

NDEP-BAPC SETTLEMENT AGREEMENTS – May 24, 2007

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER(S)	PROPOSED SETTLEMENT AMOUNT
1	3D Concrete, Battle Mountain, Lander County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to conduct required initial opacity compliance demonstrations (IOCDs). IOCDs were required for 3 systems.	2080	\$2,000
2	A&K Earthmovers, Inc., Fallon airport, Churchill County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to operate the air pollution controls (water sprays) required by the operating permit during operation of the hot mix plant. The violations represent the company’s second and third violations within the last 60 months, which increases the assessed penalty by ten percent.	2085, 2086	\$3,300
3	A&K Earthmovers, Inc., Desert Mtn plant, Fallon, Churchill County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to operate in accordance with the requirements of its dust control plan, which is directed at controlling fugitive emissions generated by earthmoving equipment. The violations represent the company’s fourth violation within the last 60 months, which increases the assessed penalty by ten percent.	2090	\$1,100
4	American Assay Lab Inc., Elko County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating without a permit: the company failed to apply for and receive a renewal of its (expired) air quality operating permit.	2091	\$600
5	A.S.C. Excavating & Grading, Pahump, Nye County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating without a permit: the company failed to apply for and receive a permit for a surface area disturbance before operating and constructing equipment in its 15-acre gravel pit.	2082	\$1,000

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6	Atlas Contractors, Inc.	NAC445B.275 “Violations: Acts Constituting; notice.” For exceeding the hot mix asphalt plant’s permitted limit for emissions of particulate matter during a source compliance test.	2110	\$1,500
7	Chemetalle Foote Corporation, Silver Peak, Mineral(?) County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to comply with the facility’s permitted annual limits for emissions of particulate matter (PM) and PM10 in 2005. The violations represent the company’s second violation within the last 60 month; this fact, coupled with the cooperation demonstrated by the company, resulted in a five percent increase in the assessed penalty.	2013, 2014	\$2,100
8	CNC Dirt Movers, Esmeralda County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to apply for an receive an operating permit prior to constructing and operating an aggregate processing plant for a housing development for a period of five months. (The penalty is equivalent to that assessed the development’s owners for failing to apply for and receive a surface area disturbance permit before starting work on the 350-acre development.)	2054	\$5,100
9	Diamond Hot Springs Estate, Lyon County	NAC445B.275 “Violations: Acts Constituting; notice.” For conducting earthwork/surface disturbance operations on five acres or more without first obtaining an Air Quality Operating Permit for Surface Area Disturbance.	2037	\$1,800
10	John Davis Trucking, Inc., Battle Mountain, Lander County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to conduct required IOCDs. The IOCDs were required for 3 systems.	2079	\$2,000

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11	Moltan Company, Churchill County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to conduct permit renewal source compliance testing at least 60 days prior to expiration of its permit, and for exceeding the permitted emissions limit for particulate matter during the source test.	2062, 2063	\$2,100
12	Nobel Perlite, Fallon, Churchill County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to conduct initial compliance testing on certain systems within 180 days of permit issuance, for failure to conduct permit renewal source testing within 60 days of permit expiration, for failure to control fugitive emissions on October 24, 2005, and for failure to notify the NDEP-BAPC of the excess emissions. In consideration of improvements undertaken by the company since acquiring the facility in September 2004, the assessed penalty of \$8,250 was reduced by \$1,500.	2025, 2026, 2027	\$6,750
13	Pahrump Valley Gravel, Pahrump, Nye County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to for failure to perform IOCDs on plant equipment and for failure to use best practical methods to control fugitive emissions at its aggregate processing facility. These violations represent the owner’s third and fourth violations within the last 60 months, including the owner’s second violation for failure to control fugitive emissions. The assessed penalty was increased by \$700 to reflect the previous violations.	2073, 2076	\$3,900
14	Ruby Dome, Inc., Lander County	NAC445B.275 “Violations: Acts Constituting; notice.” For failure to operate the air pollution controls (water sprays) required for five systems by the operating permit during operation of the aggregate plant.	2066	\$3,000