

# 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 30, 2012

Loren Hunewill  
Vice President  
H.E. Hunewill Construction Co., Inc.  
1410 W. Railroad St.  
Winnemucca, NV 89445

**Re:** Notice of Alleged Air Quality Violation and Order No 2424  
Class II General Air Quality Operating Permit AP1442-0090.02, COLA 2315 (FIN A0037)

Dear Mr. Hunewill:

On September 12, 2012, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) held an enforcement conference with H.E. Hunewill Construction Co., Inc. (Hunewill) to discuss the supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) dated September 6, 2012. Based on the information presented during the conference the NDEP-BAPC has determined that issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2424 is warranted. Failing to comply with a permitted opacity limit represents an air quality violation under **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV No. 2424 alleges that Hunewill 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. 2424 constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines**. NOAV No. 2424 represents the first NOAV issued to Hunewill in the past 60 months.

An appeal of NOAV No. 2424 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 John Walker, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mr. Walker can be reached at 775-687-



H.E. Hunewill Construction Co., Inc.

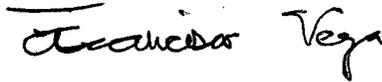
October 30, 2012

Page 2

9308, 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 me at (775) 687-9343.

Sincerely,



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

FV

Enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2424  
2. SEC Appeal Form #3

cc (w/enc. 1): Francisco Vega, NDEP  
FIN A0037 (Certified Copy)

E-Copy: Larry Kennedy, NDEP  
Jeff Denison, NDEP

Certified Mail No.: 9171 9690 0935 0011 9095 80

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. 2424

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

**NOTICE OF ALLEGED AIR QUALITY VIOLATION**

**Person(s) to Whom Served:** Mr. Loren Hunewill

**Company Name:** H.E. Hunewill Construction Co. Inc.

**Address:** 1410 W. Railroad St., Winnemucca, NV 89445

**Permit Number:** AP1442-0090.02

**FIN:** A0037

**Site of Alleged Violation:** COLA #2315

**Date of Observation:** 7/27/2012

**Arrival:** 11:30 AM

**Departure:** 12:30 PM

**Ambient Temperature:** 85

°F

**Clear:** x

**Cloudy:**

**Rain:**

**Snow:**

**Wind Speed:** 5 - 6

mph

**Wind Direction:** Out of 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:**

Opacity exceedance on the hot mix asphalt plant wet scrubber.

**Evidence:**

H.E. Hunewill Construction Co. Inc. (Hunewill) operates a hot mix asphalt plant in Lander County under Class II General Air Quality Operating Permit AP1442-0090.02, COLA #2315. The permit was issued on March 12, 2012 with hot mix asphalt plant operations commencing on April 29, 2012.

On July 27, 2012 staff from the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) was driving by and noticed a large plume emanating from the above referenced facility. Upon closer inspection it was found that the source of this plume was the stack of the wet scrubber controlling emissions from the hot mix asphalt plant's drum dryer. Upon this discovery, a Method 9 Visible Emission Observation (VEO) was conducted. Results from the Method 9 VEO conducted resulted in a six minute average opacity of 82.9%. The opacity limit for this emission point as stated in Permit AP1442-0090.02, COLA #2315 is 20%.

After being informed that the opacity limit was being exceeded the facility voluntarily shut down to correct the problem. On July 31, 2012 NDEP-BAPC staff met with the facility to observe operations after it had been communicated that maintenance had been performed on the wet scrubber. Upon observing the facility operate the NDEP-BAPC staff found that the opacity limit was still being exceeded. Two separate VEO's were conducted which again resulted in an average opacity reading of greater than 20%. As a result of this, Stop Order 2013-01 was issued.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2424

## Evidence (cont.)

On September 12, 2012, the NDEP-BAPC held an enforcement conference with Hunewill to discuss the supporting information regarding Notice of Alleged Violation and Order (NOAV). The enforcement conference represented Hunewill's opportunity to provide any evidence that would lead the NDEP-BAPC into determining that a NOAV should not be issued. During the enforcement conference Hunewill was unable to provide any evidence that violations associated with the NOAV did not occur and should not be issued. Hunewill did not have any questions and understood that NOAV No. 2416 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, emissions exhibiting 20 percent opacity or greater from this emission point constitute a major violation. This Notice of Alleged Air Quality violation and Order (NOAV) represents Hunewill'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 opacity 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 Francisco Vega  
Issued by: Francisco Vega, P.E.  
Supervisor, Compliance and Enforcement Branch  
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 30, 2012

FV/rc  
Certified Mail No.: 9171 9690 0935 0011 9095 80

*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