

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

February 28, 2024

4740 Dillon Drive, LLC – Paul Julian at paulj@nuvuepharma.com – (919) 619-2443

Sites: Nu Vue at 1171 Jaffa Rd NE (J20E028)

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, 2/27/24.

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

At the time of the inspection, the vegetation had been removed from the site, and a deep hole had been excavated on the west end. So, the land-disturbing activities began in violation of Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 attached, 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, 2/27/24.

1. Land-disturbing activity began prior to the owner providing an ESC Plan and NOI to the City.
2. BMPs were missing during the inspection.
3. Permit coverage wasn't posted for either air or water quality.
4. Neither the SWPPP nor the reports were available on-site.

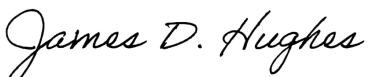
Required Mitigation:

1. The property owner's NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval per Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached).
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. 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.
4. 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, P.E.

Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.