

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

July 17, 2024

Boing US Holdco, Inc, dba "Take 5 Car Wash"

Jorge J. Primo Planta, VP Development - [jorge.planta@drivenbrands.com](mailto:jorge.planta@drivenbrands.com) – (919) 699-7198

**Sites: Take 5 Car Wash – 10415 Central Ave NE – L21E059B - NMR1005E8**

## **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 7/12/24 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](#). This was a follow-up to inspections conducted by the City on 5/6/24. The following violations were observed.

1. **NOI-** Take 5 Car Wash construction support activities were in progress in the parking lot located at 108 Eubank Ave NE, including parking of construction vehicles and storage; however, the owner of the parking lot does not have CGP coverage in violation of CGP 1.4 and the ESC Plan and NOI for the activities in the parking lot had not been submitted to the City for approval in violation of Ordinance § 14-5-2-11.



2. **Posting** – The permit coverage posting was missing in violation of CGP Part 1.5.



3. **SWPPP** – The SWPPP and self-inspection reports were unable to be viewed at the time of the inspection because the office was locked and the superintendent was not present in violation of CGP Parts 4.7.3 and 7.3.
4. **BMPs** – There is damage to the perimeter silt fence in violation of CGP Parts 2.1.4.



5. **Washout** – Concrete washout was observed on bare soil in violation of CGP Part 2.3.4.





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## Required Mitigation:

1. **NOI** - You must either provide an ESC Plan and NOI per CGP 1.4 to the City's Storm Water Quality (SWQ) Section for approval for Red Shamrock 21 LLC, the owner of the parking lot (108 Eubank Blvd NE) per ordinance § 14-5-2-11, or you must remove all construction support activity from the parking lot.
2. **Posting** – 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 per CGP Part 1.5.
3. The **SWPPP**, including 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. 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.
4. **BMPs** - Ensure that all stormwater controls (BMPs) are maintained and remain in effective operating condition during permit coverage per CGP 2.1.4. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work and complete such work by the close of the next business day. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational or complete the repair by no later than seven (7) calendar days from the time of discovery per CGP 5.2.1.
5. **Washout** - Remove and dispose of contaminated soils and hardened concrete with other waste per CGP 2.2.3. Direct all future wash water from concrete, paint, and stucco into a leak-proof container per CGP 2.3.4.

## History of Violations:

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

1. NOI – 7/17/24 (Level 2)
2. Posting – 5/7/24, 7/17/24 (Level 2)
3. SWPPP – 5/7/24, 7/17/24 (Level 2)
4. BMPs – 5/7/24, 7/17/24 (Level 2)
5. Washout – 7/17/24 (Level 1)

**If 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, contact me at 924-3325, or [cenglish@cabq.gov](mailto:cenglish@cabq.gov).

Sincerely,

*Chancellor English*

Chancellor English, CPESC  
Erosion and Sediment Control Specialist  
Stormwater Quality  
Planning Dept.