

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

February 7, 2024

Merritt Real Estate Group – Ken Merritt – kmerritt@merrittgroup.net – 480-748-0314

Site: Sonic #6954 at 9701 Bluewater Rd NW (K09E048C) – NMR100621

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

The city performed stormwater inspections on 11/22/23, 12/28/23, 1/25/24, and 2/5/24 each with **SWPPP violations**. Your SWPPP self-inspection reports were not signed by you or your duly authorized representative during these four inspections in violation of CGP Appendix 'G' Part G.11.2. See attached photos of reports missing Merritt Real Estate Group's signatures.

Required Mitigation: 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. BMPs --- 11/28/23 (Level 2)
2. SWPPP – 11/28/23, 1/3/24, 1/26/24, 2/5/24 (Level 3)
3. Posting – 11/28/23, 1/3/24 (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 1/26/2024, the city is assessing a fine of \$500 for the current level 3 violation, and the non-compliance is being reported to the EPA. This fine is for one day, 2/5/24. 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 or jhughes@cabq.gov.

Sincerely,
James D. Hughes, P.E., CPESC

Principal Engineer, Planning Dept.
Development and Review Services

