CITY OF ALBUQUERQU

Planning Department Alan Varela, Director



January 25, 2024

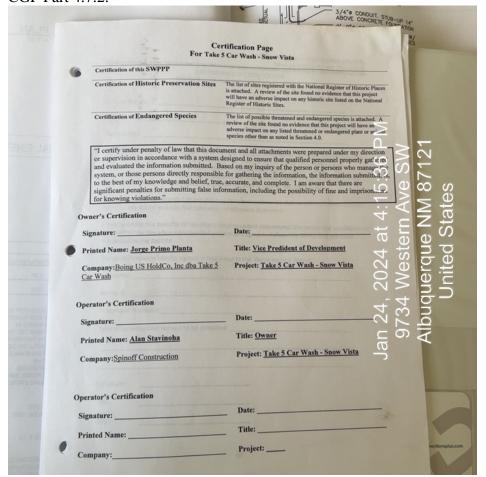
Boing US Holdco, Inc. – Jorge Primo Planta – jorge.planta@drivenbrands.com – 919-699-7198

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 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.



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.

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

James D. Hughes

Principal Engineer, Planning Dept. Development and Review Services