

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

December 10, 2024

Mira Al Sol, LLC - Ben Perich, [ben.perich@colliers.com](mailto:ben.perich@colliers.com)

**Sites: Lots 6 and 8 of Wymont Subdivision at 4305 Wyoming Blvd NE - G19E004H&I**

**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 11/15/24. The following violations were observed yesterday.

1. **Posting** - The CGP coverage was not posted so it is visible from the public road nearest to the active part of the construction site, using a font large enough to be readily viewed from a public right-of-way in violation of CGP 1.5.
2. **SWPPP** - The SWPPP and self-inspection reports were not available onsite, no personnel were present onsite, and the location of the SWPPP and contact information weren't posted on a sign near the main entrance to your site in violation of CGP 7.3.

#### Required Mitigation:

1. **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.
2. **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 - 11/15/24,
2. Posting - 11/15/24, 12/10/24 (Level 2)
3. SWPPP - 11/15/24, 12/10/24 (Level 2)
4. BMPs - 11/15/24
5. Sediment - 11/15/24

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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality  
Planning Dept.