



Alan Varela, Director

September 24, 2024

Ian Altman PE  
MS Consultants, Inc | Engineers, Planners  
300 Corporate Center Drive, Suite 200,  
Moon Township, Pennsylvania 15108

**Re: Whataburger 2141 Gibson Blvd SE  
Erosion and Sediment Control Plan  
Engineer's Stamp Date 1/10/24 (M15E021A)**

Mr. Boley,

Based upon the information provided in your submittal received on 2/21/24 and the NOI received on 9/17/24, the above-referenced ESC Plan is approved to be included in the SWPPP.

The EPA Notice of Intent (NOI) documentation has been reviewed and signed by the City and is attached, so this project is approved for Grading and Building Permit.

**Please remember to include a copy of this letter and the signed copy of the NOI in the Building Permit application.**

The operator must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- a. Personnel who are responsible for the design, installation, Maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c. Personnel who are responsible for conducting inspections as required in Part 4.1; and
- d. Personnel who are responsible for taking corrective actions as required in Part 5.

You must also post your notice of CGP coverage per Part 1.5 and install the BMP controls.

At a minimum, a routine compliance self-inspection is required to review the project for compliance with the Construction General Permit once every 14 days and after any precipitation event of 1/4 inch or greater until the site construction has been completed and the site is determined as stabilized by the city.

The property owner/operator is responsible for determining when the "Conditions for Terminating Coverage" per CGP Part 8.2 are satisfied and then for filing their Notice of Termination (NOT) with the EPA. Each operator may terminate CGP coverage only if one or more of the conditions in Part 8.2.1, 8.2.2, or 8.2.3 has occurred. After filing the NOT with the EPA, the property owner is responsible for requesting a Determination of Stabilization with the City.

If you have any questions, contact me at 924-3420 or [jhughes@cabq.gov](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

James D. Hughes, P.E.  
Principal Engineer, Planning Dept.  
Development and Review Services



Mayor Timothy M. Keller