



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

SENT BY ELECTRONIC MAIL

June 25, 2026

Angel Cabrera
Peralta Concrete Redi Mix, LLC
3567 NM Highway 47
Peralta, NM, 87042
Sent by electronic mail to: peralta.concretereadymix@yahoo.com

**Notice of Violation for Peralta Concrete Redi Mix, LLC,
AQB Case No. PERA-36075-2201**

Dear Angel Cabrera,

The New Mexico Environment Department ("NMED" or "Department") has identified Peralta Concrete Redi Mix, LLC ("Peralta") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Peralta Concrete Redi Mix Facility ("Facility") located in Peralta, New Mexico. The Facility is referred to as AI No. 36075 and AIRS No. 350610041 in NMED records.

Pursuant to the NMED Delegation Order dated June 23, 2025, the Cabinet Secretary ("Secretary") has delegated to the Environmental Protection Compliance and Enforcement Bureau ("EPCEB") Chief the authority to seek administrative enforcement for alleged violations of the United States Clean Air Act ("CAA"), the New Mexico Air Quality Control Act ("AQCA"), federal and state regulations, and the air quality permits issued thereunder. EPCEB is the Bureau within NMED responsible for compliance with and enforcement of air quality regulations.

This NOV is issued 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."

Alleged Violations

On April 1, 2022, a compliance inspector from NMED conducted an on-site inspection for the Facility as part of an investigation due to a citizen complaint. As part of the investigation, the inspector reviewed Facility production records which were received on April 7, 2022. Based on the records review and inspection, the Department has identified the following violation:

- 1. Failure to file a Notice of Intent (NOI) with the Department prior to modifying a stationary source, pursuant to 20.2.73.200.A(2) NMAC.** According to NMAC 20.2.73.200 (A)(2), any owner or operator intending to modify a stationary source that has a potential emission rate (PER) greater than 10 tons per year of any regulated air contaminant must file a NOI with the Department. Pursuant to 20.2.73.7 (I) a modification means any physical change or a change in the method of operation which results in an increase in the potential emission rate of any regulated air contaminant.

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Per NOI 6541R2, issued by the Department to Peralta on April 16, 2015, Peralta's PER was determined to be greater than 10 tons per year. This NOI letter, dated April 16, 2015, also determined that Peralta's production rate was 10 cubic yards per hour (yd³/hr) at that time. On April 7, 2022, a compliance inspector from NMED reviewed the Facility production records and documented hourly production rates exceeding 10 yd³/hr each week from January 2020 – April 2022. Peralta's increase from its 10 yd³/hr production rate determined in 2015 qualifies as a modification under 20.2.73.7.I NMAC. This modification along with Peralta's greater than 10 tpy potential emission rate required the Facility to file a NOI with the Department prior to exceeding the 10 yd³/hr of production rate. A second modification occurred with the addition of a boiler. On April 1, 2022, a compliance inspector during the on-site inspection for the Facility discovered a boiler that was not included in the application for NOI 6541. On April 8, 2022, Ms. Cabrera stated via email the boiler was installed in July or August of 2020.

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 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 cause of the violation;
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.
4. *Records of the weekly total production for the past 2 years, as required under GCP-5, IV.B. Recordkeeping Requirements*

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

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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.
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 may 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; or Kerra Roudebush, Enforcement Manager, at (505) 699-9627 or kerra.roudebush@env.nm.gov. If you are represented by counsel, please contact Anita Tellez, Assistant General Counsel, at (505) 470-6225 or anita.tellez@env.nm.gov.

Thank you for your prompt attention to this matter.

Sincerely,

DocuSigned by:



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Bruce Baizel

Director

Compliance and Enforcement Division

cc: Anita Tellez, Assistant General Counsel, NMED
Kerra Roudebush, Enforcement Manager, EPCEB
Alejandra Avila, Enforcement Specialist, EPCEB

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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 Kerra Roudebush at kerra.roudebush@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 Peralta Concrete Redi Mix, 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 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 (include date if not yet completed)*

_____ *Records of the weekly total production for the past 2 years, as required under GCP-5, IV.B. Recordkeeping Requirements*

Signature

Date

Printed Name:

Title: