

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

January 25, 2024

Boing US Holdco, Inc. – Jorge Primo Planta – [jorge.planta@drivenbrands.com](mailto:jorge.planta@drivenbrands.com) – 919-699-7198

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

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

The City performed ESC inspections on 11/22/23, on 12/28/23, and on 1/24/24. 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. Yesterday the City observed the following violations of the CGP and City Ordinance § 14-5-2-11.

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.

3/4" CONDUIT, STUB-UP 14" ABOVE CONCRETE FOUNDATION

**Certification Page**  
**For Take 5 Car Wash - Snow Vista**

**Certification of this SWPPP**

**Certification of Historic Preservation Sites** The list of sites registered with the National Register of Historic Places 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 4.0.

"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 managed the system, or those persons directly responsible for gathering the information, the information submitted, 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: \_\_\_\_\_

Jan 24, 2024 at 4:15:36 PM  
9734 Western Ave SW  
Albuquerque NM 87121  
United States

sectionplus.com

**Required Mitigation:**

1. **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 that 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. SWPPP – 11/27/23, 1/3/24, 1/25/24 (Level 3)
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.

**Per the previous Violation letter dated 1/3/2024, 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, 1/25/24. 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](mailto:jhughes@cabq.gov).

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

*James D. Hughes*

Principal Engineer, Planning Dept.  
Development and Review Services