

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

May 30, 2024

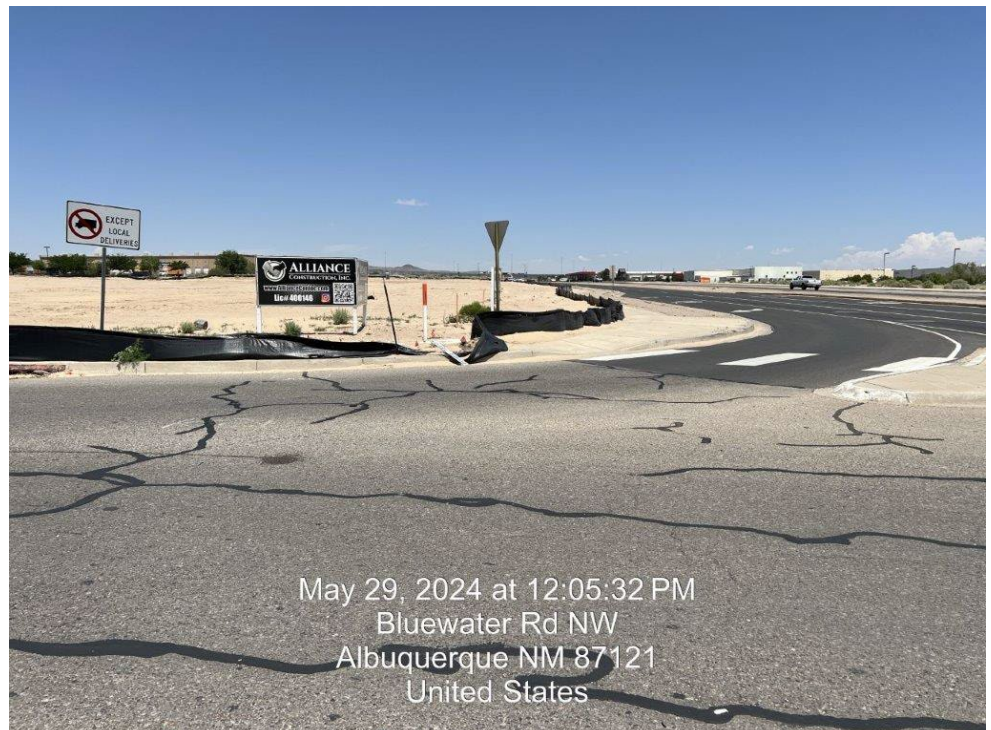
D&B Limited Trust, LLC – Miriam Ruiz at [miriamruiz@yahoo.com](mailto:miriamruiz@yahoo.com) & [dblimitedtrust@gmail.com](mailto:dblimitedtrust@gmail.com)  
(787) -505-5030

**Sites: D&B U Sell It at 401 Unser Blvd. and 8530 Bluewater Rd. NW (K10E0668)**

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

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 5/29/2024 to determine compliance with City Ordinance § 14-5-2-11 (attached) and the Environmental Protection Agency's (EPA's) Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#). The vegetation had been removed from the entire site and construction had commenced. The following violations were observed.

1. **NOI**- The property owner's NOI wasn't approved by the City in Violation of City Ordinance § 14-5-2-11(A). Required Mitigation: 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(A) attached
2. **Posting**—CGP coverage was not posted so it is visible from the public road nearest to the active part of the construction site, using a font large enough to be readily viewed from a public right-of-way in violation of CGP 1.5.
3. **SWPPP** - The up-to-date SWPPP and /or self-inspection reports were not available on-site at the time of inspection in violation of CGP 7.1 and 7.3. No personnel were present on site, and the location of the SWPPP was not posted on a sign near the gate in violation of CGP 7.3.
4. **BMPs**—Several of the required erosion and sediment controls, such as berms and ponds, construction exits (CE), and inlet protection (IP), were missing in violation of CGP 2.1.3. The Silt Fence was down and had separated from the wire mesh and posts in violation of CGP 2.1.4.b. The Silt Fence didn't appear to have been installed properly in violation of CGP 2.1.3.



May 29, 2024 at 12:05:32 PM  
Bluewater Rd NW  
Albuquerque NM 87121  
United States



5. **Sediment** – Sediment from the site had been deposited in the street and had not been removed within 24 hours in violation of CGP 2.2.4.d.



**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 per CGP 2.1.3 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.

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**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,

A handwritten signature in black ink that reads 'James D. Hughes'.

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