

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 24, 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 12/18/24 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 inspections conducted on 11/15/24 and 12/5/24. The following violations were observed on the 18th.

1. **NOI-** The property owner's ESC Plan wasn't approved by the City in Violation of City Ordinance § 14-5-2-11(A) and § 14-5-2-12(G). The City's comments in the letter dated 12/24/24 still haven't been addressed. CGP 9.6.1.c.iii requires that SWPPP, including the map, be prepared by a PE or CPESC. The SWPPP says Robert Fierro is on the stormwater team and is responsible for the SWPPP. Still, there isn't any professional certification on the SWPPP map or any ESC Plan that has been provided to the City.

Required Mitigation:

1. **NOI** - You must address the City's comments in the letter dated 12/24/24 and resubmit your ESC Plan to the City's Storm Water Quality (SWQ) Section for approval per ordinance § 14-5-2-11(A) and § 14-5-2-12(G).

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

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

Since you have been cooperative and made significant progress in mitigating the previous violations, additional time is granted per footnote '1' on the City's Escalation Process. However, if the remaining 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.