

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

June 24, 2024

Boing US Holdco, Inc, dba "Take 5 Car Wash"

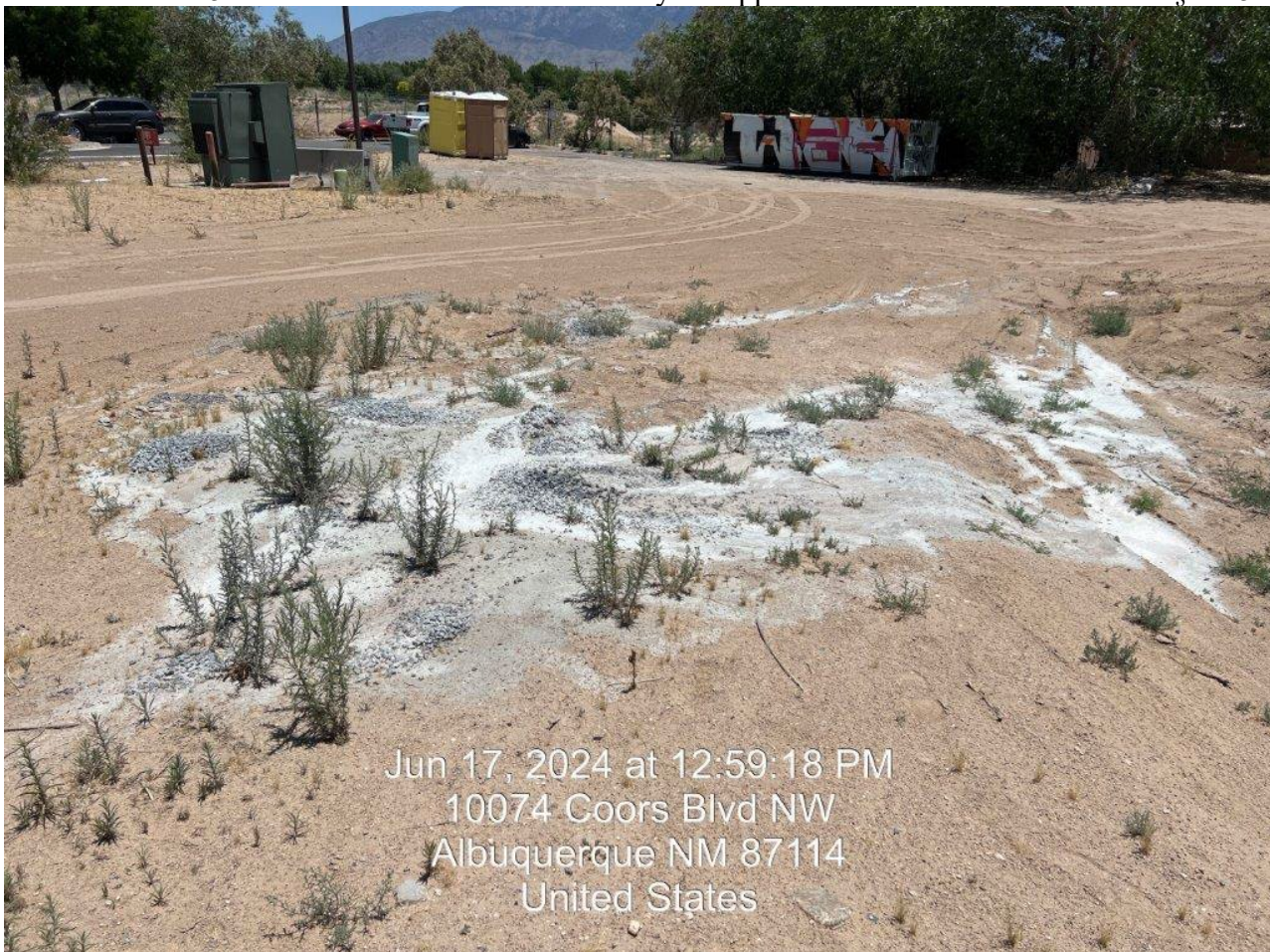
Jorge J. Primo Planta, VP Development - jorge.planta@drivenbrands.com – (919) 699-7198

Sites: Take 5 Car Wash - 10084 Coors NW - B14E010C - NMR1005E5

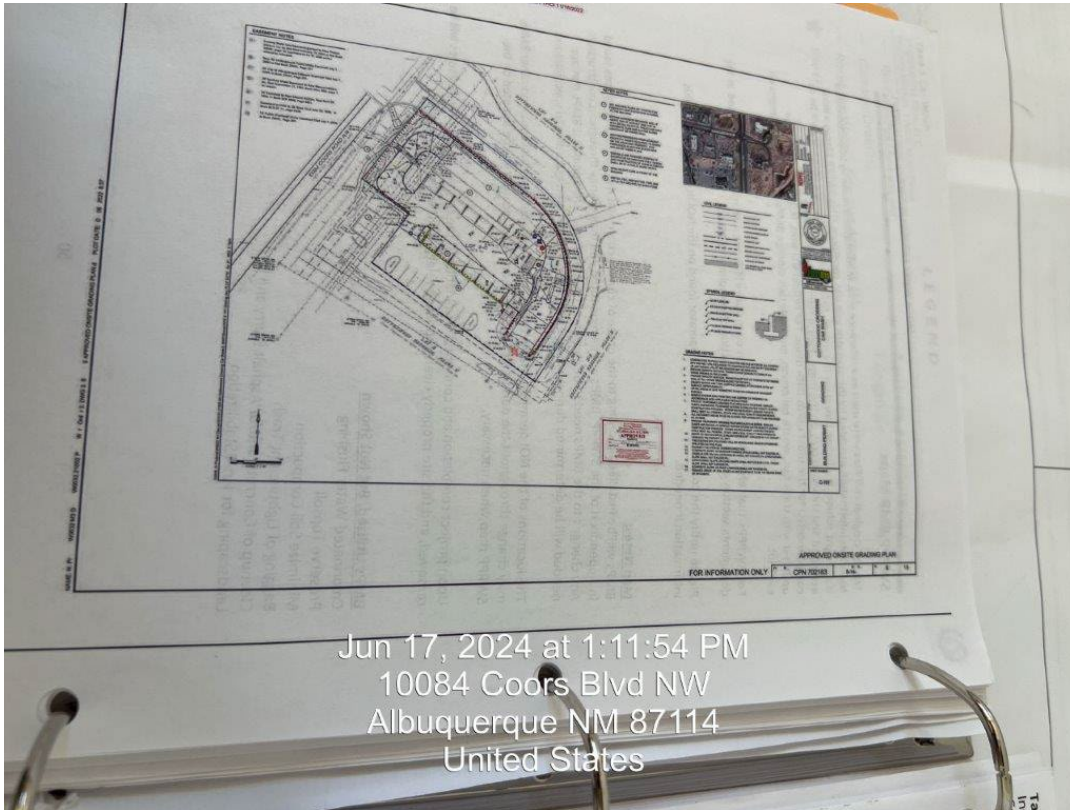
Re: Drainage Ordinance (14-5-2-11) Violations for Erosion and Sediment Control

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 and 6/24/24 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](#). This was a follow-up to inspections conducted by the City on 5/29/24. The following violations were observed.

1. **NOI-** Take 5 Car Wash construction support activities were in progress on Lot 5 of Cottonwood Crossing Phase 2, including Washout, Waste, Portable Toilets, and parking construction vehicles; however, the owner of lot 5 doesn't have CGP coverage in violation of CGP 1.4 and the ESC Plan and NOI for the activities on lot 5 had not been submitted to the City for approval in violation of Ordinance § 14-5-2-11.



2. **SWPPP** - The SWPPP wasn't up-to-date in violation of CGP 7.1 because the construction support activities were not indicated on the SWPPP Map in violation of 7.2.4.b.vii. May 17 was the most recent self-inspection report available onsite at the time of the inspection in violation of the city ordinance§ 14-5-2-11(C)(1), and none of the operators had signed any of the reports in violation of CGP 2.7.2 and Appendix G11.2.



3. **Sediment** - Sediment has spread into the parking lot south and into the driveway north of this site in violation of CGP 2.2.4.



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4. **BMPs** - The stormwater controls (BMPs), including silt fence and construction exit, had been removed in violation of CGP Parts 2.1.4.
5. **Washout** - The concrete washout was on the ground on the adjacent lot, and there were not any lined containers onsite.

Required Mitigation:

1. **NOI** - You must either provide an ESC Plan and NOI per CGP 1.4 to the City's Storm Water Quality (SWQ) Section for approval for Gourmet Investors, LLC, the owner of Lot 5 per ordinance § 14-5-2-11, or you must remove all construction support activity and stabilize the disturbed portion of Lot 5 with "Native Seed and Aggregate Mulch" per City Std Spec 2012 or equivalent, to comply with the Final Stabilization Criteria in the CGP ay Part 2.2.14.c.
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. 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.
3. **BMPs** - Ensure that all stormwater controls (BMPs), including the silt fence and construction entrance, are installed per CGP 2.1.3 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. 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.
4. **Sediment** - Where sediment has been tracked from your site onto paved roads and sidewalks, remove the deposited sediment by the end of the same business day. Remove the track-out 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.
5. **Washout** - Remove and dispose of contaminated soils and hardened concrete with other waste 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.

If 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, contact me at 924-3420, jhughes@cabq.gov .

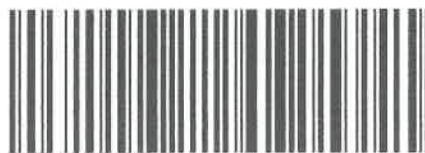
Sincerely,

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



CITY OF ALBUQUERQUE

CERTIFIED MAIL



7018 2290 0001 9290 2598

ing Department

Ray Trombino
5415 Academy Rd. NE
Albuquerque NM 87109

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gourmet Investors LLC
Ray Trombino
5415 Academy Rd. NE
B14E010C



9590 9402 2944 7094 6649 93

2. Article Number (Transfer from service label)

7018 2290 0001 9290 2598

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
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- ☐ Collect on Delivery Restricted Delivery
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