

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 28, 2023

I-25 & Gibson, LLC., Wes Butero, wes@mdgrealestate.com , 505- 338-2149

Site: Lovelace Heights Addition at 2121 Yale Blvd SE (M15E021) NMR1004VR

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

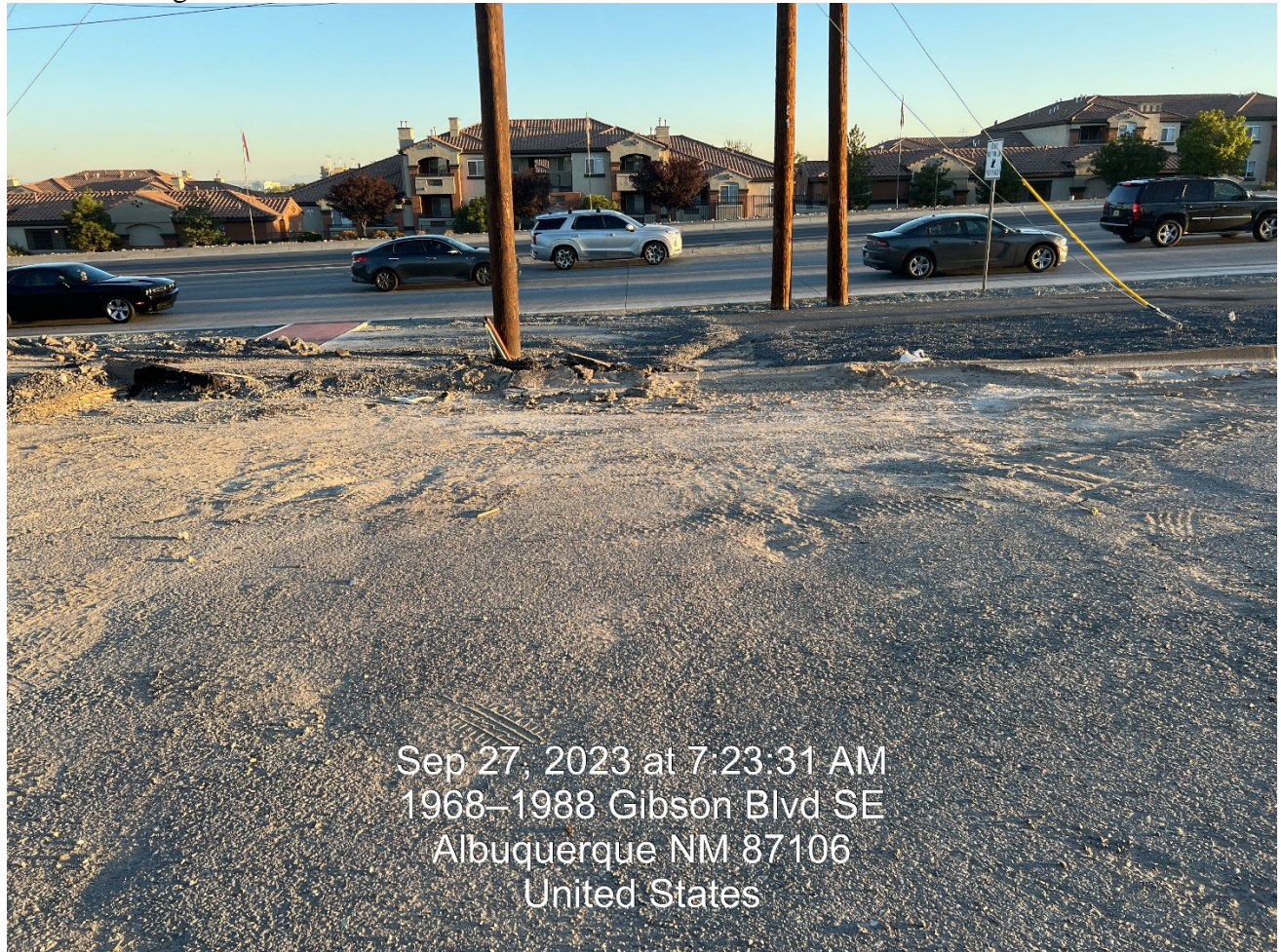
The following Violations were noted during follow-up inspections conducted by the City between 9/6/23 and 9/27/23.

1. **SWPPP** - No construction equipment or personnel were present onsite and the location of the SWPPP was not posted on a sign in violation of CGP 7.3, so the SWPPP and inspection reports weren't available during the inspection in violation of CGP 4.7.3, 5.4.3 and 7.3. The permit coverage posting was still missing and not located in a safe, publicly accessible area in violation of CGP Part 1.5.
2. **BMPs** - Bare dirt or sediment on the lot west of Mister Car Wash doesn't have adequate Controls in violation of CGP 2.2.3



Sep 6, 2023 at 2:53:32 PM
1968-1988 Gibson Blvd SE
Albuquerque NM 87106
United States

Erosion is occurring at concentrated discharge points in violation of CGP 2.2.11. causing sediment laden discharges to Gibson Blvd.



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Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached) requires the property owner to comply with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

Required Mitigation:

1. 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, notice of the plan's location must be posted near the main entrance of your construction site CGP 7.3 All operators must sign all reports and make them available onsite.
2. BMPs - You must provide adequate perimeter controls per CGP 2.2.3 until the bare dirt is stabilized per CGP 2.2.14 and sediment is removed from paved parking lot per CGP 2.2.4.d. You must also stabilize discharge points by connecting them non-erosively to the sidewalk culverts.

History of Violations:

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

1. SWPPP – 2/23/23 (Level 1), 9/28/23 (Level 2)
2. BMPs – 2/23/23 (Level 1), 9/28/23 (Level 2)
3. Washout – 2/23/23 (Level 1),
4. Waste - 2/23/23 (Level 1),
5. Posting – 9/28/23 (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 violations are not mitigated within seven days from receipt of this notice, 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, or jhughes@cabq.gov.

Sincerely,
James D. Hughes, P.E., CPESC

James D. Hughes

Principal Engineer, Planning Dept.
Development and Review Services