



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

5/14/2024

Faithe Schwartzengraber,
NuStar Logistics, LP
4200 W Cliffside Road, Amarillo, Texas 79124
Sent by electronic mail to: Faithe.Schwartzengraber@nustarenergy.com

Notice of Violation for NuStar Logistics, L.P., NSL-0052-2101

Dear Faithe Schwartzengraber,

The New Mexico Environment Department ("NMED") has identified NuStar Logistics, L.P. ("NuStar") as having violated state and federal regulations for air quality. This Notice of Violation ("NOV") is regarding the Hope Pump Station ("Facility") owned by NuStar, AI# 0052, AIRS# 350050080, location 12.3 miles west of Hope in Chavez County, NM.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary ("Secretary") has delegated to the Air Quality 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 Air Quality 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

As part of a November 9, 2021, full compliance evaluation ("FCE") of the facility, an NMED inspector began a review of compliance records and reports on November 15, 2021. During a review of records the NMED inspector discovered the posted date stamped on the Annual Compliance Certifications ("ACC") for the reporting period of August 1, 2020 – July 31, 2021, was September 9, 2021, which is 10 days after the deadline of August 30, 2021. This delay was verified during an email discussion between the NMED inspector and the NuStar representative on November 23, 2021. The representative cited a changeover in NuStar's calendar client which moved their due dates. In addition, the NMED inspector discovered that three (3) of the quarterly reports submitted on February 18, April 27 and August 13, 2021, did not include the required fuel flow calibration certificate ("FFCC") associated with these emissions tests. When this discrepancy was

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brought to the NuStar representative's attention, they were able to find the FFCCs and sent them to the inspector via email on December 1, 2021. This investigation found evidence of the following violations:

1. **Failure to submit an Annual Compliance Certification Report within 30 days of the end of the 12-month reporting period**, in violation of Title V Permit #P183-R4, Specific Condition A109.B states that "The Annual Compliance Certification Report is due within 30 days of the end of every 12-month reporting period. The reporting period starts on August 1st of each year."
2. **Failure to include a fuel flow calibration certificate with the submitted quarterly emissions test reports**, in violation of Title V Permit #P183-R4, General Condition B111.C(5) states that the facility operator must submit "a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report."

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'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 each 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.

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.
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 Kane Currans.

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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 will 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 Kane Currans, Enforcement Specialist, at (505) 629-8807 or kane.currans@env.nm.gov or Teresa McDill, Enforcement Manager, at (505) 629-8732 or teresa.mcdill@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,

DocuSigned by:
Dana Bahar 5/14/2024
B85073815EB342B...
Dana Bahar, Acting Bureau Chief
Air Quality Bureau

cc: Chris Vigil, Assistant General Counsel, NMED
Cindy Hollenberg, Compliance & Enforcement Section Chief, Air Quality Bureau
Teresa McDill, Enforcement Manager, Air Quality Bureau
Kane Currans, Enforcement Specialist, Air Quality Bureau

Attachment

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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 Kane Currans at kane.currans@env.nm.gov or Enforcement Manager Teresa McDill at teresa.mcdill@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 NuStar 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)*

Signature

Date

Printed Name:

Title: