

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

March 16, 2026

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

**Site: Love’s BP 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 (14-5-6-6) Violations for Erosion and Sediment Control

The City of Albuquerque Stormwater Quality Section (SWQ) and the Environmental Protection Agency (EPA) conducted Erosion and Sediment Control (ESC) inspections at the construction site of Love’s BP Broadway and Sunport on 3/11/2026 to verify compliance with the EPA’s Construction General Permit (CGP) and City Ordinance §14-5-6-6. A formal Notice of Violation was sent to you on 12/17/2025 regarding a missing SWPPP. During the inspection on 3/11/2026, a SWPPP was available, but several issues were noted with the Plan and the Map. Also, the perimeter silt fence has been removed, but it is still required along Arno St because construction is not complete, and the surrounding disturbed land has not been stabilized. The land disturbance has exceeded your property into the neighboring property on the east, which needs to be addressed in both the SWPPP and City paperwork. Specifically, the repeated violations observed were as follows:

Specifically, the violations of the CGP observed by the SWQ on 3/11/2026 were:

1. The construction activity for the Arno St addition has extended into the neighboring property owned by Albuquerque Airpark Partners. There is no **NOI** in the SWPPP for the owner(s) of the property in the SWPPP in violation of City Ordinance §14-5-6-6.
2. The on-site **SWPPP** was not up-to-date in violation of CGP Part 7.4.1. The active NOI was created in 10/2024 with an effective starting date of 10/17/2024 and a projected end date the following year. The NOI was changed in 6/2025, and an ESC Plan was finally approved by the City on 7/28/2025. The on-site SWPPP stated that construction would end in 6/2025, before any construction work had started.

Also, the Site Map included in the SWPPP was outdated and not the ESC Plan approved by the City.

3. **BMPs** – All of the perimeter silt fence has been removed before full stabilization in violation of CGP Parts 2.2.3 and 2.1.4. There is still potential for sediment discharge into the county pond on the northeast corner of the site, as well as run-on from the neighboring property.

Required Mitigation:

1. Repair and/or stabilize any land disturbance that has occurred on other property to the owners' satisfaction before terminating CGP coverage. You will need to obtain permission from and work with the owner(s) of any land disturbed on other property to identify a solution that will satisfy the final stabilization criteria listed in CGP Part 2.1.14.c. Any land disturbance within the City ROW must be stabilized to satisfy City Spec 1012 and/or 1013.
2. You must modify your SWPPP, including the site map(s) within 7 days whenever you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP per CGP Part 7.4.1.

Resubmit an ESC Plan to the City SWQ showing existing and proposed grades and limits of disturbance based on field measurements per CGP Part 7.2.4.f. Ensure to differentiate between areas of slope stabilization (City Spec 1013) and native seed aggregate mulch (City Spec 1012). Include the approved ESC Plan in the on-site SWPPP.

3. Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas per CGP Part 2.2.3. Ensure all stormwater controls are maintained and remain in effective operating condition during CGP coverage per CGP Part 2.1.4. Stormwater controls are required until stabilization measures are installed on disturbed land.

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, 3/16/2026 (Level 2)
3. **BMPs** 12/5/25 (Level 1), 3/16/2026 (Level 2)
4. **Sediment** 12/5/25 (Level 1)
5. **NOI** 3/16/2026 (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 violations are 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.