

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 9, 2025

Verde Management LLC – Craig Erdman, ckeconstructionllc@gmail.com – 505-907-1715

Rocky Ledge Properties LLC – Bill Holberg, billh@glass-rite.com – 505-300-2420

The Tinmill LLC
C/O Robert Tinnin Esq.
4333 Pan American Fwy NE
Suite A
Albuquerque, NM 87107-6833

Sites: Lot 24-A Blk 3 Plan for Lots 24-A and 24-B Block 3 Tract A Unit B North Albuquerque Acres – Rocky Ledge Properties LLC – B18E026

Tr A-1 Blk 3 Tr A Unit B North Albuq Acres – Verde Management LLC - B18E022

Part of Lot 21 & all of Lots 22 & 23 Block 3 Tract A Unit B North Albuquerque Acres – The Tinmill LLC

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

Mr. Holberg, Mr. Erdman and Mr. Tinnin;

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection for construction sites along Venice Ave NE to determine compliance with City Ordinance § 14-5-2-11 (attached) and the Environmental Protection Agency's (EPA's) Construction General Permit (CGP) [2022 Construction General Permit \(CGP\) | US EPA](#).

The City SWQ was advised of illicit concrete washout onto property owned by The Tinmill LLC from construction support activities from neighboring properties. During the City SWQ's ESC inspection following the complaint, the remains of concrete washout were documented on bare soil on the property owned by The Tinmill LLC. The City has previously observed other construction support activities on The Tinmill LLC's property including equipment access and vehicle parking from both construction sites. These land-disturbances are in violation of City Ordinance §14-5-2-11.

Usually, there are two options when a construction site disturbs the neighboring property due to construction activities. These typical options are as follows:

1. The owners of each property reach an agreement for land use, and the NOIs for each property owner are submitted to the City, along with an ESC Plan and Landscape Plan detailing the entirety of land disturbance including the proper stormwater controls and stabilization measures, or
2. The construction entities cease all construction support activities on any unowned property, remove all equipment and/or materials from said property, and stabilize all land disturbance caused by construction support activities according to the criteria in CGP Part 2.2.14.c.

The City leaves the decision to the property owners, so long as the requirements detailed in the CGP and City Ordinance are satisfied.

Bernalillo County property lines with the approximate areas of concern.



Photo of concrete washout occurring on the site owned by Tinmill LLC.



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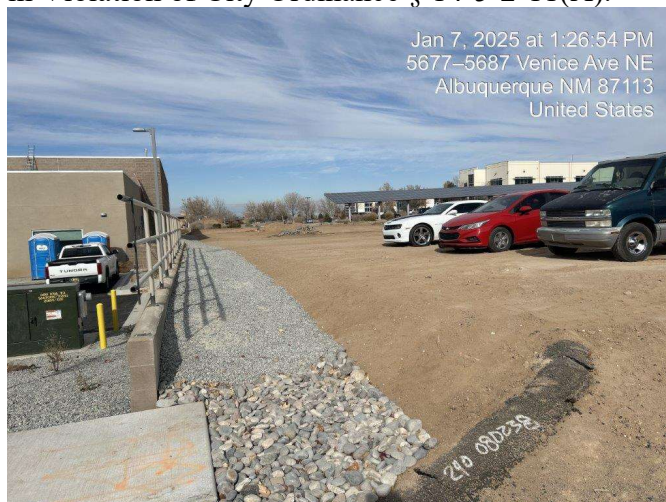
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Construction vehicles staging on the property owned by The Tinmill LLC.



These and additional violations observed by the City inspection are detailed as follows:

1. **NOI** - Land disturbance on Tinmill, LLC's property was not approved by the City because the property owner's NOI and ESC Plan for the additional construction support activity weren't submitted to the City in Violation of City Ordinance § 14-5-2-11(A).



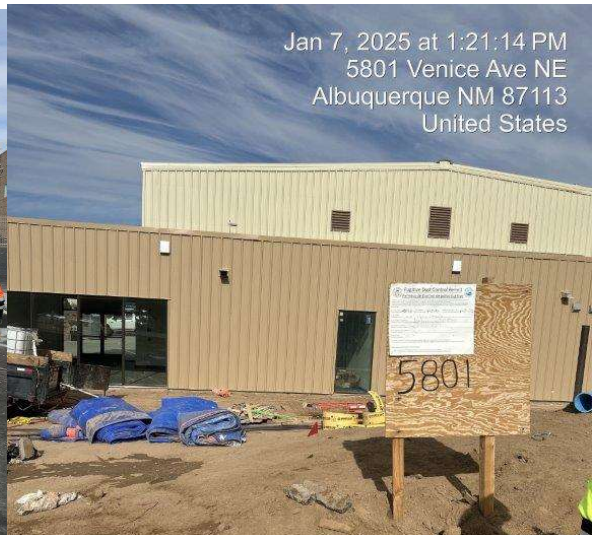
2. **BMPs** - Erosion and sediment controls for the perimeter were not implemented for the land disturbance on Tinhill, LLC's property to minimize the discharge of pollutants in stormwater from this site in violation of CGP Parts 2.1.3 and 2.2.3.



3. **Washout** – Concrete washout on bare soil and not in proper containment in violation of CGP Part 2.3.4.



4. **Posting** – The CGP Coverage posting was missing or not visible from the right-of-way in violation of CGP Part 1.5.



5. **SWPPP** – The SWPPP and self-inspection reports were unavailable on-site during the inspection in violation of CGP Parts 4.7.3 and 7.3. If the additional construction support activities and areas were not addressed in the SWPPP, the Plan would be considered out-of-date in violation of CGP Part 7.4.

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Required Mitigation:

1. **NOI** - You must either provide an ESC Plan and NOI per CGP 1.4 to the City's Storm Water Quality (SWQ) Section for approval for Tinmill LLC, the owner of Lot 21 & all of Lots 22 & 23 Block 3 Tract A unit B North Albuquerque Acres per ordinance § 14-5-2-11, or you must stabilize the disturbed portion of that property with "Native Seed and Aggregate Mulch" per City Std Spec 2012 or equivalent, to comply with the Final Stabilization Criteria in the CGP Part 2.2.14.c.
2. **BMPs** – Complete installation of stormwater controls by the time each phase of construction activities has begun per CGP Part 2.1.3. 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.
3. **Washout** – Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation per CGP Part 2.3.4. Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground.
4. **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 per CGP Part 1.5. 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.
5. **SWPPP** – You must keep a current copy of your SWPPP and all inspection reports 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 Parts 4.7.3 and 7.3. You must modify your SWPPP, including the site map(s), within seven (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 and if inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with the permit per CGP Part 7.4.

History of Violations:

Notice of the following types of violations for Rocky Ledge Properties LLC was sent on the dates noted below:

1. **NOI** – 12/17/24, 1/9/25 (Level 2)
2. **BMPs** – 12/17/24, 1/9/25 (Level 2)
3. **Washout** – 6/26/24, 1/9/25 (Level 2)
4. **Posting** - 1/9/25 (Level 2)
5. **SWPPP** – 6/26/24, 1/9/25 (Level 2)

Notice of the following types of violations for Verde Management LLC was sent on the dates noted below:

1. **NOI** – 1/9/25 (Level 2)
2. **BMPs** – 1/9/25 (Level 2)
3. **Washout** – 1/9/25 (Level 2)
4. **Posting** - 8/13/24, 12/16/24, 1/9/25 (Level 2)
5. **SWPPP** – 8/13/24, 12/16/24, 1/9/25 (Level 2)

Notice of the following types of violations for The Tinmill LLC was sent on the dates noted below:

1. **NOI** – 12/17/24, 1/9/25 (Level 2)
2. **BMPs** – 12/17/24, 1/9/25 (Level 2)
3. **Washout** – 1/9/25 (Level 2)
4. **Posting** - 1/9/25 (Level 2)
5. **SWPPP** – 1/9/25 (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. Beginning land disturbance without approval from the City or starting land disturbance without BMPs is considered an egregious violation and results in Level 2 Violations.

If the current Level 2 violations are not mitigated within seven days from receipt of this notice, the property owners will be subject to a fine of \$500/day per the City's Drainage Control Ordinance. The non-compliance will also be reported to the EPA. Repeat violations are also subject to a fine of \$500/day and a hold placed on all inspections along with the issuance of permits or certificates.

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

Sincerely,

Chancellor English

Chancellor English, CPESC
Erosion and Sediment Control Specialist, Stormwater Quality
Planning Dept.