

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

June 7, 2024

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

Sites: D&B U Sell It at 401 Unser Blvd. and 8530 Bluewater Rd. NW (K10E068)

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 6/7/24 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](#). Only minimal progress had been made since the previous inspection on 5/29/2024. 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 SWPPP wasn't up-to-date. The property owner's NOI was missing, and the operators' SWPPP certifications weren't signed. Self-inspection reports weren't signed by the owner/operator in violation of CGP 7.1. and Appendix G11.2. 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, and inlet protection (IP), were missing in violation of CGP 2.1.3. The Silt Fence was improperly installed with a gap at the bottom instead of embedded 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.



Required Mitigation:

1. **NOI** - 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. 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.
3. **Posting** - 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. **BMPs** - Ensure that all stormwater controls (BMPs), including the silt fence (SF), construction exits(CE), inlet protection (IP), diversion berms (DV), and sediment traps (ST) 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.

History of Violations:

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

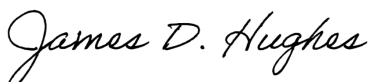
1. NOI – 5/30/24 (Level 2), 6/7/24 (Level 3)
2. SWPPP – 5/30/24 (Level 2), 6/7/24 (Level 3)
3. Posting - 5/30/24 (Level 2), 6/7/24 (Level 3)
4. BMPs 5/30/24 (Level 2), 6/7/24 (Level 3)

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

Per the previous Violation letter dated 5/30/2024, the city is assessing a fine of \$500 for the current level 3 violations, and the non-compliance is being reported to the EPA. This fine is for one day, from 5/7/24. Additional days may be added if the violation is not mitigated within 7 days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

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.