



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

10/29/2025

Stephen Shoemaker
Black Rock Services Inc.
435 Montano Rd NE
Albuquerque, NM 87107
Sent by electronic mail to: stephen@blackrock-services.com

Notice of Violation for Black Rock Services Inc., BRS-36610-2501

Dear Stephen Shoemaker,

The New Mexico Environment Department ("NMED") has identified Black Rock Services Inc. ("Black Rock") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Bonita Pit Crusher ("Facility") owned by Black Rock. The Facility is 15.2 miles West of Los Lunas at 34.759806 latitude and -106.475611 longitude. The Facility is referred to as AI# 36610 and AIRS# 350610044 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 October 30, 2024, an NMED air quality inspector completed an on-site inspection of the Facility and corresponded with facility staff through December 2024. The investigation found evidence of the following alleged violations of the Facility's General Construction Permit (GCP).

1. **Failure to implement a startup, shutdown, and maintenance ("SSM") plan pursuant to 20.2.7.14 NMAC.** During a Microsoft TEAMS call on December 4, 2024, Facility staff confirmed that the Facility did not have an SSM plan. Black Rock submitted a plan to NMED on December 6, 2024.

Black Rock Services, Inc.

EPCEB Case No. BRS-36610-2201

Page 2 of 6

2. **Failure to maintain a copy of the registration form, GCP permit, and approval letter at the Facility pursuant to General Construction Permit ("GCP")-2-6770, Section III.A.5.** During the inspector's onsite inspection, the inspector discovered that the Facility did not maintain a copy of the registration form, the GCP, and approval letter at the Facility. On April 22, 2025, Black Rock sent a memo to NMED saying this violation has been corrected.
3. **Failure to maintain monthly opacity records from September 2022 to October 2024 pursuant to GCP-2-6770, Section IV.B.2.** After the Facility's inspection, the NMED inspector requested monthly Method 9 opacity records from January 2022 until October 2024. The facility did not have Method 9 opacity records for September 2022 until October 2024. This alleged violation was ongoing as of January 31, 2025, for a total of 26 months in violation.
4. **Failure to perform daily inspections of water sprays on each operating day pursuant to GCP-2-6770, Section IV.A.2.** During a Microsoft TEAMS call on December 4, 2024, Facility staff stated that the Facility did not conduct daily water spray inspections. This alleged violation was ongoing as of January 31, 2025, with 428 days in violation.
5. **Failure to submit notification to the department 15 days prior to addition/substitution of equipment pursuant to GCP-2-6670, Section IV.C.1.d.** During the on-site inspection, the NMED air quality inspector found that the Facility was operating 9 pieces of equipment that were not on the permit, including 2 Anaconda conveyors, 5 JP conveyors, a MultiQuip DCA-45SSIU4F36KW generator, and an Anaconda screen/conveyor.

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 Civil Penalty Policy located on the Compliance and Enforcement website at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/>.

Requested Information

On April 22, 2025, Black Rock sent NMED a memo with a bulleted list of corrective actions taken by the company at the Facility since the September 13, 2022, inspection. While useful, NMED must also request the following information, which is standard for NOVs.

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

1. A description of the cause of the alleged 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.

For alleged violation 3:

4. Monthly opacity records for the Facility from November 2024 through the most current month.

Black Rock Services, Inc.
EPCEB Case No. BRS-36610-2201
Page 3 of 6

For alleged violation 4:

5. Records of daily water spray inspections at the Facility from February 1, 2025, to the most current day.

For alleged violation 5:

6. The dates that the nine pieces of equipment mentioned in the alleged violation were installed.

With the documentation, please include specific, measurable, and time-bound changes made or to be made addressing any problems causing the violations. An attachment 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.
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 Environmental Protection Compliance and Enforcement Bureau – Air C&E Section, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505 to the attention of Charles Butler.
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 Charles Butler, Enforcement Specialist, at (505) 660-6110 or charles.butler@env.nm.gov or Kerra Roudebush, Enforcement Supervisor, at (505) 629-8807 or kerra.roudebush@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,

Signed by:



Bret Anderson

Bureau Chief
Environmental Protection Compliance and Enforcement Bureau

Black Rock Services, Inc.

EPCEB Case No. BRS-36610-2201

Page **4** of **6**

cc: Chris Vigil, Assistant General Counsel, OGC
Kerra Roudebush, Enforcement Manager, EPCEB
Charles Butler, Enforcement specialist, EPCEB

Attachment

Black Rock Services, Inc.
EPCEB Case No. BRS-36610-2201
Page 5 of 6

Attachment

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 Charles Butler at charles.butler@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 Black Rock Services Inc. 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)*

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)*
_____ *Monthly opacity records for the Facility from November 2025 through the most current month.*

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)*

Black Rock Services, Inc.

EPCEB Case No. BRS-36610-2201

Page 6 of 6

_____ *Records of daily water spray inspections at the Facility from February 1, 2025, to the most current day.*

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)*

_____ *The dates that nine pieces of equipment were installed.*

Signature

Date

Printed Name:

Title: