

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 3, 2024

Boing US Holdco, Inc. – Jorge Primo Planta – jorge.planta@drivenbrands.com – 919-699-7198

Site: Take 5 Car Wash at 98th St. and Sage Rd. SW (M09E035) – NMR1005E4

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

The City performed a follow-up stormwater inspection at the Take 5 Car Wash construction site on 12/28/23. Boing US Holdco, Inc., the owner of the property, has coverage under the Environmental Protection Agency's (EPA's) *Construction General Permit* (CGP) with National Pollutant Discharge Elimination System (NPDES) ID "NMR1005E4. During the inspection the City observed the following violations of the CGP and City Ordinance § 14-5-2-11

CONSTRUCTION SITE RESPONSIBILITY BY PROPERTY OWNER.

1. **SWPPP** – The SWPPP has not been certified by both operators' signatory in violation of CGP Part 7.2.10. The self-inspection reports were signed by the superintendent without a proper Delegations of Authority, and they were not signed by the owner in violation of CGP Part 4.7.2.

Certification of Historic Preservation Sites
The list of possible threatened and endangered species is attached. A review of the site found no evidence that this project will have an adverse impact on any historic site listed on the National Register of Historic Sites.

Certification of Endangered Species
The list of possible threatened and endangered species is attached. A review of the site found no evidence that this project will have an adverse impact on any listed threatened or endangered plant or animal species other than as noted in Section 4.6.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Owner's Certification
Signature: _____ Date: _____
Printed Name: Jorge Primo Planta Title: Vice President of Development
Company: Boing US HoldCo, Inc dba Take 5 Car Wash Project: Take 5 Car Wash - Snow Vista

Operator's Certification
Signature: _____ Date: _____
Printed Name: Alan Stavinocha Title: Owner
Company: Spinoff Construction Project: Take 5 Car Wash - Snow Vista

Operator's Certification
Signature: _____ Date: _____
Printed Name: _____ Title: _____
Company: _____ Project: _____

Dec 28, 2023 at 10:44:58 AM
9734 Western Ave SW
Albuquerque NM 87121
United States

2. **BMPs** – The silt fence has holes and sags that need to be repaired in violation of CGP Part 2.1.4. The sediment build-up is over half the height of the perimeter silt fence in violation of CGP Part 2.2.3.c.i.



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Required Mitigation:

1. **SWPPP** – Your signatory must sign and date your SWPPP and self-inspection reports in accordance with CGP Appendix G, Part G.11 per CGP Parts 7.2.10 and 4.7.2. A Delegation of Authority will be required for the superintendent to sign the inspection reports for the contractor. The owner will also need to sign the inspection reports. The EPA does not allow the Delegation of Authority to be assigned to a third party.
2. **BMPs** – Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness per CGP Part 2.1.4. After installation, to ensure that perimeter controls continue to work effectively, remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control per CGP Part 2.2.3.c.i.

History of Violations:

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

1. SWPPP – 11/27/23, 1/3/24 (Level 2)
2. BMPs – 11/27/23, 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.

If the 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, you can contact me at 924-3325, or cenglish@cabq.gov.

Sincerely,

Chancellor English

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