined in 40 CFR 122.26(a)(1)?

No

Have stormwater discharges from your current construction site been covered previously by a permit?

Will you use polymers, flocculants, or other treatment chemicals at your construction site?

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filling?

Are you able to demonstrate that you meet one of the criteria listed in Appendix D (https://www.epa.gov/system/operations/appendix-d) with respect to protection of threatened or endangered species listed under the Endangered Species Act?

Yes

Have you completed the screening process in Appendix E (https://www.epa.gov/system/operations/appendix-e)?

Yes

Indicating "Yes" below, I confirm that I understand that CGP only authorized the allowable discharges not expressly authorized in this permit cannot become authorized or shielded by this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the permit coverage other than the allowable stormwater and non-stormwater discharges listed in the permit.

Yes

Operator Information

Operator Name: Car Crafters

Operator Mailing Address:
Address Line 1: 600 Montano
Address Line 2:
Postal Code: 87107

Aug 2, 2023
3901 Masthead St NE
Albuquerque, NM 87109
United States

Stormwater Team

Name and/or Position and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Jim Guthrie Car Croffers 600 Montana Rd NE Albuquerque, NM 87107 jim@carcroffers.com	Owner	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: <u>7-18-23</u>
John Wilger Wilger Enterprises 3405 Edmon Rd NE Albuquerque, NM 87107 jwilger@wilger.com	General Contractor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: <u>7-18-23</u>
TBD INSPECTIONS PLUS 505-344-9010	SWPPP Inspections	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: <u>7-18-23</u>
TBD INSPECTIONS PLUS 505-344-9010	SWPPP Installer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: <u>7-18-23</u>

SECTION 8: CERTIFICATION AND NOTIFICATION

"Operator" means either of the following two criteria:

- The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or
- The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions

Operator in Control of Plans and Specifications (Typically Owner or Developer)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: JIM GUTHRIE Title: OWNER

Signature: _____ Date: _____

Operator in Control of Daily Site Operation (Typically General Contractor)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is false, inaccurate, or complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: DON GUERRERO Title: PROJECT MANAGER

Signature: _____ Date: 7-18-23

Stormwater Pollution Prevention Plan (SWPPP) 3331 Masthead HE

Stormwater Pollution Prevention Plan (SWPPP) 3331 Masthead HE

1.2 Stormwater Team

SECTION 8: CERTIFICATION AND NOTIFICATION

Stormwater Team

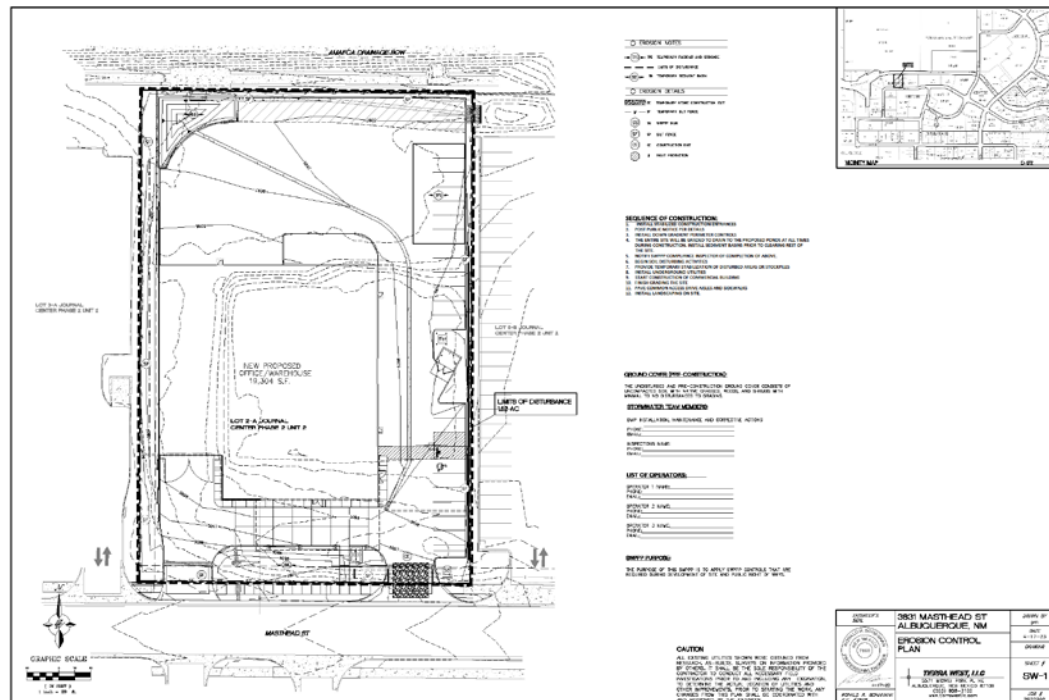
SECTION 8: CERTIFICATION AND NOTIFICATION

1.2 Stormwater Team

SECTION 8: CERTIFICATION AND NOTIFICATION

[illegible]

At the time of the inspection the SWPPP map showed the Construction Exit (CE) on the east side of the site but the CE was actually located on the west side and caused a breach in the Silt Fence (SF) at the low corner. Either the CE must be moved to the high side of the site as currently designed by Ron Bohannon PE., or the SWPPP map must be updated to show the current CE Location with additional controls to prevent the breach in the SF. This discrepancy between the SWPPP map and the actual controls was pointed



out to you in the City's Inspection Report that was sent to you on 7/17/23, however the required corrective action report was missing at this inspection on 8/2/23 in violation of CGP 5.1, 5.2, and 5.4. If you choose to leave the CE at its current location, then you must modify the SWPPP as required by CGP 5.2.1.c, the SWPPP modification must be prepared by the qualified erosion control specialist as required by CGP 9.6.1.c.iii, and all operators must certify the SWPPP modification in accordance with CGP Appendix G.11.2.

2. BMPs – SF was missing at the north outfall, down in the northwest and southwest corners, in need of repair and full along the west side of the site, and the CE was in the wrong place (i.e., the lowest corner of the site). Similar areas of concern were reported during the previous city inspection on 7/12/23 and during your self-inspection on 7/27/23.



Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached) 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 throughout coverage per CGP 7.1 and it must be available on-site per CGP 7.3.
 - The SWPPP must include a list of all operators per GGP 7.2.1.
 - The Stormwater Team members must be identified in the SWPPP per CGP 6.1 which says: "Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:
 - a. Personnel who are responsible for the design, installation, Maintenance, and/or repair of stormwater controls (including pollution prevention controls);
 - b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
 - c. Personnel who are responsible for conducting inspections as required in Part 4.1;
 - d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2."

With regard to the personnel responsible for the design in CGP 6.1.a above, "All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP." as required by CGP 9.6.1.C.iii. CGP 7.2.2 Stormwater Team. "Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections. Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b." Include written documentation that the non-

EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

- **Signatory requirements** CGP G.11.2 says *“Your SWPPP (including changes to your SWPPP inspection reports), corrective action log, site inspection and dewatering inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix G, Subsection G.11.1 or by a duly authorized representative of that person”* A person is a duly authorized representative only if:
 - *G.11.2.1 The authorization is made in writing by a person described in Appendix G, Subsection G.11.1*
 - *G.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and*
 - *G.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.”*
- **Corrective actions** CGP 5.1 Triggering conditions says: *“You must take corrective action to address any of the following conditions identified at your site:*
 - *5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or*
 - *5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;*
 - *5.2.1.C CORRECTIVE ACTION DEADLINES - 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. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.*
 - *5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:*
 - *5.4.1a - Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.*
 - *5.4.1b - Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.*

- 5.4.2 - Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit."
2. **BMPs** - 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. SWPPP – 7/17/23, 8/10/23 (Level 2)
2. BMPs – 7/17/23, 8/10/23 (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.

If you have any questions, you can contact me at 924-3420 or jhughes@cabq.gov.

Sincerely,
James D. Hughes, P.E.

James D. Hughes
Principal Engineer, Planning Dept.
Development and Review Services