

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

November 1, 2022

Los Dows, LLC – Arther 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 following general categories of violations were observed while inspecting the site yesterday, 10/31/22.

1. The ESC Plan and NOI weren't approved by the City,
2. The BMPs were missing,
3. Sediment was present in the streets south and east of the site,
4. The NPDES coverage was not posted,
5. The SWPPP and reports were not available on-site,

At the time of the inspection, there was no vegetation on the site; instead, it was covered by bare dirt with a topsoil and debris stockpile on the north end. The approximate disturbed area was 1.5 acres covering nearly all of Lot A3A Block D of Glenrio Heights. According to Google Earth aerial photos, this site has a long history of land-disturbing activities. A photo dated 10/2020 shows the site covered in bare dirt.





A photo from 2 months earlier, dated 8/2020, shows the site covered in vegetation. So the land-disturbing activities began about two years ago in violation of 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 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 prior to 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](#).

The following violations were observed while inspecting the site yesterday, 10/31/22.

1. Land-disturbing activity began prior to the owner providing an ESC Plan and NOI to the City. An ESC application was submitted to the Stormwaterquality Section of the Planning Department of the City of Albuquerque for approval on 10/25/22, which prompted this inspection. The application contained a Low Erosivity Waiver (LEW) with start and end dates of 10/27/22 and 3/15/23 and an ESC Plan. The application was reviewed and returned to the applicant with comments for correction via a separate letter.

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- The only BMPs present during the inspection were silt fences at the edge of the Taco Bell parking lot along the north edge of this site. There weren't any silt fences along the east, west, or south edges of the site.



- There was sediment in the streets south and east of the site.



4. Permit coverage wasn't posted for either air or water quality.
5. Neither the SWPPP nor the reports were available on-site.

Required Mitigation:

1. The property owner's NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval per the above-referenced ordinance.
2. 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.
3. Remove all sediment from the streets south and east of this site. If any additional sediment from this site enters paved roads and sidewalks, remove the deposited sediment by the end of the same business day CGP 2.2.4.d.
4. 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.
5. 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.

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, 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.