

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

February 4, 2025

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

**Site: 7501 La Morada Pl NW (H10E006A6_LM)
Tr 3 Plat for Ladera Business Park Unit 1**

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

Mr. Jaramillo;

The City performed a follow-up inspection for your property at 7501 La Morada Pl NW on 2/3/25 to verify mitigation for the violations reported on 1/3/25, 1/17/25, and 1/24/25. The City Stormwater Quality Section (SWQ) has not yet received an ESC Plan and the owner's Notice of Intent (NOI) after 32 days since the violation was initially reported. This and other repeated violations observed during the recent inspection are as follows:

1. **NOI** - The City SWQ has not received the submission 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 4.7.3 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.

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 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.

History of Violations:

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

1. NOI - 1/3/25, 1/17/25, 1/24/25, 2/4/25 (Level 4)
2. Posting - 1/3/25, 1/17/25, 1/24/25, 2/4/25 (Level 4)
3. SWPPP – 1/3/25, 1/17/25, 1/24/25, 2/4/25 (Level 4)
4. BMPs - 1/3/25, 1/17/25 (Level 3) – mitigated 1/24/25

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.

You are being issued a fine of \$5,000 for 10 days, 1/25/25-2/3/25, for the Level 4 violation and the EPA will be notified of the non-compliance. If the Level 4 violations are not mitigated within 7 days, the penalty for the property owner will be subject to a fine of \$500 per day. Recalcitrant or repeat offenders are subject to a fine of \$500/day.

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

Sincerely,

Chancellor English

Chancellor English, CPESC

Erosion and Sediment Control Specialist - Stormwater Quality

Planning Dept.