



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

May 20, 2024

Marcelle Fiedler  
Environmental Supervisor  
New Mexico Gas Company  
PO Box 97500  
BC 22  
Albuquerque, NM 87199  
Sent by electronic mail to: marcelle.fiedler@nmgco.com

**Notice of Violation AQB Case No. NMG-0905-2101**

Dear Marcelle Fiedler,

The New Mexico Environment Department ("NMED") has identified New Mexico Gas Company ("NMGC") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Star Lake Compressor Station ("Facility") owned by NMGC, located at HCR 79 Box 15, Cuba, New Mexico 87012.

This NOV, pursuant to NMSA 1978, Section 74-2-5.1(A), 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**

On February 26, 2021, a compliance inspector from NMED concluded an off-site Full-Compliance Evaluation (FCE) of the Facility. As part of the FCE, monitoring records were previously reviewed for the Facility, this included Semi-Annual and Annual Compliance Certification Reports, Emissions Reports and Protocols, Maintenance Records and outlining plans for Units 8-11 and 12-14. The FCE included further records reviews of stack test in AQBCR website. On February 8, 2021, NMED requested records showing the maintenance activities for all units operating at the Facility (Units 8-11 are turbines and Units 12-14 are RICE) and submitted on February 12, 2021. The maintenance plan developed by NMGC was based on the specific maintenance requirements listed in Table 2d. This entails annual inspections for spark plugs, belts and hoses, as well as annual oil and filter changes. The Facility's maintenance logs for Units 12 and 14 did not include annual inspections of the spark plugs or hoses and belts for the year 2020. On December 14, 2020, the stack test summary report was received by NMED, 36 days after the testing, and was altogether 6 days late. On

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December 23, 2020, a new Title V permit, P042R4, was issued for the facility. The 30-day submission requirement remained in the permit renewal as well.

Violation 1

Failure of NMGC to annually inspect for spark plugs, belts and hoses, in Table 6 and applicable maintenance requirements in Table 2d of 40 CFR 63, Subpart ZZZZ, in violation of 40 CFR 63.6640(a) for Units 12 and 14.

Violation 2

Failure of NMGC to submit the 2020 annual emission testing report for Units 8-12 no later than thirty (30) days after completion of the test, in violation of Title V Permit #P042R3, General Condition B111D.7 and Permit #P042R4, General Condition B111E.3.

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. The 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 A is 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 no later than thirty (30) days after 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 Alejandra Avila.

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5. Please include any facts, information, or documentation to refute the alleged violations, with the requested information.

NMED requests that New Mexico Gas Company respond with all information asked for in this NOV and any information you think NMED should have regarding this investigation within thirty (30) days. 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 Alejandra Avila, Enforcement Specialist, at (505) 629-6527 or [Alejandra.Avila@env.nm.gov](mailto:Alejandra.Avila@env.nm.gov) or Teresa McDill, Enforcement Manager, at (505) 555-2121 or [teresa.mcdill@env.nm.gov](mailto:teresa.mcdill@env.nm.gov). If you are represented by counsel, please contact Assistant General Counsel, Chris Vigil at (505) 469-4696 or [ChristopherJ.Vigil@env.nm.gov](mailto:ChristopherJ.Vigil@env.nm.gov).

Thank you for your prompt attention to this matter.

Sincerely,

DocuSigned by:  
**Dana Bahar**  
B85073815EB342B...

Dana Bahar  
Acting Bureau Chief  
Air Quality Bureau

Cc: Christopher Vigil, Assistant General Counsel, NMED  
Cindy Hollenberg, Compliance & Enforcement Section Chief, Air Quality Bureau  
Teresa McDill, Enforcement Manager, Air Quality Bureau  
Alejandra Avila, Enforcement Specialist, Air Quality Bureau

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**Attachment A**

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 this Notice of Violation. Documentation for additional information (in addition to this form) must be submitted electronically to Enforcement Specialist Alejandra Avila at Alejandra.Avila@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/#>.

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*I hereby verify that New Mexico Gas Company 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 no later than thirty (30) days after the date of this 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*
- \_\_\_\_\_ *Other information for this violation as needed*

*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*
- \_\_\_\_\_ *Other information for this violation as needed*

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

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

Printed Name:

Title: