

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

August 30, 2022

Raising Cane's Restaurants, LLC, Robert Montgomery, rmontgomery@raisingcanes.com, 806-786-0255

Sites: Raising Cane's #852 at 4800 Montgomery Blvd NE – G17E011 - NMR1004EV

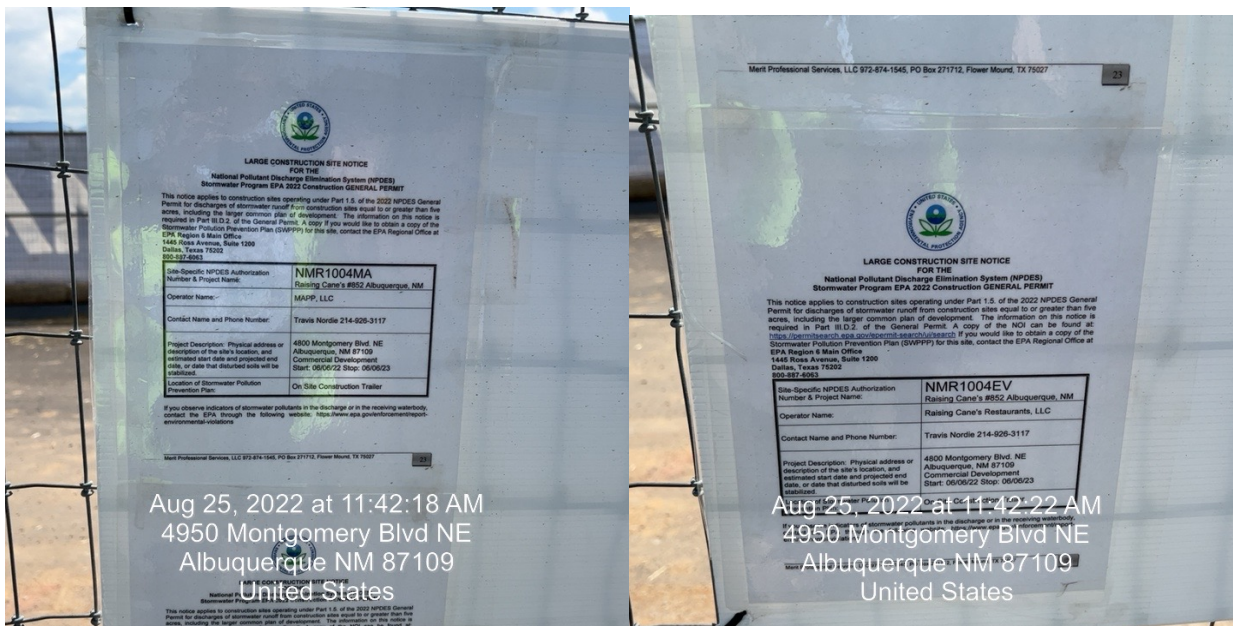
Re: Drainage Ordinance (14-5-2-11) Violations for Erosion and Sediment Control

Permit and Violation History:

5/31/22 ESC Plan and NOI approved for Building Permit
7/21/22 Demo Permit approved with a reminder to install 1) BMPs, 2) Posting, and 3) SWPPP
8/12/22 Inspection Report for 8/12/22 sent with Violations for 1) BMPs, 2) Waste, 3) Posting, and 4) SWPPP
8/30/22 Notice of Violation (NOV) #1 from 8/25/22 inspection for 1) Posting and 2) SWPPP.

The following violations were observed during an inspection on 8/25/22.

1. Permit coverage wasn't posted for safe public viewing. Permit coverage was posted on the inside of the gate so that it was only visible from inside the site. It was over 100' south of Montgomery Blvd. right of way.
2. The up-to-date SWPPP wasn't available on-site. The posting said it was located in the construction trailer on site, but the trailer was locked, and no personnel was on site. The inspector called the contact listed on the sign, Travis Nordie, at 214-926-3117, with no response during the inspection. Stephanie Wallace (904-924-4491) left a message the next day saying that she had the SWPPP but not in time for the inspection.



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 require 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 in accordance with CGP 1.5.
2. Keep up-to-date SWPPP available on site. CGP 7.1 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.

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.