

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 22, 2024

Boing US Holdco, Inc, dba "Take 5 Car Wash" at 10084 Coors NW
Jorge J. Primo Planta, VP Development - jorge.planta@drivenbrands.com – (919) 699-7198

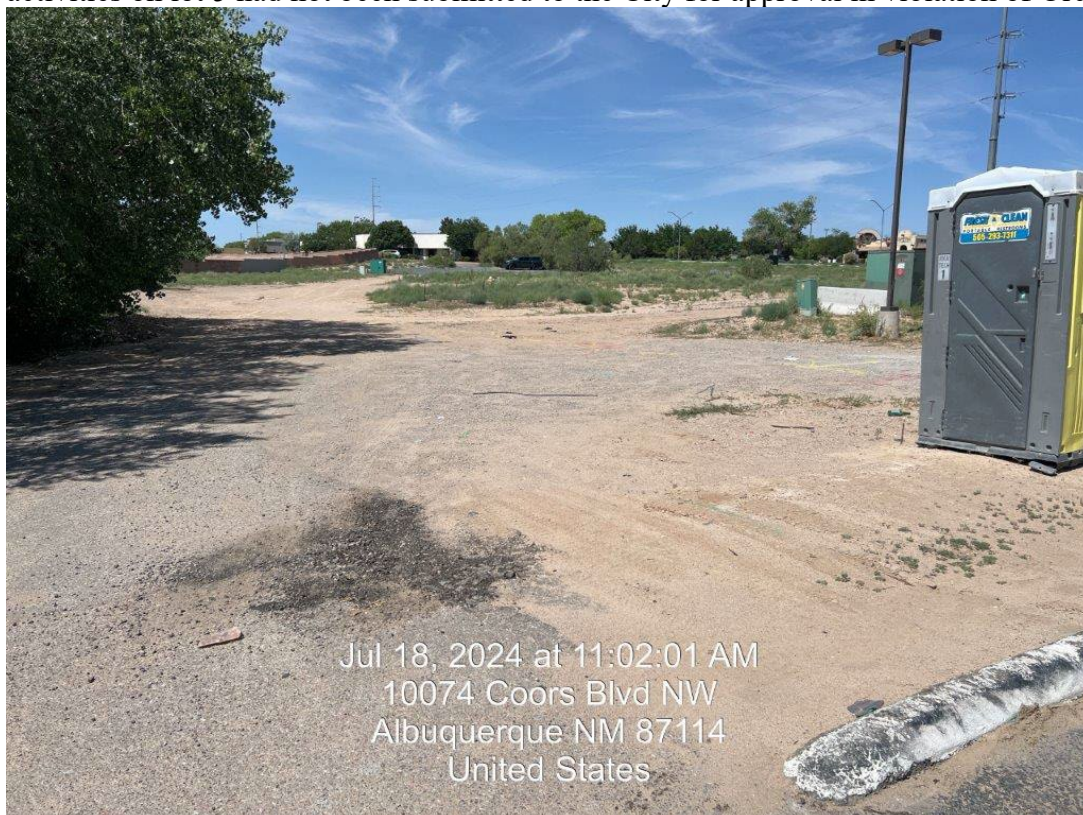
Gourmet Investors LLC, at Lot 5 of Cottonwood Crossing Phase 2
Ray Trombino - ray@trombinos.com – 505-821-5974

**Sites: Take 5 Car Wash - 10084 Coors NW - B14E010C - NMR1005E5, including
Construction support activities at Lot 5 of Cottonwood Crossing Phase 2**

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 7/18/24 and 7/22/24 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, 6/17/24, 6/24/24, and 7/10/24. The following violations were observed.

1. **NOI-** Take 5 Car Wash construction support activities were no longer taking place on Lot 5 of Cottonwood Crossing Phase 2, except for one Portable Toilet, and the disturbed areas weren't stabilized; 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 and limits of land disturbing activities on Lot 5 were not indicated on the SWPPP Map in violation of 7.2.4.b.vii. Also, recent self-inspection reports, signed by the owner/operator, were not available on site in violation of Ordinance § 14-5-2-11(C)(1) and CGP 4.7.2 and Appendix G.11.2.



3. **BMPs** - The stormwater controls (BMPs), including silt fence and construction exit, had been removed in violation of CGP Parts 2.1.4.



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4. **Washout**—The concrete washout from the previous inspection was still on the ground on 7/18/24 but was being removed. During the inspection on 7/18/24, a lined roll-off container was delivered to the site to contain new wash water. Wash water compliance was noted during the inspection 7/22/24.



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 Part 2.2.14.c.
2. The **SWPPP**, including the SWPPP Map, 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.

History of Violations:

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

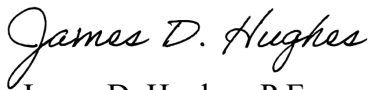
1. NOI – 6/24/24, 7/11/24, 7/18/24 (level 3)
2. SWPPP - 5/31/24, 6/24/24, 7/11/24, 7/18/24 (level 3)
3. BMPs – 5/31/24, 6/24/24, 7/11/24, 7/18/24 (level 3)
4. Posting - 5/31/24 (level 1),
5. Sediment - 6/24/24 (Level 1)
6. Washout - 6/24/24, 7/11/24 (level 2)

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

Per the previous Violation letter dated 7/11/24, the city is assessing an additional fine of \$5,500 for the current level 3 violations, and the non-compliance is being reported to the EPA. This fine is for eleven (11) days, 7/12/24 through 7/22/24. Additional days may be added if the violation is not mitigated within 7 days. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

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.