

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 29, 2025

MJ Hospitality LLC – Mohamed Jasser, jasser007@gmail.com - 505-385-9911

Sites: Bluewater Galleria Mall – 531 Silver Creek Rd NW (K10E023L) - NMR1005V5

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

The City conducted an Erosion and Sediment Control (ESC) Inspection on 1/28/25 and found repeat violations of the Construction General Permit (CGP) from an inspection performed on 7/2/24 (reported 7/5/24). These violations are as follows:

1. The **SWPPP** and self-inspection reports were unavailable at the time of the City inspection in violation of CGP Parts 4.7.3 and 7.3. While a later date and time have been arranged for the City to inspect the SWPPP and inspection reports, these need to be available during the inspection.
2. **BMPs** – The silt fence is still missing a section on the east corner and some sections of the silt fence require repair/maintenance in violation of CGP Part 2.1.4. A section of silt fence has collapsed on the northeast corner along Silver Creek Rd. The missing section of silt fence has not been replaced since it was reported on 7/5/24. A portion of the perimeter silt fence has dirt over the allowed capacity per CGP Part 2.3.3.c.



1 Missing section of silt fence from 7/2/24



2 Missing section of silt fence from 1/28/25



3 Silt fence over one-half of the above-ground height

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller



4 Collapsed silt fence

Required Mitigation:

1. You must keep a current copy of your **SWPPP** and all self-inspection reports at the site or at an easily accessible location so that they can be made immediately available at the time of an on-site inspection per CGP Parts 4.7.3 and 7.3.
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 per CGP 2.1.4.b. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control per CGP Part 2.2.3.c.i.

History of violations:

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

1. SWPPP – 7/5/24, 1/29/25 (Level 2)
2. BMPs – 7/5/24, 1/29/25 (Level 2)
3. Posting – 7/5/24 (Level 1)

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 Level 2 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 924-3325, or cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English, CPESC

Erosion and Sediment Control Specialist, Stormwater Quality

Planning Dept.