

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

June 25, 2024

Lobos Logistics, LLC
Irene Ortiz Agent
8500 Menaul Blvd NE
Suite A-225
Albuquerque NM 87112

Lobos Logistics, LLC
Blanca Flores Member
PO Box 72606
Albuquerque NM 87195

Site: 7900(?) La Morada Pl. NW (H09E001B)
A 2.7 acre Tract 11-C, Cladrea Business Park Unit 1

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

While inspecting the site on 6/17/24, the city observed the following general categories of Erosion and Sediment Control (ESC) violations.

1. The ESC Plan and **NOI** weren't approved by the city,
2. The NPDES coverage was not **posted**,
3. The **SWPPP** and reports were not available on-site,
4. The **BMPs** were missing on three sides of the site and in need of repair on the north side,
5. Concrete wash water had been discharged onto bare dirt.

Land disturbing activities had already begun before a previous city inspection on 1/12/24. All vegetation had been removed from the site before the inspections on 1/12/24 and 6/17/24. On 6/17/24, the site had been leveled, leaving loose dirt on the surface with little to no compaction. There wasn't any construction equipment or personnel onsite. Footers had been poured for a fence/wall around the entire perimeter of the site, cinderblock had been spotted along the south side, and the first course was started along the east side. There were a couple of small stockpiles of dirt onsite. There were no identification signs or permits posted. A silt fence and a construction exit had been constructed at the back of the curb along La Morada Pl. on the site's north side, but BMPs were absent from the remainder of the site. Specifically, the violations on 6/17/24 were:

1. **NOI** - Land-disturbing activities began before City approval of the property owner's ESC Plan and NOI in violation of Albuquerque's ordinance § 14-5-2-11(a) (attached,) which requires the property owner to provide an ESC Plan and the EPA's Notice of Intent (NOI) to the City for review and approval before 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](#).
2. **Posting**—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.
3. **SWPPP** The up-to-date SWPPP and /or self-inspection reports were not available on-site at the time of inspection in violation of CGP 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 gate in violation of CGP 7.3.

4. **BMPs** – The absence of stormwater controls on the downstream edge of the site suggests that you haven't designed or installed stormwater controls in accordance with good engineering practices, which violates CGP 2.1.2. The controls weren't installed by the time construction activities began which violates CGP 2.1.3. Began. 4. The dilapidated condition of the controls along La Morada Pl. indicates noncompliance with CGP 2.1.4, which requires that all stormwater controls be maintained and remain in effective operating condition.

5. **Washout** (from Concrete, paint, and/or stucco) wasn't in a lined container in violation of CGP 2.3.4.a.



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Required Mitigation:

1. **NOI** - The property owner's NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval per Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached).
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. **BMPs** - Ensure that all stormwater controls (BMPs), including the silt fence and construction entrance, 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.
5. **Washout** - Remove and dispose of contaminated soils and hardened concrete with other waste per CGP 2.2.3. Direct all future wash water from concrete, paint, and stucco into a leak-proof container per CGP 2.3.4

If the 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, contact me at 924-3420, jhughes@cabq.gov .

Sincerely,

James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.