



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

5/12/2026

Todd Swanger
Imerys Perlite USA, Inc.
PO Box 338
Antonito, CO 81120
Sent by electronic mail to: todd.swanger@imerys.com

Notice of Violation for Imerys Perlite, USA Inc., EPCEB Air Case IMER-1553-2101

Dear Todd Swanger,

The New Mexico Environment Department ("NMED") has identified Imerys Perlite USA, Inc. ("Imerys") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the No Agua Perlite Mine and Mill ("Facility") owned by Imerys. The Facility is located about 7.5 miles north of Tres Piedras (Taos County), NM 87577, at 36.760983 latitude and -105.956717 longitude. The Agency Interest ("AI") number for the Facility is 1553, and the Aerometric Information Retrieval System ("AIRS") number is 35-055-0002.

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

As part of a Full Compliance Evaluation of the facility, an NMED inspector received records from Imerys by email on June 10, 2021. These records included EPA Method 9 opacity test records completed at the Facility. The investigator found evidence of the following violations of the Facility's permit, New Mexico Administrative code ("NMAC"), and the Code of Federal Regulations ("CFR"):

- 1. Failure to limit opacity from NSPS affected sources, non-NSPS affected sources, Unit 90 (Dryer Dust Collector), and sources located outside the Mill building, to no more than 10%; failure to limit opacity from the Unit 4 (Jaw Crusher) to 15%; and failure to limit visible emissions during truck**

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Environmental Protection Compliance and Enforcement Bureau – Air C&E Section | 525 Camino de los Marquez, Suite 1A, Santa Fe, New Mexico 87505-1816

(505) 476-4300 | www.env.nm.gov

Imerys Perlite, USA Inc.

EPCEB Air Case IMER-1553-2101

Page 2 of 8

- loading to no more than thirty (30) seconds during a six (6) minute period; pursuant to New Source Review (NSR) Construction Permit 0071-M3R1, Specific Condition 2. Emission Limits.** Based on a review of EPA Method 9 opacity test records for sources subject to NSR Permit 0071-M3R1, Specific Condition 2, the Department determined that Imerys exceeded the opacity and visible emissions limits fifty-three (53) times between September 20, 2019, and December 5, 2021. See Attachment A.
2. **Failure to limit opacity from the Mill Dust Collector (Unit 89), and failure to limit visible emissions from the Mill building to no more than thirty (30) seconds during a six (6) minute period, pursuant to NSR Construction Permit 0071-M3R1, Specific Condition 2. Emission Limits.** According to EPA Method 9 opacity test records for Unit 89 and the Mill Building, the Department determined that Imerys exceeded Unit 89's and the Mill building's opacity and visible emissions limits three (3) times: July 22, 2020, August 27, 2020, and September 3, 2020. See Attachment B.
 3. **Failure to submit Initial and Final Excess Emissions Reports ("EERs") pursuant to 20.2.7.110.A.(1) and (2) NMAC.** According to EPA Method 9 opacity test records for September 20, 2019, through December 5, 2021, that Imerys sent NMED, there are 56 times that the Facility exceeded opacity emission limits required by NSR Permit 0071-M3R1, Specific Condition 2. As of the issuance of this NOV, NMED has yet to receive any Initial or Final EERs for these events. Initial and Final EERs are required for each excess emission incident, such that there are 112 instances of this violation.

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 monitoring required by the Facility's NSR Permit 0071-M3R1, Specific Conditions 3(b), 3(c), and (3)(d), including records of EPA Method 22 and Method 9 tests, all corrective actions taken and maintenance performed, and subsequent visible emissions tests to verify corrective actions are complete. For all sources at the Facility subject to this monitoring, submit records from two years preceding issuance date for this NOV.

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:

Imerys Perlite, USA Inc.
EPCEB Air Case IMER-1553-2101
Page 3 of 8

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 fifteen (15) 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 Karen Rieck.
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 Karen Rieck, Enforcement Specialist, at (505) 660-0869 or karen.rieck@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 Brian Yardman-Frank, Assistant General Counsel, at (505) 709-8671 or brian.yardman-frank@env.nm.gov.

Thank you for your prompt attention to this matter.

Sincerely,

Signed by:



58AA1E562FA4422...

Bret Anderson

Bureau Chief

Environmental Protection Compliance and Enforcement Bureau

cc: Brian Yardman-Frank, OGC
Kerra Roudebush, EPCEB
Karen Rieck, EPCEB

Attachments

- A: Potential Violation #1 – 15% and 10% Opacity Exceedances
- B: Potential Violation #2 – 7% Opacity Exceedances
- C: Notice of Violation Response Form

Imerys Perlite, USA Inc.
 EPCEB Air Case IMER-1553-2101
 Page 4 of 8

Attachment A

Potential Violation #1 – 15% and 10% Opacity Exceedances

Date	Permit Unit #s	Equipment Description	Opacity Limit	Average Opacity
3/16/2021	4	Jaw crusher	15%	15.21%
5/25/2021	4	Jaw crusher	15%	18.57%
9/20/2019	none	PA-3000 bin	10%	10.21%
10/3/2019	71	PA-1000 bin	10%	11.25%
10/3/2019	87a-d	#1 Dryer fan south fan	10%	14.58%
10/3/2019	none	PA-3000 bin	10%	12.08%
10/10/2019	none	PA-3000 bin	10%	11.25%
10/17/2019	71	PA-1000 bin	10%	12.29%
10/17/2019	none	PA-3000 bin	10%	11.25%
10/30/2019	71	1000 tank (bin)	10%	24.58%
10/30/2019	86 a-d	Mill baghouse fan	10%	11.88%
10/30/2019	none	3500 tank	10%	44.17%
12/5/2019	none	PA-3000 bin	10%	10.63%
7/9/2020	68 a,b	Bin to truck clean PA-116	10%	14.79%
9/30/2020	68 a,b	Haul truck (East PA-116 bin)	10%	13.28%
10/20/2020	68 a,b	Town truck PA 116 bin	10%	26.67%
11/24/2020	90	South dryer stack	10%	28.75%
11/24/2020	90	North dryer stack	10%	33.96%
1/13/2021	68 a,b	PA-116 to town truck (bin)	10%	14.82%
1/13/2021	87a-d	South fan stack	10%	19.38%
2/15/2021	87a-d	North fan	10%	15.00%
2/15/2021	87a-d	South fan	10%	20.00%
2/15/2021	46	Truck on 12/16 (bin)	10%	15.00%
2/15/2021	68 a,b	Town truck #2 of Blend (East PA-116 bin)	10%	16.79%
3/2/2021	71	Dust truck (PA-1000 Bin)	10%	19.38%
3/16/2021	87a-d	North fan	10%	15.00%
3/16/2021	87a-d	South fan	10%	20.00%
4/1/2021	90	South dryer stack	10%	20.00%
4/1/2021	90	North dryer stack	10%	20.00%
4/1/2021	68 a,b	Town truck #2 (PA-116 bin)	10%	25.63%
4/1/2021	68 a,b	Town truck #1 (PA-116 bin)	10%	18.75%
4/13/2021	90	South dryer stack	10%	20.00%
4/13/2021	90	North dryer stack	10%	20.00%
4/13/2021	68 a,b	Town truck (East PA-116 bin)	10%	28.13%
4/29/2021	90	South dryer stack	10%	25.00%

Imerys Perlite, USA Inc.

EPCEB Air Case IMER-1553-2101

Page 5 of 8

Attachment A continued...				
4/29/2021	90	North dryer stack	10%	20.00%
4/29/2021	68 a,b	Town truck (West PA-116 bin)	10%	18.33%
4/29/2021	80	(50/100 bin to truck)	10%	17.08%
5/10/2021	90	South dryer stack	10%	25.00%
5/10/2021	90	North dryer stack	10%	25.00%
5/12/2021	68 a,b	Town truck (PA-116 bin)	10%	18.96%
5/24/2021	68 a,b	Town truck (PA-116 bin)	10%	17.71%
5/25/2021	87 a-d	North dryer fan	10%	25.00%
5/25/2021	90	South dryer baghouse	10%	25.00%
5/25/2021	80	Town truck (PA-50/100 bin)	10%	20.42%
6/2/2021	71	1000 tank (PA-1000 bin to 3500/1000 truck)	10%	11.67%
6/2/2021	90	South dryer stack	10%	15.00%
6/2/2021	78 a,b	30 west tank (West 30/50 bin to town truck)	10%	14.29%
6/13/2021	unknown	Dust truck (bin)	10%	45.89%
12/5/2021	unknown	Town truck #1 on PA Blend (bin)	10%	24.58%
12/5/2021	80	Truck #2 on 50/100 (bin; 10:10 AM)	10%	21.67%
12/5/2021	80	Truck #2 on 50/100 (bin; 10:25 AM)	10%	18.33%
12/5/2021	87a-d	South fan	10%	20.00%

Imerys Perlite, USA Inc.
EPCEB Air Case IMER-1553-2101
Page 6 of 8

Attachment B

Potential Violation #2 – 7% Opacity Exceedances

Date	Permit Unit #s	Equipment Description	Opacity Limit	Average Opacity
7/22/2020	89	Mill building	7%	12.50%
8/27/2020	89	Mill	7%	16.88%
9/3/2020	89	Mill	7%	13.13%

Imerys Perlite, USA Inc.
EPCEB Air Case IMER-1553-2101
Page 7 of 8

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 fifteen (15) 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 Karen Rieck at karen.rieck@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 Imerys Perlite USA, 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 fifteen (15) 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 monitoring required by Specific Conditions 3(b), 3(c), and (3)(d). See **Requested Information** section (above)*

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)*

Imerys Perlite, USA Inc.
EPCEB Air Case IMER-1553-2101
Page 8 of 8

Signature

Date

Printed Name: _____

Title: _____