



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

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

Vulcan Materials Company  
3201 E Elwood St, Suite 150  
Phoenix, AZ 85035  
Sent by electronic mail to: enninf@vmcmail.com

**Notice of Violation for Vulcan Materials Company, EPCEB Air Case No. VUL-1666-2201**

Dear Frederick Ennin,

The New Mexico Environment Department ("NMED") has identified Vulcan Materials Company ("Vulcan") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Santa Fe HMA plant ("Facility") owned by Vulcan, located in Santa Fe County at Latitude: 35.638512; Longitude: -106.075674. The Facility has an agency interest number 1666, AIRS number 357770055, and New Source Review (NSR) permit number 0324-M2-R3.

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**

An NMED Compliance Inspector obtained evidence to support this NOV through a complaint investigation and a records request. The inspector conducted an onsite facility inspection on December 08, 2022.

The investigation found evidence of the following violations of the facility's permit and the New Mexico Administrative Code ("NMAC").

1. **Failure to apply for and obtain a permit prior to construction and operation of the Facility, pursuant to 20.2.72.200.E NMAC.** During the on-site inspection on December 8, 2022, a compliance inspector found that Unit 21's 10,000-gallon asphalt cement heated storage tank No. 2 had been replaced with three 15,000-gallon tanks. These new tanks are not listed in Table 104.A of permit 0324-M2-R1, and no notification or permit modification was submitted to the Air Quality Bureau's Permit unit. On November 6, 2023, NMED received a permit revision request from Vulcan to remove

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Unit 21's 10,000-gallon storage tank No. 2 and replace it with three 15,000-gallon tanks. The request was approved on November 17, 2023.

2. **Failure to record the differential pressure for Mineral Filler Silo Dust Collector (Unit 10) during silo loading, pursuant to NSR Permit #0324-M2.** On December 26, 2022, in response to the December 9, 2022, records request, the Facility confirmed that the differential pressure for Unit 10 is not recorded and is only monitored during delivery.

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 violations;
2. Documentation of the steps taken to correct the violation to date;
3. Documentation of steps taken or to be taken to prevent the recurrence of the violation;
4. For Violation 1 - Documentation of the actual installation date of the tanks;
5. For Violation 1 - Emissions calculations for Asphalt Cement Heated Storage Tanks 2, 3, and 4 using TANKS software or an equivalent method ;
6. For Violation 2 - Documentation of all the Method 9 Opacity test records for Unit 9 and 10 from January 2023-January 2026;
7. For Violation 2 - Documentation of the dust collector differential pressure records from January 2023-January 2026;
8. For Violation 2 - Documentation for the manufacturer specifications of the Mineral Filler Silo Dust Collector (Unit 10).

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.

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3. Any document 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, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505 to the attention of Kazi Sultana.
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 Kazi Sultana, Enforcement Specialist, at (505) 479-0169 or [kazi.sultana@env.nm.gov](mailto:kazi.sultana@env.nm.gov) or Kerra Roudebush, Enforcement Manager, at (505) 699-9627 or [kerra.roudebush@env.nm.gov](mailto: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](mailto: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  
Compliance and Enforcement Division  
New Mexico Environment Department

cc: Chris Vigil, Assistant General Counsel, OGC  
Kerra Roudebush, Enforcement Manager, EPCEB  
Kane Currans, Enforcement Supervisor, EPCEB  
Kazi Sultana, Enforcement Specialist, EPCEB

Attachments

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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 Kazi Sultana at kazi.sultana@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/#>.

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*I hereby verify that XTO Energy, 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 actual installation date of the tanks*
- \_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation*
- \_\_\_\_\_ *Emissions calculations for Asphalt Cement Heated Storage Tanks 2, 3, and 4 using TANKS software or an equivalent method*
- \_\_\_\_\_ *Documentation of the actual installation date of the tanks*

*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*
- \_\_\_\_\_ *Documentation of all the Method 9 Opacity test records for Unit 9 and 10 from January 2023-January 2026*
- \_\_\_\_\_ *Documentation of the dust collector differential pressure record from January 2023-January 2026*
- \_\_\_\_\_ *Documentation for the manufacturer specifications of the Mineral Filler Silo Dust Collector (Unit 10)*

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

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

Printed Name:

Title: