



SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

2/28/2024

Monica Smith
Harvest Four Corners LLC
1755 Arroyo Dr.
Bloomfield, NM, 87413
Sent by electronic mail to: msmith@harvestmidstream.com

Notice of Violation for Harvest Four Corners LLC, AQB Case No. HFC-1276-2401

Dear Monica Smith,

The New Mexico Environment Department (“NMED”) has identified Harvest Four Corners LLC (HFC) as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Aztec Central Delivery Point facility (“Facility”) owned by HFC, AI# 1276, AIRS# 350450273, located 9.8mi NNE of Aztec, New Mexico.

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.” 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

The evidence to support these violations was gathered by a Bureau inspector’s review of an Excess Emissions Report (EER) submitted by HFC for an event that occurred between February 13 and 14, 2023.

- Violation 1 **Failure to limit VOC emissions from TEG Dehydrator unit 20a to within the limits established in the facility’s Title V permit.** In violation of Permit P164-R4M1, Specific Condition A106.A which states that Unit 20a has an allowable emissions limit of 2.2 pounds per hour (pph) for VOC. Harvest Four Corners submitted an EER through the Air Quality Bureau Compliance Reporting website for one event that occurred between February 13, and February 14, 2023. Harvest Four Corners reported an excess of VOC emission of 5764 lbs. on Unit 20a. See Attachments A and B for additional details. HFC submitted an affirmative defense demonstration (ADD); however, this was rejected due to the EER final submission being one (1) day late.
- Violation 2 **Failure to submit a final excess emission report no later than ten (10) days after the end of the excess emission.** In violation of NMAC 20.2.7.110.A.2 which states that a report shall be

filed “no later than ten (10) days after the end of the excess emission.” The excess emission event ended on February 14, 2023, with a final report due by February 28, 2023. Harvest Four Corners submitted their final report on March 1, 2023.

Please note that the facility 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 facility 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 C 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 (30) days of receipt 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.

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 facility 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) 699-4608 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

Permit P164-R4/R4M1 - Table 106.A: Allowable Emissions

Unit No.	NO _x ¹ pph	NO _x ¹ tpy	CO pph	CO tpy	VOC pph	VOC tpy
1	4.6	20.1	8.1	35.4	3.0	13.4
2	4.6	20.1	8.1	35.4	3.0	13.4
3	4.6	20.1	8.1	35.4	3.0	13.4
4	4.6	20.1	8.1	35.4	3.0	13.4
5	4.6	20.1	8.1	35.4	3.0	13.4
12b	2.3	10.0	4.0	17.6	1.5	6.7
13a	-	-	-	-	4.7	20.6
14a	-	-	-	-	4.7	20.6
15a	-	-	-	-	4.7	20.6
19a	-	-	-	-	2.2	9.6
20a	-	-	-	-	2.2	9.6

Attachment B

Activity No	Failure Pt No	Failure Pt Description	Release Pt No.	Release Pt Description	Event Start Date	Event Start Time	Event End Date	Event End Time	Duration	Event Type
001276-02152023-01	20a	TEG Dehydrator	20a	TEG Dehydrator	2/13/2023	13:00	2/14/2023	12:00	23:00:00	Malfunction, Title V Deviation
									0:00:00	
									0:00:00	

ADD Claim?	Initial Due Date	Initial Submittal Date	Initial Days Late	Final Due Date	Final Submittal Date / VDD	Final Days Late	DD Due Date	ADD Submittal Date	ADD Days Late
Yes	2/15/2023	2/15/2023	0	2/28/2023	3/1/2023	1	3/31/2023	3/29/2023	-2
			0			0			0
			0			0			0
									Total in POUNDS
									Total in TONS

EE CO (lb)	EE NOx (lb)	EE PM (lb)	EE PM10 (lb)	EE PM25 (lb)	EE SO2 (lb)	EE VOC (lb)	EE OP (%)	EE VE	EE H2S (lb)	Facility Comment	ADDF Accept	If NO, Regulation Citation
						5764						
0.00	0.00	0.00	0.00	0.00	0.00	5764.00	0.00	0.00	0.00			
0.00	0.00	0.00	0.00	0.00	0.00	2.88			0.00			

Attachment C

This form must be completed and signed by the facility's Responsible Official (Title V) or other designee and returned no later than thirty (30) days after the date of 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 or Enforcement Manager Teresa McDill at 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/#>.

I hereby verify that Harvest Four Corners 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)*

Signature

Date

Printed Name:

Title: