

5. Cind-R-Lite, Cinder Cone Mine, Nye County

Cind-R-Lite, Cinder Cone Mine (CRL) operates a facility that mines and processes cinder under Class 2 permit #AP3271-2457 in Nye County. Cinder is mined from a nearby cinder cone, sized by crushing and screening to various size specifications, and then stocked into silos and bins prior to delivery.

During a site inspection on June 3, 2014, the BAPC verified that CRL was in still in operation even though its Air Quality Operating Permit had expired. It is not uncommon for facilities to cancel a permit or to not renew a permit when a project expires. When a permit is cancelled or expires, the BAPC will perform a site visit to verify that the project has ceased operations. Class 2 facilities such as CRL are inspected at least once every 5 years.

CRL was issued a Stop Order #2014-06 on June 3, 2014 and then NOAV #2498 on July 31, 2014 for failure to obtain and operate under a valid operating permit. CRL operated for 11 months without an Air Quality Operating Permit. CRL was sent a “courtesy” reminder by certified mail to remind them to renew the permit before it expired (see reminder and certification provided in this Section). The certified receipt was signed by a recipient at CRL’s address. Courtesy letters are not a regulatory requirement; they are strictly a courtesy service the BAPC performs to help industry.

CRL was not cooperative. It engaged in loud and abusive language toward BAPC staff. The BAPC invited CRL to a compliance meeting to review the draft NOAV and proposed penalty. CRL declined to participate, citing travel expense. The BAPC then offered a phone conference instead and provided the draft NOAV and penalty matrix via email for the phone conference. Like the courtesy letter, the compliance meeting to review the draft NOAV is also a courtesy and not a regulatory requirement.

Once the Stop Order was issued, the BAPC provided extra assistance to CRL to prepare an application and process its permit to minimize CRL’s shut-down time. CRL staff did know how to fill-out the permit application, so the BAPC provided a scanned copy of CRL’s previous permit application and performed several phone calls and information requests to assist them. The BAPC set aside other projects to prepare the application, perform the air dispersion modeling and draft the permit. An application was received on June 11, 2014. The permit was issued on July 2, 2014. This was a total of only 21 days to issue the permit; the regulatory time is 70 days. The Stop Order was lifted when the permit was issued; therefore, the Stop Order lasted 29 days. Expediting CRL’s permit did come at the expense of other projects.

CRL did inform the SEC Executive Secretary, Val King, that it wanted to appeal on August 11, 2014. CRL does not dispute that its permit expired, but only that the BAPC failed to sufficiently remind CRL that its permit would expire. It should be noted that every permit clearly states its expiration date on the signature page. (see CRL’s signature page with expiration date included in this Section).

Industrial Process

The process begins in the mine with material scraped by dozer from the cone of an inactive volcano (cinders). The cinders, ranging in size from -3/8” to +4”, are moved from the 2nd bench of the mountain to the lowest bench, where the screen processing plants are located, by front end loader or haul trucks. The cinders pass through the screen plant feed hopper, which is covered with a grizzly screen of parallel

bar to screen out the cinders over 4" in size. The remaining cinders are moved along by conveyors (with water sprays) through the screens to separate them by size. Cinders 2" to 4" in size are diverted into a roll crusher and recirculated back through the system. After screening the processed 3/8", cinders are moved to silos by conveyors and to the drive under bins via front end loaders or haul trucks. Customer trucks load the cinder from the silos and drive under bins via extended tube chutes.

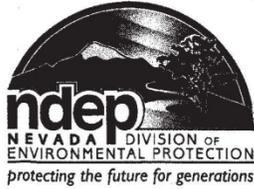
Pollutant Emissions

Pollutant emissions are primarily particulate matter (**PM**), regulated as **PM₁₀**, from the crushing, screening and handling of the cinder product. At permitted limits, the facility is at 72% of the standard for the **PM₁₀** 1-hour (NAAQS) standard.

Environment

It is illegal under the Federal Clean Air Act and the Nevada Administrative Code to operate a unit that emits a regulated pollutant without the applicable air quality operating permit. As the company did not realize that its permit had expired, it is uncertain what its awareness and compliance with the permitted requirements was. The permitted requirements are designed to comply with State and Federal air quality standards to be protective of the public health and the environment.

[CRL Reminder Letter]



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

February 11, 2013

Ernest L. Selman
Vice President
Cind-R-Lite Cinder Cone Mine
4745 Mitchell Street
North Las Vegas, NV 89081

Re: Class II Air Quality Operating Permit NO. AP 3271-2457 FIN: A0519
Issued: July 15, 2008 Expires: July 15, 2013

NOTICE OF EXPIRATION

Dear Permit Holder:

This notice serves as reminder that the referenced Class II Air Quality Operating Permit issued by the Bureau of Air Pollution Control was issued for a term of five years and will expire as noted above.

In order to renew your permit and continue operation after the pending expiration, you will need to submit a **complete application and payment of \$2,000 at least 70 days prior to expiration.**

DO NOT BE LATE! Please submit by **May 6, 2013.** Failure to submit a timely and complete renewal application is a failure to comply with your existing permit. A late application will only be accepted as an application for a new permit (\$3,000) which may be denied or may not be issued prior to expiration of your current permit and may subject you to penalties and/or other compliance action.

A complete renewal application must comply with the same requirements that apply to the issuance of an initial Class II operating permit as specified in NAC 445B.3457 [See also NAC 445B.3473]. A source that emits or has the potential to emit a regulated air pollutant in excess of 25 tons per year must also submit an environmental evaluation (i.e., modeling analysis) [NAC 445B.310].

A **renewal application is not the same as a revision.** If you anticipate changes or any modification at your facility requiring revision of your permit within the next six months, you are advised to submit a separate application for revision [including separate \$2,000 fee] within the next 60 days. A later application may not provide adequate time to process your revision request prior to renewal. If you have substantial changes or questions about how to revise or process the renewal of your permit, please contact me as soon as possible to discuss your particular situation.

Application forms are available from the website at <http://ndep.nv.gov/bapc/permitting/permitd.html> or upon request by contacting me at (775) 687-9336 or at jdenison@ndep.nv.gov.

Sincerely,

Jeff Denison, PE
Permitting Supervisor
Bureau of Air Pollution Control

JD/lw

Cc: FIN A0519 (Certified Copy)

Certified Mail No. 9171 9690 0935 0011 8899 98

9171 9690 0935 0011 8899 98



[Signed Certified Receipt]



Date: 02/21/2013

C DOUGLAS:

The following is in response to your 02/21/2013 request for delivery information on your Certified Mail(TM) item number 7196 9000 3500 1188 9998. The delivery record shows that this item was delivered on 02/19/2013 at 01:43 PM in NORTH LAS VEGAS, NV 89081. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section

Douglas C. Douglas

Address of Recipient:

4745 MITCHELL

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

[Permit Expiration Date on Permit]



Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL

Facility ID No. A0519

Permit No. AP3271-2457

CLASS II AIR QUALITY OPERATING PERMIT

Issued to: CIND-R-LITE CINDER CONE MINE

Section IX. Amendments

This permit:

1. Is non-transferable. (NAC 445B.287.3)
2. Will be posted conspicuously at or near the stationary source. (NAC 445B.318.5)
3. Will expire and be subject to renewal five (5) years from: July 15, 2008 .
(NAC 445B.315)
4. A completed application for renewal of an operating permit must be submitted to the director on the form provided by him with the appropriate fee at least 70 calendar days before the expiration date of this operating permit. (NAC 445B.3473.2)
5. Any party aggrieved by the Department's decision to issue this permit may appeal to the State Environmental Commission (SEC) within ten days after the date of notice of the Department's action. (NRS 445B.340)

THIS PERMIT EXPIRES ON: July 15, 2013

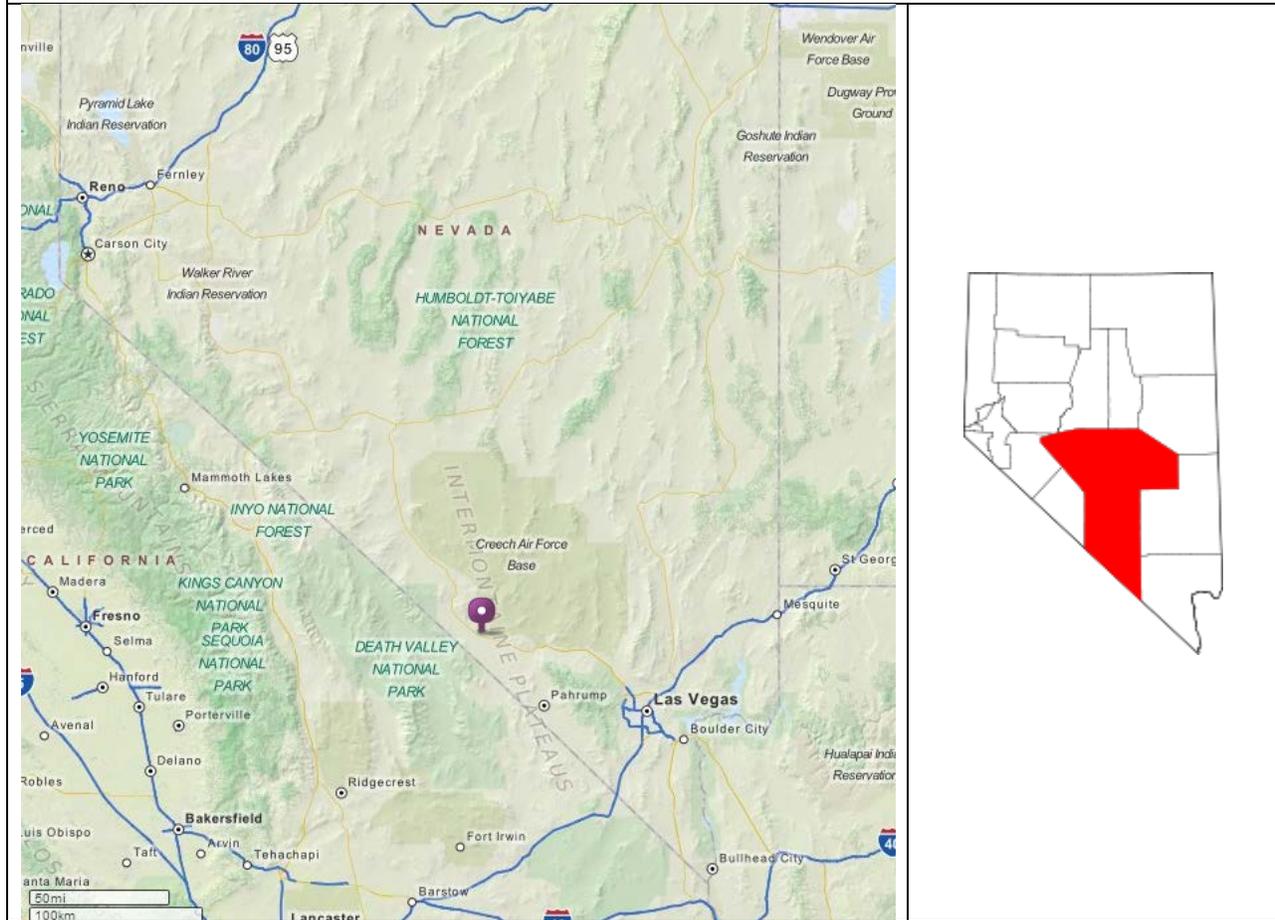
Signature _____
Issued by: Francisco Vega
Supervisor, Permitting Branch
Nevada Bureau of Air Pollution Control

Phone: (775) 687-9343 **Date:** July 17, 2008

in
07/08

5. Cind-R-Lite, Cinder Cone Mine, Nye County

7.2 miles north of Lathrop Wells, 1 mile East of Highway 95
Nye County, Nevada (36.684, -116.509)



Entrance to cinder mine area.



Cinder processing and stockpiles.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 21XX

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ernie Selman, Vice President

Company Name: Cind-R-Lite Cinder Cone Mine

Address: 4745 Mitchell Street
North Las Vegas, NV 89031

Permit Number: AP3271-0251.01 **FIN:** A0519

Site of Alleged Violation: Cinder Cone Mine, north of Lathrop Wells, NV

Date of Last Observation: February 13, 2008 **Arrival:** 11:15am **Departure:** 12:10pm

Ambient Temperature: 56 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: calm **mph** **Wind Direction** north

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice.

1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit

It is alleged that the following act or practice constitutes the violation:

Failure to abide by a condition of a Compliance Order

Evidence:

Cind-R-Lite Cinder Cone Mine is located seven miles north of Lathrop Wells, NV. They are owned and operated by Cind-R-Lite Block Company. Cind-R-Lite did not submit a permit renewal application by May 30, 2008 as required in Compliance Order 2008-21. The renewal application was received June 9, 2008. Cind-R-Lite has had no violations within the last 60-consecutive months. NOAV 21XX for failure to perform IOCD testing is concurrent.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 21XX

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ This notice is a warning.

Signature _____
Issued by: Lawrence Kennedy, P.E.
Supervisor
Compliance and Enforcement Branch

Phone: 775-687-9495 Date: _____

Certified Mail # 7005 xxxx

LK/xx

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

NDEP AIR QUALITY INSPECTION REPORT

FIN A0519

PERMIT: AP3271-0251.01 expires May 30, 2008

Inspection Date: February 13, 2008	Report Date: February 22, 2008
Facility Name: Cind-R-Lite Block Co.	Telephone(s): 702-249-3208, 702-279-9301 Dave
Permit Address: 4745 Mitchell St—N Las Vegas, NV 89031 mine: HCR69, Box 8—Lathrop Wells, NV 89019	
Source Location: 7.2 mi. N. of Lathrop Wells, ½ mi. E. of Highway 95	County: Nye
Legal Location: Section 36, T14S, R48E; Section 1, T15S, R48E; Section 31, T14S, R49E; Section 6, T15S, R49E	
GPS: Office N 36° 41.092' W 116° 30.536' ± !11ft	
Type of Sources: Screens, silos, conveyors, hoppers, stockpiles	
Contact & Title: Ron Yubeta, manager/controller and Dave Andrade, mine supervisor	
Arrived: 11:55am	Departed: 2:15pm VE Taken: Yes
Photos Taken: Yes	Temperature: 52 °F Clear: X Pt. Cloudy: _____ Rain: _____ Snow: _____
Wind Speed: 2-3 mph	Gusts to: _____ mph Direction: North
Inspection Type: Compliance	Source Operating: Yes

Source and Source Description			Controls	Operating	Compliance	Remarks
54 Emission Units						
HARTL SCREEN PLANT						
A. System 01 - Material Transfer						
PF	1.001	Material transfer to Feed Hopper FH-1	BOP	No	Unknown	
PF	1.002	Feed Hopper FH-1 and discharge to Conveyor H-1	BOP	No	Unknown	
PF	1.003	Conveyor H-1 and discharge to Conveyor H-2	WS 75%	No	Unknown	
B. System 02 - Hartl Screen						
PF	1.004	Conveyor H-2 and discharge to Screen SC-1	WS 75%	No	Unknown	
PF	1.005	Screen SC-1, manufactured by Hartl, model HSC3000, serial #833T	BOP	No	Unknown	
PF	1.005.1	Screen SC-1 discharge to Conveyor H-3	BOP	No	Unknown	
PF	1.005.2	Screen SC-1 discharge to Conveyor H-4	BOP	No	Unknown	
PF	1.005.3	Screen SC-1 discharge to Conveyor H-5	BOP	No	Unknown	
C. System 03 - Conveyors and Stockpiles						
PF	1.006	Conveyor H-3 and discharge to Sand Stockpile	BOP	No	Unknown	
PF	1.007	Conveyor H-4 and discharge to 3/8" Stockpile	BOP	No	Unknown	
PF	1.008	Conveyor H-5 and discharge to Oversize Stockpile	BOP	No	Unknown	
EL JAY SCREEN PLANT #1						
D. System 04 - Material Transfer						
PF	1.009	Material transfer to Feed Hopper FH-3	BOP	No	Unknown	
PF	1.010	Feed Hopper FH-3 and discharge to Conveyor E-1	BOP	No	Unknown	
PF	1.011	Conveyor E-1 and discharge to Conveyor E-2	WS 75%	No	Unknown	
E. System 05 - El Jay Screen #1						
PF	1.012	Conveyor E-2 and discharge to Screen SC-3	WS 75%	No	Unknown	
PF	1.013	Screen SC-3, manufactured by El Jay Cedarapids, model 1262, serial #5163-26FS	BOP	No	Unknown	
PF	1.013.1	Screen SC-3 discharge to Conveyor E-3	BOP	No	Unknown	
PF	1.013.2	Screen SC-3 discharge to Conveyor E-5	BOP	No	Unknown	
PF	1.013.3	Screen SC-3 discharge to Conveyor E-6	BOP	No	Unknown	
PF	1.013.4	Screen SC-3 discharge to Conveyor E-10	BOP	No	Unknown	
F. System 06 - Conveyors and Stockpiles						
PF	1.014	Conveyor E-3 and discharge to Conveyor E-4	BOP	No	Unknown	
PF	1.015	Conveyor E-4 and discharge to Sand Stockpile	BOP	No	Unknown	
PF	1.016	Conveyor E-5 and discharge to Conveyor E-7	BOP	No	Unknown	
PF	1.017	Conveyor E-7 and discharge to Oversize Stockpile	BOP	No	Unknown	
PF	1.018	Conveyor E-6 and discharge to Conveyor E-8 or Conveyor E-9	BOP	No	Unknown	
PF	1.019	Conveyor E-8 and discharge to 3/8" Stockpile or Conveyor E-9	BOP	No	Unknown	
PF	1.020	Conveyor E-9 and discharge to Bin Hopper BH-1	BOP	No	Unknown	
G. System 07 - Pioneer Crusher #1						
PF	1.021	Conveyor E-10 and discharge to Crusher CR-1	BOP	No	Unknown	
PF	1.022	Crusher CR-1, manufactured by Pioneer, model 4022, serial #42-311	BOP	No	Unknown	
PF	1.022.1	Crusher CR-1 discharge to Conveyor E-11	BOP	No	Unknown	
PF	1.023	Conveyor E-11 and discharge to Conveyor E-12	BOP	No	Unknown	
PF	1.024	Conveyor E-12 and discharge to Feed Hopper FH-3	BOP	No	Unknown	

EL JAY SCREEN PLANT #2						
H. System 08 - Material Transfer						
PF	1.025	Material transfer to Feed Hopper FH-2	BOP	Yes	Yes	
PF	1.026	Feed Hopper FH-2 and discharge to Conveyor S-1	BOP	Yes	Yes	
PF	1.027	Conveyor S-1 and discharge to Conveyor S-2	WS 75%	Yes	Yes	
I. System 09 – El Jay Screen #2 (they call it Symons)						
PF	1.028	Conveyor S-2 and discharge to Screen SC-2	WS 75%	Yes	No	1
PF	1.029	Screen SC-2, manufactured by El Jay Cedar Rapids, model FSG516326, serial #3481280	BOP	Yes	Yes	
PF	1.029.1	Screen SC-2 discharge to Conveyor S-3	BOP	Yes	Yes	
PF	1.029.2	Screen SC-2 discharge to Conveyor S-5	BOP	Yes	Yes	
PF	1.029.3	Screen SC-2 discharge to Conveyor S-6	BOP	Yes	Yes	
PF	1.029.4	Screen SC-2 discharge to Conveyor S-7	BOP	Yes	Yes	
J. System 10 - Conveyors and Stockpiles						
PF	1.030	Conveyor S-3 and discharge to Conveyor S-4	BOP	Yes	Yes	
PF	1.031	Conveyor S-4 and discharge to Sand Stockpile	BOP	Yes	Yes	
PF	1.032	Conveyor S-5 and discharge to Oversize Stockpile	BOP	Yes	Yes	
PF	1.055	Conveyor S-7 and discharge to Bin Hopper BH-1	BOP	Yes	Yes	
K. System 11 – Pioneer Crusher #2						
PF	1.056	Conveyor S-6 and discharge to Crusher CR-2	BOP	No	Unknown	
PF	1.057	Crusher CR-2, manufactured by Pioneer, model 4022	BOP	No	Unknown	
PF	1.057.1	Crusher CR-2 discharge to Conveyor S-8	BOP	No	Unknown	
PF	1.058	Conveyor S-8 and discharge to Feed Hopper FH-2	BOP	No	Unknown	
MATERIAL TRANSFER						
L. System 12 – Bin Hopper						
PF	1.033	Bin Hopper BH-1 and discharge to Conveyor B-1	BOP	Yes	Yes	
PF	1.034	Conveyor B-1 and discharge to Conveyor B-2	BOP	Yes	Yes	
M. System 13 - Silo Loading						
S	2.001	Conveyor B-2 and discharge to Silo 1	Bin Vent 90%	Yes	Yes	
S	2.002	Conveyor B-2 and discharge to Silo 2	Bin Vent 90%	No	Unknown	
N. System 14 - Silo Discharge						
PF	1.035	Silo 1 and discharge to Trucks	WS 75%	No	Unknown	
PF	1.036	Silo 2 and discharge to Trucks	WS 75%	No	Unknown	
O. System 15 - Drive Under Bins						
PF	1.037	Material transfer to Drive Under Bin	WS 75%	No	Unknown	
PF	1.038	Drive Under Bin discharge to Trucks	WS 75%	No	Unknown	
MANUFACTURING PLANT						
P. System 16 - Plant Aggregate Bins						
PF	1.039	Material transfer to Aggregate Bin AB-1 (washed sand)	BOP	No	Unknown	
PF	1.040	Material transfer to Aggregate Bin AB-2 (3/8" cinders)	BOP	No	Unknown	
PF	1.041	Material transfer to Aggregate Bin AB-3 (white sand)	BOP	No	Unknown	
Q. System 17 - Conveyors						
PF	1.042	Aggregate Bin AB-1 and discharge to Conveyor BP-1	BOP	No	Unknown	
PF	1.043	Conveyor BP-1 and discharge to Conveyor BP-4	BOP	No	Unknown	
PF	1.044	Aggregate Bin AB-2 and discharge to Conveyor BP-2	BOP	No	Unknown	
PF	1.045	Conveyor BP-2 and discharge to Conveyor BP-4	BOP	No	Unknown	
PF	1.046	Aggregate Bin AB-3 and discharge to Conveyor BP-3	BOP	No	Unknown	
PF	1.047	Conveyor BP-3 and discharge to Conveyor BP-4	BOP	No	Unknown	
PF	1.048	Collector Conveyor BP-4 and discharge to Conveyor BP-5	BOP	No	Unknown	
PF	1.049	Incline Conveyor BP-5 and discharge to Pantleg Hopper	BOP	No	Unknown	
PF	1.050	Pantleg Hopper, discharge to Cement Batch Mixer CM-1 or Cement Batch Mixer CM-2	BOP	No	Unknown	
R. System 18 - Cement Silo 1						
S	2.003	Cement Silo 1 CS-1, Loading	Bin Vent	No	Unknown	
PF	1.051	Cement Silo 1 CS-1, discharge to Cement Hopper CH-1	BOP	No	Unknown	
PF	1.052	Cement Hopper CH-1, discharge to Cement Batch Mixer CM-1	BOP	No	Unknown	
S. System 19 - Cement Silo 2						
S	2.004	Cement Silo 2 CS-2, Loading	Bin Vent	No	Unknown	
PF	1.053	Cement Silo 2 CS-2, discharge to Cement Hopper CH-2	BOP	No	Unknown	
PF	1.054	Cement Hopper CH-2, discharge to Cement Batch Mixer CM-2	BOP	No	Unknown	

Remarks
1. Dust of over 80% opacity where material drops onto screen
Comments
<p>Cind-R-Lite mines cinders from a large, conspicuous cone just north of Hwy 95 in Nye Co. This inspection resulted from emissions from the facility.</p> <p>Before entering, I observed and photographed the facility from Hwy 95 and then the mine access road. I noticed fugitive dust coming from the area behind two white silos, so I did a 6-minute VE from the haul road. I could not see the top of the equipment from where I took the readings. The averages ranged from 26-54% opacity. There is also a plume created whenever material is pushed over the side of the benches. The haul road was extremely dry.</p> <p>I also observed the equipment from an area near the office. At about 5 feet from the top of the El Jay #2 screen, the opacity was over 80% for 2-3 minutes. I took more pictures before I checked in with Dave Andrade and Ron Yubeta. I advised them to shut down the equipment. We discussed ways that they can mitigate emissions. They were very receptive to my suggestions and were determined to correct the problem. Mr. Yubeta mentioned that they were exempt from controlling dust when their equipment pushes material down the steps. I told them that exemption may not be granted in the future. I mentioned that they need to water the road when they have deliveries or the wind blows.</p> <p>They did not have a full copy of the current permit, just the last few pages. I told them to get a complete copy of the permit and keep it at the mine. Since it expires May 30, 2008, I suggested that they find out if the renewal had been sent. Operating records are kept on the computer.</p> <p>I toured and photographed the facility with Mr. Andrade. There was no new equipment or other changes since their amendment in August 2004. All water sprays appeared to be in place but not necessarily mitigating dust. I recommend a Warning NOAV for emissions in excess of permitted limits.</p>

NAC Compliance: <u>No</u>	General Appearance: <u>dusty</u>	Last Inspection: <u>July 7, 2005</u>
Compliance Code: <u>24</u>	Action Code: _____	PC: _____
Bureau Chief: _____	Permits: _____	File Check: <u>Yes</u>
		Records: <u>Yes</u>
		AIRS: _____
	clc	February 22, 2008
	_____ <i>Inspector's Signature</i>	_____ <i>Date</i>

Photos



Road south of facility entrance



upper L from push down step, middle from El Jay Screen #2



Dust from El Jay Screen #2



drop into El Jay Screen #2

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

For: Cind-R-Lite, Cinder Cone Mine (AP3271-2457, FIN A0519)

Violation: Operating without a valid air quality operating permit.

NOAV:

I. Gravity Component

A. Base Penalty: \$1,000 or as specified in the Penalty Table = \$3,000

B. Extent of Deviation – Deviation Factors:

1. Volume of Release:

A. For CEMS or source testing, see *Guidelines* on page 3.

Adjustment to Base Penalty = _____

B. For opacity, see *Guidelines* on page 3 and refer to table below.

1	1.5	2.5	4	6
Negligible amount	Relatively low amount	Medium amount	Relatively high amount	Extremely high amount

Adjustment to Base Penalty = _____

2. Toxicity of Release: Hazardous Air Pollutant (if applicable)

3. Special Environmental/Public Health Risk (proximity to sensitive receptor):

1	2	3	4
Negligible amount	Medium amount	Relatively high amount	Extremely high amount

Deviation Factors 1 x 2 x 3:

C. Adjusted Base Penalty: Base Penalty (A) x Deviation Factors (B) =

D. Multiple Emission Unit Violations or Recurring Events:

$$\frac{\$3,000}{\text{Dollar Amount}} \times \frac{11 \text{ Months}}{\text{Number of Months}} = \frac{\$33,000}{\text{Total Gravity Fine}}$$

**Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Administrative Fine Calculation Worksheet for Emissions Violations**

II. Economic Benefit

A.	Delayed Costs	+	Avoided Costs	=	Economic Benefit
Subtotal	Total Gravity Fine	+	Economic Benefit	=	Fine Subtotal

III. Penalty Adjustment Factors

A. Mitigating Factors		_____ %
B. History of Non-compliance		
1. Similar Violations (NOAVs) in previous 5 years:		
Within previous year (12 months) =	3X (+300%)	
Within previous three years (36 months) =	2X (+200%)	
Occurring over three years before =	1.5X (+150%)	_____ %
2. All Recent Violations (NOAVs) in previous 5 years:		
(+5%) X (Number of recent Violations) =	5% x 1 = 5%	_____ 5%
Total Penalty Adjustment Factors - Sum of A & B:		_____ 5% %

IV. Total Penalty

\$33,000	X	5%	=	\$1,650
Penalty Subtotal (from Part II)		Total Adjustment Factors		Total Adjustment
\$33,000	+	\$1,650	=	\$34,650
Penalty Subtotal (from Part II)		Penalty Increase or Decrease		Total Penalty

Assessed by: _____ Date: _____

Administrative Penalty Matrix - Non-Emissions Air Quality Violations
 (Note that the Penalty Worksheet is used to augment or adjust some penalties)

Permit Class	Constructing or Operating without a Permit (per major processing system or unit)	Failure to Install required Air Pollution Control Equipment (per emission unit)	Maintain Process or Air Pollution Control Equipment (The Penalty Matrix is used to assess the severity of any resulting Excess Emissions)	Failure to Comply with a Permitted Operating Parameter	Failure to Conduct Required Monitoring, or Recording, or Reporting including incomplete or inadequate source test reports	Failure to Comply with a Stop Order or any provision in a Schedule of Compliance
1	\$10,000	\$5,000	\$1,000	\$1,000	ACC: \$2,000 SAMR: \$1,000 AER: \$1,000 Other: \$600	\$10,000
2	\$3,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
2 - General	\$1,000	\$1,000	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$10,000
SAD	\$500 plus \$50 per acre of planned disturbance	N/A	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
3	800 (per facility)	\$600	\$600	\$600	\$600 [for major violations, as identified by NAC 445B.281.4]	up to \$5,000
Time Basis (Guideline)	Minimum; weekly to monthly (discretionary)	Daily	Event	Per standard or basis of operating parameter	Event	Daily