

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 6, 2024

ERC Wymont, LLC – Jerry Rogers, jerry@erchospitality.com - 620-242-6033

Sites: Freddy's at 4315 Wyoming Blvd NE -G19E004G

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 12/05/24 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](#) as a follow-up to the previous inspection conducted on 11/15/24. The following violations were observed yesterday.

1. **NOI**- The property owner's NOI and ESC Plan weren't approved by the City in Violation of City Ordinance § 14-5-2-11(A) and § 14-5-2-12(G).
2. **SWPPP** – The SWPPP wasn't up-to-date, and self-inspection reports were missing (see attached SWPPP checklist) in violation of CGP 7.1 and city ordinance § 14-5-2-11(C)(1).

Required Mitigation:

1. **NOI** - You must provide an ESC Plan and NOI per CGP 1.4 to the City's Storm Water Quality (SWQ) Section for approval for ERC Wymont, LLC, the property owner, per ordinance § 14-5-2-11(A) and § 14-5-2-12(G).
2. **SWPPP** - 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. Your SWPPP, corrective action log, site inspection, and any other compliance documentation required under this permit must be signed by the same responsible corporate officer who signs the certification statement on your NOI or by a duly authorized representative of that person per CGP Appendix G.11.2.

History of Violations:

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

1. NOI - 11/20/24, 12/06/24 (Level 2)
2. Posting - 11/20/24 (Level 1)
3. SWPPP – 11/20/24, 12/06/24 (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.

If the current Level 2 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, contact me at 924-3420, jhughes@cabq.gov.

Sincerely,

James D. Hughes, P.E.

Principal Engineer, Hydrology/Stormwater Quality
Planning Dept.

<https://www.cabq.gov/planning/development-review-services/stormwater-quality-section>