

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

March 8, 2024

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

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

The city conducted another ESC Inspection yesterday, 3/7/24, as a follow-up to the first inspection, which was conducted on 2/27/24. At the time of the second inspection, **BMPs** were missing in violation of CGP 2.1.4. However, the other three violations, NOI, Posting, and SWPPP, were mitigated. In keeping with the City's escalation process, one week more time will be allowed, without escalation, to mitigate the one remaining violation since three out of four of the original violations were mitigated.

## **Required Mitigation:**

1. **BMPs** - 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.

## **History of Violations:**

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

1. NOI – 2/28/24 (Level 2)
2. BMPs – 2/28/24 (Level 2), 3/8/24 (level 2)
3. Posting - 2/28/24 (Level 2)
4. SWPPP – 2/28/24 (Level 2)

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, 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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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