

# 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 10, 2014

LTC Craig M. Short  
Commander  
Hawthorne Army Depot  
1 South Maine Avenue  
Hawthorne, Nevada 89415

**Re:** Notice of Alleged Air Quality Violation and Order No. 2471  
Class I Air Quality Operating Permit AP9711-0863.02 (FIN A0022)

Dear LTC Short:

On January 23, 2014, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) held an enforcement conference with Hawthorne Army Depot (HWAD) to discuss the information regarding Notice of Alleged Violation and Order (NOAV) No. 2471. Based on the information presented during the enforcement conference the NDEP-BAPC has made the determination to formally issue NOAV No. 2471. NOAV No. 2471 represents an air quality violation under **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV No. 2471 alleges that HWAD 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:

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

NOAV No. 2471 constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines**. NOAV No. 2471 is the third NOAV issued to HWAD 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. The NDEP-BAPC will be recommending a penalty of \$20,800 to the SEC for NOAV No. 2471.

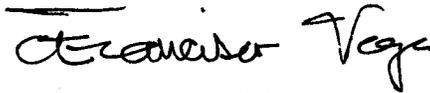


Hawthorne Army Depot  
February 10, 2014  
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An appeal of NOAV No. 2471 may be requested pursuant to **Nevada Revised Statutes (NRS) 445B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 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 or the enforcement conference, please call Robert Whited at (775) 687-9335 or myself 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. 2471  
2. SEC Appeal Form #3

cc (w/enc. 1): Francisco Vega, NDEP  
Mineral County Board of Commissioners  
FIN A0022 (Certified Copy)

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

Certified Mail No.: 9171 9690 0935 0037 8210 57

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. 2471

**NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER**

**NOTICE OF ALLEGED AIR QUALITY VIOLATION**

**Person(s) to Whom Served:** Lieutenant Colonel Craig M. Short  
**Company Name:** US Army  
**Address:** 1 South Maine Avenue, Hawthorne, Nevada 89415  
**Permit Number:** AP9711-0863.02 **FIN:** A0022  
**Site of Alleged Violation:** System 30, Munitions Detonation Rotary Kiln (RF-9)  
**Date of Observation:** 11/07/2013 **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:**

Failed to comply with a permitted emission limit during a compliance source test.

**Evidence:**

Hawthorne Army Depot (HWAD) operates a munitions handling facility in Hawthorne, Mineral County, Nevada under Class I Air Quality Operating Permit AP9711-0863.02. Class I Air Quality Operating permit AP9711-0863.02 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on July 16, 2009.

On April 17 and 18, 2013, HWAD conducted compliance source testing on System 30, RF-9. This test was conducted to demonstrate compliance with Class 1 Air Quality Operating Permit AP9711-0863.02. The NDEP-BAPC was notified by HWAD on June 14, 2013 that they had failed the compliance source test on System 30, RF-9. The NDEP-BAPC received the compliance source test report on July 18, 2013 and reviewed it on November 7, 2013. After review of the report it was determined that the compliance source test was conducted pursuant to reference test methods and a valid test. Results in the report show that the emission rate during testing of Dioxin/Furan was 1.01 ng/dscm, exceeding the permitted limit of 0.40 ng/dscm.

On January 23, 2013 the NDEP-BAPC held an enforcement conference with HWAD to determine whether the issuance of this Notice of Alleged Air Quality Violation and Order (NOAV) was or was not warranted. The enforcement conference represented HWAD the opportunity to provide any evidence that would lead the NDEP-BAPC into determining that NOAV 2471 should not be issued. During the enforcement conference HWAD was unable to provide any evidence that violations associated with NOAV No. 2471 did not occur and should not be issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, exceeding a permitted emission limit constitutes a major violation. Notice of Alleged Air Quality Violation and Order (NOAV) No. 2471 represents HWAD's third air quality violation within the last 60 months.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2471

## 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 emission limits established in Class I Air Quality Operating Permit AP9711-0863.02.

\_\_\_\_\_ 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  
Supervisor, Compliance and Enforcement Branch  
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: February 10, 2014

FV/rew  
Certified Mail No.: 9171 9690 0935 0037 8210 57

*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