

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT**

**Complainant,**

**v.**

**SHIV-39645-2301 ACO**

**SHIVER BROTHERS INC.**

**Respondent.**

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**ADMINISTRATIVE COMPLIANCE ORDER**

Pursuant to NMSA 1978, Section 74-2-12 of the New Mexico Air Quality Control Act (“Act”), NMSA 1978, §§ 74-2-1 through -17 (as amended through 2019), the Environmental Protection Division (“Division”) of the New Mexico Environment Department (“Department” or “NMED”) issues this Compliance Order (“Order”) to Shiver Brothers Inc. (“Shiver Brothers”), to require compliance and assess a civil penalty for violations of the Act and the Air Quality Regulations at Title 20, Part 2 (“Regulations”) of the New Mexico Administrative Code (“NMAC”) at the Concrete Batch Plant GCP5-8911 (“Facility”). Pursuant to the Department’s Delegation Order, dated March 24, 2023, the Cabinet Secretary (“Secretary”) has delegated to the Division Director the authority to seek administrative enforcement for alleged violations of the Act, the Regulations, and the air quality permits issued thereunder.

As set forth in the detailed allegations below, Shiver Brothers failed to pay 2021 and 2022 New Source Review (“NSR”) Construction Permit fees, due and payable by February 28, 2022 and 2023, respectively. This Order addresses the seriousness of this violation and the necessary corrective actions required to address it.

### **FINDINGS OF FACT**

1. Shiver Brothers is a profit corporation, and the owner and operator of the Facility originally located 6.2 miles north of Raton, New Mexico, in Colfax County.

2. On August 28, 2020, the Division issued NSR GCP-5 #8911 ("Permit") to Respondent pursuant to 20.2.72.220 NMAC for the Facility. **[NMED Exhibit 1]** The Division has issued no revisions or modifications for the Facility since this date.

3. The annual fee for this Facility is \$2,344.00 for 2022. The 2021 annual fee for the Facility is \$2,165.00. The amounts have been adjusted each year according to the Consumer Price Index, pursuant to 20.2.75.11.F NMAC. **[NMED Exhibit 2]**

4. On January 4, 2022, the Division issued to Shiver Brothers the invoice dated January 1, 2022, for the annual permit fees for the Facility, including a cover letter. The invoice due date was February 28, 2022. The invoice included NSR Permit fees of \$2,165.00 for the active NSR permit in 2021. **[NMED Exhibit 3]**

5. On March 7, 2022, the Division sent an email reminding Shiver Brothers that the 2021 NSR Permit fees were due on February 28, 2022. The Division attached the invoice to the email. The email notified Shiver Brothers that nonpayment of the fees would result in a referral to Air Quality Bureau ("AQB") Compliance & Enforcement. **[NMED Exhibit 4]** The AQB received notification that the email was delivered and read on March 7, 2023. **[NMED Exhibit 5]**

6. On March 16, 2022, the Division sent the same invoice to Shiver Brothers via certified mail. The U.S. Postal Service returned the certified mail receipt showing the invoice was received by Shania Biby of Shiver Brothers on March 21, 2022. **[NMED Exhibit 6]**

7. On March 31, 2022, the Division sent an email asking Shiver Brothers when it should expect payment. The email attached the invoice again and notified Shiver Brothers that the matter would be referred to AQB Compliance & Enforcement. **[NMED Exhibit 7]** The AQB

received notification that the email was delivered and read March 31, 2022. **[NMED Exhibit 8]**

8. On March 31, 2022, Shiver Brothers notified the Division that the Facility had been sold in 2021. The Division responded that, because the permit was active as of December 31, 2021, the annual permit fees continue to apply. The Division also provided instructions for canceling the permit to avoid paying 2022 fees. **[NMED Exhibit 9]**

9. On May 13, 2022, the Division sent a letter via email and certified mail from the AQB Compliance & Enforcement Section Chief, warning of enforcement action if 2021 NSR Permit fees were not paid by June 15, 2022. The letter included consequences for nonpayment of the fees and information on cancelling the permit to avoid 2022 NSR Permit fees. The U.S. Postal Service returned the certified mail receipt to the AQB confirming delivery on May 18, 2022. **[NMED Exhibit 10]** The AQB received notification that the email was delivered and read on May 13, 2022, and additional emails were read on May 23, 2022. **[NMED Exhibit 11]**

10. On January 6, 2023, the Division issued to Shiver Brothers the invoice dated January 4, 2023, for the 2022 annual permit fees for the Facility, including a cover letter. The invoice due date was February 28, 2023. The email explained how to make payment and possible consequences for nonpayment of fees. **[NMED Exhibit 12]** The AQB received notification that the email was returned undeliverable on January 6, 2023. **[NMED Exhibit 13]**

11. On January 10, 2023, the Division sent the invoice to Shiver Brothers via certified mail. The U.S. Postal Service returned the certified mail receipt showing the invoice was received by Shania Biby of Shiver Brothers on January 17, 2023. **[NMED Exhibit 14]**

12. On March 13, 2023, the Division re-sent the January 4, 2023 invoice to Shiver Brothers via certified mail. The U.S. Postal Service returned the certified mail receipt showing the invoice was delivered on March 20, 2023. **[NMED Exhibit 15]**

13. On March 15, 2023, the Division sent an email to Jamey Shiver of Shiver Brothers

after speaking with Jamey Shiver on the telephone. The email included the 2021 and 2021 NSR Annual Permit Fees invoices and explained that, since the permit was active on December 31 of 2021 and 2022, fees are payable in full. The email also gave instructions for canceling the permit. **[NMED Exhibit 16]** The AQB received notification that the email was delivered and read on March 15, 2023. **[NMED Exhibit 17]**

14. On May 12, 2023, the Division sent by email and certified mail an enforcement letter explaining to Shiver Brothers that if payment was not received by June 15, 2023, an enforcement action will be initiated, including revoking the permit for the Facility and assessing a penalty for violating 20.2.75 NMAC. The Division included invoices for both 2021 and 2022 NSR Permitting fees. **[NMED Exhibit 18]** The U.S. Postal Service returned the certified mail receipt showing the letter was delivered to Phyllis Chavez of Shiver Brothers. **[NMED Exhibit 19]** The AQB received notification that the email was read May 12, 2023. **[NMED Exhibit 20]**

15. On June 8, 2023, Shiver Brothers sent an email notification to the Division that 2021 and 2022 invoices were received and that they assumed the permit was canceled in 2020. **[NMED Exhibit 21]** The Division responded the same day that Shiver Brothers had received many communications regarding the fees and warned of enforcement action if fees were not paid by June 15, 2023. **[NMED Exhibit 22]**

16. On June 13, 2023, Shiver Brothers sent an email to the Division stating that the company would cancel the permit and pay the past due balances. The email asked for payment instructions, which the Division provided via email the same day. **[NMED Exhibit 23]**

17. As of October 11, 2023, the Division has received no further response from Shiver Brothers and neither 2021 nor 2022 NSR Permit fees have been paid.



### **CONCLUSIONS OF LAW**

18. The Department has jurisdiction over this matter. NMSA 1978, §§ 9-7A-6(B)(5); 74-2-5.1.

19. The Department may issue a compliance order requiring compliance with a requirement of the Act or regulations promulgated pursuant to the Act. NMSA 1978, §74-2-12(A).

20. Section 74-2-12.A of the Act authorizes the Department to issue a compliance order assessing a civil penalty for a violation of a regulation or permit.

21. Section 74-2-12.B of the Act authorizes the Department to assess a civil penalty of up to fifteen thousand dollars (\$15,000.00) per day of noncompliance for each violation of a regulation or permit. The Secretary of the Department has delegated this authority to the Director of the Division.

22. Section 74-2-12.B of the Act authorizes the Department to suspend or revoke a permit issued by the Department.

23. NSR annual fees are payable in full within thirty (30) days of receipt of an invoice for each permitted facility. 20.2.75.12.F NMAC

24. At the time of the invoice, Shiver Brothers's NSR permit for the Facility had not been canceled.

25. Shiver Brothers is in violation of 20.2.75.11.F NMAC for failure to pay the required annual permit fees.

### **COMPLIANCE ORDER**

26. Shiver Brothers is hereby ordered to remit the unpaid permit fees for 2021 in the amount of \$2,165.00 and for 2022 in the amount of \$2,344.00, for a total of \$4,509.00, within fifteen (15) days of receipt of this Order. Payment shall be remitted in the form of a corporate, personal, or certified check or money order made payable to the New Mexico Environment

Department and submitted to the address below.

New Mexico Environment Department  
Air Quality Bureau  
c/o Operations Manager  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505

27. Due to noncompliance with the air quality regulations, if permit fees are not paid within 15 days of receipt of this Order, the Department may begin additional enforcement proceedings including up to \$15,000.00 per day in civil penalties and suspension or revocation of the Permit.

**CIVIL PENALTY**

28. Shiver Brothers shall pay a civil penalty of \$3,000.00 to the State of New Mexico within thirty (30) calendar days after the effective date of this Order. **[NMED Exhibit 24]** The penalty includes only one occurrence, specifically for failure to pay the 2022 NSR permit annual fees.

29. Payment shall be made to the "State of New Mexico General Fund" by certified or corporate check, or by wire transfer (ACH deposit). On the date that delivery of funds is initiated, notify the Air Quality Bureau Enforcement Manager by email at [ENV-AQB.Settlement.Notifications@state.nm.us](mailto:ENV-AQB.Settlement.Notifications@state.nm.us).

Certified or corporate checks must be sent to the following address:

New Mexico Environment Department  
Air Quality Bureau  
c/o Compliance and Enforcement Manager  
525 Camino de los Marquez, Suite 1  
Santa Fe, New Mexico 87505

Wire transfers must be made to Wells Fargo Bank as follows:

Wells Fargo Bank, N.A.  
100 W Washington Street, Floor 20  
Page 6 of 10

Phoenix, AZ 85003

Routing Transit Number: 121000248

Deposit Account Number: 4123107799

Descriptor: NMED-AQB-C&E

30. If Shiver Brothers fails to make timely and complete payment of the civil penalty pursuant to Paragraphs 28 and 29, and unless the Division agrees to extend the time for payment of the civil penalty, Shiver Brothers shall pay a stipulated penalty of \$500.00 per day for each day the payment is not timely or complete.

31. If Shiver Brothers fails to pay the 2022 NSR annual fees pursuant to Paragraph 26, and unless the Division agrees to extend the time for payment of the fees, Shiver Brothers shall pay a stipulated penalty of \$500.00 per day for each day the payment is not timely or complete.

32. Stipulated penalties shall be paid to the State of New Mexico General Fund pursuant to the instructions in Paragraph 29.

#### **ADMINISTRATIVE COMPLIANCE COSTS**

33. The Department will invoice Shiver Brothers in the amount of \$1,650.00 for administrative compliance costs incurred to date that are associated with this matter. To the extent that Shiver Brothers does not resolve this matter within thirty (30) days, including the payment of the civil penalty of \$3,000.00, Shiver Brothers will continue to accrue additional administrative compliance costs of up to \$800.00 per day.

#### **NOTICE OF OPPORTUNITY TO ANSWER AND REQUEST A HEARING**

34. Pursuant to the Air Quality Control Act Section 74-2-12(C) and the Department's adjudicatory procedures at 20.1.5.200 NMAC, Shiver Brothers may request a hearing by filing a written request for a public hearing with the hearing clerk no later than thirty (30) days after receipt of this Order. The request for hearing shall include an Answer:

- a. Admitting or denying each alleged finding of fact. Any alleged finding of fact which is not specifically denied shall be deemed to be admitted. Shiver Brothers may assert insufficient knowledge of any alleged finding of fact, and such finding shall be deemed to be denied;
- b. Asserting any affirmative defense upon which Shiver Brothers intends to rely. Any affirmative defense not asserted in the Answer, except an affirmative defense asserting lack of subject matter jurisdiction, shall be deemed to be waived;
- c. Signed under oath or affirmation that the information contained therein is true and correct to the best of the signatory's knowledge; and
- d. Attaching a copy of this Order.

35. This Order shall become final after thirty (30) days of receipt of the Order unless Shiver Brothers files a Request for Hearing and Answer as set forth above. Any request for Hearing and Answer must be filed at the following address:

Madai Coral  
Paralegal/Hearing Clerk  
Office of Public Facilitation  
New Mexico Environment Department  
1190 St. Francis Drive, Santa Fe, New Mexico 87505  
Madai.corral@env.nm.gov  
Phone: 505-490-5803

36. The public hearing shall be governed by the Department's Adjudicatory Procedures. *See* 20.1.5 NMAC.

#### **SETTLEMENT CONFERENCE**

37. Shiver Brothers may confer with the Division regarding settlement at any time, but a settlement conference or request for a settlement conference shall not extend or waive the

deadline for filing a Request for Hearing or Answer. Shiver Brothers may appear at a settlement conference pro se or through legal counsel. The Secretary or his designee shall execute any settlement as a Stipulated Final Order. A Stipulated Final Order shall resolve all issues raised in this Order, shall bind all parties to this Order, and shall not be appealable. To confer regarding settlement, contact:

Christopher Vigil  
Office of General Counsel  
New Mexico Environment Department  
121 Tijeras Avenue NE, Suite 1000  
Albuquerque, New Mexico 87102-3400  
Telephone: (505) 469-4696  
Email: ChristopherJ.Vigil@env.nm.gov

**COMPLIANCE WITH OTHER LAWS**

38. Compliance with the requirements of this Order does not remove the obligation to comply with all other applicable laws and regulations.

**TERMINATION**

39. This Order shall terminate upon the Secretary or his designee's approval of a Stipulated Final Order.

**NEW MEXICO ENVIRONMENT DEPARTMENT**

By:  \_\_\_\_\_  
DocuSigned by:  
77308F7C12E74CC...

Date 12/11/2023

Michelle Miano  
Division Director  
Environmental Protection Division  
New Mexico Environment Department

**CERTIFICATE OF SERVICE**

I certify that on December 11, 2023, this Compliance Order was mailed, certified mail-return receipt requested (70191640000078942291), to:

James Shiver  
Shiver Brothers, Inc.  
8000 Pennsylvania Circle  
Albuquerque, New Mexico 87110

Raymond R. Romero  
Raymond R. Romero, Office Manager/Paralegal  
New Mexico Environment Department  
Office of General Counsel



**MICHELLE LUJAN GRISHAM**  
GOVERNOR

**HOWIE C. MORALES**  
LT. GOVERNOR

**New Mexico  
Environment Department**

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Phone (505) 476-4300

Fax (505) 476-4375

[www.env.nm.gov](http://www.env.nm.gov)



**JAMES C. KENNEY**  
CABINET SECRETARY

**JENNIFER J. PRUETT**  
DEPUTY SECRETARY

August 28, 2020

Certified Mail No.  
Return Receipt Requested

James Shiver  
Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

Air Quality General Permit GCP5-8911  
Agency Interest No. 39645 - PRN20200001  
Shiver - GCP5-8911  
AIRS No. 357771594

Dear Mr. Shiver:

This letter is in response to your air quality General Construction Permit - 5 (GCP-5) application dated August 3, 2020 for a concrete batch facility in New Mexico. The application was received by the Department on August 5, 2020.

A review has been completed and the information provided is sufficient to issue your permit in accordance with 20.2.72.220 NMAC and the GCP-5 conditions. Construction or modification may commence 6.2 mi N of Raton in Colfax County at latitude and longitude decimal degrees: 36.986, - 104.482, as represented in the application.

This letter serves as your permit registration to construct and operate under the attached copy of the GCP-5 general permit. The general permit includes the terms and conditions for operation as well as emission and compliance requirements.

In addition to 20.2.72 NMAC, the permittee is responsible for determining whether other state and federal regulations *such as* those found in Table 1 apply to any of the facility's units reported in the original GCP application or to any units that may be added to the facility in the future. It is the permittee's responsibility to determine applicability and to comply with all applicable regulations.

**NMED Exhibit 1**

Shiver Brothers Inc  
 Shiver - GCP5-8911  
 GCP5-8911  
 August 28, 2020

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Table 1: Other Regulations

Citation	Title
20.2.61 NMAC	Smoke and Visible Emissions
40 CFR 60, Subpart I	Standards of Performance for Hot Mix Asphalt Facilities
40 CFR 60, Subpart OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
40 CFR 60, Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
40 CFR 60, Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines

The following requirements will apply to any subsequent repositioning of emissions activities within the approved location.

- a. The facility will maintain at least a 3-mile setback between the area of operations and the boundary of any federal Class I area.
- b. Minimum distance between any emission source of the permitted Facility and the perimeter of the Restricted Area, except where the haul road crosses the Restricted Area perimeter shall be 13 meters (14 yards).

Pursuant to 20.2.75.11 NMAC, the Department will assess an annual fee for this facility. This regulation set the fee amount at \$1,500 through 2004 and requires it to be adjusted annually for the Consumer Price Index on January 1. The current fee amount is available by contacting the Department or can be found on the Department's website. The AQB will invoice the permittee for the annual fee amount at the beginning of each calendar year. This fee does not apply to sources which are assessed an annual fee in accordance with 20.2.71 NMAC. For sources that satisfy the definition of "small business" in subsection F of 20.2.75.7 NMAC, this annual fee will be divided by two.

All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the "NM Environment Department, AQB" mailed to the address shown on the invoice and shall be accompanied by the remittance slip attached to the invoice. If there is no invoice included, there is no fee balance due at this time.



Shiver Brothers Inc  
Shiver - GCP5-8911  
GCP5-8911  
August 28, 2020

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If you have any questions, please contact me in Santa Fe at 505-476-4367.

Sincerely,

*Arianna Espinoza*

Arianna Espinoza  
Air Permit Specialist  
Permits Section  
Air Quality Bureau

cc via email: Sean Leister, New Mexico (State of) Air Quality Bureau, [sean.leister@state.nm.us](mailto:sean.leister@state.nm.us)

Enclosure: Instructions to access the Industry/Consultant Feedback Questionnaire online.

**Minor Source Emission Inventory in 2020**

P.S. The NM Environment Department – Air Quality Bureau (Bureau) will conduct a Minor Source Emissions Inventory (per 20.2.73.300 NMAC) for calendar year 2020. This inventory will apply to all sources with air quality construction permits (20.2.72 NMAC), including General Construction Permits (GCPs). It will also apply to Notices of Intent (NOIs) sources (20.2.73 NMAC). Facility-wide emissions during the calendar year 2020 must be calculated and reported to the Bureau during the period of January 1 through April 1, 2021, using the online reporting tool specified by the Bureau.

We encourage you to sign up for the Minor Source Emissions Inventory bulletins at:  
<https://public.govdelivery.com/accounts/NMED/subscriber/new> to receive updates and guidance on the implementation of this requirement.

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 2 AIR QUALITY (STATEWIDE)**  
**PART 75 CONSTRUCTION PERMIT FEES**

**20.2.75.1 ISSUING AGENCY:** Environmental Improvement Board.  
 [20.2.75.1 NMAC - Rp 20 NMAC 2.75.100, 03/02/01]

**20.2.75.2 SCOPE:**  
**A.** All persons who apply for a permit to construct or modify a source or revise a permit, or who request a technical review of an existing permit under 20.2.72 NMAC. Part 70 (20.2.70 NMAC) operating permit emission fees are covered under 20.2.71 NMAC.  
**B.** The requirements concerning the payment of an annual fee shall apply to sources with an air quality construction permit for which the application to either revise, modify or for a new permit was received following the effective date of this regulation.  
 [20.2.75.2 NMAC - Rp 20 NMAC 2.75.101, 03/02/01]

**20.2.75.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Paragraph 4 of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Chapter 74, Article 2 NMSA 1978, including specifically, Paragraph 6 of Subsection B of Section 74-2-7 NMSA 1978.  
 [20.2.75.3 NMAC - Rp 20 NMAC 2.75.102, 03/02/01]

**20.2.75.4 DURATION:** Permanent.  
 [20.2.75.4 NMAC - Rp 20 NMAC 2.75.103, 03/02/01]

**20.2.75.5 EFFECTIVE DATE:** March 2, 2001 except where a later date is cited at the end of a section.  
**A.** For applications received prior to the effective date of this regulation, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and fees shall be so determined.  
**B.** For applications received following the effective date of this regulation, fees shall be based on the current regulation.  
 [20.2.75.5 NMAC - Rp 20 NMAC 2.75.104, 03/02/01; A, 12/01/03]  
 [The latest effective date of any section in this Part is 12/01/03.]

**20.2.75.6 OBJECTIVE:** The objective of this Part is to establish a schedule of fees for the construction permit program, including construction permits, permit revisions, and technical reviews of existing permits.  
 [20.2.75.6 NMAC - Rp 20 NMAC 2.75.105, 03/02/01]

**20.2.75.7 DEFINITIONS:** In addition to the terms defined in 20.2.2 NMAC (definitions) or 20.2.72 NMAC (construction permits), as used in this Part:  
**A.** "air toxics review" means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth (1/100) of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.  
**B.** "applicable regulations", for the purpose of assessing permit fee points, mean those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (general provisions), 20.2.2 NMAC (definitions), 20.2.3 NMAC (ambient air quality standards), 20.2.5 NMAC (source surveillance), 20.2.7 NMAC (excess emissions during malfunctions, startup, shutdown, or scheduled maintenance), 20.2.8 NMAC (emissions leaving New Mexico), 20.2.60 NMAC (open burning), 20.2.70 NMAC (operating permits), 20.2.71 NMAC (operating permit emission fees), 20.2.72 NMAC (construction permits), 20.2.73 NMAC (notice of intent and emission inventory requirements), 20.2.74 NMAC (prevention of significant deterioration (PSD)), 20.2.75 NMAC (construction permit fees), 20.2.77 NMAC (new source performance standards), 20.2.78 NMAC (emission standards for hazardous air pollutants), 20.2.79 NMAC (permits - nonattainment areas), 20.2.80 NMAC (stack heights), and 20.2.82 NMAC (maximum achievable control technology standards for source categories of hazardous air pollutants). All other Title 20, Chapter 2 NMAC Parts and all new source performance standards (excluding Subpart A) and national emission standards for

hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61 Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for permit fees purposes, in accordance with the permit fee schedule in this Part.

**C. "fee unit"** means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

**D. "fugitive emissions fee unit"** means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

**E. "revision"** means any change requested by an applicant to any term or condition of a permit including but not limited to emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this regulation, revision does not include administrative revision as used in 20.2.72 NMAC.

**F. "small business"** means, for the purposes of this Part, a company that employs no more than ten (10) employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. For new sources, the responsible company official shall certify that the source does not expect to employ any more than ten (10) employees in the first year of operations. In addition, "small business" does not include (1) any source which may emit more than fifty (50) tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or seventy-five (75) tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and (2) any major source for hazardous air pollutants under 20.2.70 NMAC.

**G. "technical review of an existing permit"** means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. This does not include required periodic reports.

[20.2.75.7 NMAC - Rp 20 NMAC 2.75.107, 03-02-01; A, 12/01/03]

**20.2.75.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This Part amends and supersedes Air Quality Control Regulation 700 - Filing and Permit Fees, filed November 20, 1989, as amended (AQCR 700).

**A.** All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

**B.** The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp 20 NMAC 2.75.106, 03/02/01]

**20.2.75.9 DOCUMENTS:** Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Santa Fe, NM.

[20.2.75.9 NMAC - Rp 20 NMAC 2.75.108, 03/02/01]

**20.2.75.10 FILING FEE:**

**A.** A filing fee of five hundred dollars (\$500) shall be submitted with each filing of a notice of intent, application for a permit to construct or modify a source, or revision of a permit. The filing fee shall be applied to the total permit fee determined from the fee schedule in 20.2.75.11 NMAC.

**B.** For applications submitted under 20.2.72.221 NMAC, accelerated review, an accelerated review filing fee of one thousand dollars (\$1,000) shall be submitted in lieu of any other filing fees under this section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

**(1)** There are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire filing fee shall be applied to the total permit fee determined from the fee schedule in 20.2.75.11 NMAC;

(2) No qualified outside firm submits a proposal for the accelerated permit review, one-half of this filing fee shall be applied to the total permit fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) One or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) The applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp 20 NMAC 2.75.109, 03/02/01; A, 12/01/03]

**20.2.75.11 PERMIT FEE:**

**A.** The permit fee shall be based on the following point-based fee schedule.

<b>ACTION</b>	<b># OF POINTS</b>
<b>1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT</b>	
Technical Complexity	
1-5 Fee Units	5
6-15 Fee Units	15
>15 Fee Units	15
Fugitive Emissions Fee Unit	5
Portable Source Relocation (Paragraph 3 of Subsection D of 20.2.72.202 NMAC)	1
Non-Attainment Area (20.2.79 NMAC)	75
Modeling Review	15
Air Toxics Review (20.2.72.400 NMAC - 20.2.72.499 NMAC)	
Level I	8
Level II	
Best Available Control Technology (BACT) Analysis	60
Health Assessment	100
Applicable Regulations	
20.2.X NMAC (per each)	3
NSPS (per each)	5
NESHAP/MACT (per each)	5
Case-by-Case MACT (20.2.83 NMAC)	100
PSD netting only (no additional PSD analysis is required)	20
PSD review (including netting) (20.2.74 NMAC)	75
<b>2. OTHER PERMITTING ACTIONS</b>	
General Permits (20.2.72.220 NMAC)	10
Streamline (each site) (20.2.72.300 NMAC- 20.2.72.399 NMAC)	10

**B.** The fee shall be the sum of all of the points that are applicable to the permitting action, multiplied by three hundred fifteen dollars (\$315).

**C.** For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the permit fee determined by Subsections B and E of 20.2.75.11 NMAC shall be divided by two.

**D.** For applications processed under 20.2.72.221 NMAC, Accelerated Review, the permit fee determined by Subsection B of 20.2.75.11 NMAC shall be divided by two, and shall be in addition to the cost of the accelerated review bid, as described in 20.2.72.221 NMAC.

**E.** Sources that have been issued a construction permit under 20.2.72 NMAC shall be assessed an annual fee of one thousand five hundred dollars (\$1,500). This fee shall not apply to sources which are assessed an annual fee in accordance with 20.2.71 NMAC.

**F.** Beginning in 2005, the cost per point in Subsection B of this section and the annual fee in Subsection E of this section shall be adjusted each year on January 1 to reflect the increase, if any, by which the consumer price index for the most recent year exceeds the consumer price index for the year 2004. The amount of the change in the fee shall be determined by multiplying the existing fee by the change in the consumer price index and rounding the result to the nearest dollar. The consumer price index for any year is the average of the consumer price index for all-urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year.

[20.2.75.11 NMAC - Rp 20 NMAC 2.75.110, 03/02/01; A, 12/01/03]

**20.2.75.12 PAYMENT OF FEES:**

**A.** The Department shall refuse to accept any permit application without payment of the filing fee at the time the application is received by the Department. The filing fee and the accelerated review filing fee are non-refundable.

**B.** An invoice for permit fees shall be mailed to the applicant at the time the Department finds the application administratively complete pursuant to 20.2.72.203 NMAC. The Department shall deny any permit application or request for permit revision if the required permit fee has not been paid within thirty (30) days of invoicing, unless the Department has granted an extension. If, upon completion of the permit review, the Department determines additional fees are due, the Department shall mail an invoice to the applicant along with the signed permit. The permittee shall pay this invoice within thirty (30) days of invoicing, unless the Department has granted an extension. In the event excess fees were paid, the Department shall issue a refund for excess fees and mail the refund to the applicant.

**C.** An invoice for a request for technical review of an existing permit shall accompany the Department's response. The applicant or permittee shall pay for the review within thirty (30) days of invoicing.

**D.** Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

**E.** All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the Environment Department at the address specified in the notice. Upon receipt of the check, it shall be deposited in the "state air quality permit fund" established by NMSA 1978, 74-2-15 (1992).

**F.** Permittees shall pay annual fees within thirty (30) days of receipt of an invoice for annual fees for a permitted facility.

**G.** All fees shall be paid in U.S. dollars.

[20.2.75.12 NMAC - Rp 20 NMAC 2.75.111, 03/02/01]

**20.2.75.13 PERIODIC REVIEW:** The Department shall prepare a review of the construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. The review shall be presented to the Board within six months following the end of the fiscal year.

[20.2.75.13 NMAC - N, 03/02/01]

**HISTORY OF 20.2.75 NMAC:**

**Pre-NMAC History:**

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

AQCR 700, Air Quality Control Regulation 700 - Filing and Permits Fees, filed 11/20/89.

**History of Repealed Material:**

20 NMAC 2.75, Air Quality Statewide - Construction Permit Fees, filed 10/30/95, repealed effective 03/02/01.



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

January 2022

### Annual Fee Invoice for Minor Source Air Quality Permit

Dear Permit Holder:

A construction air permit with an active status as of December 31, 2021 is subject to an annual fee per 20.2.75.11.E NMAC. Attached is the invoice for your annual fee(s). Payment of the fee is due within 30 days of receipt, per 20.2.75.12.F NMAC.

The invoice is in a consolidated format. If your company has more than one permit, you may pay all fees with a single check. Please be sure to enclose the bottom portion of the invoice so that we can credit the payments appropriately. Your certified check, money order, or company check should be made payable to the "New Mexico Environment Department, AQB." Include the Invoice ID on the check. Remember, payments are due within 30 days of receipt of an invoice.

In addition to the current annual fee(s) due, the consolidated invoice may also show amounts that are past due from your organization.

Prior arrangement must be made if your company wishes to remit using electronic bank transactions.

For any questions about your permit fee(s) or your contact information, please contact our Management Analyst, Laurie Leibowitz, at (505) 629-7673 or by email [laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us).

Regards,

Elizabeth Kuehn  
Liz Bisbey-Kuehn  
Bureau Chief  
Air Quality Bureau

Digitally signed by  
Elizabeth Kuehn  
Date: 2021.10.29  
09:49:50 -0600

**NMED Exhibit 3**

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Air Quality Bureau | 525 Camino de los Marquez, Suite 1A, Santa Fe, New Mexico 87505-1816 | (505) 476-4300 | [www.env.nm.gov](http://www.env.nm.gov)





## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

**INVOICE - Consolidated****Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 5717****INVOICE DATE: 01/01/2022****INVOICE DUE DATE: 02/28/2022**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

**ASSESSMENTS**

Agency Interest	AI Name	AI City	
39645	Shiver - GCP5-8911	Raton	
Air Quality PRN20200001	- Air - Minor Source Annual Fee		\$2,165.00

**INVOICED AMOUNT**

Agency Interest	AI Name	Amount
Current Due		
39645	Shiver - GCP5-8911	\$2,165.00

<b>BALANCE DUE</b>	<b>\$2,165.00</b>
--------------------	-------------------

-----  
Cut Here and Include Lower Portion with Payment

**Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**CONSOLIDATED INVOICE ID: 5717****PAYMENT DUE DATE: 2/28/2022****Invoice Amount:** \$2,165.00**Amount Enclosed:** \_\_\_\_\_**Please make checks payable to:****Mail payments to:**

New Mexico Environment Department, AQB  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

**Federal Tax ID # 85-6000565**

**Telephone: (505) 476-4300 Fax: (505) 476-4375**



**New Mexico Environment Department**

**Air Quality Bureau**

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

---

**INVOICE - Consolidated**

**Primary Billing Party:**

**Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 5717**

**INVOICE DATE: 01/01/2022**

**INVOICE DUE DATE: 02/28/2022**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

---



**From:** [Leibowitz, Laurie, NMENV](#)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Subject:** REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Monday, March 7, 2022 4:15:50 PM  
**Attachments:** [Signed 2022 NSR Fee Cover Memo.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

Good afternoon,

The attached invoice was originally emailed to you on January 6, 2022. The 2022 NSR annual fees were due on **February 28, 2022**. Please let us know the status of your payment. The invoice will be referred to our Compliance and Enforcement Section for collection on **March 31, 2022**. If you have any questions, do not hesitate to contact me.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>

**RE: 2022 NSR Annual fees**

**Attached is both a Cover letter explaining the NSR annual fee process and your invoice(s). Please print this invoice and mail your check(s) with the payment remittance portion of the invoice to the New Mexico Environment Department, Air Quality Bureau at the address on the Invoice.**

**Make the check payable to: New Mexico Environment Department-AQB and return the payment coupon.**

**Prior arrangement must be made to remit payment using electronic bank transactions.**

**Non-payment of these fees will delay any future modifications to these permits.**

**If you wish a payment plan or have other fee-related questions about your permit or contact information, please contact Laurie Leibowitz at (505)**

**629-7673 or by email [laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us). Please note that email contact is preferred.**

**If you have received this email in error, please forward this e-mail to the correct person in your company or reply to [laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us) with the correct contact person information.**

**All payments or initial installment must be received by the March 1, 2022, invoice due date to avoid potential penalty fees.**

**Sincerely,**

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

**INVOICE - Consolidated****Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 5717****INVOICE DATE: 01/01/2022****INVOICE DUE DATE: 02/28/2022**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

**ASSESSMENTS**

Agency Interest	AI Name	AI City	
39645	Shiver - GCP5-8911	Raton	
Air Quality PRN20200001	- Air - Minor Source Annual Fee		\$2,165.00

**INVOICED AMOUNT**

Agency Interest	AI Name	Amount
Current Due		
39645	Shiver - GCP5-8911	\$2,165.00

<b>BALANCE DUE</b>	<b>\$2,165.00</b>
--------------------	-------------------

----- Cut Here and Include Lower Portion with Payment -----

**Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**CONSOLIDATED INVOICE ID: 5717****PAYMENT DUE DATE: 2/28/2022****Invoice Amount:** \$2,165.00**Amount Enclosed:** \_\_\_\_\_**Please make checks payable to:****Mail payments to:**

New Mexico Environment Department, AQB  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

**Federal Tax ID # 85-6000565**

**Telephone: (505) 476-4300 Fax: (505) 476-4375**



**New Mexico Environment Department**

**Air Quality Bureau**

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

---

**INVOICE - Consolidated**

**Primary Billing Party:**

**Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 5717**

**INVOICE DATE: 01/01/2022**

**INVOICE DUE DATE: 02/28/2022**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

---

**From:** [postmaster@shiversw.com](mailto:postmaster@shiversw.com)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Subject:** Delivered: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Monday, March 7, 2022 4:15:53 PM  
**Attachments:** [REMINDER Shiver Brothers Inc- 2022 Invoice NSR Annual Fees.msg](#)

---

Your message has been delivered to the following recipients:  
jamey@shiversw.com (jamey@shiversw.com) <mailto:jamey@shiversw.com>  
Subject: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees

**From:** [Jamey Shiver](#)  
**To:** [Leibowitz, Laurie, NMENV](#)  
**Subject:** Read: [EXTERNAL] Read: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Monday, March 7, 2022 4:46:53 PM  
**Importance:** High

---

Your message

To: Jamey Shiver  
Subject: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
Sent: Monday, March 7, 2022 11:15:34 PM (UTC+00:00) Monrovia, Reykjavik  
was read on Monday, March 7, 2022 11:46:45 PM (UTC+00:00) Monrovia, Reykjavik.



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

## INVOICE - Consolidated

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

INVOICE ID: 5717

INVOICE DATE: 01/01/2022

INVOICE DUE DATE: 02/28/2022

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

## ASSESSMENTS

Agency Interest AI Name

AI City

39645 Shiver - GCP5-8911

Raton

Air Quality PRN20200001

- Air - Minor Source Annual Fee

\$2,165.00

## INVOICED AMOUNT

Agency Interest AI Name

Amount

Current Due

39645 Shiver - GCP5-8911

\$2,165.00

## BALANCE DUE

\$2,165.00

-----  
Cut Here and Include Lower Portion with Payment  
-----

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

CONSOLIDATED INVOICE ID: 5717

PAYMENT DUE DATE: 2/28/2022

Invoice Amount: \$2,165.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

New Mexico Environment Department, AQB

Mail payments to:

Air Quality Bureau

525 Camino de los Marquez, Suite 1

**NMED Exhibit 6**

Santa Fe, NM 87505-1816

Federal Tax ID # 85-6000565

Telephone: (505) 476-4300

Fax: (505) 476-4375



**U.S. Postal Service™**  
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OFFICIAL USE

Certified Mail Fee \$  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage \$  
 Total \$  
 Sent \$  
 Street  
 City

3/16/22  
 Postmark Here

Shiver Brothers, Inc.  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Shiver Brothers, Inc.  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

9590 9402 6109 0209 5756 75

2. Article Number (Transfer from service label)  
 7020 2450 0001 7597 8997

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Shirley Bibb

C. Date of Delivery 3-21-22

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

Domestic Return Receipt



**From:** [Leibowitz, Laurie, ENV](#)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Cc:** [Intermont, Donna, ENV](#)  
**Subject:** FW: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Thursday, March 31, 2022 10:38:51 AM  
**Attachments:** [Signed 2022 NSR Fee Cover Memo.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

Good morning,

Please let us know as soon as possible when we can expect your check for payment of the attached invoice that was due on February 28, 2022. **The invoice will be referred to our Compliance and Enforcement Section for collection on March 31, 2022.** If you have any questions, do not hesitate to contact me.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>

---

**From:** Leibowitz, Laurie, NMENV <[Laurie.Leibowitz@state.nm.us](mailto:Laurie.Leibowitz@state.nm.us)>  
**Sent:** Monday, March 7, 2022 4:16 PM  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Subject:** REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Importance:** High

Good afternoon,

The attached invoice was originally emailed to you on January 6, 2022. The 2022 NSR annual fees were due on **February 28, 2022**. Please let us know the status of your payment. The invoice will be referred to our Compliance and Enforcement Section for collection on **March 31, 2022**. If you have any questions, do not hesitate to contact me.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian

New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>

**RE: 2022 NSR Annual fees**

**Attached is both a Cover letter explaining the NSR annual fee process and your invoice(s). Please print this invoice and mail your check(s) with the payment remittance portion of the invoice to the New Mexico Environment Department, Air Quality Bureau at the address on the Invoice.**

**Make the check payable to: New Mexico Environment Department-AQB and return the payment coupon.**

**Prior arrangement must be made to remit payment using electronic bank transactions.**

**Non-payment of these fees will delay any future modifications to these permits.**

**If you wish a payment plan or have other fee-related questions about your permit or contact information, please contact Laurie Leibowitz at (505) 629-7673 or by email [laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us). Please note that email contact is preferred.**

**If you have received this email in error, please forward this e-mail to the correct person in your company or reply to [laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us) with the correct contact person information.**

**All payments or initial installment must be received by the March 1, 2022, invoice due date to avoid potential penalty fees.**

**Sincerely,**

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505

505.629.7673

[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)

<https://www.env.nm.gov/>

**From:** [postmaster@shiversw.com](mailto:postmaster@shiversw.com)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Subject:** Delivered: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Thursday, March 31, 2022 10:39:04 AM  
**Attachments:** [FW REMINDER Shiver Brothers Inc- 2022 Invoice NSR Annual Fees.msg](#)

---

Your message has been delivered to the following recipients:  
jamey@shiversw.com (jamey@shiversw.com) <mailto:jamey@shiversw.com>  
Subject: FW: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees

**From:** [Jamey Shiver](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Subject:** Read: [EXTERNAL] Read: FW: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
**Date:** Thursday, March 31, 2022 10:45:42 AM  
**Importance:** High

---

Your message

To: Jamey Shiver  
Subject: FW: REMINDER: Shiver Brothers Inc- 2022 Invoice NSR Annual Fees  
Sent: Thursday, March 31, 2022 4:38:36 PM (UTC+00:00) Monrovia, Reykjavik  
was read on Thursday, March 31, 2022 4:45:36 PM (UTC+00:00) Monrovia, Reykjavik.

**From:** [phyllis chavez](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Cc:** [Jamey Shiver](#)  
**Subject:** [EXTERNAL] air quality permit  
**Date:** Thursday, March 31, 2022 10:51:46 AM  
**Attachments:** [image002.png](#)  
[Signed 2022 NSR Fee Cover Memo.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Laurie,

The cement plant we got the permit for was sold last year and isn't in New Mexico any longer. Please let me know if you need anything else.

Thank You,





**From:** [Leibowitz, Laurie, ENV](#)  
**To:** [phyllis@shiversw.com](#); [jamey@shiversw.com](#)  
**Cc:** [Intermont, Donna, ENV](#)  
**Subject:** FW: [EXTERNAL] air quality permit  
**Date:** Thursday, March 31, 2022 11:03:14 AM  
**Attachments:** [image002.png](#)  
[Signed 2022 NSR Fee Cover Memo.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

Hi Phyllis,

Construction Permits with an active status as of December 31 of calendar year 2021 are subject to an annual fee per 20.2.75.11.E NMAC. The attached invoice is due by statute and will be referred to our Compliance and Enforcement Section – please let us know as soon as possible when we can expect your check for payment. If you wish to close/cancel the permit(s) (and not receive an invoice in January 2023) submit the Permitting Administrative Multi-Form (PAM) requesting closure of each permit (Section 2-D) prior to December 31, 2022. If you have questions about the form, please contact [Arianna.Espinoza@state.nm.us](mailto:Arianna.Espinoza@state.nm.us). The form is available under the Air Quality Bureau drop down list, then Permitting drop down list on the website: [www.env.nm.gov/forms/](http://www.env.nm.gov/forms/).

If you have any further questions about the invoice, do not hesitate to contact me.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>

---

**From:** phyllis chavez <[phyllis@shiversw.com](mailto:phyllis@shiversw.com)>  
**Sent:** Thursday, March 31, 2022 10:52 AM  
**To:** Leibowitz, Laurie, ENV <[Laurie.Leibowitz@state.nm.us](mailto:Laurie.Leibowitz@state.nm.us)>  
**Cc:** Jamey Shiver <[jamey@shiversw.com](mailto:jamey@shiversw.com)>  
**Subject:** [EXTERNAL] air quality permit  
**Importance:** High

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Laurie,

The cement plant we got the permit for was sold last year and isn't in New Mexico any longer. Please let me know if you need anything else.

Thank You,



**Phyllis Chavez**  
**Office Manager**

8000 Pennsylvania Circle Suite A  
Albuquerque, New Mexico 87110  
Phone: 505-344-3461

**SHIVER SOUTHWEST LLC**



**From:** [Leibowitz, Laurie, ENV](#)  
**To:** [jamey@shiversw.com](#); [phyllis@shiversw.com](#)  
**Cc:** [Intermont, Donna, ENV](#); [Hollenberg, Cindy, ENV](#); [Hardison, Cember, ENV](#)  
**Subject:** Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 13, 2022 10:38:35 AM  
**Attachments:** [Shiver Brothers Inc - Enforcement Ltr.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

Good morning,

Please see the attached letter of Non-Payment of 2021 Air Quality Bureau NSR Permit Fees. If payment is not received by close of business June 15, 2022, our Enforcement unit will forward this case to the New Mexico Environment Department Office of General Counsel ("OGC"). Our OGC will proceed with appropriate legal action including cancellation of permits with unpaid annual fees. Attached is a copy of your unpaid invoice for 2021 Permit fees. Please let us know as soon as possible when we can expect your payment.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@state.nm.us](mailto:laurie.leibowitz@state.nm.us)  
<https://www.env.nm.gov/>



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

VIA EMAIL and CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 13, 2022

Shiver Brothers Inc.  
8000 Pennsylvania Circle  
Albuquerque, New Mexico 87110  
Electronic mail: [jamey@shiversw.com](mailto:jamey@shiversw.com); [phyllis@shiversw.com](mailto:phyllis@shiversw.com)

Re: Non-Payment of 2021 Air Quality Bureau NSR Permit Fees

To Whom It May Concern:

This letter is to inform you that the Air Quality Bureau ("Bureau") has not received payment for NSR Permit Fees from your company regarding operating year 2021. These fees were billed on January 1, 2022 and were due 30 days thereafter. Laurie Leibowitz of this Bureau has made several attempts to notify you of this past due invoice. The case has now been handed over to our Enforcement unit. Total fees due as of the date of this letter equal \$2,165.00.

If payment is not received by close of business June 15, 2022, our Enforcement unit will forward this case to the New Mexico Environment Department Office of General Counsel ("OGC"). Our OGC will proceed with appropriate legal action including cancellation of permits with unpaid annual fees. Attached is a copy of your unpaid invoice for 2021 Permit fees.

Your cooperation in resolving this matter is appreciated. If you have any questions about your past due amount, please contact Cember Hardison, Enforcement Specialist, at 505-629-6688 or [ceamber.hardison@state.nm.us](mailto:ceamber.hardison@state.nm.us). If you wish to close/cancel the permit(s), and not receive an invoice in January 2023, a Permitting Administrative Multi-Form ("PAM") must be submitted requesting closure of each permit prior to December 31, 2022. If you have questions about the form, please contact [arianna.espinoza@state.nm.us](mailto:arianna.espinoza@state.nm.us). The form is available under the Air Quality Bureau drop down list, then Permitting drop down list on the website: [www.env.nm.gov/forms/](http://www.env.nm.gov/forms/).

Sincerely,

A handwritten signature in blue ink that reads "Cindy Hollenberg".

Cindy Hollenberg  
Compliance and Enforcement Section Chief  
Air Quality Bureau



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

## INVOICE - Consolidated

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

INVOICE ID: 5717

INVOICE DATE: 01/01/2022

INVOICE DUE DATE: 02/28/2022

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

## ASSESSMENTS

Agency Interest AI Name

39645 Shiver - GCP5-8911

AI City

Raton

Air Quality PRN20200001

- Air - Minor Source Annual Fee

\$2,165.00

## INVOICED AMOUNT

Agency Interest AI Name

Current Due

39645 Shiver - GCP5-8911

Amount

\$2,165.00

## BALANCE DUE

\$2,165.00

Cut Here and Include Lower Portion with Payment

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

CONSOLIDATED INVOICE ID: 5717

PAYMENT DUE DATE: 2/28/2022

Invoice Amount: \$2,165.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

Mail payments to:

New Mexico Environment Department, AQB

Air Quality Bureau

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Federal Tax ID # 85-6000565

Telephone: (505) 476-4300

Fax: (505) 476-4375



U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Postmark Here

7020 2450 0001 7597 7075

Shiver Brothers Inc.  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Shiver Brothers Inc.            8000 Pennsylvania Circle            Albuquerque, NM 87110</p> <p>9590 940</p> <p>2. Article Number 7020</p> <p>PS Form 3811, J</p>	<p>A. Signature <input type="checkbox"/> Agent  <b>X</b> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®</p>

ipt for  
 onfirmation™  
 nformation  
 elivery  
 m Receipt

per USPS-Com:  
 Delivered 5/18 @ 1:46  
 left w/ individual

**From:** [postmaster@shiversw.com](mailto:postmaster@shiversw.com)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com)  
**Subject:** Delivered: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 13, 2022 10:38:28 AM  
**Attachments:** [Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees.msg](#)

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Your message has been delivered to the following recipients:  
jamey@shiversw.com (jamey@shiversw.com) <mailto:jamey@shiversw.com>  
Subject: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees

**From:** [postmaster@shiversw.com](mailto:postmaster@shiversw.com)  
**To:** [phyllis@shiversw.com](mailto:phyllis@shiversw.com)  
**Subject:** Delivered: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 13, 2022 10:38:29 AM  
**Attachments:** [Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees.msg](#)

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Your message has been delivered to the following recipients:  
[phyllis@shiversw.com](mailto:phyllis@shiversw.com) ([phyllis@shiversw.com](mailto:phyllis@shiversw.com)) <<mailto:phyllis@shiversw.com>>  
Subject: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees

**From:** [phyllis chavez](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Subject:** Read: [EXTERNAL] Read: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 13, 2022 10:42:18 AM  
**Importance:** High

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Your message

To: phyllis chavez  
Subject: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
Sent: Friday, May 13, 2022 10:38:19 AM (UTC-07:00) Mountain Time (US & Canada)  
was read on Friday, May 13, 2022 10:41:40 AM (UTC-07:00) Mountain Time (US & Canada).

**From:** [Jamey Shiver](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Subject:** Read: [EXTERNAL] Read: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
**Date:** Monday, May 23, 2022 12:43:15 PM  
**Importance:** High

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Your message

To: Jamey Shiver  
Subject: Shiver Brothers Inc - Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
Sent: Friday, May 13, 2022 4:38:19 PM (UTC+00:00) Monrovia, Reykjavik  
was read on Monday, May 23, 2022 6:43:10 PM (UTC+00:00) Monrovia, Reykjavik.



**From:** [Kimbrell, Joseph, ENV](#)  
**To:** [jamey@shiversw.com](mailto:jamey@shiversw.com); [phyllis@shiversw.com](mailto:phyllis@shiversw.com)  
**Subject:** Shiver Brothers Inc - 2023 Invoice NSR Annual Fees  
**Date:** Friday, January 6, 2023 3:04:34 PM  
**Attachments:** [APPROVED & SIGNED 2023 NSR Fee Cover Memo Final.pdf](#)  
[Shiver Brothers Inc NSR 2023 Inv.pdf](#)

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**RE: 2023 NSR Annual fees**

**Attached is both a Cover letter explaining the NSR annual fee process and your invoice(s). Please print this invoice and mail your check(s) with the payment remittance portion of the invoice to the New Mexico Environment Department, Air Quality Bureau at the address on the Invoice.**

**Make the check payable to: New Mexico Environment Department-AQB and return the payment coupon.**

**Prior arrangement must be made to remit payment using electronic bank transactions.**

**Non-payment of these fees will delay any future modifications to these permits, penalty fees may be assessed, and permit(s) may be cancelled.**

**If you wish a payment plan or have other fee-related questions about your permit or contact information, please contact Laurie Leibowitz at (505) 629-7673 or by email [laurie.leibowitz@env.nm.gov](mailto:laurie.leibowitz@env.nm.gov). Please note that email contact is preferred.**

**If you have received this email in error, please forward this e-mail to the correct person in your company or reply to [laurie.leibowitz@env.nm.gov](mailto:laurie.leibowitz@env.nm.gov) with the correct contact person information.**

**All payments or initial installment must be received by the March 1, 2023, invoice due date to avoid potential penalty fees and/or permit cancellation.**

**Sincerely,**

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673  
[laurie.leibowitz@env.nm.gov](mailto:laurie.leibowitz@env.nm.gov)  
<https://www.env.nm.gov/>





MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

January 2023

### Annual Fee Invoice for Minor Source Air Quality Permit

Dear Permit Holder:

A construction air permit with an active status as of December 31, 2022, is subject to an annual fee per 20.2.75.11.E NMAC. Attached is the invoice for your annual fee(s). Payment of the fee is due within 30 days of receipt, per 20.2.75.12.F NMAC.

The invoice is in a consolidated format. If your company has more than one permit, you may pay all fees with a single check. Please be sure to enclose the bottom portion of the invoice so that we can credit the payments appropriately. Your certified check, money order, or company check should be made payable to the "New Mexico Environment Department, AQB." Include the Invoice ID on the check. Remember, payments are due within 30 days of receipt of an invoice.

In addition to the current annual fee due, the consolidated invoice may also show amounts that are past due from your company.

Prior arrangement must be made if your company wishes to remit using electronic bank transactions.  
**Non-payment of these fees will delay any future modifications to these permits, penalty fees may be assessed, and permit(s) may be cancelled.**

For any questions about permit fees or your contact information, please contact Laurie Leibowitz, Management Analyst, at (505) 629-7673 or by email [laurie.leibowitz@env.nm.gov](mailto:laurie.leibowitz@env.nm.gov).

Regards,

Elizabeth Bisbey-Kuehn  
Bureau Chief  
Air Quality Bureau



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

**INVOICE - Consolidated****Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 6067****INVOICE DATE: 01/04/2023****INVOICE DUE DATE: 02/28/2023**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

**ASSESSMENTS**

Agency Interest	AI Name	AI City	
39645	Concrete Batch Plant, GCP5-8911	Raton	
Air Quality PRN20200001	- Air - Minor Source Annual Fee		\$2,344.00

**INVOICED AMOUNT**

Agency Interest	AI Name	Amount
Current Due		
39645	Concrete Batch Plant, GCP5-8911	\$2,344.00

**BALANCE DUE****\$2,344.00**

----- Cut Here and Include Lower Portion with Payment -----

**Primary Billing Party:****Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**CONSOLIDATED INVOICE ID: 6067****PAYMENT DUE DATE: 2/28/2023****Invoice Amount:** \$2,344.00**Amount Enclosed:** \_\_\_\_\_**Please make checks payable to:****Mail payments to:****New Mexico Environment Department, AQB****Air Quality Bureau****525 Camino de los Marquez, Suite 1****Santa Fe, NM 87505-1816****Federal Tax ID # 85-6000565****Telephone: (505) 476-4300****Fax: (505) 476-4375**



**New Mexico Environment Department**

**Air Quality Bureau**

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

---

**INVOICE - Consolidated**

**Primary Billing Party:**

**Is Primary Billing Party for**

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

**INVOICE ID: 6067**

**INVOICE DATE: 01/04/2023**

**INVOICE DUE DATE: 02/28/2023**

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

---



**From:** [Kimbrell, Joseph, ENV](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Subject:** Bounce: Shiver Brothers Inc - 2023 Invoice NSR Annual Fees  
**Date:** Friday, January 6, 2023 4:13:12 PM

---

Joseph W. Kimbrell, Air Permit Specialist, Advanced  
NMED Air Quality Bureau  
525 Camino de los Marquez Suite 1, Santa Fe NM, 87505-1816  
(505) 476-4300 fax (505) 476-4375, direct # (505) 629-2718

[Joseph.kimbrell@env.nm.us](mailto:Joseph.kimbrell@env.nm.us) | <http://www.nmenv.state.nm.us/aqb/>

This email is intended to serve as general guidance and is in no way a formal statement of Department policy. Unique operating conditions may result in different determinations and may require a site specific analysis to accurately determine requirements and applicability.

---

**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@NMGov.onmicrosoft.com>  
**Sent:** Friday, January 6, 2023 3:05 PM  
**To:** Kimbrell, Joseph, ENV  
**Subject:** Undeliverable: Shiver Brothers Inc - 2023 Invoice NSR Annual Fees

**Delivery has failed to these recipients or groups:**

[jamey@shiversw.com](mailto:jamey@shiversw.com) ([jamey@shiversw.com](mailto:jamey@shiversw.com))

A problem occurred while delivering your message to this email address. Try sending your message again.

[phyllis@shiversw.com](mailto:phyllis@shiversw.com) ([phyllis@shiversw.com](mailto:phyllis@shiversw.com))

A problem occurred while delivering your message to this email address. Try sending your message again.

**Diagnostic information for administrators:**

Generating server: DM6PR09MB4837.namprd09.prod.outlook.com

jamey@shiversw.com  
Remote Server returned '550 5.0.0 <jamey@shiversw.com>... User unknown'

phyllis@shiversw.com  
Remote Server returned '550 5.0.0 <phyllis@shiversw.com>... User unknown'

Original message headers:

ARC-Seal: i=1; a=rsa-sha256; s=arcselector9901; d=microsoft.com; cv=none;  
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**NMED Exhibit 13**

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 by DM6PR09MB4837.namprd09.prod.outlook.com (2603:10b6:5:273::7) with  
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 2023 22:04:23 +0000  
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 22:04:23 +0000  
 From: "Kimbrell, Joseph, ENV" <joseph.kimbrell@env.nm.gov>  
 To: "jamey@shiversw.com" <jamey@shiversw.com>, "phyllis@shiversw.com"  
 <phyllis@shiversw.com>  
 Subject: Shiver Brothers Inc - 2023 Invoice NSR Annual Fees  
 Thread-Topic: Shiver Brothers Inc - 2023 Invoice NSR Annual Fees  
 Thread-Index: AdkiGs09aud0HhHPSIWlIFGvrDNg/w==  
 Disposition-Notification-To: "Kimbrell, Joseph, ENV"  
 <joseph.kimbrell@env.nm.gov>  
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 X-MS-Has-Attach: yes  
 X-MS-TNEF-Correlator:  
 authentication-results: dkim=none (message not signed)  
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 .namprd09.prod.outlook.com;PTR:;CAT:NONE;SFS:(13230022)(4636009)(366004)



(451199015) (5660300002) (2906002) (8676002) (52536014) (8936002) (966005)  
(450100002) (66446008) (66946007) (66556008) (110136005) (64756008) (66476007)  
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X-OriginatorOrg: env.nm.gov  
X-MS-Exchange-CrossTenant-AuthAs: Internal  
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08daf031f852  
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(UTC)  
X-MS-Exchange-CrossTenant-fromentityheader: Hosted  
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X-MS-Exchange-Transport-CrossTenantHeadersStamped: DM6PR09MB4837



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

## INVOICE - Consolidated

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

INVOICE ID: 6067

INVOICE DATE: 01/04/2023

INVOICE DUE DATE: 02/28/2023

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

## ASSESSMENTS

Agency Interest	AI Name	AI City
39645	Concrete Batch Plant, GCP5-8911	Raton
Air Quality PRN20200001	- Air - Minor Source Annual Fee	\$2,344.00

## INVOICED AMOUNT

Agency Interest	AI Name	Amount
Current Due		
39645	Concrete Batch Plant, GCP5-8911	\$2,344.00
<b>BALANCE DUE</b>		<b>\$2,344.00</b>

Cut Here and Include Lower Portion with Payment

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

CONSOLIDATED INVOICE ID: 6067

PAYMENT DUE DATE: 2/28/2023

Invoice Amount: \$2,344.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

Mail payments to:

New Mexico Environment Department, AQB

Air Quality Bureau

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Telephone: (505) 476-4300

Fax: (505) 476-4375

Federal Tax ID # 85-6000565

**NMED Exhibit 14**

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**OFFICIAL USE**

Certified Mail Fee \$  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage \$  
 Total Post \$

Sent To  
 Street and  
 City, State

Shiver Brothers Inc  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0000 5185 9467

1/10/23

Postmark Here

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Shiver Brothers Inc  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

9590 9402 7572 2098 8439 57

2. Article Number (Transfer from service label)  
 7019 2970 0000 5185 9467

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Shana Bibby* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *Shana Bibby* C. Date of Delivery *1/11/2023*

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☐ Adult Signature ☐ Priority Mail Express®  
☐ Adult Signature Restricted Delivery ☐ Registered Mail™  
☒ Certified Mail® ☐ Registered Mail Restricted Delivery  
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™  
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery  
☐ Collect on Delivery Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

## INVOICE - Consolidated

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

INVOICE ID: 6067

INVOICE DATE: 01/04/2023

INVOICE DUE DATE: 02/28/2023

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## ASSESSMENTS

Agency Interest	AI Name	AI City
39645	Concrete Batch Plant, GCP5-8911	Raton
Air Quality PRN20200001	- Air - Minor Source Annual Fee	\$2,344.00

## INVOICED AMOUNT

Agency Interest	AI Name	Amount
Current Due		
39645	Concrete Batch Plant, GCP5-8911	\$2,344.00

## BALANCE DUE

\$2,344.00

Cut Here and Include Lower Portion with Payment

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

CONSOLIDATED INVOICE ID: 6067

PAYMENT DUE DATE: 2/28/2023

Invoice Amount: \$2,344.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

New Mexico Environment Department, AQB

Mail payments to:

Air Quality Bureau

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

**NMED Exhibit 15**

Federal Tax ID # 85-6000565

Telephone: (505) 476-4300

Fax: (505) 476-4375



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 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$  
 Postage \$  
 Total Postage and Fees \$

Sent To **Shiver Bros**  
 Street and Apt. No., or PO Box No. **8000 Pa Circle**  
 City, State, ZIP+4® **Albuquerque, NM 87110**

PS Form 3800, Apr 11 2015 PSN 7530-02-000-9047 See Reverse for Instructions

3-1323

Postmark Here

7019 0700 0002 1018 6143

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Shiver Brothers**  
**8000 Pennsylvania Circle**  
**Albuquerque, NM**  
**87110**

2. Article Number (Transfer from service label)  
**7019 0700 0002 1018 6143**

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

4. Signature  
**3-24-23-**  
**Per USPS.com**  
**delivered 3/24/23**  
**@ 2:42 PM**

5. Agent  
☐ Agent  
☐ Addressee  
☐ Point of Delivery

6. Date of Delivery  
☐ Yes  
☐ No

7. Domestic Return Receipt  
☐ Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053

**From:** [Leibowitz, Laurie, ENV](#)  
**To:** [jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)  
**Cc:** [Intermont, Donna, ENV](#); [Hollenberg, Cindy, ENV](#); [McDill, Teresa, ENV](#); [Kimbrell, Joseph, ENV](#); [Reimer, Allen, ENV](#)  
**Subject:** AI 39645 Shiver Brothers Inc  
**Date:** Wednesday, March 15, 2023 2:36:01 PM  
**Attachments:** [Shiver Brothers Inc NSR 2023 Inv.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)

---

Jamey,

Per our telephone conversation, attached are the two outstanding invoices for Shiver Brothers Inc. We have attempted to communicate with you on numerous occasions regarding payment of the outstanding annual fees. We do not have any information regarding cancellation of this permit.

**Construction Permits with an active status as of December 31 of the previous calendar year are subject to an annual fee per 20.2.75.11.E NMAC. If you wish to close/cancel the permits (and not receive an invoice in January 2024) submit the Permitting Administrative Multi-Form (PAM) requesting closure of each permit (Section 2-D) prior to December 31, 2023. If you have questions about the form, please contact [allen.reimer@env.nm.gov](mailto:allen.reimer@env.nm.gov). The form is available under the Air Quality Bureau drop down list, then Permitting drop down list on the website: [www.env.nm.gov/forms/](http://www.env.nm.gov/forms/).**

**Please note, the NSR fees are payable in full if your permit was active on the last day of the previous calendar year.**

**Since your permit was not cancelled prior to 12/31/2022 or 12/31/2021, you are required to pay both invoices.**

Please let me know if you have more questions.

Thank you,

Laurie Leibowitz  
Management Analyst  
Air Quality Bureau Public Records Custodian  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
505.629.7673 – mobile  
[laurie.leibowitz@env.nm.gov](mailto:laurie.leibowitz@env.nm.gov)  
<https://www.env.nm.gov/>

**From:** [postmaster@shiversouthwest.com](mailto:postmaster@shiversouthwest.com)  
**To:** [jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)  
**Subject:** Delivered: AI 39645 Shiver Brothers Inc  
**Date:** Wednesday, March 15, 2023 2:36:11 PM  
**Attachments:** [AI 39645 Shiver Brothers Inc.msg](#)

---

Your message has been delivered to the following recipients:  
jamey@shiversouthwest.com (jamey@shiversouthwest.com) <mailto:jamey@shiversouthwest.com>  
Subject: AI 39645 Shiver Brothers Inc



**From:** [James Shiver](#)  
**To:** [Leibowitz, Laurie, ENV](#)  
**Subject:** Read: [EXTERNAL] Read: AI 39645 Shiver Brothers Inc  
**Date:** Wednesday, March 15, 2023 2:36:31 PM

---

Your message

To: James Shiver  
Subject: AI 39645 Shiver Brothers Inc  
Sent: Wednesday, March 15, 2023 2:35:56 PM (UTC-07:00) Mountain Time (US & Canada)  
was read on Wednesday, March 15, 2023 2:36:26 PM (UTC-07:00) Mountain Time (US & Canada).

**From:** [Hollenberg, Cindy, ENV](#)  
**To:** [jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)  
**Cc:** [McDill, Teresa, ENV](#); [Intermont, Donna, ENV](#); [Leibowitz, Laurie, ENV](#); [Vigil, Christopher J, ENV](#)  
**Subject:** Non-payment of Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 12, 2023 10:01:05 AM  
**Attachments:** [Shiver Enf ltr-signed.pdf](#)  
[image001.png](#)  
[Shiver Brothers Inc NSR 2023 Inv.pdf](#)  
[Shiver Brothers Inc-NSR2022 Inv.pdf](#)  
**Importance:** High

---

Please find the attached letter which explains that enforcement action will be initiated if NSR Permit fees are not paid in full by June 15, 2023.

*Cindy Hollenberg*

Compliance & Enforcement Section Chief  
NMED Air Quality Bureau

525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
(505) 699-4608 (cell)  
[cindy.hollenberg@env.nm.gov](mailto:cindy.hollenberg@env.nm.gov)

<https://www.env.nm.gov/air-quality/>



**Science – Innovation – Collaboration – Compliance**



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

VIA EMAIL and CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 12, 2023

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110  
Electronic mail: jamey@shiversouthwest.com

Re: Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
Non-Payment of 2022 Air Quality Bureau NSR Permit Fees

To Whom It May Concern:

This letter is to inform you that the Air Quality Bureau ("Bureau") has not received payment for NSR Permit Fees from your company regarding operating years 2021 and 2022. These fees were billed on January 1, 2022 (2021 NSR Annual Permit fees) and January 4, 2023 (2022 NSR Annual Permit fees) and were due 30 days thereafter. Laurie Leibowitz of this Bureau has made several attempts to notify you of these past due invoices. The NSR fees are payable in full if your permit was active on the last day of the previous calendar year. Since your permit was not cancelled prior to 12/31/2022, you must pay both unpaid invoices. The case has now been handed over to our Enforcement unit. Total fees due as of the date of this letter equal \$4,509.00.

If payment in full is not received by close of business June 15, 2023, our Enforcement unit will proceed with legal action to collect the unpaid fees, revoke the permit with unpaid annual fees (making operation of this facility illegal) and collect a penalty for violation of 20.2.75 NMAC. Attached are copies of your unpaid invoices for 2021 NSR Annual fees and 2022 NSR Annual fees.

Your cooperation in resolving this matter is appreciated. **You will not receive a second letter.** If you have any questions about your past due amount, please contact Laurie Leibowitz at [Laurie.Leibowitz@env.nm.gov](mailto:Laurie.Leibowitz@env.nm.gov). For questions on the potential enforcement action, contact me at [cindy.hollenberg@env.nm.gov](mailto:cindy.hollenberg@env.nm.gov). If you wish to close/cancel the permit, and not receive an invoice in January 2024, a Permitting Administrative Multi-Form ("PAM") must be submitted requesting closure of the permit prior to December 31, 2023. If you have questions about the form, please contact [allen.reimer@env.nm.gov](mailto:allen.reimer@env.nm.gov). The form is available under the Air Quality Bureau drop down list, then Permitting drop down list on the website: [www.env.nm.gov/forms/](http://www.env.nm.gov/forms/). Canceling a permit in 2023 does not negate the obligation to pay 2022 permit fees.

**Again, if payment in full is not received by close of business, June 15, 2023, the Department will respond with legal action.**

Sincerely,

A handwritten signature in blue ink that reads "Cindy Hollenberg".

Cindy Hollenberg  
Compliance and Enforcement Section Chief  
Air Quality Bureau



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

VIA EMAIL and CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 12, 2023

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110  
Electronic mail: [jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)

Re: Non-Payment of 2021 Air Quality Bureau NSR Permit Fees  
Non-Payment of 2022 Air Quality Bureau NSR Permit Fees

To Whom It May Concern:

This letter is to inform you that the Air Quality Bureau ("Bureau") has not received payment for NSR Permit Fees from your company regarding operating years 2021 and 2022. These fees were billed on January 1, 2022 (2021 NSR Annual Permit fees) and January 4, 2023 (2022 NSR Annual Permit fees) and were due 30 days thereafter. Laurie Leibowitz of this Bureau has made several attempts to notify you of these past due invoices. The NSR fees are payable in full if your permit was active on the last day of the previous calendar year. Since your permit was not cancelled prior to 12/31/2022, you must pay both unpaid invoices. The case has now been handed over to our Enforcement unit. Total fees due as of the date of this letter equal \$4,509.00.

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Your cooperation in resolving this matter is appreciated. **You will not receive a second letter.** If you have any questions about your past due amount, please contact Laurie Leibowitz at [Laurie.Leibowitz@env.nm.gov](mailto:Laurie.Leibowitz@env.nm.gov). For questions on the potential enforcement action, contact me at [cindy.hollenberg@env.nm.gov](mailto:cindy.hollenberg@env.nm.gov). If you wish to close/cancel the permit, and not receive an invoice in January 2024, a Permitting Administrative Multi-Form ("PAM") must be submitted requesting closure of the permit prior to December 31, 2023. If you have questions about the form, please contact [allen.reimer@env.nm.gov](mailto:allen.reimer@env.nm.gov). The form is available under the Air Quality Bureau drop down list, then Permitting drop down list on the website: [www.env.nm.gov/forms/](http://www.env.nm.gov/forms/). Canceling a permit in 2023 does not negate the obligation to pay 2022 permit fees.

Again, if payment in full is not received by close of business, June 15, 2023, the Department will respond with legal action.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Hollenberg".

Cindy Hollenberg  
Compliance and Enforcement Section Chief  
Air Quality Bureau

**NMED Exhibit 19**



## New Mexico Environment Department

## Air Quality Bureau

525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

## INVOICE - Consolidated

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

INVOICE ID: 5717

INVOICE DATE: 01/01/2022

INVOICE DUE DATE: 02/28/2022

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

## ASSESSMENTS

Agency Interest	AI Name	AI City
39645	Shiver - GCP5-8911	Raton
Air Quality PRN20200001	- Air - Minor Source Annual Fee	\$2,165.00

## INVOICED AMOUNT

Agency Interest	AI Name	Amount
Current Due		
39645	Shiver - GCP5-8911	\$2,165.00
<b>BALANCE DUE</b>		<b>\$2,165.00</b>

Cut Here and Include Lower Portion with Payment

## Primary Billing Party:

## Is Primary Billing Party for

Shiver Brothers Inc  
8000 Pennsylvania Circle  
Albuquerque, NM 87110

ID: 13895

CONSOLIDATED INVOICE ID: 5717

PAYMENT DUE DATE: 2/28/2022

Invoice Amount: \$2,165.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

Mail payments to:

Federal Tax ID # 85-6000565

New Mexico Environment Department, AQB

Air Quality Bureau

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Telephone: (505) 476-4300

Fax: (505) 476-4375



New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Telephone: (505) 476-4300 Fax: (505) 476-4375

INVOICE - Consolidated

Primary Billing Party:

Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

INVOICE ID: 6067

INVOICE DATE: 01/04/2023

INVOICE DUE DATE: 02/28/2023

*When you provide the check as payment you authorize the State of New Mexico to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*

ASSESSMENTS

Agency Interest AI Name

39645

Concrete Batch Plant, GCP5-8911

AI City

Raton

Air Quality PRN20200001

- Air - Minor Source Annual Fee

\$2,344.00

INVOICED AMOUNT

Agency Interest AI Name

Current Due

39645

Concrete Batch Plant, GCP5-8911

Amount

\$2,344.00

BALANCE DUE

\$2,344.00

-----  
Cut Here and Include Lower Portion with Payment

Primary Billing Party:

Is Primary Billing Party for

Shiver Brothers Inc

ID: 13895

8000 Pennsylvania Circle

Albuquerque, NM 87110

CONSOLIDATED INVOICE ID: 6067

PAYMENT DUE DATE: 2/28/2023

Invoice Amount: \$2,344.00

Amount Enclosed: \_\_\_\_\_

Please make checks payable to:

Mail payments to:

New Mexico Environment Department, AQB

Air Quality Bureau

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Telephone: (505) 476-4300

Fax: (505) 476-4375

Federal Tax ID # 85-6000565



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**OFFICIAL USE**

Certified Mail Fee  
 \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage  
 \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Sent To  
 \$ \_\_\_\_\_

Street  
 \_\_\_\_\_

City, St.  
 \_\_\_\_\_

Shiver Brothers Inc  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

Postmark  
 Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Shiver Brothers Inc  
 8000 Pennsylvania Circle  
 Albuquerque, NM 87110

9590 9402 4386 8190 2851 87

2. Article Number (Transfer from service label)  
 7020 3160 0000 7459 6541

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 \_\_\_\_\_

☐ Agent  
☐ Addressee

B. Received by (Printed Name)  
 \_\_\_\_\_

C. Date of Delivery  
 \_\_\_\_\_

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**From:** [James Shiver](#)  
**To:** [Hollenberg, Cindy, ENV](#)  
**Subject:** Read: [EXTERNAL] Read: Non-payment of Air Quality Bureau NSR Permit Fees  
**Date:** Friday, May 12, 2023 11:21:37 AM  
**Importance:** High

---

Your message

To: James Shiver

Subject: Non-payment of Air Quality Bureau NSR Permit Fees

Sent: Friday, May 12, 2023 10:00:36 AM (UTC-07:00) Mountain Time (US & Canada)

was read on Friday, May 12, 2023 10:54:18 AM (UTC-07:00) Mountain Time (US & Canada).

**From:** [Jacob Shiver](#)  
**To:** [Hollenberg, Cindy, ENV](#)  
**Subject:** [EXTERNAL] Shiver Bros NSR permit fees in error  
**Date:** Thursday, June 8, 2023 11:39:18 AM  
**Attachments:** [Outlook-dfzewbcd.png](#)  
[scan20230608105549.pdf](#)

---

**CAUTION:** This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Afternoon Cindy,

We've received the attached invoices for an Air quality permit. We have been under the assumption that the permit was canceled in 2020 when we sold the plant a finished that project.

Is it possible to discuss these invoices regarding reprieve?

Please let me know if a call is possible or email would be the best way to discuss this.

Thank you,

**Jake Shiver**



<!--[if !vml]--> <!--[endif]-->

**From:** [Hollenberg, Cindy, ENV](#)  
**To:** [Jacob Shiver](#)  
**Cc:** [Intermont, Donna, ENV](#); [Leibowitz, Laurie, ENV](#); [jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)  
**Subject:** RE: [EXTERNAL] Shiver Bros NSR permit fees in error  
**Date:** Thursday, June 8, 2023 3:05:03 PM  
**Attachments:** [image001.png](#)

---

Jacob,

This is a bit confounding, considering you also received a letter that we sent in May of 2022 and have received many communications both before that letter and after – including information regarding cancelling permits. If you sold the plant, did you notify the department? Please send us a copy of that notification, because we do not show that proper notification was given. This is another potential violation.

There will be no “reprieve” as you have had many opportunities to correct the situation and have failed to do so. An Administrative Compliance Order will be issued if fees are not paid by June 15, 2023; the Order will include a civil penalty and revocation of the permit.

Regards,  
Cindy

---

**From:** Jacob Shiver <jake@Shiverbros.com>  
**Sent:** Thursday, June 8, 2023 11:38 AM  
**To:** Hollenberg, Cindy, ENV <Cindy.Hollenberg@env.nm.gov>  
**Subject:** [EXTERNAL] Shiver Bros NSR permit fees in error

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Thank you,

**Jake Shiver**





**From:** [Jacob Shiver](#)  
**To:** [Hollenberg, Cindy, ENV](#)  
**Cc:** [Intermont, Donna, ENV](#); [Leibowitz, Laurie, ENV](#); [James Shiver](#); [Phyllis Chavez](#)  
**Subject:** Re: [EXTERNAL] Shiver Bros NSR permit fees in error  
**Date:** Tuesday, June 13, 2023 4:39:03 PM  
**Attachments:** [image001.png](#)  
[Outlook-4sysrzb.png](#)

---

We submitted the PAM form but I cannot find record of it. This permit by all means should have been canceled. Because of this, it sounds like I have no choice but to pay these fees. I also have no record of your letter from May of 2022.

We'll be formally submitting the PAM form and submitting the payment for the erroneous past due balance.

Can you please tell me the most expeditious way to remit this payment so not to incur an "Administrative Compliance Order"

Regards,

**Jake Shiver**



<!--[if !vml]-->

<!--[endif]-->

---

**From:** Hollenberg, Cindy, ENV <Cindy.Hollenberg@env.nm.gov>  
**Sent:** Thursday, June 8, 2023 3:04 PM  
**To:** Jacob Shiver <jake@shiverbros.com>  
**Cc:** Intermont, Donna, ENV <Donna.Intermont1@env.nm.gov>; Leibowitz, Laurie, ENV <Laurie.Leibowitz@env.nm.gov>; James Shiver <jamey@shiversouthwest.com>  
**Subject:** RE: [EXTERNAL] Shiver Bros NSR permit fees in error

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**Sent:** Thursday, June 8, 2023 11:38 AM  
**To:** Hollenberg, Cindy, ENV <Cindy.Hollenberg@env.nm.gov>  
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Thank you,

**Jake Shiver**



**From:** [Intermont, Donna, ENV](#)  
**To:** [Jacob Shiver; Hollenberg, Cindy, ENV](#)  
**Cc:** [Leibowitz, Laurie, ENV; James Shiver; Phyllis Chavez](#)  
**Subject:** RE: [EXTERNAL] Shiver Bros NSR permit fees in error  
**Date:** Tuesday, June 13, 2023 4:50:39 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
**Importance:** High

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Mr. Shiver:

Priority mail, with at best 2-day delivery (6/15/23) or overnight delivery will guarantee receipt on the due date of 6/15/23 COB, Federal Express delivery, or drive up here to the office. Total due is \$4,509.00. Thank you for responding.

Respectfully,

Donna J. Intermont  
Operations Section Chief  
NM Environment Department  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816  
Cell (505)377-7583; Fax (505)476-4375  
[donna.intermont1@env.nm.gov](mailto:donna.intermont1@env.nm.gov)  
<https://www.env.nm.gov/>  
*Science | Innovation | Collaboration | Compliance*



---

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**Sent:** Tuesday, June 13, 2023 4:38 PM  
**To:** Hollenberg, Cindy, ENV <Cindy.Hollenberg@env.nm.gov>  
**Cc:** Intermont, Donna, ENV <Donna.Intermont1@env.nm.gov>; Leibowitz, Laurie, ENV <Laurie.Leibowitz@env.nm.gov>; James Shiver <jamey@shiversouthwest.com>; Phyllis Chavez <Phyllis@shiversouthwest.com>  
**Subject:** Re: [EXTERNAL] Shiver Bros NSR permit fees in error

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**To:** Jacob Shiver <[jake@Shiverbros.com](mailto:jake@Shiverbros.com)>  
**Cc:** Intermont, Donna, ENV <[Donna.Intermont1@env.nm.gov](mailto:Donna.Intermont1@env.nm.gov)>; Leibowitz, Laurie, ENV <[Laurie.Leibowitz@env.nm.gov](mailto:Laurie.Leibowitz@env.nm.gov)>; James Shiver <[jamey@shiversouthwest.com](mailto:jamey@shiversouthwest.com)>  
**Subject:** RE: [EXTERNAL] Shiver Bros NSR permit fees in error

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---

**From:** Jacob Shiver <[jake@Shiverbros.com](mailto:jake@Shiverbros.com)>  
**Sent:** Thursday, June 8, 2023 11:38 AM  
**To:** Hollenberg, Cindy, ENV <[Cindy.Hollenberg@env.nm.gov](mailto:Cindy.Hollenberg@env.nm.gov)>  
**Subject:** [EXTERNAL] Shiver Bros NSR permit fees in error

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Thank you,

**Jake Shiver**





**Company:** Shiver Brothers Inc.  
**Facility:** Concrete Batch Plant - GCP5 #8911  
**NOV #:** SHIV-39645-2301  
**Permit #:** NSR (GCP-5) #8911

**Calculations by:** Cindy Hollenberg  
**Reviewed by:** Terry McDill  
**Date of calculation:** October 11, 2023  
**Source class:** Minor

### CIVIL PENALTY CALCULATION

*Confidential - for settlement purposes only*

**Violation #1** Failure to pay annual NSR permit fees for 2022 within 30 days of receipt of an invoice pursuant to 20.2.75.12.E NMAC, *Construction Permit Fees*

<b>A.</b>	<b>Gravity Determination</b>	<b>Penalty</b>	<b>\$1,500.00</b>
	<b>Potential for harm:</b> Minimal		
	<b>Extent of deviation:</b> Moderate		
	<b>Quantity:</b> 1		

**Basis:** Potential for harm and Extent of deviation, as denoted above, are detailed in the Bureau's Civil Penalty Policy, Sections VI.C.1.a, VI.C.1.b and Appendix F.

20.2.75.12.E NMAC states that "Permittees shall pay annual fees with thirty (30) days of receipt of an invoice for annual fees for a permitted facility." Facilities for which an NSR permit is active on December 31 each year are invoiced for that calendar year, payable in the following calendar year per the invoice due date.

Shiver Brothers Inc had an active NSR permit for the Concrete Batch Plant as of December 31, 2021 and 2022. The Bureau issued the invoices on January 7, 2022 and January 8, 2023 with a due date of February 28, 2022 and 2023 respectively. Numerous reminders were sent to and received by Shiver Brothers Inc., including a letter in May 2023 warning of enforcement action if fees were not paid by June 15, 2023. As of the date of this calculation, the fees have not been paid.

<b>B.</b>	<b>Multi-Day Component</b>	<b>Penalty</b>	<b>\$0.00</b>
	<b>Number of days:</b> 0		
	<b>Multiplier:</b> 0		
	<b>Quantity:</b> 1		

**Basis:** Per Bureau discretion, a multi-day component has not been assessed at this time.

<b>Adjustment Factors</b>	<b>Factor Total</b>	<b>2.0</b>
<b>I. Effort to comply:</b> No cooperation / no compliance		0.4

**Basis:** After numerous attempts to collect the annual fees, Shiver Brothers Inc. has refused to pay.

<b>II. Negligence/willfulness:</b> Probably willful	0.6
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Basis: Shiver Brothers Inc. knew that the fees were due and payable through the multiple communications between Bureau staff and company personnel. Still they have refused to pay.

III. History of noncompliance:	No history of noncompliance	0
IV. Financial Condition:	Gross sales <\$500,000 or Government facility	0
V. Mathematical adjustment		1.0

C.	Economic Benefit	Penalty	\$0.00
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Basis:

The Bureau made a preliminary determination that an insignificant economic benefit was received; therefore, the total is \$0.00. The Bureau reserves the right to assess an economic benefit if the fees are not paid within 30 days of the Compliance Order issuance.

Violation Penalty:

A. Gravity Determination	\$1,500.00	
B. Multi-Day Component	\$0.00	
Adjusted Gravity + Multi-Day Components		\$3,000.00
C. Economic Benefit		\$0.00
Violation Total		\$3,000.00

TOTAL CALCULATED PENALTY	\$3,000.00
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Violation 1 \$3,000.00

<b>Company:</b>	Shiver Brothers Inc.	<b>Calculations by:</b>	Cindy Hollenberg
<b>Facility:</b>	Concrete Batch Plant - GCP5 #8911	<b>Reviewed by:</b>	Terry McDill
<b>NOV #:</b>	SHIV-39645-2301	<b>Date of calculation:</b>	October 11, 2023
<b>Permit #:</b>	NSR (GCP-5) #8911	<b>Source class:</b>	Minor

<b>MAXIMUM ALLOWABLE PENALTY</b>	<b>\$1,800,000.00</b>
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Maximum allowable penalty is for comparison purposes only: \$15,000 per violation per day may be assessed pursuant to New Mexico Air Quality Control Act Section 74-2-12.B.

<u>Maximum Daily Penalty</u>		<u>Number of Days</u>	<u>Maximum Penalty</u>
Violation 1	\$15,000.00	120	\$1,800,000.00

