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**RETURN RECEIPT REQUESTED**

2/28/2024

Shaw-Marie Ford  
DJR Operating, LLC  
1 Road 3263  
Aztec, NM 87410  
Sent by electronic mail to: sford@djrlc.com

**Notice of Violation for DJR Operating, LLC, AQB Case No. DJR-Multi-2101**

Dear Shaw-Marie Ford,

The New Mexico Environment Department (“NMED”) has identified DJR Operating, LLC (DJR) as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the facilities listed in Attachment A.

This NOV is sent pursuant to NMSA 1978, Section 74-2-5.1(A), which states that NMED’s “investigations shall be reduced to writing if any enforcement action is contemplated, and a copy shall be furnished to the owner or occupants of the premises before the action is filed.” Also, in accordance with Section 74-2-5.1(C), the purpose of this NOV is to “encourage and make every reasonable effort to obtain voluntary cooperation by the owner or occupants to preserve, restore or improve air quality.”

**Alleged Violations**

During on-site inspections on August 26 and 27, 2020 at the DJR facilities listed in Attachment A, and by reviews of report data provided by DJR for the date range of August 26, 2018, to August 27, 2020, a Bureau inspector found evidence for the following five (5) violations:

- Violation 1 **Failure to design and operate the closed vent system so that it has no detectable emissions**, in violation of NSPS 40 C.F.R. 60 subpart OOOOa 60.5411a(c)(2) which states that “You must design and operate a closed vent system with no detectable emissions...” During visits to DJR facilities on August 26 and 27 2020, a Bureau inspector found three (3) instances of leaking valves using a FLIR GF-320 camera at the North Alamito L34-2307 facility on August 27, 2020. Video files of the leaks are available to review.
- Violation 2 **Failure to perform initial performance initial engine tests within 1 year of startup**, in violation of NSPS 40 C.F.R. subpart JJJJ 60.4243(a)(2)(ii) which states “...you must conduct an initial performance test within 1 year of engine startup to demonstrate compliance.” During visits to DJR facilities on August 26 and 27, 2020, a Bureau inspector recorded the following Caterpillar G3306 serial numbers; G6X03551 at the Escrito L17-2409 facility and G6X09099 and R6S01993 at the North Alamito L34-230740 facility. DJR provided the engine start dates

shown in Attachment B. The facility was unable to provide documentation of initial performance test for these 3 engines.

- Violation 3 **Failure to make a first attempt at repair within 5 calendar days of detecting leaks**, in violation of NSPS 40 CFR 60 subpart OOOO 60.5416a(9)(i) and (ii) which state, "A first attempt at repair must be made no later than 5 calendar days after the leak is detected," and "Repair must be completed no later than 15 calendar days after the leak is detected." On September 3, 2020, the Bureau requested monitoring and repair records from DJR covering operations from August 26, 2018, to August 27, 2020. The Bureau found missing repair records for eight (8) leaks, six (6) at Good Times P36A-2410, and two (2) at Lybrook I02-2308. See the table in Attachment C for a summary of these records. DJR was unable to provide documentation of when repairs were performed.
- Violation 4 **Failure to make first attempts, within 5 calendar days, to repair detected leaks**, in violation of NSPS 40 CFR 60 subpart OOOOa 60.5416a(c)(4)(i) which states "A first attempt at repair must be made no later than 5 calendar days after the leak is detected." On February 9, 2021, the Bureau inspector asked DJR if the two (2) leaks at the North Alamito Unit L34-230740 facility had been repaired. DJR was unable to provide documentation of when repair attempts were made.
- Violation 5 **Failure to perform tank inspections at least 14 days apart**, in Violation of NSPS 40 CFR 60 subpart OOOO 60.5416(c)(1)(iii), states that "Monthly inspections must be separated by at least 14 calendar days." Records provided by DJR show that olfactory, visual and auditory (OVA) inspections performed at the Good Times P36A-2410 and at Lybrook I02-2308 were performed on January 31, 2020, and February 7, 2020. The Bureau inspector determined that these inspections were performed too close together, not the required minimum 14 days apart.

Please note that the facilities listed in Attachment A will appear on NMED's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, NMED may issue a press release to local media highlighting your facility as appearing on this webpage. Your facilities will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

You may obtain a copy of the AQB's Civil Penalty Policy located on the Compliance and Enforcement website at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/>.

### Requested Information

In the response to this NOV please provide this information for each violation:

1. A description of the causes of these violations.
2. Documentation of the steps taken to correct the violation to date; and
3. Documentation of steps taken or to be taken to prevent the recurrence of the violation.

With the documentation, please include specific, measurable, and time-bound changes made or to be made addressing any problems causing the violations.

Attachment D has been included at the end of the NOV and can be used as a checklist for organizing the response.

Use these instructions to submit the response:

1. All correspondence pertaining to this NOV must be submitted under cover of a properly completed Reporting Submittal Form, emailed to the Enforcement Specialist (contact information below). A copy of the form can be found online at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/#>.
2. Submit requested information within thirty days of the date of this NOV.
3. Any documents claimed as Confidential Business Information (CBI) pursuant to 20.2.1.115 NMAC must be submitted in separate electronic files from non-CBI documents and identified as CBI.
4. If files cannot be submitted by electronic mail, contact the Enforcement Specialist to request a link to a file transfer platform, or submit records on a thumb drive mailed to the Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505 to the attention of Kane Currans.
5. Please include any facts, information, or documentation to refute the alleged violations, with the requested information.

Within thirty (30) days of receiving this NOV, NMED requests that DJR respond with all information requested in this NOV and any information you think NMED should have regarding this investigation. After receiving the response to this NOV, NMED will send a settlement offer or compliance order outlining the penalties and corrective actions associated with each of the violations. As NMED's review of the alleged violations is ongoing, NMED reserves the right to assert additional violations at the Facilities listed in attachment A if new information becomes available.

If you have questions or believe any statement in this notice is erroneous, please contact Kane Currans, Enforcement Specialist, at (505) 629-8807 or Kane.Currans@env.nm.gov or Teresa McDill, Enforcement Manager, at (505) 629-8732 or teresa.mcdill@env.nm.gov. If you are represented by counsel, please contact Chris Vigil Assistant General Counsel, at (505) 469-4696 or ChristopherJ.Vigil@env.nm.gov.

Thank you for your prompt attention to this matter.

Sincerely,



Liz Bisbey-Kuehn  
Bureau Chief  
Air Quality Bureau

cc: Chris Vigil, OGC  
Cindy Hollenberg, AQB  
Teresa McDill, AQB  
Kane Currans, AQB

### Attachment A

#### DJR-Multi-2101 Location Information

<b>Facility name</b>	<b>Location</b>	<b>AI#</b>	<b>AIRS#</b>
Lybrook I02-2308	5.5 mi E of Nageezi	32660	35-0450546
Escrito L17-2409	33.9 mi SE of Bloomfield	33316	35-0450572
Good Times P36A-2410	5.5 mi W of Nageezi	34059	35-0450999
North Alamito L34-2307	50.7 mi S of Bloomfield	37683	35-0430120

### Attachment B

Table of engine start dates. Records provided by DJR on February 12, 2021.

Facility	Unit #	Engine Make/Model	Serial Number	Manufacturer Date	Start Up Date
Escrito L17-2409	302H	Caterpillar G3306	G6X03551	September 1, 2016	November 4, 2014, and November 1, 2016
North Alamito L34-2307	306H	Caterpillar G3306	G6X09099	July 1, 2012	May 30, 2017
North Alamito L34-2307	308H	Caterpillar G3306	R6S01993	December 1, 2014	May 30, 2017

### Attachment C

Table of missing repair records. Records provided by DJR on September 4, 2020.

Date of Survey	Identification of Each Affected Facility	Monitoring Instrument Used	Type of Component	Results of Survey	Date Next Survey	Results of Next Survey
5/13/2019	Good Times P36A 2410 1H	FLIR	PRV	Ametek control needs to be cleaned or re	12/10/2019	Ametek control needs to be cleaned or re
					1/31/2020	No Leaks Detected
5/13/2019	Good Times P36A 2410 1H	FLIR	PRV	T-12 needs replaced	12/10/2019	nothing reported for this leak
5/13/2019	Good Times P36A 2410 3H	FLIR	PRV	Ametek control needs to be cleaned or re	12/10/2019	Ametek control needs to be cleaned or re
					1/31/2020	No Leaks Detected
5/13/2019	Good Times P36A 2410 3H	FLIR	PRV	Enardo PRV above oil tanks needs weights	12/10/2019	nothing reported for this leak
12-10-2019	Good Times P36A 2410 1H	FLIR	PRV	Ametek control needs to be cleaned or re	12/10/2019	nothing reported for this leak
12/10/2019	Good Times P36A 2410 1H	FLIR	PRV	Ametek control needs to be cleaned or re	12/10/2019	nothing reported for this leak
6/10/2019	Lybrook I02 2308 2H	FLIR	PRV	Ametek control needs to be cleaned or re	1/7/2020	nothing reported for this leak
6/10/2019	Lybrook I02 2308 2H	FLIR	PRV	Ametek control needs to be cleaned or re	1/7/2020	nothing reported for this leak

## Attachment D

This form must be completed and signed by the facility's Responsible Official (Title V) or other designee and returned within 30 days of the receipt of the Notice of Violation. Documentation for additional information (in addition to this form) must be submitted electronically to Enforcement Specialist Kane Currans at [kane.currans@env.nm.gov](mailto:kane.currans@env.nm.gov) or Enforcement Manager Teresa McDill at [teresa.mcdill@env.nm.gov](mailto:teresa.mcdill@env.nm.gov).

All submittals must be submitted using the Reporting Submittal Form. The Reporting Submittal Form and instructions can be located at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/#>.

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*I hereby verify that DJR Operating, LLC has initiated the required additional information response outlined in this Notice of Violation. The following information has been submitted or will be submitted by the dates indicated below for each violation. All required documentation will be submitted electronically within 30 days of the receipt of the Notice of Violation.*

Date NOV received: \_\_\_\_\_

### *Alleged Violation 1*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*

\_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation (include date if not yet completed)*

### *Alleged Violation 2*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*

\_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation (include date if not yet completed)*

### *Alleged Violation 3*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*

\_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation (include date if not yet completed)*

### *Alleged Violation 4*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*

\_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation (include date if not yet completed)*

*Alleged Violation 5*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*

\_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation (include date if not yet completed)*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Printed Name:

Title: