

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 4, 2023

YES Housing, Inc. – Page Office – police@yeshousing.org – 505-923-9607

Site: Calle Cuarta at 3525 4th St. NW (G14E097) – NMR1005D6

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

The City responded to a 311 complaint regarding the Calle Cuarta construction site on 11/30/23. Yes Housing, Inc., the owner of the property, has coverage under the Environmental Protection Agency's (EPA's) *Construction General Permit* (CGP) with National Pollutant Discharge Elimination System (NPDES) ID "NMR1005D6. During the response the City observed the following violations of the CGP and City Ordinance § 14-5-2-11 *CONSTRUCTION SITE RESPONSIBILITY BY PROPERTY OWNER*.

1. **BMPs** - Sediment track-out wasn't minimized in violation of CGP 2.2.4. Track-out controls failed to restrict vehicle use to the stabilized pad, vehicles drove off of the sides of the pad, in violation of CGP 2.2.4.a. The stabilization technique was inadequate, the rock layer was too thin, rock diameter was too small, filter fabric failed to prevent pumping of mud up through the rock, and pad next to street sank into the mud in violation of CGP 2.2.4.b.



Inlet protection measures were missing. So they failed to remove sediment from this site prior to entering the storm drain inlets downstream from this site.



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2. Sediment wasn't removed prior to vehicles exiting your site in violation of CGP Part 2.2.4.c., so they tracked sediment into 7th Street. Next the sediment from your site was washed into a city storm drain inlet by a combination of stormwater runoff and potable wash water from a vehicle from your site.



Required Mitigation:

1. **BMPs** – Your track-out pad must be reset on filter fabric, with thicker layer of larger stone, and additional controls to restrict vehicle use to the properly designated exit point per CGP 2.2.4.a and 2.2.4.b. Implement additional track-out controls such as: preventing the use of exit points during wet periods, keeping vehicles (esp. the water truck) on-site, and limiting exit point size per CGP 2.2.4.c.
Install inlet protection measures that remove sediment prior to entry into any storm drain inlet per CGP 2.2.10.a. Inlet protection should create ponding upstream of the inlet without blocking the inlet. Clean, or remove and replace, the protection measures as sediment accumulates. Remove sediment by the end of the business day per CGP 2.2.10.b.
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.
2. **Sediment** - Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any storm drain inlet per CGP 2.2.4.d.

History of Violations:

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

1. BMPs – 12/1/23 (Level 2)
2. Sediment – 12/1/23 (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 924-3325, or cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English

Erosion and Sediment Control Specialist, Stormwater Quality
Planning Dept.