CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director

Mayor Timothy M. Keller

June 18, 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 6/17/24 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. Significant progress has been made since the previous inspections on 5/29/24 and 6/7/24. The following violations still remain.

1. **BMPs**—The pond(s) volume looked too small and was located east of the concentrated flow path, which appears to exit the site west of the small pond in violation of CGP 2.1.2. The pond installation was incomplete in violation of CGP 2.1.3, with inadequate volume, concentrated flow path bypasses the pond, and the overflow wasn't stabilized. Sediment Trap design volume calculations and construction specifications were missing in violation of CGP 2.2.12 and the city's ESC Plan checklist.

Required Mitigation:
1. **BMPs** - CGP Part 2.1.2 requires you to design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications. You must finish the sediment basin design per CGP 2.2.12, including design calculations and construction specifications. The ESC Plan and pond design 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. You must also complete the installation before the next city inspection per the city ordinance and the escalation process. You must also ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage, per CGP Part 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. 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:
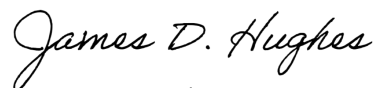Notice of the following types of violations was sent on the dates noted below:
1. NOI – 5/30/24 (Level 2), 6/7/24 (Level 3)
2. SWPPP – 5/30/24 (Level 2), 6/7/24 (Level 3)
3. Posting - 5/30/24 (Level 2), 6/7/24 (Level 3)
4. BMPs 5/30/24 (Level 2), 6/7/24 (Level 3), 6/18/24 (extra time),

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type. It also allows extra time to complete the mitigation for operators who have been cooperative and who have made significant progress.

Per the previous Violation letter dated 6/7/24, the city assessed a fine of $500 for the level 3 violations on 6/7/24. Since you have been cooperative and have made significant progress, seven (7) days of additional time will be allowed to complete the mitigation of the remaining violation without accessing the $500/day additional fine for the eleven days since the accrual began on 6/8/24. But the fine will be for all additional days since 6/7/24 if the violation is not mitigated before the next city inspection. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders. The remaining non-compliance is being reported to the EPA

If you have any questions, you can contact me at 924-3420, jhughes@cabq.gov .

Sincerely,

James D. Hughes

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