

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

December 17, 2014

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

**Re: Notice of Alleged Air Quality Violation and Order Nos. 2524, 2525 and 2526
Class III Air Quality Operating Permit AP2047-3533 (FIN A1805)**

Dear Mr. Erickson:

On November 7, 2014, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) held an enforcement conference with Clean Dried Process, Inc., (CDPI)) to discuss the information regarding Notice of Alleged Violation and Order (NOAV) Nos. 2524, 2525 and 2526. Based on the information presented during the enforcement conference the NDEP-BAPC has made the determination to formally issue NOAV Nos. 2524, 2525 and 2526. NOAV Nos. 2524, 2525 and 2526 represent air quality violations under **NAC 445B.275 Violations: Acts constituting; notice (see below)**.

The attached NOAV Nos. 2524, 2525 and 2526 alleges that CDPI 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:

- (a) Failure to apply for and obtain an operating permit
- (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit.
- (e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit.



Clean Dried Process, Inc.

December 17, 2014

Page 2

NOAV Nos. 2524, 2525 and 2526 constitutes a major violation under **NAC 445B.281**
Violations: Classification; administrative fines. NOAV Nos. 2524, 2525 and 2526 are the first
NOAV's issued to CDPI in the past 60 months.

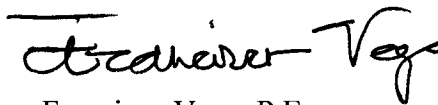
As was discussed during the enforcement conference, the NDEP-BAPC makes recommendations
to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be
for major air quality violations. Based on the approved penalty matrix, the NDEP-BAPC will be
recommending a penalty of \$6,400 for NOAV No. 2524 and \$4,800 for NOAV No. 2526

As was discussed during the enforcement conference NOAV No. 2525 will be issued as a
warning.

An appeal of NOAV Nos. 2524, 2525 and 2526 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. 2524
2. Notice of Alleged Air Quality Violation and Order No. 2525
3. Notice of Alleged Air Quality Violation and Order No. 2526
4. 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 0012 2446 35

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. 2524

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: 600 Lake Avenue, Silver Springs, Nevada 89429

Date of Observation: 08/22/2014 **Arrival:** 2:00 PM **Departure:** 3:00 PM

Ambient Temperature: 80 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 5 mph **Wind Direction:** West

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:

(a) Failure to apply for and obtain an operating permit

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

Failure to apply for and obtain an operating permit.

Evidence:

On August 22, 2014, The Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) conducted an inspection of the Clean Dried Processing, Inc. (CDPI) facility located in Lyon County, Nevada.

During the August 22, 2014 inspection, the NDEP-BAPC discovered that CDPI had constructed regulated emission units without acquiring a valid air quality operating permit. There was a natural gas-fired burner that was constructed that was not currently permitted. The unpermitted natural gas-fired burner was installed on July 7, 2014. The NDEP-BAPC spoke with Joseph Pomeroy the Director of Operations and explained to him that the natural gas-fired burner needed to be permitted before CDPI could operate the unit without being in violation. The NDEP-BAPC also told Joseph Pomeroy he should contact the NDEP-BAPC Permitting Branch as soon as possible. Joseph Pomeroy told the NDEP-BAPC that he understood and he would contact the Permitting Branch of NDEP-BAPC right away.

On September 3, 2014, The NDEP-BAPC issued Class III Air Quality Operating Permit AP2047-3533.

On November 7, 2014, The NDEP-BAPC held an enforcement conference with CDPI to determine whether the issuance of this Notice of Alleged Air Quality Violation and Order (NOAV) 2524 was or was not warranted. The enforcement conference represented CDPI the opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV 2524 should not be issued. During the enforcement conference CDPI was unable to provide any evidence that violations associated with NOAV No. 2524 did not occur and should not be issued.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2524

Evidence (cont.):

Constructing and/or operating regulated emission units without a valid air quality operating permit constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines.** Notice of Alleged Air Quality Violation and Order (NOAV) No. 2524 represent CDPI's first air quality violation within the last 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: _____ \$ _____

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

Phone: 775-687-9343 Date: December 17, 2014

FV/rew
Certified Mail No.: 9171 9690 0935 0012 2446 35

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
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. 2525

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: 600 Lake Avenue, Silver Springs, Nevada 89429

Date of Observation: 10/29/2014 **Arrival:** 9:00 AM **Departure:** 10:30 AM

Ambient Temperature: 60 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 1 mph **Wind Direction:** South

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 post conspicuously at or near the stationary source an Air Quality Operating Permit.

Evidence:

Clean Dried Processing, Inc. (CDPI) operates a food drying facility in Lyon County, Nevada under Class III Air Quality Operating Permit AP2047-3533. Class III Air Quality Operating Permit AP2047-3533 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on September 3, 2014.

On October 29, 2014, The NDEP-BAPC conducted an inspection of the CDPI facility located in Lyon County, Nevada. During the October 29, 2014 inspection, the NDEP-BAPC discovered that CDPI had not posted conspicuously at or near the stationary source as required by Class III Air Quality Operating Permit AP2047-3533. Section IX.2 of Class III Air Quality Operating Permit AP2047-3533 requires that the permit be posted conspicuously at or near the stationary source. (NAC 445B.318.5).

On November 7, 2014, The NDEP-BAPC held an enforcement conference with CDPI to determine whether the issuance of this Notice of Alleged Air Quality Violation and Order (NOAV) 2525 was or was not warranted. The enforcement conference represented CDPI the opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV 2525 should not be issued. During the enforcement conference CDPI was unable to provide any evidence that violations associated with NOAV No. 2525 did not occur and should not be issued.

Failure to post the permit conspicuously at or near the stationary source constitutes a major violation under **NAC 445B.318.5 Violations: Classification; administrative fines.** Notice of Alleged Air Quality Violation and Order (NOAV) No. 2525 represent CDPI's first air quality violation within the last 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2525

ORDER

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

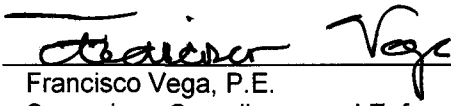
_____ To pay the following administrative fine in accordance with 445B.281.1: _____

To take corrective action: Post Class 3 Air Quality Operating Permit AP2047-3533 conspicuously at or near the stationary source.

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

Phone: 775-687-9343 Date: December 17, 2014

FV/rew
Certified Mail No.: 9171 9690 0935 0012 2446 35

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
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. 2526

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: 600 Lake Avenue, Silver Springs, Nevada 89429

Date of Observation: 10/29/2014 **Arrival:** 9:00 AM **Departure:** 10:30 AM

Ambient Temperature: 60 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 1 mph **Wind Direction:** South

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:

(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit.

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

Failure to comply with any requirement for recordkeeping and monitoring.

Evidence:

Clean Dried Processing, Inc. (CDPI) operates a food drying facility in Lyon County, Nevada under Class III Air Quality Operating Permit AP2047-3533. Class III Air Quality Operating Permit AP2047-3533 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on September 3, 2014.

On October 29, 2014 the NDEP-BAPC conducted a compliance inspection of the CDPI facility located in Lyon County, Nevada. During the October 29, 2014 inspection, the NDEP-BAPC discovered that CDPI had not been monitoring and recording the hours of operation or the gas usage of System 01, Natural Gas-fired Burner (S2.001) as required by Class III Air Quality Operating Permit AP2047-3533. Section V., A., 4 of Class III Air Quality Operating Permit AP2047-3533 requires that CDPI monitor and record the throughput of the natural gas consumption rate in cubic feet on a daily basis for S2.001.

On November 7, 2014, The NDEP-BAPC held an enforcement conference with CDPI to determine whether the issuance of this Notice of Alleged Air Quality Violation and Order (NOAV) 2526 was or was not warranted. The enforcement conference represented CDPI the opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV 2526 should not be issued. During the enforcement conference CDPI was unable to provide any evidence that violations associated with NOAV No. 2526 did not occur and should not be issued.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2526

Evidence (cont.):

Failure to monitor and record the gas usage and hours of operation for S2.001 constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines**. Notice of Alleged Air Quality Violation and Order (NOAV) No. 2526 represent CDPI's first air quality violation within the last 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: \$ _____

To take corrective action: Monitor and record the throughput of natural gas consumption rate in cubic feet on a daily basis for S2.001. _____

_____ 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: December 17, 2014

FV/rew
Certified Mail No.: 9171 9690 0935 0012 2446 35

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.

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

Date of Request: _____.

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