



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

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

2/18/2026

John Hirsch  
Primal Crushing LLC  
3022 Co Rd 282  
Abilene, TX 79606

And

Joseph F Postnikoff  
Rochelle McCullough, LLP  
300 Throckmorton, Ste 520  
Fort Worth, TX 76102

**Notice of Violation for Primal Crushing LLC PRIM-39629-2501**

Dear John Hirsch,

The New Mexico Environment Department ("NMED") has identified Primal Crushing LLC as having violated state regulations for air quality. This Notice of Violation ("NOV") is regarding the Portable Crusher - GCP2-8892 ("Facility") owned by Primal Crushing LLC. The Facility's identifying information is as follows: Agency Interest number 39629 and AIRS number 357771589. The Facility is located approximately 3 Miles South of Dayton, New Mexico.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary ("Secretary") has delegated to the Environmental Protection Compliance and Enforcement Bureau ("Bureau") Chief the authority to seek administrative enforcement for alleged violations of the Act, the Air Quality Control Regulations ("Regulations"), and the air quality permits issued thereunder. The Environmental Protection Compliance and Enforcement Bureau is the Bureau within the Division 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." In accordance with Section 74-2-5.1(C), the purpose of this NOV is to "encourage and make every reasonable effort to obtain voluntary cooperation by the owner or occupants to preserve, restore or improve air quality."

**Alleged Violations**

On February 17, 2025, the Bureau emailed an invoice to Primal Crushing LLC for the Facility's annual New Source Review ("NSR") permit fees for permit(s) active as of December 31, 2024, Permit #GCP2-8892 ("Construction Permit"). The NSR annual fees were due February 28, 2025. The Bureau made an additional attempt to collect the

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NSR annual fees on April 30, 2025. Furthermore, Primal Crushing LLC has not paid permit fee invoices for 2024, 2023, and 2022. The total overdue fees owed by Primal Crushing LLC to NMED AQB are shown in Table 1 below:

Table 1		
Invoice	Permit Fee Year	Invoice Amount
7166	2025	\$2,492
6781	2024	\$2,430
6065	2023	\$2,344
5715	2022	\$2,165
	<b>TOTAL FEES OVERDUE</b>	<b>\$9,431</b>

The investigation found evidence of the following violations of State regulations:

1. Failure to pay annual NSR Permit fees pursuant to 20.2.75.11(E), 20.2.75.11(F) and 20.2.75.12(F) NMAC.

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.

Please also note that failure to pay annual NSR Permit fees in addition to violating 20.2.75.11(E), 20.2.75.11(F) and 20.2.75.12(F) NMAC is also a violation permit condition B103 of Primal Crushing LLC’s Construction Permit. If these violations of State regulations and permit conditions continue, they may be considered as factors in a finding for revocation of Primal Crushing LLC’s Construction Permit pursuant to NMSA 1978, Section 74-2-7(P).

You may obtain a copy of the Bureau’s 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 causes of this violation;
2. Information regarding the operational status of the Facility, including when the Facility commenced construction, when the Facility began operating, and when (if applicable) the Facility stopped operating; and
3. If Primal Crushing LLC wishes to cancel the Construction Permit, a completed PAM form requesting permit cancellation. The form may be found at <https://www.env.nm.gov/forms/>.

Attachment A is 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

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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. Please include any facts, information, or documentation to refute the alleged violations, with the requested information.

NMED also attaches a settlement offer with penalty calculations that will be assessed should the offer not be accepted and fees paid within 30 days. As NMED's review of the alleged violations is ongoing, NMED reserves the right to assert additional violations or assess higher penalties at the Facility if new information becomes available prior to acceptance of the attached settlement offer or if Primal Crushing LLC chooses not to agree to these settlement terms.

If you have questions or believe any statement in this notice is erroneous, please contact Roman Varela, Air Compliance and Enforcement Program Coordinator at [roman.varela@env.nm.gov](mailto:roman.varela@env.nm.gov) or Kerra Roudebush, Air Enforcement Manager, at (505) 629-9627 or [kerra.roudebush@env.nm.gov](mailto: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](mailto:brian.yardman-frank@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

cc: Kerra Roudebush, Air Enforcement Manager  
Brian Yardman-Frank, Office of General Counsel  
Morgan Hibberd, AQB Operations Supervisor

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 Kerra Roudebush, Air Enforcement Manager.

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 Primal Crushing LLC has initiated the required additional information response outlined in this Notice of Violation. The following information is submitted. All required documentation has been submitted electronically within thirty (30) days of the date of this Notice of Violation.*

*Date NOV received: \_\_\_\_\_*

*Alleged Violation 1*

\_\_\_\_\_ *A description of the cause of the violation*

\_\_\_\_\_ *Information regarding the operational status of the Facility, including when the Facility commenced construction, when the Facility began operating, and when (if applicable) the Facility stopped operating*

\_\_\_\_\_ *If Primal Crushing LLC wishes to cancel the Construction Permit, a completed PAM form requesting permit cancellation.*

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

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

Printed Name:

Title: