

CITY OF ALBUQUERQUE



Planning Department
Alan Varela, Director

Mayor Timothy M. Keller

March 15, 2022

MDS Investments, LLC - Kyle Bodhaine - kyle@sc3intl.com 505-681-9932

**Site: Tract 7 Bulk Land Plat of Mesa Del Sole – UPC 101304828849410101
9601 Broadway Blvd. SE – U13E001**

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

The following violations were observed during a City compliance inspection on 3/14/2022.

1. About 13 acres of land-disturbing activity has commenced without an ESC Plan approved by the City of Albuquerque (1st Violation Notice.)



2. The NPDES permit coverage has not been posted onsite. (1st Violation Notice.)
3. The up-date SWPPP was not available onsite. (1st Violation Notice.)
4. There were not any BMPs on this site. (1st Violation Notice.)



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Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 at link https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897 requires the property owner to provide an ESC Plan and the EPA's Notice of Intent (NOI) to the city for review and approval prior to issuing construction permits and prior to any land-disturbing activity. It also requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

Required Mitigation:

1. The Erosion and Sediment Control Plan and the property owner's NOI must be submitted to the City for approval with the application form and fees.
2. 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 per CGP Part 1.5.
3. The SWPPP must be kept up-to-date and available onsite per CGP Part 7.1. 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 Part 7.3.
4. Ensure that all stormwater controls (BMPs) 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. 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 Part 5.

If all of 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.

Sincerely,

James D. Hughes

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