



Alan Varela, Director



Mayor Timothy M. Keller

January 23, 2023

Black Rock Services LLC, Kevin Riley, [kriley@blackrock-services.com](mailto:kriley@blackrock-services.com) , 505-280-4313

**Site: Black Rock Services HMA Plant 706 Carmony Rd (G15D205)**

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

The City conducted an Erosion and Sediment Control ESC inspection of this site on 1/19/23 to verify compliance with the Environmental Protection Agency's (EPA's) Construction General Permit (CGP) and the City Ordinance. Construction commenced on this 8 acre site without an NOI for permit coverage under the CGP and without Perimeter Controls, Silt Fence in Violation of the city ordinance and the CGP. Also, the CGP coverage wasn't posted on a sign nor was the CGP SWPPP available on site. The majority of the site was bare dirt with grading activity and wall construction underway.

Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 at link [https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque\\_nm/0-0-0-19897](https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897) requires the property owner to provide an ESC Plan and the EPA's Notice of Intent (NOI) to the city for review and approval prior to issuing construction permits and prior to any land-disturbing activity. It also requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

**Required Mitigation:**

1. The property owner's NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval per the above-referenced ordinance.
2. 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. Ensure that all stormwater controls (BMPs), including the silt fence, are installed and 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.



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**History of Violations and Escalation Process:**

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

1. NOI – 1/23/23 (Level 2)
2. Posting – 1/23/23 (Level 2)
3. SWPPP – 1/23/23 (Level 2)
4. BMPs – 1/23/23 (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. Failure to obtain permit coverage is a particularly egregious offence so level 1 is skipped and the escalation process begins at level 2.

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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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