

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

December 17, 2025

ABQ Terminal, LLC – Spencer Haines – spencer.haines@loves.com – 405-847-5297

**Site: Love’s Broadway and Sunport
3200 Broadway Blvd SE
MAP 44 TR 64C2 EXC 0.30 AC X ALL TR 64C3A2 CONT 21.43 AC**

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

The City of Albuquerque Stormwater Quality Section (SWQ) conducted Erosion and Sediment Control (ESC) inspections at the construction site of Love’s Broadway and Sunport on 12/3/25 and followed up on 12/16/25 for compliance with the Environmental Protection Agency’s (EPA’s) Construction General Permit (CGP) and City Ordinance §14-5-2-11. A majority of the ESC violations reported on 12/5/25 were mitigated before the follow-up inspection on 12/16/25, but the Stormwater Pollution Prevention Plan (SWPPP) was not available on-site for each of the stormwater inspections.

Specifically, the violations of the CGP observed by the SWQ on 12/16/25 were:

1. The SWPPP that was prepared for the submission of the Notice of Intent (NOI) to the EPA was not available on-site for review during the follow-up ESC inspection in violation of CGP Part 7.3. A SWPPP must be prepared before filing an NOI with the EPA and must be available on-site at the time of any ESC inspection conducted during reasonable times.

Required Mitigation:

1. CGP Part 1.4.1 requires a SWPPP to be developed before submitting the NOI to the EPA. You must keep a current copy of the SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection per CGP Part 7.3. If an on-site location of the plan is unavailable to keep the SWPPP when no personnel are present, notice of the plan’s location must be posted near the main entrance of your construction site.

History of violations:

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

1. **Posting** 12/5/25 (Level 1)
2. **SWPPP** 12/5/25 (Level 1), 12/17/25 (Level 2)
3. **BMPs** 12/5/25 (Level 1)
4. **Sediment** 12/5/25 (Level 1)

The City Escalation Process (attached) describes four levels of escalation based on the number of repeats and/or recalcitrant violations of each type.

If the Level 2 violation is not mitigated within seven days, the property owner is subject to a fine of \$500/day per the City's Drainage Control Ordinance, and the non-compliance will be 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.