



Alan Varela, Director

May 26, 2024



Mayor Timothy M. Keller

James Tolman, CPESC
Inspections Plus Inc.
504 El Paraiso Rd. NE Suite B
Albuquerque, NM 87113-1590

**Re: Old Chevron Terminal at 3200 Broadway Blvd SE
Erosion and Sediment Control Plan
Engineer's Stamp Date 5/14/24 (M14E038)**

Mr. Tolman,

Based on the information in your submittal received on 5/14/26, the ESC plan cannot be approved for Demolition Permit until the following comments are addressed. A separate ESC Plan and NOI must be submitted for Building Permit and Work Order.

1. Comment #1 from the previous letter has been addressed.
2. This is a continuation of comment #2 from the previous letter. It deals with Stabilization and Termination issues and the steps in the construction sequence, as required by CGP 7.2.3.f. The delay in stabilization and references to substandard stabilization (tackifier without fiber) in note 10 of the "Phases of Demolition" on sheet 6 of the ESC Plan do not satisfy the requirements of CGP 2.2.14. Note 10 should be deleted and replaced with a stabilization specification such as "Native Seed and aggregate mulch per COA STD 1012" to immediately satisfy CGP 2.2.14.c "Final Stabilization Criteria," and to comply with the specific condition for terminating permit coverage in CGP 8.2.1. Notes 11 and 12 should be modified to make specific reference to CGP 8.2.1. The "Final Note" at the end of the Phases of Demolition incorrectly implies that ABQ Terminal LLC is the operator of NMR1006AW, when in fact, "Love's Travel Stops and Country Stores" is the operator, which suggests that there will be a transfer of ownership. Correct or delete the "Final Note". The property owner's NOI will be verified again prior to ESC Plan and NOI approval for Building Permit and Work Order, and a recorded deed or lease will be required if the ownership is other than that found in county tax records as necessary to comply with city ordinance § 14-5-2-11 (attached).

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3. Documentation has been provided showing Spencer Hanes is a responsible corporate officer of ABQ Terminal, LLC, and qualifies to certify the NOI per Appendix G 11.1 of the CGP, thus satisfying the requirement of note 3 in the previous comment letter. Other documents requiring his signature must be included in the SWPPP prior to construction, but the SWPPP doesn't have to be included in the ESC Plan submittal to the city SWQ Section. Specifically, a signed SWPPP Certification or a Delegation of Authority is missing from Section 10 of the SWPPP. Furthermore, the Delegation of Authority to Inspections Plus on page 35 of the SWPPP isn't allowed because Inspections Plus is a third party to all Operators, as prohibited at the top of page 15 of "Frequent Questions on EPA's CGP" (attached).
4. Comment #4 is the same as the previous letter, with additional comments. The downstream edge of this 7-acre site receives too much drainage for a silt fence alone. The Silt fence should be used in conjunction with berms and sediment basins sized to control the drainage from this 7-acre site per CGP 2.2.12. Sediment Basins must be designed and stamped by a registered Professional Engineer (PE), not a Certified Professional in Erosion and Sediment Control (CPESC). Albuquerque's Development Process Manual (DPM) Part 6-14.D.1.i requires "sediment ponds/berms for sites larger than 5 acres." CGP 2.2.12 requires temporary retention (containment) of the 2-yr 24-hr runoff volume or 3600 cf/acre from the area that drains to them, all of the areas, not just the onsite disturbed portion of the drainage area. The ESC Plan dated 5/16/24 shows a berm of unknown height around most of the outer perimeter of the site without any engineering design, calculations, or construction details, and sediment basins are still missing from the plan. In compliance with CGP 7.2.4.f, identify drainage patterns, including the location where an existing 9-acre upstream offsite area drains into the east side of this site and the two concentrated flow paths that exit this site north and south of the existing building on the west side of the site.
5. Comment #5 is updated to include information provided in the SWPPP. Construction, Inspection, and Maintenance standard details and specifications, as required per CGP 9.6.1.c.i., are missing from the ESC Plan. The details on sheet 3 of the ESC Plan don't include any of the required specifications. Some of the details and specifications are in the SWPPP but the city of Albuquerque requires the details and specifications in the ESC Plan. The only three pertinent details that I could find in the SWPPP are the Waste Management (WM-4), the Silt Fence (SE-1), and the Construction Exit (TC-1), but the "Compacted Earthen Berm" and the "Gator Guard – Weighted" details were not found. Additional sediment basin and/or sediment trap details and specifications are required on the esc plan along with design calculations. Both the details and the calculations must be stamped by an NMPE. All of the pertinent details must be included in the ESC Plan on 22" x 34" sheets per the city drafting standards in DPM Part 4-2(B). The SWPPP isn't required as part of the ESC Plan submittal. Instead, the city SWQ Section will check it during site inspections.
6. Comment #6 from the previous letter addressed
7. Comment #7 from the previous letter has been addressed.

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8. Update the engineer's stamp date each time the plan changes.
9. The Stormwater Pollution Prevention Plan Information on Sheet 2 of the ESC Plan is blank and must include the Property Owner/Operator information per city ordinance § 14-5-2-11. SWPPP page 7 says the site area is 6.52 acres. However, the Grading and Drainage Plan approved for Building Permit on 5/15/2024 says, "The proposed Love's Travel Center is to be constructed on the Northern 6.71 Acres of the existing Terminal Fueling Facility." The NOI for ABQ Terminal, LLC shows the estimated area to be disturbed is 7.0 acres. The NOI for Love's Travel Stops and Country Stores shows the estimated area to be disturbed is 8.5 acres, which apparently includes most of the frontage improvements. Including the frontage improvements, this demolition plan is part of a 9-acre 'Common Plan of Development or Sale' as defined in Appendix A of the CGP. The SWPPP and the ESC Plan must identify the size of the property per CGP 7.2.3.b, the total area expected to be disturbed per CGP 7.2.3.c, and the maximum area expected to be exposed at one time per CGP 7.2.3.e. Add this property owner and area information to sheet 2 of the ESC Plan. SWPPP revisions, if any, do not have to be submitted with the ESC Plan but will be checked during city construction inspections.
10. This site is in the middle of the South Valley Superfund Site, EPA Registry Id: 110009301148, at Broadway and Woodward and within one mile of the AT&SF (Albuquerque) Superfund Site EPA ID: NMD980622864 at 3300 2nd St. SW. Add construction dewatering instructions on the ESC Plan and in the SWPPP per CGP 9.6.1.b. Document any findings and all correspondence with NMED and EPA in the SWPPP. Include a map of the three remaining OUs in the South Valley site. Provide a copy of the updated SPCC Plan for the terminal showing the two tanks removed from this site as a separate attachment with the ESC Plan resubmittal.
11. SWPPP page 1 says the SWPPP is prepared for Coronado Wrecking and Salvage. Where is the SWPPP for ABQ Terminal, LLC? Spencer Haynes certified the NOI, saying ABQ, Terminal, LLC has a SWPPP. Is this it? The property owner's up-to-date SWPPP and self-inspection reports must be certified by the property owner and be available on-site during city compliance inspections, but the SWPPP isn't required as part of the submittal to the SWQ section for the initial ESC Plan approval per city ordinance § 14-5-2-11.
12. SWPPP page 5 says ABQ Terminal, LLC is the owner. As such, that entity is also an operator and must be listed as such on both SWPPP page 5 and ESC Plan page 6.
13. Per CGP 4.3.1, self-inspection reports must be completed once every 7 calendar days since the site discharges to impaired receiving waters. You must correct these deadlines in the SWPPP where they are stated incorrectly (SWPPP P18, P31) and have the self-inspection reports signed by the owner/operator available onsite until the NOT is accepted by the EPA and until the city determines the site stabilized per city ordinance § 14-5-2-11.



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14. SWPPP page 39 is missing the SWPPP Certifications for the Operators. Since there are no legitimate Delegations of Authority for any operators, the same person who signed the NOIs must sign the SWPPP Certifications prior to construction and all reports during construction. Spencer Haynes is the only person authorized to sign the SWPPP certification and self-inspection reports for ABQ Terminal, LLC, since he hasn't signed a Delegation of Authority per CGP Appendix G 11.2.
15. CGP 9.6.1.c.i requires soil loss calculations to support the selection of BMPs, but they are missing from the SWPPP. You must include the calculations in the SWPPP prior to the beginning of construction.
16. The SWPPP BMP Map shown in Appendix A of the SWPPP, on page 44, is not approved and must be removed and replaced with an updated BMP map prior to the beginning of construction.

If you have any questions, contact me at 924-3420 or jhughes@cabq.gov.

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

A handwritten signature in black ink that reads 'James D. Hughes'.

Principal Engineer, Planning Dept.
Development and Review Services