

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

May 10, 2024

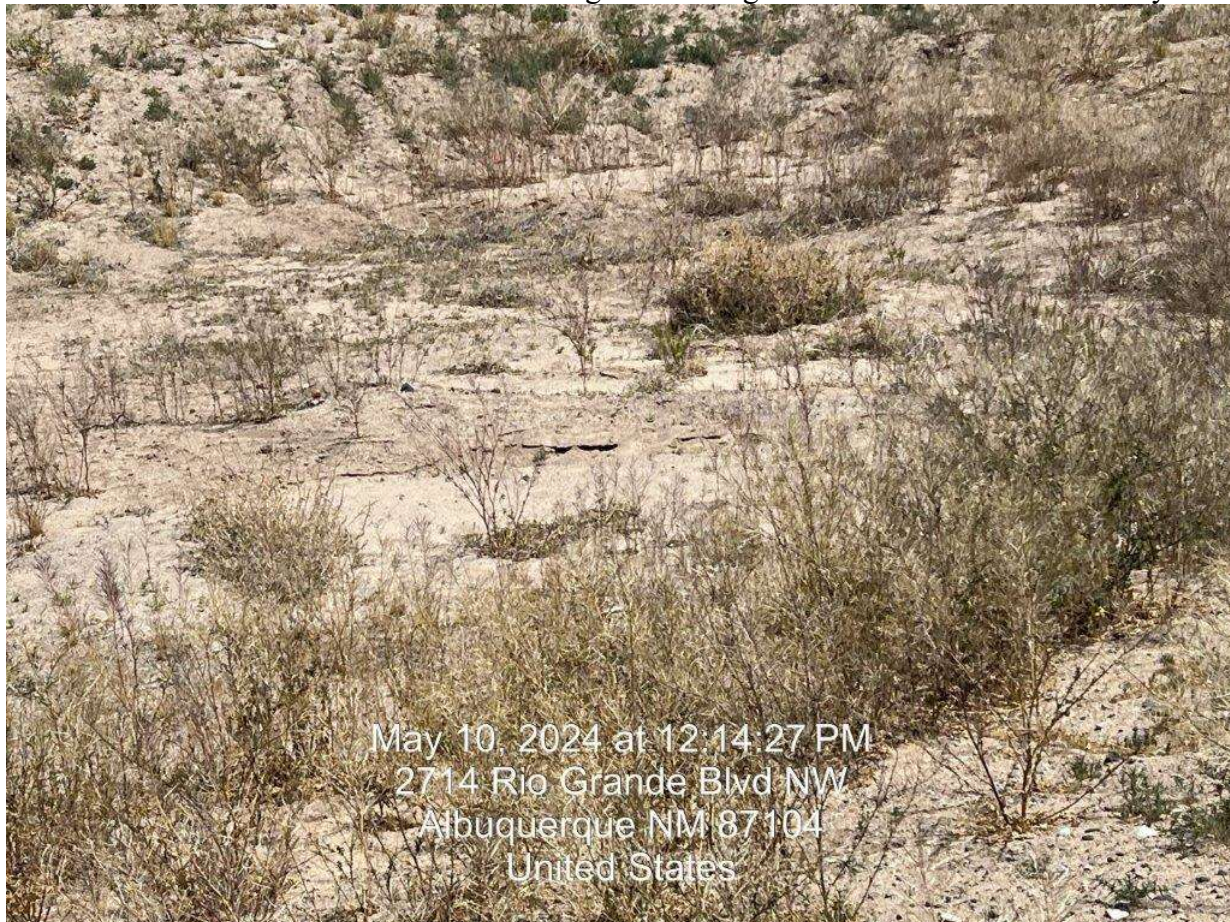
Vivi Investments LLC – Steve Chavez – steve.chavez505@yahoo.com - 505-415-9533

Sites: Cinnamon Morning Subdivision – 2700 Rio Grande Blvd NW (G12E024) - NMR1003QQ

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

The City conducted an ESC Inspection on 5/10/24 and found the following violations.

1. **NOI** – Your CGP coverage, NPDES ID# NMR1003QQ, expired on 2/17/22 before the construction and stabilization were complete in violation of CGP Part 1.4.3.
2. **Posting** of the CGP coverage was missing in violation of CGP 1.5.
3. The **SWPPP** and self-inspection reports were unavailable at the time of inspection in violation of CGP Parts 7.1 and 7.3. No personnel were present on site, and the location of the SWPPP was not posted on a sign near the entrance in violation of CGP Part 7.3.
4. There is an abundance of **weeds** that are overgrown throughout the site in violation of City Ordinance 9-8-4.



5. **Stabilization** measures were not initiated where construction activity has ceased for 14 or more calendar days in violation of CGP Part 2.2.14.



Required Mitigation:

1. The deadline for an operator of an existing site, i.e., a site with 2017 where construction activities commenced prior to February 17, 2022 to submit a **NOI** for 2022 CGP coverage was May 18, 2022 per CGP Part 1.4.3.
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. 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. If an on-site location is unavailable to keep the SWPPP when no personnel are present, a notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3.
4. § 9-8-4 GROWTH OR ACCUMULATION OF **WEEDS** AND LITTER. It shall be unlawful for any owner of any occupied or unoccupied lot or tract of land within the city to permit or maintain on any such lot or tract of land, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, the area of any curbs or sidewalks located on the property, and the area located ten feet outside the property line where there is no curb, any growth of weeds whose height, width or spread is greater than four inches, or any accumulation of weeds and/or litter.
5. **Stabilization** – You must stabilize any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 17 or more calendar days per CGP 2.2.14. In accordance with City Ordinance § 14-5-2-11(C)(1), self-inspections must continue until the site is “determined as stabilized by the city.” The property owner/operator is responsible for determining when the “Conditions for

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Terminating CGP Coverage” per CGP Part 8.2 are satisfied and then for filing their Notice of Termination (NOT) with the EPA. Each operator may terminate CGP coverage only if one or more of the conditions in Part 8.2.1, 8.2.2, or 8.2.3 has occurred. After filing the NOT with the EPA, the property owner is responsible for requesting a Determination of Stabilization from the City.

History of violations:

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

1. NOI - 5/10/24 (Level 2)
2. Posting - 4/8/21, 5/10/24 (Level 2)
3. SWPPP – 7/1/21, 5/10/24 (Level 2)
4. Weeds - 5/10/24 (Level 1)
5. Stabilization – 5/10/24 (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 Level 2 violations are not mitigated within seven days, 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 924-3325, cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English, CPESC
Erosion and Sediment Control Specialist, Stormwater Quality
Planning Dept.