

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

November 21, 2025

Albuquerque-Unser Take Five LLC – Glen Cherry – glen.cherry@durbandevelopment.com – 980-253-8991

**Site: 10830 Unser Blvd NW (A11E018)
Tracts 4-A (0.5 acres) of Tracts 4-A and 4-B Paradise Plaza**

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

Construction has commenced for the Take 5 Oil Change at 10830 Unser Blvd prior to obtaining the City of Albuquerque Stormwater Quality (SWQ) Section approval. The approximately half-acre lot is part of a Common Plan of Development or Sale (CPODS) that exceeds 1 acre (both Tracts 4-A and 4-B are under development). Each owner of a CPODS parcel is required to submit a Notice of Intent (NOI) and Erosion and Sediment Control (ESC) Plan to the SWQ Section of the Planning Department for approval at least 14 days prior to the start of any land disturbing activities. The City performed an initial stormwater inspection on 10/22/25 and a follow-up inspection on 11/19/25. The same violations were observed during both inspections.

Specifically, the violations observed on 11/19/25 were:

1. **NOI** - Land-disturbing activities began before City approval of the property owner's ESC Plan and NOI in violation of Albuquerque's ordinance § 14-5-2-11(a) (attached,) which requires the property owner to provide an ESC Plan and the EPA's Notice of Intent (NOI) to the City for review and approval before issuing construction permits and prior to any land-disturbing activity. It also requires compliance with the Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).
2. **Posting**—CGP coverage was not posted where it is visible from the public road nearest to the active part of the construction site, using a font large enough to be readily viewed from a public right-of-way in violation of CGP Part 1.5.
3. **SWPPP** The up-to-date SWPPP and /or self-inspection reports were not available on-site at the time of inspection in violation of CGP Parts 4.7.3, 7.1, and 7.3. No managerial personnel were present on site, and the location of the SWPPP was not posted on a sign near the gate in violation of CGP Part 7.3.

Required Mitigation:

1. **NOI** – Being a part of a CPDOS that exceeds an acre, each property owner's NOI and ESC Plan must be submitted to the City of Albuquerque for review and approval per Albuquerque's Erosion and Sediment Control (ESC) ordinance § 14-5-2-11 (attached).
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, and it must use a font large enough to be readily viewed from a public right-of-way per CGP 1.5.

3. The **SWPPP**, including Self-Inspection Reports and Corrective Action Reports, must be kept up-to-date per CGP Part 7.1 and available on-site per CGP Parts 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 per CGP Part 7.3.

History of Violations:

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

1. **NOI** – 10/24/25 (Level 2), 11/21/25 (Level 3)
2. **Posting** – 10/24/25 (Level 1), 11/21/25 (Level 2)
3. **SWPPP** – 10/24/25 (Level 1), 11/21/25 (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. Level one is skipped if land disturbance began without City approval or before installation of BMPs.

The City is issuing a \$500 fine for the failure to mitigate the previous Level 2 violation. This fine is for one day (11/20/25). If the Level 2 and Level 3 violations are not mitigated within seven days, the property owner may be subject to a fine of \$500 per day according to the City's Drainage Control Ordinance and Escalation Process, and the non-compliance is being reported to the EPA. Repeat violations are also subject to a fine of \$500/day.

If you have any questions, contact me at 505-924-3325 or cenglish@cabq.gov.

Sincerely,

Chancellor English

Chancellor English, CPESC

Erosion and Sediment Control Specialist - Stormwater Quality
Planning Dept.