

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

April 11, 2023

Los Dows, LLC – Author J Dow - dowaj@yahoo.com – 505-350-4477

Sites: Starbucks at 1440 Coors Blvd NW (J11E017)

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

The City conducted a followup inspection on 4/10/23.

Land disturbing activities began without City approval of an ESC Plan or NPDES permit and without BMPs. The first Notice of Violation (NOV) was sent on 10/31/22 and followup inspections were conducted by the City on 11/8/22, 11/17/22, and 12/6/22 with NOVs #2, #3, and #4 respectively. Yesterday the site was under construction with a building under roof and the rest of the site was covered by bare dirt with a topsoil and debris stockpile on the north end. The approximate disturbed area was 1.5 acres. The following Violations were observed at the site yesterday during the inspection.

1. Sediment from this site was in Giomi Pl. road east of the site.



2. SWPPP self-inspection reports were not available on-site.

Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 at link https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897 requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

Required Mitigation:

1. Where sediment leaves your site and goes onto paved roads remove the deposited sediment by the end of the same business day CGP 2.2.4.d,
2. 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.

History of Violations and Escalation Process:

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

1. NOI – 10/31/22, 11/09/22
2. BMPs – 10/31/22, 11/09/22, 11/17/22
3. Posting – 10/31/22, 11/09/22, 11/17/22, 12/07/22
4. SWPPP – 10/31/22, 11/09/22, 11/17/22, 12/07/22, 4/11/23 (Level 3)
5. Sediment – 10/31/22, 4/11/23 (Level 3)

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

Per the previous Violation letter dated 12/8/22 the City is assessing another fine of \$500, and the non-compliance is being reported to the EPA. This fine is for one day, 4/11/23. Additional days may be added if the violation is not mitigated within seven days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

If you have any questions, you can contact me at 924-3420, jhughes@cabq.gov .

Sincerely,

James D. Hughes

James D. Hughes, P.E.
Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.