

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 12, 2023

Albuquerque Public Schools (APS) –
APS Director of Construction, Karen Alared AIA alarid_k@aps.edu
APS Project Manager, Jordan Fitzgerald jordan.fitzgerald@aps.edu

Site: APS Janet Kahn School of Integrated Arts
9717 Indian School Blvd NE
(H20E028) - NMR1005UE

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

Sediment-laden stormwater was discharged from this site during the storm on 8/8/23 causing sediment accumulations in Parsifal St. and in the Embudo Arroyo. Subsequent inspection by the city on 8/9/23 and 8/15/23 further revealed that the perimeter controls shown on the Storm Water Pollution Prevention Plan (SWPPP) were missing and incomplete in violation of the EPA's Construction General Permit (CGP) and City Ordinance § 14-5-2. Self-inspection reports were not available onsite and APS's NOI was out of date. These Violations and the required mitigation were emailed to APS in an informal violation report sent on 8/18/23.

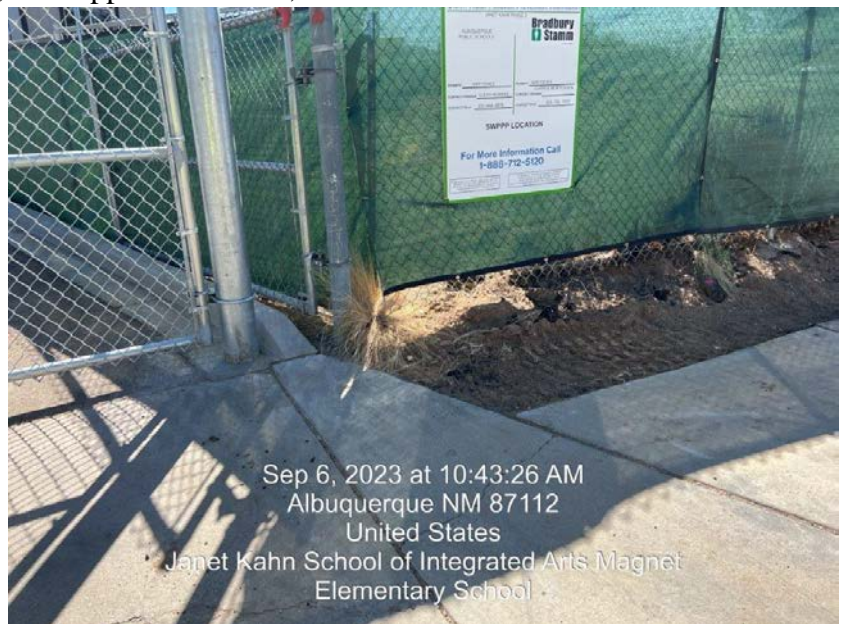
A follow-up inspection was conducted by the City on 9/6/23 which found that APS' was cooperative and made progress in mitigating some of the violations including the addition of screens to the perimeter controls, removal of sediment in Parsifal St., and self-inspection reports were made available on-site. However the following violations were noted:

1. SWPPP –

- a. APS's NOI was still missing from the SWPPP in violation of CGP 7.2.11.a,
- b. the certification statement on corrective action and self-inspection reports wasn't signed by APS in violation of CGP 4.7.2, 5.4.2, and Appendix G.11.2,

2. BMPs –

- a. The perimeter control isn't installed per the detail in the plans and isn't in keeping with good engineering practice in Violation of CGP 2.1.2 There are gaps between the filter sock and the ground and between the filter sock and the screen.



- b. the construction exit stabilization (CE) has been missing in violation of CGP 2.2.4 for over a month in violation of the corrective action deadline in CGP 5.2.1.c, and



3. **Sediment** was tracked out into the adjacent parking lot where stormwater could easily wash it off into the City's Municipal Separate Storm Sewer System (MS4) and a thin layer of sediment was tracked west several hundred yards from the CE on Indian School Rd. in violation of CGP 2.2.4.d.



APS's self-inspection reports from 8/1/23, 8/9/23, 8/15/23, 8/29/23 documented the missing CE, perimeter controls, and sediment in the streets. APS's meager progress since the notice on 8/18/23 is not sufficient to warrant additional time without escalation, especially considering the lack of timely response to their own self-inspection reports, so this formal Notice of Violation (NOV) is being sent.

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Required Mitigation:

1. 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, notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3. The NOI must be kept up-to-date per CGP per CGP 1.4.4 and a copy must be in the SWPPP per CGP 7.2.11
2. BMPs - Ensure that all stormwater controls (BMPs) are 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. The filter sock must be in intimate contact with the ground and the screen per the detail in the ESC Plan and in keeping with good engineering practice per CGP 2.1.2. You must modify the construction exit (CE) to ensure that no further sediment escapes the site. A wash rack and pond or equivalent modified CE should be installed per CGP 2.2.4.c.
3. Sediment - Where sediment has been discharged from your site onto paved roads and sidewalks remove the deposited sediment by the end of the same business day per CGP 2.2.4.d.

History of Violations:

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

1. SWPPP – 8/18/23, 9/12/23
2. BMPs - 8/18/23, 9/12/23
3. Sediment- 8/18/23, 9/12/23

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 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.

Sincerely,

James D. Hughes, P.E., CPESC

James D. Hughes

Principal Engineer, Planning Dept.
Development and Review Services