

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

April 24, 2024

PPI II, LLC. - Douglas H. Peterson, doug@petersonproperties.net - 505-884-3578

Sites: Mercado El Milagro, Bldg. G - 10000 Central Ave SW (L09E042B) - NMR1005MD

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

The City conducted an ESC Inspection on 4/22/24 and found the following violations..

1. **BMPs** – Construction activities commenced prior to the installation of stormwater controls (BMPs) in violation of CGP 2.1.3. Perimeter Controls were missing in violation of CGP 2.2.3. Track protection was missing from the driveway on the north side of the site, where **Sediment** had been tracked out in violation of CGP 2.2.4.



2. **Posting** of the CGP coverage was missing in violation of CGP 1.5.
3. The **SWPPP** was not up-to-date since it did not contain an NOI or Map that showed the disturbed area at Building G in violation of CGP 7.1. and the most recent self-inspection report was from 2/19/24 for Building D in violation of City Ordinance § 14-5-2-11(C)(1), and CGP 4.7.

Required Mitigation:

1. **BMPs** - Ensure that all stormwater controls (BMPs) 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 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.
2. **Sediment** Where sediment has been tracked out from your site onto paved roads and sidewalks, remove the deposited sediment by the end of the same business day. Remove the sediment by sweeping, shoveling, or vacuuming these surfaces or using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out per CGP 2.2.4.d.
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. 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.

History of violations:

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

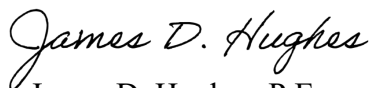
1. BMPs – 4/24/24 (Level 2)
2. Sediment - 4/24/24 (Level 2)
3. Posting - 4/24/24 (Level 2)
4. **SWPPP** – 4/24/24 (Level 2)

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 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 924-3420, jhughes@cabq.gov .

Sincerely,



James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.