

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 3, 2025

7501 La Morada LLC – Ted Jaramillo – tedjaramillo97@gmail.com – 505-918-4111

Site: 7501 La Morada Pl NW (H10E006A6)
Tr 3 Plat for Ladera Business Park Unit 1

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

Mr. Jaramillo;

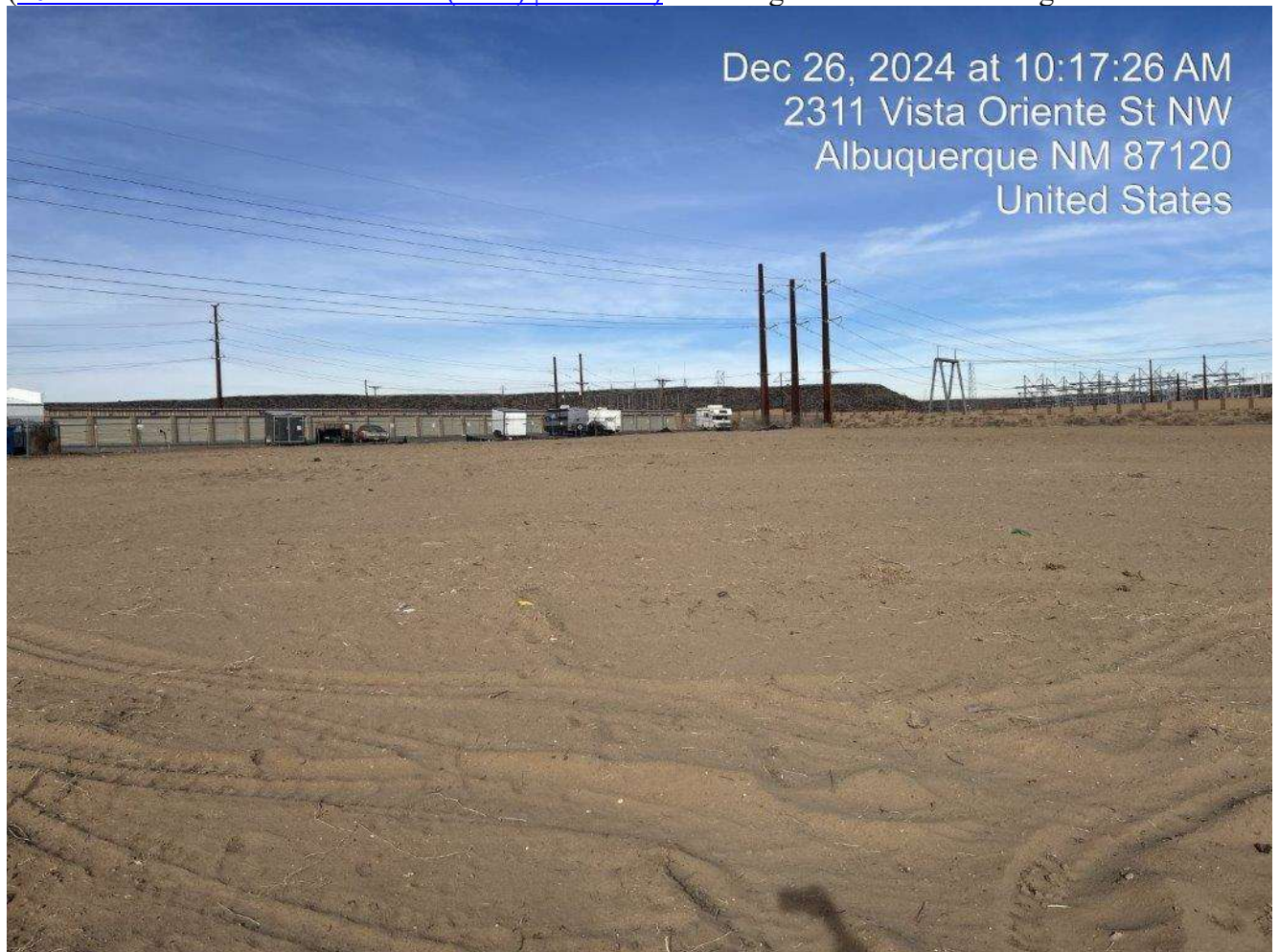
While inspecting construction sites along La Morada Pl and Vista Oriente St on 12/26/24 and 1/2/25, the City Stormwater Quality Section (SWQ) observed the following general categories of Erosion and Sediment Control (ESC) violations for land disturbance on the 2.7-acre lot located at 7501 La Morada Pl NW.

1. An ESC Plan and the owner's Notice of Intent (**NOI**) has not been submitted to the City SWQ for approval,
2. A **Posting** of permit coverage was missing,
3. The **SWPPP** and reports were not available on-site,
4. **BMPs** were not installed before land-disturbing activities started.

Land-disturbing activities had already begun before the City SWQ had received and approved an ESC Plan and a NOI from the owner. The site started removing vegetation and/or grading the 2.7-acre property before installing stormwater controls. There wasn't any construction equipment or personnel on-site to inquire about permitting or stormwater controls during the inspection. There were no identification signs or permits posted. Specifically, the violations of City Ordinance §14-5-2-11 (attached) and the EPA's Construction General Permit (CGP) observed by the City SWQ on 12/26/24 and 1/2/25 were:

1. **NOI** - Land-disturbing activities began before City SWQ approval of the property owner's ESC Plan and NOI in violation of Albuquerque's ordinance § 14-5-2-11(a), 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 any land-disturbing activity. It also requires compliance with the CGP

(2022 Construction General Permit (CGP) | US EPA) to manage stormwater discharge.



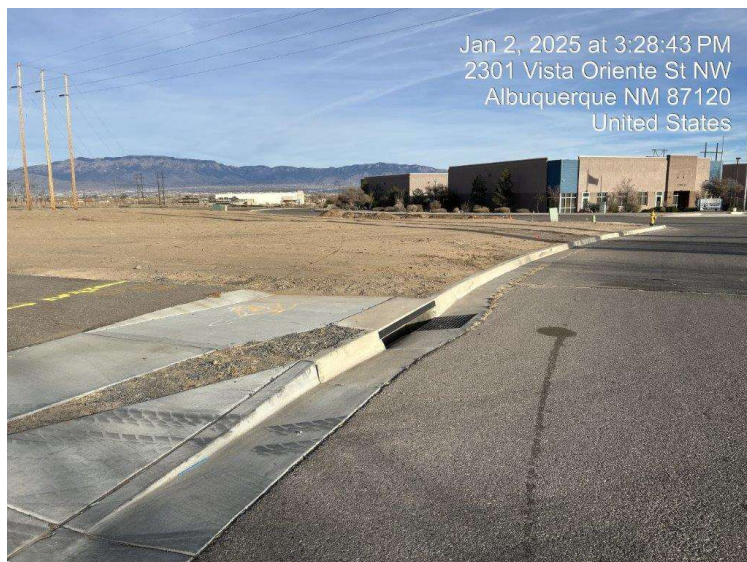
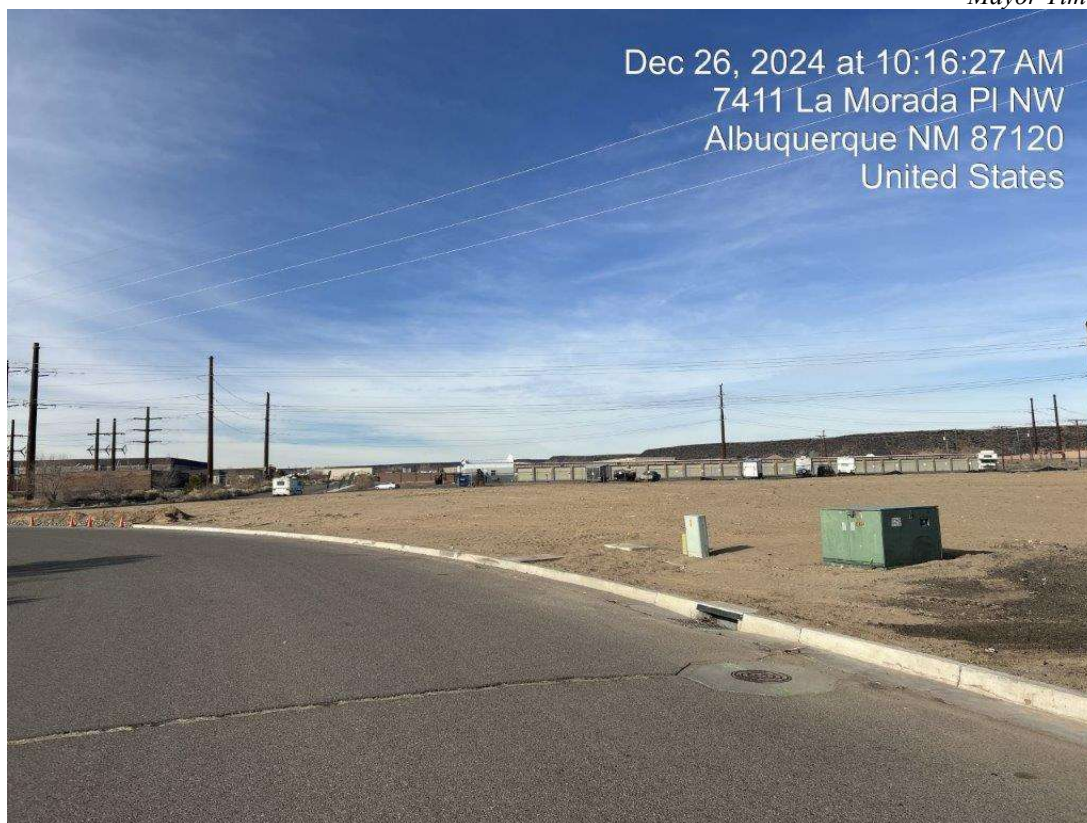
2. **Posting**—CGP coverage was not posted so it is readily viewed from a public right-of-way in violation of CGP Part 1.5.
3. **SWPPP** The up-to-date SWPPP and /or self-inspection reports were unavailable on-site during the inspection in violation of CGP Parts 7.1 and 7.3. No personnel were present on site, and the location of the SWPPP was not posted on a sign near the construction activity in violation of CGP 7.3.
4. **BMPs** – Stormwater controls were not installed before construction activities began in violation of CGP Part 2.1.3. A stabilized construction exit, perimeter silt fencing, and inlet protection were not installed prior to the land disturbance.

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Required Mitigation:

1. **NOI** – For projects that disturb one acre or more, or less than one acre but are part of a common plan of development exceeding one acre, the property owner is to provide the CGP Electronic Notice of Intent documentation that contains the property owner name and contact information a minimum of 14 days prior to earth disturbance and prior to obtaining Work Order or Building Permit approval per City Ordinance §14-5-2-11(A). A project will be approved for earth disturbance, work order, or building permit only upon approval of plans and conditions by the City Engineer per City Ordinance §14-5-2-11(B)(2).
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 Parts 4.7.3, 5.4.3, and 7.3. You must keep a current copy of the SWPPP, the corrective action log, and all copies of inspection reports at the site or at an easily accessible location so that they can be made easily available at the time of an on-site inspection per CGP Parts 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** – Complete installation of stormwater controls by the time each phase of construction activities has begun per CGP Part 2.1.3. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g. buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavation, and other earth-disturbing activities.

History of Violations:

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

1. NOI - 12/3/24 (Level 2)
2. Posting - 12/3/24 (Level 1)
3. SWPPP – 12/3/24 (Level 1)
4. BMPs - 12/3/24 (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. Two egregious violation types are considered automatic Level 2 violations: either starting land disturbance without approval from the City or starting land disturbance without BMPs.

If the Level 2 violations are not mitigated within seven days, the property owner will be subject to a fine of \$500/day per the City's Drainage Control Ordinance, and the non-compliance will be reported to the EPA. Recalcitrant or repeat offenders are also subject to a fine of \$500/day.

If you have any questions, contact me at 505-924-3325, cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English, CPESC

Erosion and Sediment Control Specialist - Stormwater Quality

Planning Dept.