

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

December 17, 2024

Rocky Ledge Properties LLC – Bill Hoberg, [billh@glass-rite.com](mailto:billh@glass-rite.com) – 505-300-2420

Tinmill LLC (Owner of Part of Lot 21 & all of Lots 22 & 23 Block 3 Tract A unit B North Albuquerque Acres)  
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**  
**Part of Lot 21 & all of Lots 22 & 23 Block 3 Tract A Unit B North Albuquerque Acres – Tinmill LLC**

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

Mr. Hoberg and Mr. Tinnin;

The Storm Water Quality (SWQ) Section of the City of Albuquerque conducted an Erosion and Sediment Control (ESC) inspection of the site on 12/13/24 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](#).

During the City's inspection, construction vehicles were observed parking and staging on the neighboring property of the Glass Rite construction site destroying vegetation, disturbing the soil, and causing sediment track-out. This land disturbance does not appear on the ESC Plan and Landscape Plan submitted to the City by Rocky Ledge Properties LLC, nor was an NOI for the neighboring property owner (Tinmill LLC) submitted, meaning the construction activity (equipment staging and vehicle parking) on this property was not approved by the City. Both the acts of starting construction activities without approval from the City and starting construction without implementing stormwater controls (BMPs) result in the immediate escalation and the issuance of this Formal Notice of Violation as addressed in the Escalation Policy (attached).

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 entity ceases the use of any unowned property, removes all equipment and/or materials from said property, and stabilizes any land disturbance caused by their construction activities according to the criteria in CGP Part 2.2.14.c.

The City leaves the decision to the property owners, as long as it satisfies the requirements detailed in the CGP and City Ordinance.

The following photo is a screenshot of the Zoning Advanced Map Viewer and Bernalillo County Tax records showing the estimated area of disturbance of the neighboring property to the construction site.

([coagisintra.coa.cabq.lcl/Html5ViewerGeo491/index.html?viewer=Zoning\\_Viewer.Zoning\\_Advanced\\_Map\\_Viwer\\_v20](https://coagisintra.coa.cabq.lcl/Html5ViewerGeo491/index.html?viewer=Zoning_Viewer.Zoning_Advanced_Map_Viwer_v20) )



Photos of construction activity on the site owned by Tinmill LLC.





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The following violations were observed during the inspection on 12/13/24.

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 activity weren't submitted to the City in Violation of City Ordinance § 14-5-2-11(A).
2. **BMPs** - Erosion and sediment controls 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.

**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.

**History of Violations:**

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

1. **SWPPP** – 6/26/24 (Level 1)
2. **Washout** – 6/26/24 (Level 1)
3. **NOI** – 12/17/24 (Level 2)
4. **BMPs** – 12/17/24 (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 a Level 2 Violation.

**If the current Level 2 violation is not mitigated within seven days from receipt of this notice, the property owners are 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 924-3325, [cenglish@cabq.gov](mailto:cenglish@cabq.gov).

Sincerely,

*Chancellor English*

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