

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 10, 2024

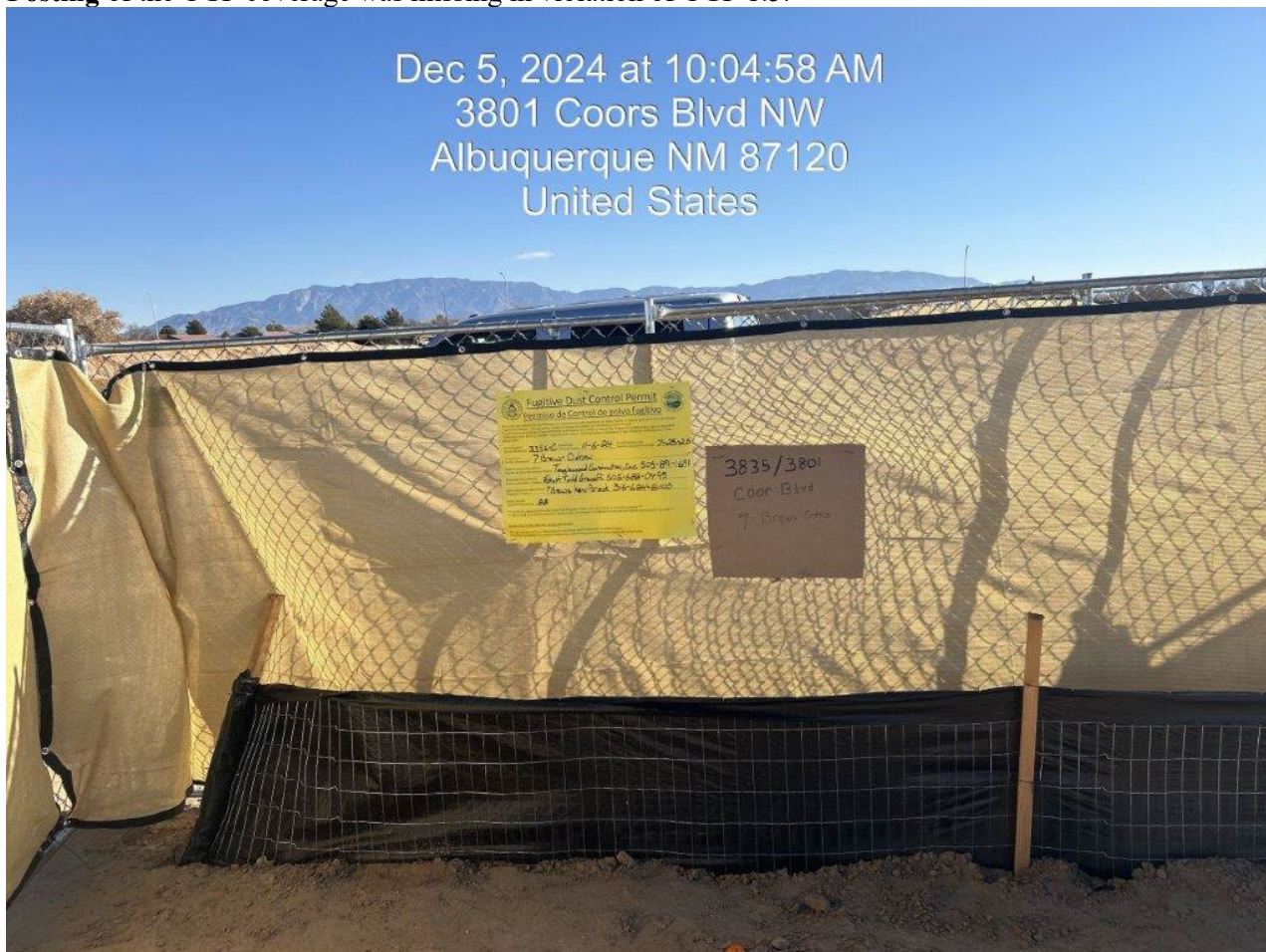
Red Shamrock 12, LLC - Joshua J. Skarsgard, josh@retailsouthwest.com - 505-998-9093

Sites: 7-Brew on Lot 3 of the University of Albuquerque Center Subdivision at 3835 Coors Blvd. NW – G11E067C

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

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 12/05/24 to determine compliance with City Ordinance § 14-5-2-11 (attached) and the Environmental Protection Agency's (EPA's) Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#) as a follow-up to the previous inspection conducted on 10/21/24 and 11/12/24. The following violations were observed on 12/05/24.

1. **NOI-** The property owner's NOI and ESC Plan weren't approved by the City in Violation of City Ordinance § 14-5-2-11(A) and § 14-5-2-12(G).
2. **Posting** of the CGP coverage was missing in violation of CGP 1.5.



SWPPP – The SWPPP and self-inspection reports were unavailable on-site during the inspection in Violation of CGP 7.3, City Ordinance § 14-5-2-11(C)(1), and CGP 4.7.3.

Required Mitigation:

1. **NOI** - You must provide an ESC Plan and NOI per CGP 1.4 to the City's Storm Water Quality (SWQ) Section for approval for ERC Wymont, LLC, the property owner, per ordinance § 14-5-2-11(A) and § 14-5-2-12(G).
2. **Posting** - 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.
3. **SWPPP** - The SWPPP, including the SWPPP Map, 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. Your SWPPP, corrective action log, site inspection, and any other compliance documentation required under this permit must be signed by the same responsible corporate officer who signs the certification statement on your NOI or by a duly authorized representative of that person per CGP Appendix G.11.2.

History of Violations:

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

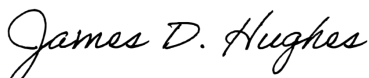
1. **NOI** - 11/12/24, **12/10/24 (Level 2)**
2. **Posting** - 11/12/24, **12/10/24 (Level 2)**
3. **SWPPP** - 11/12/24, **12/10/24 (Level 2)**
4. **BMPs** - 11/12/24 (Level 1)
5. **Washout** - 11/12/24 (Level 1)

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 current Level 2 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, contact me at 924-3420, jhughes@cabq.gov.

Sincerely,



James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.