

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

January 8, 2025

ERC Wymont, LLC – Jerry Rogers, [jerry@erchospitality.com](mailto: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 1/6/25 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, 12/5/24, and 12/18/24. The following violations were observed on 1/6/25.

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, no professional certification on the SWPPP map or any ESC Plan 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, 1/8/25 (Level 3)
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.

**Per the previous Violation letter dated 12/24/2024, the city is assessing a fine of \$500 for the current level 3 violations, and the non-compliance is being reported to the EPA. This fine is for one day, 1/8/25. 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](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

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