



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 10, 2025

Walter L. Meech
C & E Concrete, INC.
PO Box 2547
Milan, New Mexico 87021
Sent by electronic mail to: wlm@ceconcrete.net

Notice of Violation for C & E Concrete, Inc., CEC-31184-2201

Dear Walter L. Meech,

The New Mexico Environment Department ("NMED") has identified C & E Concrete, Inc. ("CE Concrete") as having violated state and federal regulations for air quality. This Notice of Violation (NOV) is regarding the Portable Crusher 2 GCP2-4705 ("Facility") owned by CE Concrete. The Facility is located approximately 4.8 miles north of the intersection of Highway 64 and 350 in Farmington, San Juan County, NM, 87410 at latitude 36.772694 and longitude -108.088444, and is assigned Agency Interest (AI) # 31184 and AIRS # 357773286 in NMED records.

Pursuant to the NMED Delegation Order dated November 26, 2024, the Cabinet Secretary ("Secretary") has delegated to the Air Quality Bureau ("AQB") 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. The AQB is the Bureau within the NMED responsible for identifying air quality violations.

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

The evidence to support this NOV originated from a complaint investigation that occurred between September 1, 2022, and October 6, 2022, which included an on-site visit to the Facility on September 13, 2022 by an AQB Inspector.

The investigation found evidence of the following violation of the Facility's permit.

1. Failure to maintain minimum distance from Area of Operations to an existing occupied structure is in violation of Permit GCP2-4705 Section III.C.1, which requires a minimum distance of 402.3 meters or ¼ mile from the perimeter of the Area of Operations to any existing occupied structure. A compliance

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inspector determined, through satellite imagery by Google Earth, that the distance from the area of operations to the pre-existing residence was approximately 280 meters; see Attachment A.

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 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 this violation.
2. Documentation of when the Area of Operation was moved to a location at least 402.3 meters or ¼ mile from the nearest occupied structure.
3. Documentation of steps taken or to be taken to prevent the recurrence of the violation.
4. Dates that the Area of Operations was at the location shown in attachment A.

With the documentation, please include specific, measurable, and time-bound changes made or to be made addressing any problems causing the violations. Attachment B 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 Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505 to the attention of Valerie Sanchez.
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.

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If you have questions or believe any statement in this notice is erroneous, please contact Valerie Sanchez, Enforcement Specialist, at (505) 660-4317 or valerie.sanchez@env.nm.gov or Kane Currans, Enforcement Supervisor, at (505) 629-8807 or kane.currans@env.nm.gov. If you are represented by counsel, please contact Christopher Vigil, Assistant General Counsel, at (505) 469-4696 or ChristopherJ.Vigil@env.nm.gov.

Thank you for your prompt attention to this matter.

Sincerely,

DocuSigned by:
Cindy Hollenberg
8C5B75B327A8482...

Cindy Hollenberg
Bureau Chief
Air Quality Bureau

cc: Christopher Vigil, OGC
Kane Currans, Enforcement Supervisor, AQB
Valerie Sanchez, Enforcement Specialist, AQB

Attachments

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Attachment A

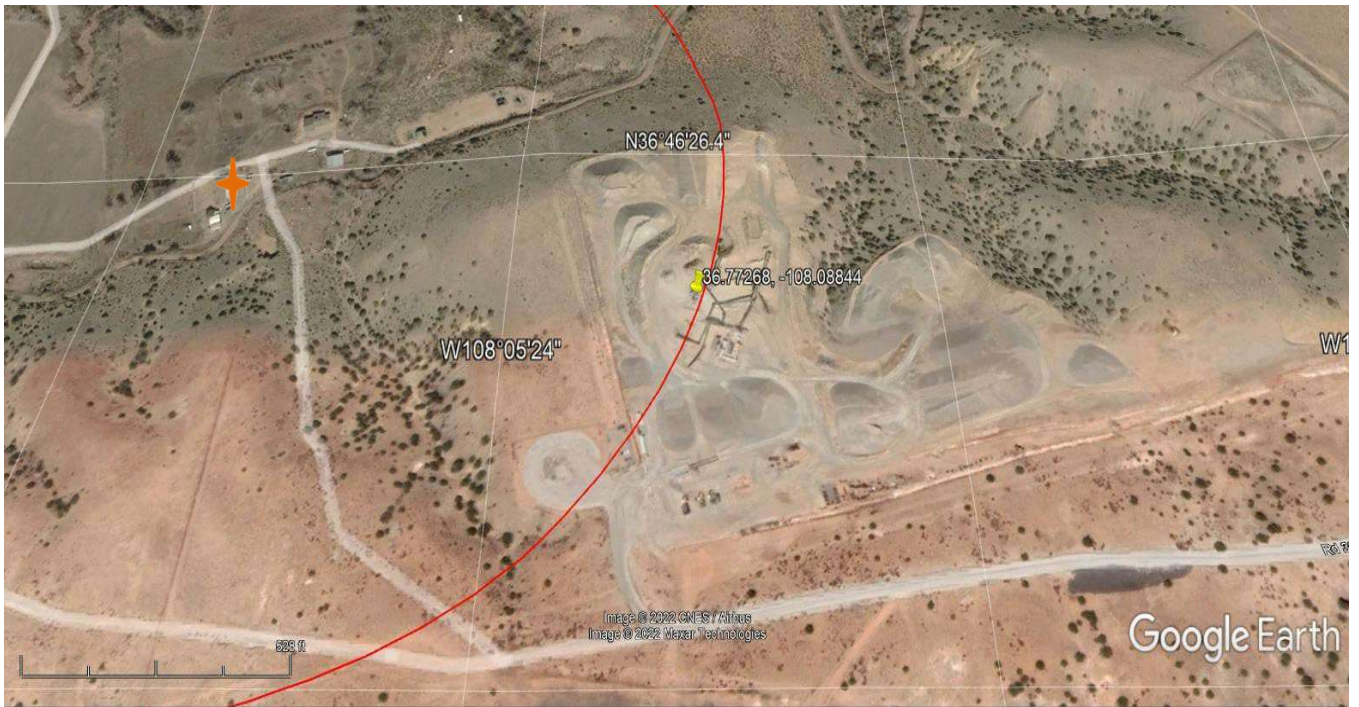


Figure 1: Radius of 402.87 meters from the nearest occupied residence cast onto a satellite photograph dated 6/22/2022 clearly showing encroachment of the area of operations into the setback buffer zone. The affected residence is overlain with an orange star.

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Attachment B

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 Valerie Sanchez at valerie.sanchez@env.nm.gov or Enforcement Supervisor Kane Currans at kane.currans@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 C & E Concrete, 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 when the Area of Operation was moved to a location 402.3 meters or ¼ mile from the nearest occupied structure.*

_____ *Documentation of steps taken or to be taken to prevent the recurrence of the violation.*

_____ *Dates that the Area of Operations was at the location shown in attachment A.*

Signature

Date

Printed Name: _____

Title: _____