

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

October 24, 2014

Colin Bower
General Manager
Robinson Nevada Mining Company
PO Box 382
Ruth, NV 89319

**Re: Notice of Alleged Air Quality Violation and Order Nos. 2498-2506
Class II Air Quality Operating Permit AP1021-0373.03 (FIN A0383)**

Dear Mr. Bower:

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Robinson Nevada Mining Company (RNMC) has violated conditions of Class II Air Quality Operating Permit AP1021-0373.03 (FIN A0383).

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the supporting information regarding the draft Notice of Alleged Violations and Orders (NOAVs) dated June 7, 2014. Based on the information presented during the conference, the NDEP-BAPC has determined that issuance of NOAV Nos. 2498 through 2506 is warranted. The information presented in NOAV Nos. 2498 through 2506 constitutes a violation of **Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAVs Nos. 2498 through 2505 allege that RNMC is in violation of **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.

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

The attached NOAV No. 2506 alleges that RNMC is in violation of **NAC 445B.22037 Emissions of particulate matter: Fugitive dust**. Section 1 of **NAC 445B.22037** states that, "No person may cause or permit the handling, storing, or transporting of any material in a manner which allows or may allow controllable particulate matter to become airborne."



As defined by Section 2 of **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 2505 constitutes a minor violation.

In accordance with the schedule of fines for minor violations listed in Section 3 of **NAC 445B.281**, a fine of \$500 is levied for the first failure to control fugitive dust. The amount of the specified fine must be submitted to the State Environmental Commission (SEC) within ten (10) days of issuance of the violation. Complete instructions for paying fines are as follows:

NAC 445B.283 Violations: Manner of paying fines. (NRS 445B.210, 445B.640)

1. The amount of the specified fine, in accordance with the schedule of fines for minor violations, must be submitted within 10 days after service of the notice upon the violator.
2. Cashier's checks, certified checks, money orders or personal checks must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 901 S. Stewart Street, Suite 4001, Carson City, Nevada 89701-5249.

NOAV Nos. 2498 through 2505 constitute major violations under **NAC 445B.281 Violations: Classification; administrative fines**. NOAV Nos. 2498 through 2506 are the first NOAVs issued to RNMC in the past 60 months.

As was discussed during the 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 penalty matrix and as discussed during the October 24, 2014 conference call the NDEP will be recommending a penalty of \$55,100 for NOAV Nos. 2498 through 2506.

An appeal of NOAV Nos. 2498 through 2506 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 775-687-9308, or by fax 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 or the enforcement conference, please call Ryan Clark at (775) 687-9536 or myself at (775) 687-9343.

Sincerely,



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

Robinson Nevada Mining Company

October 24, 2014

Page 3

Enc.: 1. Notice of Alleged Air Quality Violation and Order Nos. 2498 through 2506
2. SEC Appeal Form #3

cc (w/ enc. 1): Valerie King
White Pine County Board of Commissioners
Francisco Vega, NDEP
FIN A0383 (Certified Copy)

E-copy: Pat Lorello, RNMC (via email)
Blair Davis, RNMC (via email)

Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2498

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/25/2013

Arrival: 8:30 AM

Departure: 3:00 PM

Ambient Temperature: 80

°F

Clear:

Cloudy:

partly

Rain:

Snow:

Wind Speed:

5-10

mph

Wind Direction:

Out of 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:

(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 complete required Initial Opacity Compliance Demonstration (IOCD) performance testing within specified time period.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

Section IIA of Class II Air Quality Operating Permit AP1021-0373.03 required that IOCDs be conducted on Systems 19 through 28 (an aggregate crushing and screening plant). The IOCDs were to be conducted within 60 days after achieving the maximum production rate at which the systems were to be operated, but no later than 180 days after initial startup.

Review of operational records show that Systems 19 through 27 had been operating since at least January 1, 2012. No IOCDs were conducted on these systems.

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2498. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2498 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2498 would be formally issued for failing to complete the required IOCD performance testing within specified time period.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2498

Evidence (cont.)

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to conduct required IOCDs as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2498, in conjunction with NOAV numbers 2499, 2500, 2501, 2502, 2503, 2504, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Conduct all required IOCDs

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2499

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/25/2013 Arrival: 8:30 AM Departure: 3:00 PM

Ambient Temperature: 80 °F Clear: Cloudy: partly Rain: Snow:

Wind Speed: 5-10 mph Wind Direction: Out of 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:

(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 submit notification of date of construction, anticipated date of initial startup, and actual date of startup.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

Sections II and IIA of Class II Air Quality Operating Permit AP1021-0373.03 require that the following notifications be submitted to the Director in writing for Systems 19 through 27 (an aggregate crushing and screening plant):

1. The date of construction (or reconstruction as defined under NAC 445B.247) of the affected facility is commenced, postmarked no later than 30 days after such date.
2. The anticipated date of initial startup of an affected facility, postmarked no more than 60 days and no less than 30 days prior to such date.
3. The actual date of initial startup of the affected facility, postmarked within 15 days after such date.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2499

Evidence (cont.):

Review of operational records show that Systems 19 through 27 had been operating since at least January 1, 2012. There were no notifications submitted for these systems.

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2499. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2499 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2499 would be formally issued for failing to submit the required notifications.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to submit the notifications as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2499, in conjunction with NOAV numbers 2498, 2500, 2501, 2502, 2503, 2504, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Submit all required notifications

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2500

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager
Company Name: Robinson Nevada Mining Company
Address: PO Box 382, Ruth, NV 89319
Permit Number: AP1021-0373.03 **FIN:** A0383

Site of Alleged Violation: Robinson Mine
Date of Observation: **Arrival:** **Departure:**
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:

(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 conduct required monitoring and recordkeeping.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection, records were requested for all systems for the period of January 1, 2012 to May 31, 2013. Records were received on July 29, 2013. Upon review of the submitted records several issues were found, prompting a follow up request on December 13, 2013 (sent via email). A response was requested by January 10, 2014. Due to personnel turnover at RNMC, the response was received on April 18, 2014. The following are the record keeping problems that were found.

Systems 19-27 (aggregate crushing and screening circuit):

For the period of January 1, 2012 through May 1, 2012, this crushing and screening circuit operated for 85 days. Actual throughput for these days of operation was not monitored and recorded.

For the period of May 1, 2012 through June 25, 2013, there 10 days where hours of operation were not recorded, even though crushing was done.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2500

Evidence (cont.):

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2500. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2500 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2500 would be formally issued for failing to conduct required monitoring and recordkeeping.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to conduct monitoring and recordkeeping as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2500, in conjunction with NOAV numbers 2498, 2499, 2501, 2502, 2503, 2504, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Conduct all required monitoring and recordkeeping

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2501

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager
Company Name: Robinson Nevada Mining Company
Address: PO Box 382, Ruth, NV 89319
Permit Number: AP1021-0373.03 FIN: A0383

Site of Alleged Violation: Robinson Mine
Date of Observation: 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:

Exceeding permitted throughput limits.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection records were requested for all systems for the period of January 1, 2012 to May 31, 2013. Records were received on July 29, 2013. Upon review of the submitted records several issues were found, prompting a follow up request on December 13, 2013 (sent via email). A response was requested by January 10, 2014. Due to personnel turnover at RNMC, the response was received on April 18, 2014. Upon review of the submitted records it was found that on Systems 19 through 27 there were 14 weeks in which the permitted throughput limit was exceeded.

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2501. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2501 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2501 would be formally issued for exceeding permitted throughput limits

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2501

Evidence (cont.)

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, exceeding permitted throughput limits as described in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2501, in conjunction with NOAV numbers 2498, 2499, 2500, 2502, 2503, 2504, 2505, and 2506, represents RNMC's first 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:

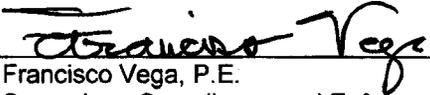
_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

To take corrective action: Comply with all permitted throughput limits

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 64

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. 2502

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager
Company Name: Robinson Nevada Mining Company
Address: PO Box 382, Ruth, NV 89319
Permit Number: AP1021-0373.03 **FIN:** A0383

Site of Alleged Violation: Robinson Mine
Date of Observation: **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:

- (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 report a throughput exceedance.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection, records were requested for all systems for the period of January 1, 2012 to May 31, 2013. Records were received on July 29, 2013. Upon review of the submitted records several issues were found, prompting a follow up request on December 13, 2013 (sent via email). A response was requested by January 10, 2014. Due to personnel turnover at RNMC, the response was received on April 18, 2014. Upon review of the submitted records it was found that on Systems 19 through 27 there were 52 instances where the permitted throughput limit was exceeded.

As required by Section IV.B. of Class II Air Quality Operating Permit AP1021-0373.03, the "Permittee will promptly report to the director any deviations from the requirements of this Operating Permit. The report to the director will include the probable cause of all deviations and any action taken to correct the deviations. For this Operating Permit, prompt is defined as submittal of a report within 15 days of the deviation."

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2502

Evidence (cont.):

RNMC failed to submit deviation reports for the above described throughput exceedances.

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2502. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2502 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2502 would be formally issued for failing to report throughput exceedances.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing report throughput exceedances as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2502, in conjunction with NOAV numbers 2498, 2499, 2500, 2501, 2503, 2504, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Report all exceedances

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2503

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/25/2013 Arrival: 8:30 AM Departure: 3:00 PM

Ambient Temperature: 80 °F Clear: Cloudy: partly Rain: Snow:

Wind Speed: 5-10 mph Wind Direction: Out of 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:

- (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 install and operate required air pollution control equipment.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection NDEP-BAPC staff found that required air pollution controls were not installed on System 19, Material Transfer, System 20, Vibrating Grizzly, System 23, Three Deck Screen, System 24, Conveying, and System 27, Conveying.

Upon being notified that the equipment was operating without controls, RNMC voluntarily ceased operation of the previously described systems. On July 3, 2013, RNMC provided photographic evidence that the necessary controls were installed. As such, the NDEP-BAPC provided authorization to resume operation.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2503

Evidence (cont.)

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2503. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2503 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2503 would be formally issued for failing to install and operate required air pollution control equipment.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to install and operate required air pollution control equipment as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2503, in conjunction with NOAV numbers 2498, 2499, 2500, 2501, 2502, 2504, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Install and operate all required air pollution control equipment

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2504

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/25/2013 **Arrival:** 8:30 AM **Departure:** 3:00 PM

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

Wind Speed: 5-10 mph **Wind Direction:** Out of 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:

(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:

Operating unpermitted equipment.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection NDEP-BAPC staff found that there were several pieces of unpermitted equipment including a lime mill and 2 associated conveyors, a stacker and recirculation conveyor operated by JCR Development and four (4) diesel generators (the mill emergency generator, the fire pump emergency generator, the JCR Development crushing and screening generator, and the air compressor next to the mill building).

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2504. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2504 should not be issued. During the enforcement conference RNMC provided evidence that the JCR stacker was permitted. No evidence was provided regarding the other unpermitted equipment. RNMC also discussed changes that were instituted to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2504 would be formally issued for operating unpermitted equipment.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2504

Evidence (cont.)

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, operating unpermitted equipment under Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2504, in conjunction with NOAV numbers 2498, 2499, 2500, 2501, 2502, 2503, 2505, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Permit all applicable emission sources

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 64

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. 2505

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/25/2013 **Arrival:** 8:30 AM **Departure:** 3:00 PM

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

Wind Speed: 5-10 mph **Wind Direction:** Out of 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:

(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 conduct required performance testing within specified time period.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

Prior to the issuance of Class II Air Quality Operating Permit AP1021-0373.03, Class II Air Quality Operating Permit AP1021-0373.02 required that System 2, Primary Crusher, and System 4, Apron Feeders, be tested at least 90 days prior to the date of expiration of the permit, but no earlier than 365 days from the expiration of the permit (October 31, 2011). RNMC failed to conduct the required compliance source testing on these systems.

Upon notification that source testing had failed to be conducted, RNMC immediately scheduled a source test. That testing was conducted on October 8-10, 2013. Emissions from both systems passed.

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2505. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2505 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC explained that they have begun tracking timelines for permitting requirements to ensure this does not occur in the future. RNMC understood that NOAV No. 2505 would be formally issued for failing to conduct required performance testing within the specified time period.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2505

Evidence (cont.)

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to conduct required performance testing as required in Class II Air Quality Operating Permit AP1021-0373.03 constitutes a major violation. NOAV No. 2505, in conjunction with NOAV numbers 2498, 2499, 2500, 2501, 2502, 2503, 2504, and 2506, represents RNMC's first 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: \$ _____

To take corrective action: Conduct all required source testing

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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. 2506

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Colin Bower, General Manager

Company Name: Robinson Nevada Mining Company

Address: PO Box 382, Ruth, NV 89319

Permit Number: AP1021-0373.03

FIN: A0383

Site of Alleged Violation: Robinson Mine

Date of Observation: 6/27/2013

Arrival:

Departure:

Ambient Temperature:

°F

Clear:

Cloudy:

Rain:

Snow:

Wind Speed:

mph

Wind Direction:

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

NAC 445B.22037 Emissions of particulate matter: Fugitive dust. 1. No person may cause or permit the handling, storing, or transporting of any material in a manner which allows or may allow controllable particulate matter to become airborne. 2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction and re-vegetation.

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

Failure to control fugitive dust.

Evidence:

Robinson Nevada Mining Company (RNMC) operates a copper mine in Ruth, White Pine County, Nevada under Class II Air Quality Operating Permit AP1021-0373.03, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on October 31, 2011.

On June 25, 2013, NDEP-BAPC personnel conducted a compliance inspection at the RNMC facility. During the inspection NDEP-BAPC staff found that overall site appearance was excellent, even with the winds that picked up during the middle of the day. NDEP-BAPC personnel was told that RNMC would be getting two more water trucks within the week and that the majority of all roads (including haul roads) would have mag chloride applied within the next week or two. NDEP-BAPC personnel was also told of the decision making process (down to the haul truck operators) that had been implemented to shut down operations if fugitive dust became an issue.

However, on June 27, 2013, NDEP-BAPC personnel observed haulage operations that was contrary to what was discussed on June, 25, 2013. Large amounts of dust was observed coming from haul truck traffic. The dust emanating from the haul truck traffic was enough to completely obscure the 240 ton capacity haul trucks.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2506

Evidence (cont.)

On June 25, 2014, the NDEP-BAPC held an enforcement conference with RNMC to discuss the information regarding Notice of Alleged Violation (NOAV) No. 2506. The enforcement conference represented RNMC's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV No. 2506 should not be issued. During the enforcement conference RNMC did not provide any evidence the violation did not occur. However, it was discussed that RNMC had instituted changes to help ensure this violation doesn't occur again. RNMC understood that NOAV No. 2506 would be formally issued for failing to control fugitive dust.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to control fugitive dust for the first time constitutes a minor violation. NOAV No. 2506, in conjunction with NOAV numbers 2498, 2499, 2500, 2501, 2502, 2503, 2504, and 2505, represents RNMC's first 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 NAC 445B.281.3: _____

To take corrective action: Control fugitive dust

_____ 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: October 24, 2014

FV/rc
Certified Mail No.: 9171 9690 0935 0012 2447 65

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