

# 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 13, 2015

Richard Erickson  
Managing Member  
Clean Dried Processing, Inc.  
P.O. Box 420  
Grafton, WI 53024

**Re: Notice of Alleged Air Quality Violation and Order No. 2529  
Class III Air Quality Operating Permit AP2047-3533 (FIN A1805)**

Dear Mr. Erickson:

On January 29, 2015, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) held an enforcement conference with Clean Dried Process, Inc., (CDP) to discuss the information regarding Notice of Alleged Violation and Order (NOAV) No. 2529. Based on the information presented during the enforcement conference the NDEP-BAPC has made the determination to formally issue NOAV No. 2529. NOAV No. 2529 represent air quality violations under **NAC 445B.275 Violations: Acts constituting; notice (see below).**

The attached NOAV Nos. 2529 alleges that CDP is in violation of **Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice.** NAC 445B.275 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 Nevada Revised Statutes 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:

**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.

NOAV No. 2529 constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines.** NOAV No. 2529 is the fourth NOAV's issued to CDP in the past 60 months.



Clean Dried Process, Inc.  
February 13, 2015  
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As was discussed during the enforcement conference, 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. Based on the approved penalty matrix, the NDEP-BAPC will be recommending a penalty of \$2,875 for NOAV No. 2529.

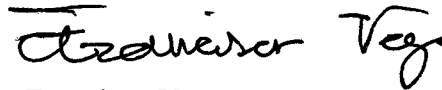
In addition CDP shall complete the following:

- CDP shall submit a complete Class II Air Quality Operating Permit Application no later than February 20, 2015.
- CDP shall conduct a compliance source test for NOx, CO and PM/PM10 no later than May 1, 2015. CDP shall comply with NAC 445B.252 for the compliance source test.

An appeal of NOAV No. 2529 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. Ms. 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 Robert Whited at (775) 687-9335 or call Francisco Vega at (775) 687-9343.

Sincerely,



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

FV/rew

enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2529  
2. SEC Appeal Form #3

cc (w/enc 1-3.): Francisco Vega, NDEP  
Valerie King, SEC  
Lyon County Board of Commissioners  
FIN A1805 (Certified Copy)

E-copy: Rob Bamford, NDEP  
Jeff Kinder, NDEP

Certified Mail No.: 9171 9690 0935 0037 6448 47

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. 2529

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

**Person(s) to Whom Served:** Richard Erickson, Managing Member

**Company Name:** Clean Dried Processing, Inc.

**Address:** P.O. Box 420 Grafton, WI 53024

**Permit Number:** AP2047-3533 **FIN:** A1805

**Site of Alleged Violation:** Cleaned Dry Processing, Silver Springs, NV

**Date of Observation:** 01/09/2015 **Arrival:** 10:45 AM **Departure:** 11:45 AM

**Ambient Temperature:** 46 °F **Clear:** **Cloudy:** X **Rain:** **Snow:**

**Wind Speed:** 1.5 mph **Wind Direction:** E

**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:**

Failing to comply with an emission limitation.

**Evidence:**

Clean Dried Processing, Inc. (CDP) operates a Food Drying Natural Gas Burner in Silver Springs, Lyon County, Nevada under Class III Air Quality Operating Permit AP2047-3533, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on September 3, 2014.

On January 9, 2014, at 9:15 AM the NDEP-BAPC received a dust complaint for CDP. The NDEP-BAPC arrived on site at 10:45 AM and observed System 1, natural gas-fired burner was exceeding the 20% opacity requirement listed in Class III Air Quality Operating Permit AP2047-3533. The NDEP-BAPC conducted a Method 9 visible emissions test and determined that the opacity out of the stack was an average of 31.25% representing a 56% exceedance of the permitted opacity limit of 20%. The NDEP-BAPC was informed the facility had initiated their shut down of System 1 and the facility had one person on site who was Method 9 certified.

On January 29, 2015 the NDEP-BAPC held an enforcement conference with CDP to determine whether the issuance Notice of Alleged Air Quality Violation and Order (NOAV) No. 2529 was or was not warranted. The enforcement conference represented CDP the opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV 2529 should not be issued. During the enforcement conference CDP explained to the NDEP-BAPC that the burner temperature was being recorded on the inlet of the Drum Dryer which is the wrong place causing the product to overheat and burn, resulting in the release of dark smoke. CPD told the NDEP-BAPC that the temperature is now being monitored on the exit of the Drum Dryer which is the correct place and the problem should be resolved. CDP was unable to provide any other evidence that violations associated with NOAV No. 2529 did not occur and should not be issued.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2529

**Evidence (cont.):**

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with an emission limitation established in Class III Air Quality Operating Permit AP2047-3533 constitutes a major violation. This Notice of Alleged Air Quality Violation and Order (NOAV) represents CDP's fourth air quality violation in the past 60 months.

## 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: \$ \_\_\_\_\_

X To take corrective action: CDP shall submit a complete Class II Air Quality Operating Permit Application no later than February 20, 2015.  
CDP shall conduct a compliance source test for NOx, CO and PM/PM10 no later than May 1, 2015. CDP shall comply with NAC 445B.252 for the compliance source test.

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

\_\_\_\_\_ To appear for an enforcement conference at:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

\_\_\_\_\_ 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: February 13, 2015

FV/rew  
Certified Mail No.: 9171 9690 0935 0037 6448 47

*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.*



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

**FORM 3: FORM FOR REQUESTING AN APPEAL HEARING**  
(Provide attachments as needed)

**1. Name, address, telephone number, and signature of appellant:**

Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Representative capacity (if applicable): \_\_\_\_\_

**2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.**

**3. Specify grounds of appeal: (check all that apply)**

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

**4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.**

\_\_\_\_\_  
\_\_\_\_\_  
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**5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.**

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**Date of Request:** \_\_\_\_\_.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701