

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 19, 2023

Albuquerque Public Schools (APS) –
APS Director of Construction, Karen Alared AIA alarid_k@aps.edu
APS Cluster Technician, Rita Romero rita.romero@aps.edu
Site: APS Arroyo Del Oso Elementary School (10 Ac.)
3831 Harper 9717 Indian School Blvd NE
(H20E028) - NMR1005UE

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

The first City inspection report sent to you on 8/17/23. The following violations were noted during a follow-up inspection conducted by the City on 9/14/23.

1. **NOI** – The NOI and ESC Plan was submitted to the City for approval, but the comments haven't been addressed and the fees haven't been paid in Violation of City Ordinance § 14-5-2-11.
2. **SWPPP** - The SWPPP and reports weren't up to date. The Certification statement required by CGP Appendix G11.4 was missing from all reports and SWPPP modifications.

Stormwater Construction Site Inspection Report

General Information			
Project Name	Arroyo Del Oso Elementary School		
Project Number	14822	Location	6504 Harper Dr NE Albuquerque, NM 87109
Date of Inspection	9/5/2023	Start Time	9:28 AM
Inspector's Name	Allie Moore	Contact Information	505-856-1412; allie@sci-nm.com
Inspector's Title / Qualifications	<input type="checkbox"/> Qualified Stormwater Inspector <input checked="" type="checkbox"/> Certified Inspector EPA <input type="checkbox"/> CISEC Trained <input type="checkbox"/> NPDES Training <input checked="" type="checkbox"/> Other: USGP		
Construction Contact Name	Brian Martinez	Phone/Email	505-307-6869; brian@sci-nm.com
Describe current construction phase: Concrete for utilities; storm drain trenching/piping; masonry; steel erection.			
Type of Inspection: <input checked="" type="checkbox"/> Wet season – every 14 days <input type="checkbox"/> Storm event (>0.25") <input type="checkbox"/> Dry season – once per month <input type="checkbox"/> Other			
Weather Information: Station ID:			
Storm event >0.1 inch since last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, provide: Date: N/A Precipitation Amount (in): N/A			
Date: N/A Precipitation Amount (in): N/A			
Date: N/A Precipitation Amount (in): N/A			
Weather at time of this inspection? Temperature: 74° F			
<input checked="" type="checkbox"/> Clear <input type="checkbox"/> Partly Cloudy <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Wind			
Have any discharges of pollutants occurred since the last inspection? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, see description below.			
Are there any discharges of pollutants at the time of inspection? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, see description below and attached visual assessment form.			
Inspector Signature & Date <i>Allie Moore</i> 9/5/2023			

Self- inspection reports were not signed by APS in violation of CGP Appendix G.11.2. Karen Alared signed the SWPPP certification for APS as the Director of Construction and probably should sign the NOI instead of Rita Romero “Cluster Technician” who doesn't qualify per CGP Appendix G.11.1.3.

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document.

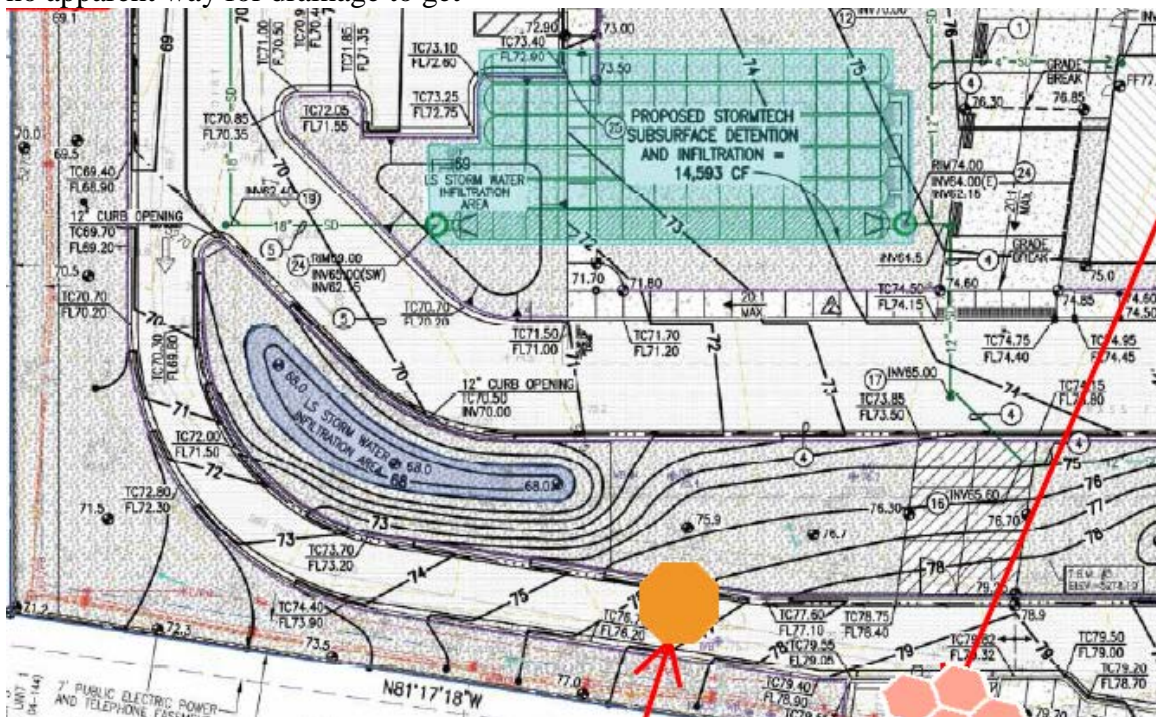
Certified By: Rita Romero

Certifier Title: Cluster Tech

Certifier Email: rita.romero@aps.edu

Certified On: 02/22/2023 5:43 PM ET

3. **BMPs** – The 14,593 cf permanent underground retention pond is less than half the size of the temporary pond required for this 10 acre site per CGP 2.2.11.C.ii. (3,600 cf/ac). There was no apparent way for drainage to get



into the temporary pond at the time of inspection. Perhaps stormwater can infiltrate slowly through the top, but it is situated out of the flow path of surface drainage allowing a large portion of the site to bypass the pond.

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The diversion of the offsite 15 acres to Lafving St. is incomplete, and the temporary diversion with silt fence and dirt appears to be inadequate.



The temporary pond size would need to be increased to 90,000 cf to include the offsite area per CGP 2.2.11.C.ii if the diversion fails like it did on 8/8/23 and the 15 acre offsite runoff is added to the 10 acre onsite runoff.

Required Mitigation:

1. **NOI**- Revise the ESC Plan and NOI per the comments on 8/22/23 and resubmit with receipt showing fees have been paid in compliance with Ordinance § 14-5-2-11 and the EPAs CGP. The SWPPP must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists. Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP per CGP 9.6.1.c. The design of the temporary pond and temporary diversion must include design calculations certified by a PE.
2. **SWPPP** - 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. APS must correct the NOI certification per CGP Appendix G.11.1.3 and CGP 1.4.4 the put the updated NOI in the SWPPP per CGP 7.2.11. APS must sign all reports and SWPPP modifications per CGP G11.2. Add the certification statement to all reports & SWPPP modifications for all operators and inspectors to sign per CGP G11.4. Sign Certification statement on all corrective action reports (use EPA template). Either the APS Director must sign all reports or she must Delegate Authority for some other APS employee to sign.
3. **BMPs** – Provide a pond sized in accordance with CGP 2.11.c in a location that intercepts all potential stormwater runoff and a non-erosive temporary diversion. 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. NOI 8/17/23, 9/19/23
2. SWPPP – 8/17/23, 9/19/23
3. BMPs - 8/17/23, 9/19/23

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, or jhughes@cabq.gov.

Sincerely,

James D. Hughes, P.E., CPESC

James D. Hughes

Principal Engineer, Planning Dept.
Development and Review Services