

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

March 28, 2023

VIA Real Estate, LLC – Jordan Merchant - [jordan@7bdev.com](mailto:jordan@7bdev.com) – 806-368-7843

**Sites: Champion Xpress Car Wash at 9600 Universe Blvd. (B10E003J) NMR1004XB**

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

A follow-up inspection was conducted on 11/2/22 to verify compliance with the City Ordinance and the CGP, especially the progress in mitigating the areas of concern in Notice of Violation #1 sent on 10/13/22. The first violation, the NOI, was the only violation that was completely mitigated. No progress was evident in mitigating three of the Violations; Posting, SWPPP, and Sediment. Some progress was made in mitigating BMP violations. A silt fence had been attached to a movable chain link fence, but there are gaps in the fence. Other BMPs, such as the Construction Entrance, haven't been installed. The following ongoing Violations were noted during the inspection yesterday.

1. The property owner's NPDES permit coverage isn't posted for safe public viewing.
2. The SWPPP isn't Up-to-date and the reports are missing. See attached SWPPP checklist for deficiencies.
3. Concrete wash water was on the ground.



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](https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897) requires the property owner to comply with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

**Required Mitigation:**

1. 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.
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. Provide a scanned copy of the up-to-date SWPPP with all reports to the Storm Water Quality Section at 600 2nd St NW suite 400 - Jhughes@cabq.gov - Per CGP 4.8.2
3. Washout - Remove and dispose contaminated soils and hardened concrete with other waste in per CGP 2.2.3. Direct all future wash water from concrete, paint, and stucco into a leak-proof container per CGP 2.3.4

**History of Violations:**

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

1. Posting – 3/7/23, 3/28/23 (Level 2)
2. SWPPP – 3/7/23, 3/28/23 (Level 2)
3. Washout - 3/7/23, 3/28/23 (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 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, jhughes@cabq.gov .

Sincerely,

*James D. Hughes*

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