

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

March 27, 2014

Lance Semenko
Chief Operating Officer
Q & D Construction, Inc.
1050 S. 21st Street
Sparks, Nevada 89431

Re: Notice of Alleged Air Quality Violation and Order No. 2477
Class II Air Quality Operating Permit AP1442-2094.03, COLA No. 2369 (FIN A0643)

Dear Mr. Semenko:

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Q & D Construction, Inc. (Q & D) has violated conditions of Class II Air Quality Operating Permit AP1442-2094.03, Change of Location Approval (COLA) No. 2369.

NAC 445B.275 Violations: Acts constituting; notice states in part, that: "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.

The attached Notice of Alleged Air Quality Violation and Order (NOAV) No. 2477 alleges that Q & D has exceeded throughput limits set forth in Class II Air Quality Operating Permit AP1442-2094.03, COLA No. 2369 for System 02, Lime Marination Plant, System 03, Asphalt Concrete Plant and System 04, Asphalt Plant Production. As defined by Section 2 of **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 2477 constitutes a major air quality violation.

As was discussed during the conference held on March 4, 2014, the NDEP-BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for major air quality violations. The NDEP-BAPC will be recommending a penalty of \$3,960 to the SEC for NOAV No. 2477. The penalty recommendation is based on the use of the Administrative Penalty Table for emission violations related to source test and adjusted by the Penalty Matrix.



Q & D Construction, Inc.

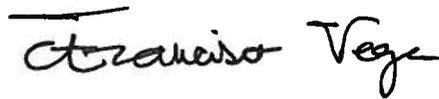
March 27, 2014

Page 2

An appeal of NOAV No. 2477 may be requested pursuant to **Nevada Revised Statutes (NRS) 445B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 445B.340**. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mrs. King can be reached at 775-687-9374, or by fax at 775-687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions regarding the alleged violations please call Ryan Fahey at (775) 687-9546, if he is unavailable please contact me at (775) 687-9343.

Sincerely,



Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

FV/rf

enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2477
2. SEC Appeal Form #3

cc (w/enc. 1): Valerie King, SEC
Eureka County Board of Commissioners
Francisco Vega, NDEP
FIN A0643 (Certified Copy)

E-Copy: Rob Bamford, NDEP

Certified Mail No.: 9171 9690 0935 0037 8372 94

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. 2477

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Lance Semenko, COO
Company Name: Q & D Construction, Inc.
Address: 1050 South 21 Street
Permit Number: AP1442-2094.03 COLA No. 2369 **FIN:** A0643
Site of Alleged Violation: Hot Mix Asphalt Plant located 3 miles east of Beowawe, Nevada, Eureka County
Date of Observation: 1/24/2014 **Arrival:** N/A **Departure:** N/A
Ambient Temperature: N/A °F **Clear:** **Cloudy:** **Rain:** **Snow:**
Wind Speed: N/A mph **Wind Direction:** N/A

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:

Exceeded permitted throughput limits.

Evidence:

Q & D Construction, Inc. (Q & D) operates a hot mix asphalt plant 3 miles east of Beowawe, Nevada in Eureka County under Class II General Air Quality Permit AP1442-2094.03 and Change of Location Approval (COLA) No. 2369. COLA No. 2369 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on March 27, 2013.

On January 1, 2014, Q & D submitted records to the NDEP-BAPC for operations that have taken place under Class II Air Quality Operating Permit AP1442-2094.03 and COLA No. 2369. The NDEP-BAPC has reviewed these records and has found 30 exceedances of the permitted throughput limits on System 02, Lime Marination Plant, System 03, Asphalt Concrete Plant and System 04, Asphalt Plant Production. The records indicate that Q & D exceeded permitted throughput limits a total of 26 times on Systems 03 and 04 and a total of 4 times on System 02.

On March 4, 2014, the NDEP-BAPC and Q & D held a conference to determine whether the issuance of the violation was or was not warranted. Q & D provided no new evidence to the NDEP-BAPC that would reverse the findings for the basis of the violation.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failure to comply with a permitted operating parameter constitutes a major violation. This Notice of Alleged Air Quality Violation represents Q & D's third air quality violations within the last 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2477

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: Ensure that accurate monitoring and recordkeeping are being conducted at the facility to comply with the requirements of the permit.

_____ 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 Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: March 27, 2014

FV/rf
Certified Mail No.: 9171 9690 0935 0037 8372 94

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.