

CONTRACT CONTROL FORM

Contact: Amy R Gonzales
 Phone: 768-2607

Req. Num.:
 Acct. Num. :
 Act. Num.:

CCN: 202000146

PRELIMINARY

Type of Agreement: Miscellaneous Services

For Grants Only:
 Indirect Costs for General Fund
 Services

Description: Notice of Violation/Stipulated Final Order
 Dept/Div: EHD/

% _____
 \$ _____

Vendor: Coreslab Structures (Albuquerque) Inc.
 Contract Amount: \$20,000.00 Receivable
 Contract Total:

Contract Term: 07/26/2019 to: 07/26/2019
 FY Aggregate: \$0.00

Date Submitted: 07/30/2019

**PROCUREMENT:
 WAIVERS REQUIRED:**

RFP: No
 Ins:

Waiver Letter Attached: _____ Approved: _____
 Waiver Letter Attached: _____ Approved: _____

DRAFT CONTRACT:

Recd by Legal: _____ Rejected/Returned to Dept: _____ / _____

Returned to Legal: _____ / _____ Approved: _____ Initials: _____

INSURANCE AND BONDS REQUIRED:

Bonds Required: NONE
 Insurance Required: NONE

Attached: _____
 Attached: _____

FINAL CONTRACT REVIEW

APPROVALS REQUIRED:	Date Delivered	Returned to Dept.	Approved by (Electronic Signature)	Approval Date (Electronic)	Approved by (Written Initials)	Approval Date (Written)
Purchasing:						
Asst. City Attorney:					<i>cmf</i>	8/1/19
CIP:						
City Attorney:					<i>SA</i>	8-9-19
CAO:						
Department:					<i>SB</i>	8/14/19
Budget:						
Others:						

Council: EC/Bill:

Date:

DISTRIBUTION:

Date: _____ By: _____

Vendor: _____
 User Dept: _____
 Purchasing: _____
 City Clerk: _____
 Other: _____

2019 AUG 15 P 2:05
 LEGAL DEPT
 CITY OF ALBUQUERQUE

City of Albuquerque
Environmental Health Department Air Quality Program
Settlement Agreement and Stipulated Final Order
SFO No. 19-026

The Parties agree:

1. This Settlement Agreement and Stipulated Final Order ("Agreement") is between the City Environmental Health Department ("EHD") and Coreslab Structures (Albuquerque) Inc. ("Coreslab") each signing below. EHD and Coreslab are collectively referred to as the "Parties." EHD is authorized to be the administrative and enforcement agency for the Albuquerque-Bernalillo County Air Quality Control Board ("Board"). This Settlement Agreement resolves violations alleged in four Notices of Violations ("NOVs") described below.
2. On all relevant dates, Coreslab was responsible for compliance at the Facility described below. On November 15, 2005, EHD issued Permit No. 359-M2-RV1 ("Permit") to Coreslab. The Permit authorizes Coreslab to operate a 240 cubic yard per hour concrete batch plant at 2800-2nd St. SW ("Facility") in the South Valley of Albuquerque in the unincorporated area of Bernalillo County.
3. Coreslab was required by both the Board's regulations, 20.11.41.2(A)(3) NMAC, and the Permit, Condition I.1(h), to apply for and obtain a modification permit prior to modifying its stationary source. A modification may occur either by increasing the potential to emit a regulated air contaminant or by changing the character of the emissions from the permitted site, among other things. Condition I.1(h). Without applying for or receiving a modification of the Permit, Coreslab modified its stationary source by (1) constructing or installing and (2) operating two 6-cubic foot media blasting machines which increased the potential to emit a regulated air contaminant (particulate); and (3) constructing or installing and (4) operating a 300-gallon above ground gasoline storage tank which resulted in the emission of a regulated air contaminant (gasoline vapor and hazardous air pollutants) not previously emitted from the permitted stationary sources at the facility ("Four Violations"). EHD discovered the Four Violations on April 30, 2018.
4. On March 7, 2019, EHD issued four Notices of Violations ("NOVs") to Coreslab seeking a total penalty of \$25,360 for the Four Violations. On April 16, 2019, the Parties entered into a Tolling Agreement which tolled any applicable statute of limitation for issuance of a compliance order to July 31, 2019. Coreslab's failure to comply with the Board's regulations and its Permit occurred within the jurisdiction of the Board and EHD. Coreslab responded to the NOVs and investigated the facts and the law. Coreslab denies any violations were knowing or willful and is committed to operating its facility in compliance with the Board's regulations. Coreslab accepts full responsibility for the Four Violations identified in the NOVs.
5. Coreslab consents to the EHD Director issuing the Stipulated Final Order below ("Order") and waives its right to a hearing or appeal, provided that the Order is consistent with this Agreement.
6. From the effective date of this Agreement forward, Coreslab shall comply with the regulations and/or permit sections that Coreslab violated and that are described in the NOVs. Coreslab has applied for a modification to its permit to cover the media blasting machines and gasoline storage tank. Coreslab may have the equipment that are the subjects of the NOVs onsite while this application is pending, but will not use them unless and until they are approved by permit.
7. No later than July 26, 2019, Coreslab shall deliver four signed original Agreements to: (deliveries in person) Environmental Health Department, 1 Civic Plaza NW, Room 3023, Albuquerque, NM or, (deliveries by mail) to Environmental Health Department/Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103.
8. In the interests of finality and avoiding litigation, Coreslab agrees to pay and EHD agrees to accept \$20,000 total ("Penalty") for the violations identified in the NOVs. Coreslab agrees to pay the Penalty of \$20,000 by check made out to the Environmental Health Department when it submits its four signed original Agreements at the same address as above.
9. If Coreslab violates this Agreement, EHD may take further enforcement actions, including imposing additional penalties, revoking Coreslab's permit or seeking injunctive relief in court. This Agreement shall not be interpreted to prohibit or limit EHD from requiring Coreslab to comply with any applicable state or federal requirement.

10. This Agreement replaces all previous agreements or understandings between EHD and Coreslab, whether oral or written, regarding the matters addressed in the NOV's and this Agreement. The Parties mutually release each other from all claims that each Party raised or could have raised regarding the facts alleged in the NOV's, other than as provided in this Agreement. If any part of this Agreement becomes unenforceable, it will not make any other part of this Agreement unenforceable.

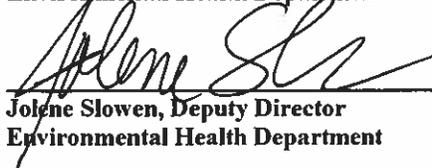
11. This Agreement shall be governed by, construed and enforced in accordance with the laws of New Mexico. The Second Judicial District Court shall have exclusive jurisdiction over the Parties and the subject matter of this Agreement. This Agreement is binding on the Parties and their officers, directors, managing members, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.

12. The Parties have entered into this Agreement in good faith, without duress or undue influence. The Parties have thoroughly read its terms and conditions, have sought and received whatever competent advice or counsel each Party reasonably believed was necessary for a full and complete understanding of all of their rights and obligations, and understand all of its terms and conditions and their effect. The person executing this Agreement on behalf of Coreslab warrants he or she has the authority to execute this Agreement on behalf of Coreslab.

Coreslab Structures (Albuquerque) Inc.

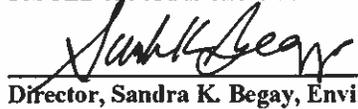
GREG R. KRAUSE  G.M. 7-26-2019
Printed Name Signature Title Date

Environmental Health Department

 8/14/19
Jolene Slowen, Deputy Director Date
Environmental Health Department

STIPULATED FINAL COMPLIANCE ORDER

As authorized by Section 74-2-12, NMSA 1978, and pursuant to City Ordinance 9-5-1-98 or County Ordinance 30-42, and agreed to by EHD and Coreslab, the above agreement is incorporated herein and is **APPROVED AND ISSUED AS A FINAL COMPLIANCE ORDER.**

 8/14/19
Director, Sandra K. Begay, Environmental Health Department Date

477292



City of Albuquerque
Environmental Health Department Air Quality Program



NOTICE OF VIOLATION

Date(s) of Inspection(s)/Review: 4/30/2018
Facility: CORESLAB STRUCTURES (ALBUQUERQUE) INC.
Address/Location: 2800 2ND ST SW
Location of Violation: 2800 2ND ST SW
Respondent: CORESLAB STRUCTURES (ALBUQUERQUE) INC.
Attention: MIKE DALEY
Respondent Address: 2800 2ND ST SW ALBUQUERQUE, NM 87102

Date Violation Became Known by AQP: 04/30/2018
Enforcement Record ID #: EN0000143
Permit #: 0359-M2-RV1
Record ID #: PR0001081
Phone: 505-288-6677
Delivery Method: Certified Mail
Certified Mail No: 70062760000515627763

PURSUANT TO:

New Mexico Air Quality Control Act, Chapter 74, Article 2 NMSA 1978, Section 74-2-4.A, 5 and 12 and the City of Albuquerque Joint Air Quality Control Board Ordinance 9-5-1-4, 5 & 98 ROA 1994

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Attachments that describe violation(s) and are a part of this NOV:

Post Inspection Notification(s), dated: 5/10/2018

Penalty: \$8,000.00

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF THE FOLLOWING:

X 20.11.41.2(A)(2)NMAC state, 'Every stationary source subject to 20.11.41 NMAC shall obtain an air quality construction permit from the department as required by 20.11.41 NMAC before: ...(2)operating a stationary source that was required by 20.11.41 NMAC to obtain a construction permit before commencing construction or modification, but the stationary source has no active construction permit; '

Coreslab Structures Inc., is a concrete batch plant, located at 2800 2nd St. Albuquerque, NM. On August 10, 2018, AQP Inspectors Andrew Daffern and Michael McKinstry conducted a site visit. The site visit was initiated by an anonymous CRM/311 compliant about fugitive dust coming from the Coreslab site (reference number 180810-000139). Coreslab Structures Inc. has Permit No. 0359-M2-RV1, but that Permit does not authorize the operation of the media blasting machines. The media blasting machines increase the potential emission rate of a regulated contaminant (particulate) at the facility. During the August 10, 2018 inspection, Mr. Gilbert Lopez, Plant Superintendent stated that Coreslab had been media blasting some concrete slabs that morning. The media blasting occurred in the absence of fugitive dust controls, As Mr. Lopez described that they would shut down operation to figure out how to fit the water nozzles on the media blasting hoses. Coreslab Structures Inc. operated a 6 cubic ft. media blasting machine, a piece of equipment not authorized to operate in their existing Permit No. 0358-M2-RV1, in violation of 20.11.41.2(A)(2) NMAC.

IF YOU HAVE A QUESTION ABOUT THE NOV, call Angelique Maldonado, Enforcement and Compliance Supervisor, Air Quality Program, EHD at 505-768-2726.

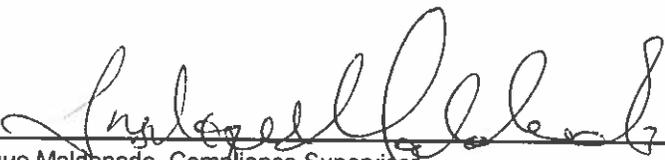
IF YOU DO NOT DISPUTE THE VIOLATIONS ALLEGED IN THE NOV, read the attached Settlement Agreement and Stipulated Final Order (Agreement) attached, obtain whatever advice you need to make sure you understand its terms and effects, and by Friday, March 22, 2019 (the Deadline):

Sign four copies of the Agreement; and

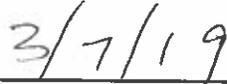
Deliver the four copies of the signed Agreement along with a certified check or money order for the full amount of the penalty to the Environmental Health Department, Attention: Angelique Maldonado, 1 Civic Plaza, Room 3023, P.O. Box 1293, Albuquerque, NM 87103;

IF YOU CHOOSE TO CHALLENGE THE NOV, then by the Deadline, call or have your lawyer call Assistant City Attorney Carol Parker at 505-768-4533, cparker@cabq.gov. The issuance of this NOV is not a final agency action. However, if this matter is not resolved, further legal action may result.

Environmental Health Department



Angelique Maldonado, Compliance Supervisor
Air Quality Program, EHD



Date

City of Albuquerque
Environmental Health Department Air Quality Program
Settlement Agreement and Stipulated Final Order
SFO No. _____

The parties agree:

1. This Settlement Agreement and Stipulated Final Order ("Agreement") is between the City Environmental Health Department ("EHD") and the Respondent signing below (further identified in the Notice of Violation ("NOV") attached to this Agreement). EHD and the Respondent are collectively referred to as the "Parties." EHD is authorized to be the administrative and enforcement agency for the Albuquerque-Bernalillo County Air Quality Control Board ("Board"). In this Agreement, Respondent shall include the plural.
2. On all relevant dates, Respondent was responsible for compliance at the Facility or Location identified in the NOV which was located within Bernalillo County, New Mexico, and within the jurisdiction of the Board and EHD. Respondent received the NOV, investigated the facts and the law and admits the violation(s) described in the NOV. Respondent consents to the EHD Director issuing the Stipulated Final Order below ("Order") and waives its right to a hearing or appeal, provided that the Order is consistent with this Agreement.
3. From the effective date of this Agreement forward, Respondent shall comply with the regulations and/or permit sections that the Respondent violated and that are described in the NOV. If the NOV alleges a failure to obtain a registration or permit, Respondent agrees to deliver a completed application and the required fee to EHD no later than: Not Applicable.
4. By the Deadline stated in the NOV, the Respondent shall deliver four signed original Agreements and a certified check or money order for the amount of the Penalty Imposed for Violation(s) stated in the NOV ("Penalty") to: Environmental Health Department, 1 Civic Plaza NW, Room 3023, Albuquerque, NM (EHD/Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103).
5. If the Respondent violates this Agreement, EHD may take further enforcement actions, including imposing additional penalties, revoking Respondent's permit or seeking injunctive relief in court. This Agreement shall not be interpreted to prohibit or limit EHD from requiring the Respondent to comply with any applicable state or federal requirement.
6. This Agreement replaces all previous agreements or understandings between EHD and the Respondent, whether oral or written, regarding the matters addressed in the NOV and this Agreement. The Parties mutually release each other from all claims that each Party raised or could have raised regarding the facts alleged in the NOV, other than as provided in this Agreement. If any part of this Agreement becomes unenforceable, it will not make any other part of this Agreement unenforceable.
7. This Agreement shall be governed by, construed and enforced in accordance with the laws of New Mexico. The Second Judicial District Court shall have exclusive jurisdiction over the Parties and the subject matter of this Agreement, except for Respondents that are federal facilities for which such exclusive jurisdiction shall be in the U.S. District Court of the District of New Mexico and venue shall be in Albuquerque. This Agreement is binding on the Parties and their officers, directors, managing members, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.
8. The Parties have entered into this Agreement in good faith, without duress or undue influence. The Parties have thoroughly read its terms and conditions, have sought and received whatever competent advice or counsel each Party reasonably believed was necessary for a full and complete understanding of all of their rights and obligations, and understand all of its terms and conditions and their effect. If the Respondent is an entity (for example, a corporation or LLC), the person executing this Agreement on behalf of the Respondent warrants he or she has the authority to execute this Agreement on behalf of the Respondent.

Respondent 1 Printed Name

Signature

Title

Business Name

Date

Air Quality Manager, Damon Reyes, Environmental Health Department

Date

STIPULATED FINAL COMPLIANCE ORDER

As authorized by Section 74-2-12, NMSA 1978, and pursuant to City Ordinance 9-5-1-98 or County Ordinance 30-42, and agreed to by EHD and the Respondent, the above agreement is incorporated herein and is **APPROVED AND ISSUED AS A FINAL COMPLIANCE ORDER.**

Director, Sandra K. Begay, Environmental Health Department

Date



City of Albuquerque
 Environmental Health Department
 Air Quality Program
POST INSPECTION NOTIFICATION
 Stationary Source



Delivery Method: Electronic

This Notification provides written notice to the facility Owner or Occupants (referred to in this Notification as "Respondent"), as required by Air Quality Control Act Section 74-2-5.1.A NMSA, that an investigation has occurred and enforcement action is contemplated. If pursued, an enforcement action may include a penalty. This Notification identifies possible non-compliance with air quality requirements, and may include local, state and federal air quality laws, regulations and permit conditions. A description of a possible non-compliance that is listed under the "Permit/Regulation Involved" heading in this Notification also includes all secondary and related requirements whether or not the additional requirements are specified in this Notification.

The Air Quality Program is providing the Notification to the Respondent to encourage prompt action to correct the potential noncompliance(s). If the Respondent fails to take the corrective action(s) by the 'Comply By' date indicated below, the Air Quality Program may impose a higher penalty as part of an enforcement action that may include issuing a notice of violation, compliance order, emergency order, or a civil or criminal complaint.

Inspection Type: **ROUTINE INSPECTION**

Permit Type: **MINOR NSR**

Date Violation Became Known by AQP: **4/30/2018**

Company Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Permit #: 0359-M2-RV1
Facility Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Record #: PR0001081
Facility Address/Location: 2800 2ND ST SW ALBUQUERQUE, NM 87102	
Owner Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	
Permittee: ED ANDERSON	

Inspection Date - 4/30/2018

<u>Permit/Regulation Involved (cite NMAC and CFR and permit condition)</u>	<u>Description of Potential - Non-Compliance</u>	<u>Comply By</u>
40 CFR 63.11111		05/17/2018
(a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank.	
(b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.		
I. Conditions		
7. Modifications— Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank without submitting an application for a modification to Permit #0359-M2-RV1.	
Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.		

20.11.20.20 NMAC ABRASIVE PRESSURE BLASTING OPERATIONS: A person who performs abrasive pressure blasting operations shall employ reasonably available control measures or other effective control measures at all times to comply with 20.11.20.12 NMAC and shall substantially reduce fugitive dust emissions that are leaving the property where the abrasive pressure blasting operations are taking place. A person who is conducting abrasive pressure blasting operations is not required to obtain a fugitive dust control permit from the department. However, stationary source permitting regulations, such as 20.11.41 NMAC and 20.11.42 NMAC, may apply to pressure blasting operations.

Coreslab has been performing Abrasive Pressure Blasting Operations which is not included in Permit #0359M2-RV1.

Corrective Action(s)

Coreslab shall submit an application for modification of Permit #0359-M2-RV1 to add a 300 gallon fuel tank to permit. Coreslab shall submit an application for their 6.0 cubic foot Abrasive Blast Machine to be added to Permit #0359-M2-RV1. Coreslab shall submit a Standard Operating Procedure (SOP) to prevent construction of equipment before modifying their permit does not happen again in the future. Coreslab shall submit the application and SOP by June 9, 2018.

By signing below, Respondent acknowledges receiving this Notification, but does not admit a violation or admit the facts alleged in this Notification.

For any questions regarding this inspection, please contact the Inspector listed below.

I am an employee/representative of the facility cited above, and therefore authorized to sign to prove the receipt of this notice.

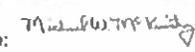
Authorized Person's Name (Print): GREG R. KRAUSE Title: GENERAL MANAGER

Authorized Person's Signature:  Date Received: MAY 10, 2018 2:54 pm

OR

Respondent's 1 Name (Print): _____ Respondent's 1 Signature: _____

Respondent's 2 Name (Print): _____ Respondent's 2 Signature: _____

Inspector: Michael McKinstry (Ph-505-768-1923) Inspector's Signature:  Date Issued: 05/10/2018

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Environmental Health, Air Quality Program, One Civic Plaza NW, City/County Building, 3rd Floor, Room 3047, Albuquerque, NM 87102
Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103
Phone: 505.768.1972 Fax: 505.768.1977
Revision 08/05/2014

ATTN: MICHAEL MCKINSTRY



City of Albuquerque
 Environmental Health Department
 Air Quality Program



NOTICE OF VIOLATION

Date(s) of Inspection(s)/Review: 4/30/2018
Facility: CORESLAB STRUCTURES (ALBUQUERQUE) INC.
Address/Location: 2800 2ND ST SW
Location of Violation: 2800 2ND ST SW
Respondent: CORESLAB STRUCTURES (ALBUQUERQUE) INC.
Attention: MIKE DALEY
Respondent Address: 2800 2ND ST SW ALBUQUERQUE, NM 87102

Date Violation Became Known by AQP: 04/30/2018
Enforcement Record ID #: EN0000143
Permit #: 0359-M2-RV1
Record ID #: PR0001081
Phone: 505-288-6677
Delivery Method: Certified Mail
Certified Mail No: 70062760000515627763

PURSUANT TO:

New Mexico Air Quality Control Act, Chapter 74, Article 2 NMSA 1978, Section 74-2-4.A, 5 and 12 and the City of Albuquerque Joint Air Quality Control Board Ordinance 9-5-1-4, 5 & 98 ROA 1994

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Attachments that describe violation(s) and are a part of this NOV:

Post Inspection Notification(s), dated: **5/10/2018**

Penalty: \$8,000.00

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF THE FOLLOWING:

X 20.11.41.2(A)(3) NMAC, 'Every stationary source subject to 20.11.41 NMAC shall obtain an air quality construction permit from the department as required by 20.11.41 NMAC before:... (3) Modification of a stationary source.' Permit No. 0359-M2-RV1 Condition I.1 (h). 'Changes in plans specifications and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control in emissions or the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to the issuance of a permit.'

Coreslab Structures constructed or installed two 6 cubic ft. media blasting machines, which EHD discovered during an inspection on April 30, 2018 at 2800 2nd St. SW, Albuquerque, NM. Coreslab Structures has Permit No. 0359-M2-RV1, but that Permit does not authorize the construction or installation of the media blasting machines. The media blasting machines increase the potential emission rate of a regulated contaminant (particulate) at the facility. Permit No. 0359-M2-RV1 authorizes Coreslab Structures to construct a concrete batch plant, not the media blasting machines. Coreslab Structures modified its concrete batch plant by constructing or installing the two 6 cubic ft. media blasting machines without first applying for and receiving a permit modification to authorize the media blasting machines, in violation of 20.11.41.2(A)(3) NMAC; and Permit No. 0359-M2-RV1 Condition No. I.1. (h).

IF YOU HAVE A QUESTION ABOUT THE NOV, call Angelique Maldonado, Compliance Supervisor, Air Quality Program, EHD at 505-768-2726.

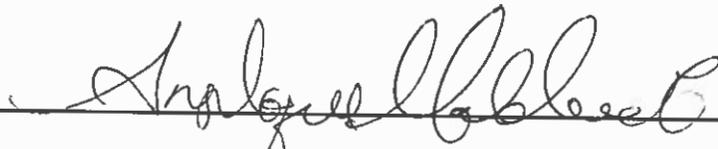
IF YOU DO NOT DISPUTE THE VIOLATIONS ALLEGED IN THE NOV, read the attached Settlement Agreement and Stipulated Final Order (Agreement) attached, obtain whatever advice you need to make sure you understand its terms and effects, and by Friday, March 22, 2019 (the Deadline):

Sign four copies of the Agreement; and

Deliver the four copies of the signed Agreement along with a certified check or money order for the full amount of the penalty to the Environmental Health Department, Attention: Angelique Maldonado, 1 Civic Plaza, Room 3023, P.O. Box 1293, Albuquerque, NM 87103;

IF YOU CHOOSE TO CHALLENGE THE NOV, then by the Deadline, call or have your lawyer call Assistant City Attorney Carol Parker at 505-768-4533, cparker@cabq.gov. The issuance of this NOV is not a final agency action. However, if this matter is not resolved, further legal action may result.

Environmental Health Department



Angelique Maldonado, Compliance Supervisor
Air Quality Program, EHD

3/7/19

Date

City of Albuquerque
 Environmental Health Department Air Quality Program
Settlement Agreement and Stipulated Final Order
 SFO No. _____

The parties agree:

1. This Settlement Agreement and Stipulated Final Order ("Agreement") is between the City Environmental Health Department ("EHD") and the Respondent signing below (further identified in the Notice of Violation ("NOV") attached to this Agreement). EHD and the Respondent are collectively referred to as the "Parties." EHD is authorized to be the administrative and enforcement agency for the Albuquerque-Bernalillo County Air Quality Control Board ("Board"). In this Agreement, Respondent shall include the plural.
2. On all relevant dates, Respondent was responsible for compliance at the Facility or Location identified in the NOV which was located within Bernalillo County, New Mexico, and within the jurisdiction of the Board and EHD. Respondent received the NOV, investigated the facts and the law and admits the violation(s) described in the NOV. Respondent consents to the EHD Director issuing the Stipulated Final Order below ("Order") and waives its right to a hearing or appeal, provided that the Order is consistent with this Agreement.
3. From the effective date of this Agreement forward, Respondent shall comply with the regulations and/or permit sections that the Respondent violated and that are described in the NOV. If the NOV alleges a failure to obtain a registration or permit, Respondent agrees to deliver a completed application and the required fee to EHD no later than: Not Applicable.
4. By the Deadline stated in the NOV, the Respondent shall deliver four signed original Agreements and a certified check or money order for the amount of the Penalty Imposed for Violation(s) stated in the NOV ("Penalty") to: Environmental Health Department, 1 Civic Plaza NW, Room 3023, Albuquerque, NM (EHD/Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103).
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6. This Agreement replaces all previous agreements or understandings between EHD and the Respondent, whether oral or written, regarding the matters addressed in the NOV and this Agreement. The Parties mutually release each other from all claims that each Party raised or could have raised regarding the facts alleged in the NOV, other than as provided in this Agreement. If any part of this Agreement becomes unenforceable, it will not make any other part of this Agreement unenforceable.
7. This Agreement shall be governed by, construed and enforced in accordance with the laws of New Mexico. The Second Judicial District Court shall have exclusive jurisdiction over the Parties and the subject matter of this Agreement, except for Respondents that are federal facilities for which such exclusive jurisdiction shall be in the U.S. District Court of the District of New Mexico and venue shall be in Albuquerque. This Agreement is binding on the Parties and their officers, directors, managing members, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.
8. The Parties have entered into this Agreement in good faith, without duress or undue influence. The Parties have thoroughly read its terms and conditions, have sought and received whatever competent advice or counsel each Party reasonably believed was necessary for a full and complete understanding of all of their rights and obligations, and understand all of its terms and conditions and their effect. If the Respondent is an entity (for example, a corporation or LLC), the person executing this Agreement on behalf of the Respondent warrants he or she has the authority to execute this Agreement on behalf of the Respondent.

Respondent 1 Printed Name	Signature	Title	Business Name	Date
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Air Quality Manager, Damon Reyes, Environmental Health Department	Date
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STIPULATED FINAL COMPLIANCE ORDER

As authorized by Section 74-2-12, NMSA 1978, and pursuant to City Ordinance 9-5-1-98 or County Ordinance 30-42, and agreed to by EHD and the Respondent, the above agreement is incorporated herein and is **APPROVED AND ISSUED AS A FINAL COMPLIANCE ORDER.**

Director, Sandra K. Begay, Environmental Health Department

Date



City of Albuquerque
Environmental Health Department
Air Quality Program
POST INSPECTION NOTIFICATION
Stationary Source



Delivery Method: Electronic

This Notification provides written notice to the facility Owner or Occupants (referred to in this Notification as "Respondent"), as required by Air Quality Control Act Section 74-2-5.1.A NMSA, that an investigation has occurred and enforcement action is contemplated. **If pursued, an enforcement action may include a penalty.** This Notification identifies possible non-compliance with air quality requirements, and may include local, state and federal air quality laws, regulations and permit conditions. A description of a possible non-compliance that is listed under the "Permit/Regulation Involved" heading in this Notification also includes all secondary and related requirements whether or not the additional requirements are specified in this Notification.

The Air Quality Program is providing the Notification to the Respondent to encourage prompt action to correct the potential noncompliance(s). If the Respondent fails to take the corrective action(s) by the 'Comply By' date indicated below, the Air Quality Program may impose a higher penalty as part of an enforcement action that may include issuing a notice of violation, compliance order, emergency order, or a civil or criminal complaint.

Inspection Type: ROUTINE INSPECTION

Permit Type: MINOR NSR

Date Violation Became Known by AQP: 4/30/2018

Company Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Permit #: 0359-M2-RV1
Facility Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Record #: PR0001081
Facility Address/Location: 2800 2ND ST SW ALBUQUERQUE, NM 87102	
Owner Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	
Permittee: ED ANDERSON	

Inspection Date - 4/30/2018

<u>Permit/Regulation Involved (cite NMAC and CFR and permit condition)</u>	<u>Description of Potential - Non-Compliance</u>	<u>Comply By</u>
40 CFR 63.11111		05/17/2018
(a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank.	
(b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.		
I. Conditions		
7. Modifications---- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank without submitting an application for a modification to Permit #0359-M2-RV1.	
Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.		

20.11.20.20 NMAC ABRASIVE PRESSURE BLASTING OPERATIONS: A person who performs abrasive pressure blasting operations shall employ reasonably available control measures or other effective control measures at all times to comply with 20.11.20.12 NMAC and shall substantially reduce fugitive dust emissions that are leaving the property where the abrasive pressure blasting operations are taking place. A person who is conducting abrasive pressure blasting operations is not required to obtain a fugitive dust control permit from the department. However, stationary source permitting regulations, such as 20.11.41 NMAC and 20.11.42 NMAC, may apply to pressure blasting operations.

Corselab has been performing Abrasive Pressure Blasting Operations which is not included in Permit #0359M2-RV1.

Corrective Action(s)

Coreslab shall submit an application for modification of Permit #0359-M2-RV1 to add a 300 gallon fuel tank to permit. Coreslab shall submit an application for their 6.0 cubic foot Abrasive Blast Machine to be added to Permit #0359-M2-RV1. Coreslab shall submit a Standard Operating Procedure (SOP) to prevent construction of equipment before modifying their permit does not happen again in the future. Coreslab shall submit the application and SOP by June 9, 2018.

By signing below, Respondent acknowledges receiving this Notification, but does not admit a violation or admit the facts alleged in this Notification.

For any questions regarding this inspection, please contact the Inspector listed below.

I am an employee/representative of the facility cited above, and therefore authorized to sign to prove the receipt of this notice.

Authorized Person's Name (Print): GREG R. KRAUSE Title: GENERAL MANAGER

Authorized Person's Signature:  Date Received: MAY 10, 2018 2:54 pm

OR

Respondent's 1 Name (Print): _____ Respondent's 1 Signature: _____

Respondent's 2 Name (Print): _____ Respondent's 2 Signature: _____

Inspector: Michael McKinstry (Ph-505-768-1923) Inspector's Signature:  Date Issued: 05/10/2018

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Environmental Health, Air Quality Program, One Civic Plaza NW, City/County Building, 3rd Floor, Room 30-17, Albuquerque, NM 87102
Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103
Phone: 505.768.1972 Fax: 505.768.1977
Revision 08/05/2014

ATTN: MICHAEL MCKINSTRY



City of Albuquerque
 Environmental Health Department
 Air Quality Program



NOTICE OF VIOLATION

Date(s) of Inspection(s)/Review: 4/30/2018

Facility: CORESLAB STRUCTURES (ALBUQUERQUE) INC.

Address/Location: 2800 2ND ST SW

Location of Violation: 2800 2ND ST SW

Respondent: CORESLAB STRUCTURES (ALBUQUERQUE) INC.

Attention: MIKE DALEY

Respondent Address: 2800 2ND ST SW ALBUQUERQUE, NM 87102

Date Violation Became Known by AQP: 04/30/2018

Enforcement Record ID #: EN0000143

Permit #: 0359-M2-RV1

Record ID #: PR0001081

Phone: 505-288-6677

Delivery Method: Certified Mail

Certified Mail No: 70062760000515627763

PURSUANT TO:

New Mexico Air Quality Control Act, Chapter 74, Article 2 NMSA 1978, Section 74-2-4.A, 5 and 12 and the City of Albuquerque Joint Air Quality Control Board Ordinance 9-5-1-4, 5 & 98 ROA 1994

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Attachments that describe violation(s) and are a part of this NOV:

Post Inspection Notification(s), dated: 5/10/2018

Penalty: \$3,000.00

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF THE FOLLOWING:

X 20.11.41.2(A) (3) NMAC, 'Every stationary source subject to 20.11.41 NMAC shall obtain an air quality construction permit from the department as required by 20.11.41 NMAC before... (3) Modification of a stationary source.' Permit No.0359-M2-RV1 Condition No. 1.1 (h). 'Changes in plans specifications and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control in emissions or the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to the issuance of a permit.'

Coreslab Structures constructed or installed a 300 gallon above ground gasoline storage tank, which EHD discovered during an inspection on April 30, 2018 at 2800 2nd St. SW, Albuquerque, NM. Coreslab Structures has Permit No. 0359-M2-RV1, but that Permit does not authorize the construction or installation of the 300 gallon above ground gasoline storage tank. The 300 gallon above ground gasoline storage tank will result in the emission of a regulated air contaminant (gasoline vapor and hazardous air pollutants) not previously emitted from the permitted stationary sources at the facility. Permit No. 0359-M2-RV1 authorizes Coreslab Structures to construct a concrete batch plant, not the 300 gallon above ground gasoline storage tank. Coreslab Structures modified its concrete batch plant by constructing or installing the 300 gallon above ground gasoline storage tank without first applying for and receiving a permit modification to authorize the 300 gallon above ground gasoline storage tank, in violation of 20.11.41.2(A)(3) NMAC; and Permit No. 0359-M2-RV1 Condition No. 1.1. (h).

IF YOU HAVE A QUESTION ABOUT THE NOV, call Angelique Maldonado, Compliance Supervisor, Air Quality Program, EHD at 505-768-2726.

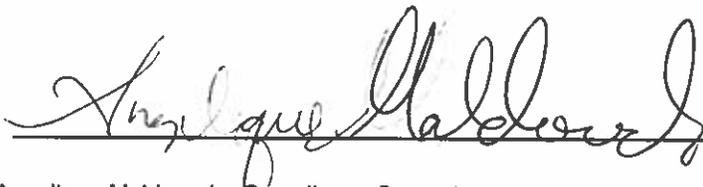
IF YOU DO NOT DISPUTE THE VIOLATIONS ALLEGED IN THE NOV, read the attached Settlement Agreement and Stipulated Final Order (Agreement) attached, obtain whatever advice you need to make sure you understand its terms and effects, and by Friday, March 22, 2019 (the Deadline):

Sign four copies of the Agreement; and

Deliver the four copies of the signed Agreement along with a certified check or money order for the full amount of the penalty to the Environmental Health Department, Attention: Angelique Maldonado, 1 Civic Plaza, Room 3023, P.O. Box 1293, Albuquerque, NM 87103;

IF YOU CHOOSE TO CHALLENGE THE NOV, then by the Deadline, call or have your lawyer call Assistant City Attorney Carol Parker at 505-768-4533, cparker@cabq.gov. The issuance of this NOV is not a final agency action. However, if this matter is not resolved, further legal action may result.

Environmental Health Department



Angelique Maldonado, Compliance Supervisor
Air Quality Program, EHD



Date

City of Albuquerque
 Environmental Health Department Air Quality Program
Settlement Agreement and Stipulated Final Order
 SFO No. _____

The parties agree:

1. This Settlement Agreement and Stipulated Final Order ("Agreement") is between the City Environmental Health Department ("EHD") and the Respondent signing below (further identified in the Notice of Violation ("NOV") attached to this Agreement). EHD and the Respondent are collectively referred to as the "Parties." EHD is authorized to be the administrative and enforcement agency for the Albuquerque-Bernalillo County Air Quality Control Board ("Board"). In this Agreement, Respondent shall include the plural.
2. On all relevant dates, Respondent was responsible for compliance at the Facility or Location identified in the NOV which was located within Bernalillo County, New Mexico, and within the jurisdiction of the Board and EHD. Respondent received the NOV, investigated the facts and the law and admits the violation(s) described in the NOV. Respondent consents to the EHD Director issuing the Stipulated Final Order below ("Order") and waives its right to a hearing or appeal, provided that the Order is consistent with this Agreement.
3. From the effective date of this Agreement forward, Respondent shall comply with the regulations and/or permit sections that the Respondent violated and that are described in the NOV. If the NOV alleges a failure to obtain a registration or permit, Respondent agrees to deliver a completed application and the required fee to EHD no later than: Not Applicable.
4. By the Deadline stated in the NOV, the Respondent shall deliver four signed original Agreements and a certified check or money order for the amount of the Penalty Imposed for Violation(s) stated in the NOV ("Penalty") to: Environmental Health Department, 1 Civic Plaza NW, Room 3023, Albuquerque, NM (EHD/Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103).
5. If the Respondent violates this Agreement, EHD may take further enforcement actions, including imposing additional penalties, revoking Respondent's permit or seeking injunctive relief in court. This Agreement shall not be interpreted to prohibit or limit EHD from requiring the Respondent to comply with any applicable state or federal requirement.
6. This Agreement replaces all previous agreements or understandings between EHD and the Respondent, whether oral or written, regarding the matters addressed in the NOV and this Agreement. The Parties mutually release each other from all claims that each Party raised or could have raised regarding the facts alleged in the NOV, other than as provided in this Agreement. If any part of this Agreement becomes unenforceable, it will not make any other part of this Agreement unenforceable.
7. This Agreement shall be governed by, construed and enforced in accordance with the laws of New Mexico. The Second Judicial District Court shall have exclusive jurisdiction over the Parties and the subject matter of this Agreement, except for Respondents that are federal facilities for which such exclusive jurisdiction shall be in the U.S. District Court of the District of New Mexico and venue shall be in Albuquerque. This Agreement is binding on the Parties and their officers, directors, managing members, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.
8. The Parties have entered into this Agreement in good faith, without duress or undue influence. The Parties have thoroughly read its terms and conditions, have sought and received whatever competent advice or counsel each Party reasonably believed was necessary for a full and complete understanding of all of their rights and obligations, and understand all of its terms and conditions and their effect. If the Respondent is an entity (for example, a corporation or LLC), the person executing this Agreement on behalf of the Respondent warrants he or she has the authority to execute this Agreement on behalf of the Respondent.

Respondent 1 Printed Name	Signature	Title	Business Name	Date
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Air Quality Program Manager, Damon Reyes, Environmental Health Department	Date
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STIPULATED FINAL COMPLIANCE ORDER

As authorized by Section 74-2-12, NMSA 1978, and pursuant to City Ordinance 9-5-1-98 or County Ordinance 30-42, and agreed to by EHD and the Respondent, the above agreement is incorporated herein and is APPROVED AND ISSUED AS A FINAL COMPLIANCE ORDER.

Director, Sandra Begay, Environmental Health Department

Date



City of Albuquerque
 Environmental Health Department
 Air Quality Program
POST INSPECTION NOTIFICATION
 Stationary Source



Delivery Method: Electronic

This Notification provides written notice to the facility Owner or Occupants (referred to in this Notification as "Respondent"), as required by Air Quality Control Act Section 74-2-5.1.A NMSA, that an investigation has occurred and enforcement action is contemplated. **If pursued, an enforcement action may include a penalty.** This Notification identifies possible non-compliance with air quality requirements, and may include local, state and federal air quality laws, regulations and permit conditions. A description of a possible non-compliance that is listed under the "Permit/Regulation Involved" heading in this Notification also includes all secondary and related requirements whether or not the additional requirements are specified in this Notification.

The Air Quality Program is providing the Notification to the Respondent to encourage prompt action to correct the potential noncompliance(s). If the Respondent fails to take the corrective action(s) by the 'Comply By' date indicated below, the Air Quality Program may impose a higher penalty as part of an enforcement action that may include issuing a notice of violation, compliance order, emergency order, or a civil or criminal complaint.

Inspection Type: **ROUTINE INSPECTION**

Permit Type: **MINOR NSR**

Date Violation Became Known by AQP: **4/30/2018**

Company Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Permit #: 0359-M2-RV1
Facility Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Record #: PR0001081
Facility Address/Location: 2800 2ND ST SW ALBUQUERQUE, NM 87102	
Owner Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	
Permittee: ED ANDERSON	

Inspection Date - 4/30/2018

<u>Permit/Regulation Involved (cite NMAC and CFR and permit condition)</u>	<u>Description of Potential - Non-Compliance</u>	<u>Comply By</u>
40 CFR 63.11111		05/17/2018
(a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank.	
(b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.		
I. Conditions 7. Modifications---- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank without submitting an application for a modification to Permit #0359-M2-RV1.	
Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.		

20.11.20.20 NMAC ABRASIVE PRESSURE BLASTING OPERATIONS: A person who performs abrasive pressure blasting operations shall employ reasonably available control measures or other effective control measures at all times to comply with 20.11.20.12 NMAC and shall substantially reduce fugitive dust emissions that are leaving the property where the abrasive pressure blasting operations are taking place. A person who is conducting abrasive pressure blasting operations is not required to obtain a fugitive dust control permit from the department. However, stationary source permitting regulations, such as 20.11.41 NMAC and 20.11.42 NMAC, may apply to pressure blasting operations.

Coreslab has been performing Abrasive Pressure Blasting Operations which is not included in Permit #0359M2-RV1.

Corrective Action(s)

Coreslab shall submit an application for modification of Permit #0359-M2-RV1 to add a 300 gallon fuel tank to permit. Coreslab shall submit an application for their 6.0 cubic foot Abrasive Blast Machine to be added to Permit #0359-M2-RV1. Coreslab shall submit a Standard Operating Procedure (SOP) to prevent construction of equipment before modifying their permit does not happen again in the future. Coreslab shall submit the application and SOP by June 9, 2018.

By signing below, Respondent acknowledges receiving this Notification, but does not admit a violation or admit the facts alleged in this Notification.

For any questions regarding this inspection, please contact the Inspector listed below.

I am an employee/representative of the facility cited above, and therefore authorized to sign to prove the receipt of this notice.

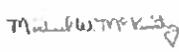
Authorized Person's Name (Print): GREG R. KRAUSE Title: GENERAL MANAGER

Authorized Person's Signature:  Date Received: MAY 10, 2018 2:54 pm

OR

Respondent's 1 Name (Print): _____ Respondent's 1 Signature: _____

Respondent's 2 Name (Print): _____ Respondent's 2 Signature: _____

Inspector: Michael McKinstry (PH-505-768-1923) Inspector's Signature:  Date Issued: 05/10/2018

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Environmental Health, Air Quality Program, One Civic Plaza NW, City/County Building, 3rd Floor, Room 3017, Albuquerque, NM 87102
Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103
Phone: 505.768.1972 Fax: 505.768.1977
Revision 08/05/2014

ATTN: MICHAEL MCKINSTRY



City of Albuquerque
 Environmental Health Department
 Air Quality Program



NOTICE OF VIOLATION

Date(s) of Inspection(s)/Review: 4/30/2018

Facility: CORESLAB STRUCTURES (ALBUQUERQUE) INC.

Address/Location: 2800 2ND ST SW

Location of Violation: 2800 2ND ST SW

Respondent: CORESLAB STRUCTURES (ALBUQUERQUE) INC.

Attention: MIKE DALEY

Respondent Address: 2800 2ND ST SW ALBUQUERQUE, NM 87102

Date Violation Became Known by AQP: 04/30/2018

Enforcement Record ID #: EN0000143

Permit #: 0359-M2-RV1

Record ID #: PR0001081

Phone: 505-288-6677

Delivery Method: Certified Mail

Certified Mail No: 70062760000515627763

PURSUANT TO:

New Mexico Air Quality Control Act, Chapter 74, Article 2 NMSA 1978, Section 74-2-4.A, 5 and 12 and the City of Albuquerque Joint Air Quality Control Board Ordinance 9-5-1-4, 5 & 98 ROA 1994

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Attachments that describe violation(s) and are a part of this NOV:

Post Inspection Notification(s), dated: 5/10/2018

Penalty: \$6,360.00

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF THE FOLLOWING:

- X Construction Permits, 20.11.41.2(A)(2)NMAC, 'Every stationary source subject to 20.11.41 NMAC shall obtain an air quality construction permit from the department as required by 20.11.41 NMAC before: ...{2}operating a stationary source that was required by 20.11.41 NMAC to obtain a construction permit before commencing construction or modification, but the stationary source has no active construction permit;'**

CORESLAB STRUCTURES has been operating an above ground gas tank without a permit, in violation of 20.11.41.2(A)(2) NMAC It is a violation of Part 41 and Permit No. 0359-M2-RV1 to operate a stationary source without a permit required by Part 41 and for unauthorized equipment not listed in Permit No. 0359-M2-RV1 I.1.h). Eight invoices for the purchase of 86 Octane Unleaded Gasoline with Ethanol between 5/15/18 and 10/25/2018 indicate this tank was in operation for at least 8 days.

IF YOU HAVE A QUESTION ABOUT THE NOV, call Angelique Maldonado, Compliance Supervisor, Air Quality Program, EHD at 505-768-2726.

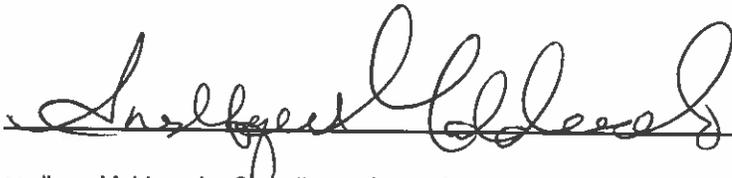
IF YOU DO NOT DISPUTE THE VIOLATIONS ALLEGED IN THE NOV, read the attached Settlement Agreement and Stipulated Final Order (Agreement) attached, obtain whatever advice you need to make sure you understand its terms and effects, and by Friday, March 22, 2019 (the Deadline):

Sign four copies of the Agreement; and

Deliver the four copies of the signed Agreement along with a certified check or money order for the full amount of the penalty to the Environmental Health Department, Attention: Angelique Maldonado, 1 Civic Plaza, Room 3023, P.O. Box 1293, Albuquerque, NM 87103;

IF YOU CHOOSE TO CHALLENGE THE NOV, then by the Deadline, call or have your lawyer call Assistant City Attorney Carol Parker at 505-768-4533, cparker@cabq.gov. The issuance of this NOV is not a final agency action. However, if this matter is not resolved, further legal action may result.

Environmental Health Department



Angelique Maldonado, Compliance Supervisor
Air Quality Program, EHD



Date

City of Albuquerque
Environmental Health Department Air Quality Program
Settlement Agreement and Stipulated Final Order
SFO No. _____

The parties agree:

1. This Settlement Agreement and Stipulated Final Order ("Agreement") is between the City Environmental Health Department ("EHD") and the Respondent signing below (further identified in the Notice of Violation ("NOV") attached to this Agreement). EHD and the Respondent are collectively referred to as the "Parties." EHD is authorized to be the administrative and enforcement agency for the Albuquerque-Bernalillo County Air Quality Control Board ("Board"). In this Agreement, Respondent shall include the plural.
2. On all relevant dates, Respondent was responsible for compliance at the Facility or Location identified in the NOV which was located within Bernalillo County, New Mexico, and within the jurisdiction of the Board and EHD. Respondent received the NOV, investigated the facts and the law and admits the violation(s) described in the NOV. Respondent consents to the EHD Director issuing the Stipulated Final Order below ("Order") and waives its right to a hearing or appeal, provided that the Order is consistent with this Agreement.
3. From the effective date of this Agreement forward, Respondent shall comply with the regulations and/or permit sections that the Respondent violated and that are described in the NOV. If the NOV alleges a failure to obtain a registration or permit, Respondent agrees to deliver a completed application and the required fee to EHD no later than: Not Applicable.
4. By the Deadline stated in the NOV, the Respondent shall deliver four signed original Agreements and a certified check or money order for the amount of the Penalty Imposed for Violation(s) stated in the NOV ("Penalty") to: Environmental Health Department, 1 Civic Plaza NW, Room 3023, Albuquerque, NM (EHD/Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103).
5. If the Respondent violates this Agreement, EHD may take further enforcement actions, including imposing additional penalties, revoking Respondent's permit or seeking injunctive relief in court. This Agreement shall not be interpreted to prohibit or limit EHD from requiring the Respondent to comply with any applicable state or federal requirement.
6. This Agreement replaces all previous agreements or understandings between EHD and the Respondent, whether oral or written, regarding the matters addressed in the NOV and this Agreement. The Parties mutually release each other from all claims that each Party raised or could have raised regarding the facts alleged in the NOV, other than as provided in this Agreement. If any part of this Agreement becomes unenforceable, it will not make any other part of this Agreement unenforceable.
7. This Agreement shall be governed by, construed and enforced in accordance with the laws of New Mexico. The Second Judicial District Court shall have exclusive jurisdiction over the Parties and the subject matter of this Agreement, except for Respondents that are federal facilities for which such exclusive jurisdiction shall be in the U.S. District Court of the District of New Mexico and venue shall be in Albuquerque. This Agreement is binding on the Parties and their officers, directors, managing members, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.
8. The Parties have entered into this Agreement in good faith, without duress or undue influence. The Parties have thoroughly read its terms and conditions, have sought and received whatever competent advice or counsel each Party reasonably believed was necessary for a full and complete understanding of all of their rights and obligations, and understand all of its terms and conditions and their effect. If the Respondent is an entity (for example, a corporation or LLC), the person executing this Agreement on behalf of the Respondent warrants he or she has the authority to execute this Agreement on behalf of the Respondent.

Respondent 1 Printed Name	Signature	Title	Business Name	Date
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Air Quality Program Manager, Damon Reyes, Environmental Health Department	Date
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STIPULATED FINAL COMPLIANCE ORDER

As authorized by Section 74-2-12, NMSA 1978, and pursuant to City Ordinance 9-5-1-98 or County Ordinance 30-42, and agreed to by EHD and the Respondent, the above agreement is incorporated herein and is **APPROVED AND ISSUED AS A FINAL COMPLIANCE ORDER.**

Director, Sandra K. Begay, Environmental Health Department

Date



City of Albuquerque
Environmental Health Department
Air Quality Program
POST INSPECTION NOTIFICATION
Stationary Source



Delivery Method: Electronic

This Notification provides written notice to the facility Owner or Occupants (referred to in this Notification as "Respondent"), as required by Air Quality Control Act Section 74-2-5.1.A NMSA, that an investigation has occurred and enforcement action is contemplated. **If pursued, an enforcement action may include a penalty.** This Notification identifies possible non-compliance with air quality requirements, and may include local, state and federal air quality laws, regulations and permit conditions. A description of a possible non-compliance that is listed under the "Permit/Regulation Involved" heading in this Notification also includes all secondary and related requirements whether or not the additional requirements are specified in this Notification.

The Air Quality Program is providing the Notification to the Respondent to encourage prompt action to correct the potential noncompliance(s). If the Respondent fails to take the corrective action(s) by the 'Comply By' date indicated below, the Air Quality Program may impose a higher penalty as part of an enforcement action that may include issuing a notice of violation, compliance order, emergency order, or a civil or criminal complaint.

Inspection Type: **ROUTINE INSPECTION**

Permit Type: **MINOR NSR**

Date Violation Became Known by AQP: **4/30/2018**

Company Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Permit #: 0359-M2-RV1
Facility Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	Record #: PR0001081
Facility Address/Location: 2800 2ND ST SW ALBUQUERQUE, NM 87102	
Owner Name: CORESLAB STRUCTURES (ALBUQUERQUE) INC.	
Permittee: ED ANDERSON	

Inspection Date - 4/30/2018

<u>Permit/Regulation Involved (cite NMAC and CFR and permit condition)</u>	<u>Description of Potential - Non-Compliance</u>	<u>Comply By</u>
40 CFR 63.11111		05/17/2018
(a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank.	
(b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.		
1. Conditions 7. Modifications---- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.	Coreslab constructed a 300 gallon unleaded above ground storage fuel tank without submitting an application for a modification to Permit #0359-M2-RV1.	
Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.		

20.11.20.20 NMAC ABRASIVE PRESSURE BLASTING OPERATIONS: A person who performs abrasive pressure blasting operations shall employ reasonably available control measures or other effective control measures at all times to comply with 20.11.20.12 NMAC and shall substantially reduce fugitive dust emissions that are leaving the property where the abrasive pressure blasting operations are taking place. A person who is conducting abrasive pressure blasting operations is not required to obtain a fugitive dust control permit from the department. However, stationary source permitting regulations, such as 20.11.41 NMAC and 20.11.42 NMAC, may apply to pressure blasting operations.

Coreslab has been performing Abrasive Pressure Blasting Operations which is not included in Permit #0359M2-RV1.

Corrective Action(s)

Coreslab shall submit an application for modification of Permit #0359-M2-RV1 to add a 300 gallon fuel tank to permit. Coreslab shall submit an application for their 6.0 cubic foot Abrasive Blast Machine to be added to Permit #0359-M2-RV1. Coreslab shall submit a Standard Operating Procedure (SOP) to prevent construction of equipment before modifying their permit does not happen again in the future. Coreslab shall submit the application and SOP by June 9, 2018.

By signing below, Respondent acknowledges receiving this Notification, but does not admit a violation or admit the facts alleged in this Notification.

For any questions regarding this inspection, please contact the Inspector listed below.

I am an employee/representative of the facility cited above, and therefore authorized to sign to prove the receipt of this notice.

Authorized Person's Name (Print): GREG R. KRAUSE Title: GENERAL MANAGER

Authorized Person's Signature: *Greg R Krause* Date Received: MAY 10, 2018 2:54 pm

OR

Respondent's 1 Name (Print): _____ Respondent's 1 Signature: _____

Respondent's 2 Name (Print): _____ Respondent's 2 Signature: _____

Inspector: Michael McKinstry (Ph-505-768-1923) Inspector's Signature: *Michael McKinstry* Date Issued: 05/10/2018

All lands, facilities and activities inside Bernalillo County (County) that involve air quality issues, including those on state or federal lands, other than Indian Country, are subject to administration and enforcement by the City Environmental Health Department. NMSA 1978, § 74-2-4; ROA 9-5-1 to -99 et seq.; Bernalillo County Ordinance 94-5 as amended; 20.11 NMAC; 42 U.S.C. 7418(a) and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

Environmental Health, Air Quality Program, One Civic Plaza NW, City/County Building, 3rd Floor, Room 3047, Albuquerque, NM 87102
Air Quality Program, P.O. Box 1293, Albuquerque, NM 87103
Phone: 505.768.1972 Fax: 505.768.1977
Revision 08/05/2014

ATTN: MICHAEL MCKINSTRY