



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

May 8, 2012

Richard Joy
President
Joy Engineering
1584 Wolf Meadows Lane
Portola, California 96122

**Re: Notice of Alleged Air Quality Violation: Nos. 2399 & 2400
Class II Air Quality Operating Permit AP1442-2702 (FIN A0599)**

Dear Mr. Joy:

On April 19, 2012, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) and Joy Engineering (Joy) held an enforcement conference to discuss Joy's alleged failure to comply with requirements set forth in Class II Air Quality Operating Permit AP1422-2702. Based on the information presented during the conference the NDEP determined that issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2399 and No. 2400 was warranted. These failures to install and operate air pollution control equipment represent air quality violations under **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV's No. 2399 and NOAV No. 2400 allege that Joy 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 Nos. 2399 and 2400 constitute major violations under **NAC 445B.281 Violations: Classification; administrative fines**. NOAV No. 2399 in conjunction with NOAV No. 2400 are the second NOAV's issued to Joy in the past 60 months. As described in previous communication, NOAV 2399 will be issued as a warning.



Joy Engineering

May 8, 2012

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An appeal of NOAV No. 2399 and NOAV No. 2400 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 775-687-9308, 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 Ryan Fahey at (775) 687-9546 or myself at (775) 687-9343.

Sincerely,



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

FV/rf

enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2399
2. Notice of Alleged Air Quality Violation and Order No. 2400
3. SEC Appeal Form #3

cc (w/enc. 1 and 2): John Walker, SEC
Storey County Board of Commissioners
Francisco Vega, NDEP
FIN A0599 (Certified Copy)

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

Certified Mail No.: 9171 9690 0935 0009 9352 87

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. 2399

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Richard Joy

Company Name: Joy Engineering

Address: 1584 Wolf Meadows Lane, Portola, California 96122

Permit Number: AP1442-2702

FIN: A0599

Site of Alleged Violation: USA Parkway, Tahoe Reno Industrial Center, Storey County

Date of Observation: 3/7/2012 **Arrival:** 2:30 PM **Departure:** 3:30 PM

Ambient Temperature: 44 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 4 mph **Wind Direction:** Northeast

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 operate required air pollution control equipment.

Evidence:

Joy Engineering (Joy) operates a crushing and screening facility at the Tahoe Reno Industrial Center in Storey County under Class II Air Quality Operating Permit AP1442-2702, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) on September 5, 2010.

On March 7, 2012, a compliance inspector was in the vicinity of the Joy facility and observed fugitive dust emanating from the site. This observation prompted the inspector to stop at the facility to inspect the source of the fugitive dust. The inspector observed fugitive dust emanating from transfer/drop points that had controls installed but were not operational. Specifically System 5 (PF1.005 & PF1.006) and System 06 (PF1.008). The Plant Supervisor Mike Wetenkamp was questioned as to why these controls were not operating and it was explained to the NDEP that the water in the spray heads was probably frozen.

On April 19, 2012, the NDEP and Joy Engineering held an enforcement conference to discuss the alleged violations contained in NOAV 2399. Based on Joy's prompt action to return the frozen controls to service and the renewed understanding that all controls must be operational while the permitted systems are operating the NDEP has determined that NOAV 2399 will be issued as a warning.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2399

Evidence (Continued):

Upon review of the information provided by Joy, it has been determined that the alleged violations that occurred on March 7, 2012 resulted in 3 violations for failure to maintain air pollution control equipment.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failure to maintain air pollution control equipment constitute major violations. Notice of Alleged Air Quality violation and Order (NOAV) No. 2399 in conjunction with NOAV No. 2400; represents Joy's second 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: Ensure that all permit required controls are operational when the permitted systems are operating.

_____ 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: May 8, 2012

FV/rf
Certified Mail No.: 9171 9690 0935 0009 9352 87

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. 2400

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Mr. Richard Joy

Company Name: Joy Engineering

Address: 1584 Wolf Meadows Lane, Portola, California 96122

Permit Number: AP1442-2702

FIN: A0599

Site of Alleged Violation: USA Parkway, Tahoe Reno Industrial Center, Storey County

Date of Observation: 3/7/2012 **Arrival:** 2:30 PM **Departure:** 3:30 PM

Ambient Temperature: 44 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 4 mph **Wind Direction:** Northeast

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 required air pollution control equipment.

Evidence:

Joy Engineering (Joy) operates a crushing and screening facility at the Tahoe Reno Industrial Center in Storey County under Class II Air Quality Operating Permit AP1442-2702, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) on September 5, 2010. Permit AP1442-2702 was revised by Joy on December 16, 2011, to include Systems 7 through 11 and 13 (PF1.010 - PF1.014 and S2.002).

On March 7, 2012, a compliance inspector was in the vicinity of the Joy facility and observed fugitive dust emanating from the site. This observation prompted the inspector to stop at the facility to inspect the source of the fugitive dust. The inspector observed fugitive dust emanating from transfer/drop points that did not have required air pollution control equipment installed on them. Specifically Systems 08 - 11 (PF1.011 & PF1.014) are required by Class II Air Quality Operating Permit AP1442-2702 to have fogging water sprays installed on each system to control emissions. At the time of the inspection no such controls were installed on these systems. The facility was notified that not having required air pollution control equipment installed was a violation of the permit conditions and the NDEP informed Joy that these systems should not be operated until the required air pollution controls are installed. Joy complied with the verbal request and installed the required water sprays over the course of the evening of March 7, 2012 and the morning of March 8, 2012. Joy notified the NDEP of the completion of the water spray installation on the morning of March 8, 2012 and followed that conversation with photographic documentation of the new controls. Joy resumed normal operations at the facility after the controls were installed.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2400

Evidence (continued):

On April 19, 2012 the NDEP and Joy Engineering held an enforcement conference to determine whether the issuance of NOAV 2400 was or was not warranted. Joy representatives explained that the company was aware of the permit required air pollution controls for Systems 08 - 11 when the revision of permit AP1442-2702 was issued on December 16, 2012. Joy explained that they had communicated their concerns over water sprays on the equipment during the permitting process but that they were told the permit did not pass modeling and that the controls were required for a permit to be issued. Joy further explained that the reasons for not installing the controls were due to worries about over saturating the product and producing material that was not suitable for delivery to customers.

Based on the information provided by Joy during the enforcement conference held on April 19, 2012 and a review of records provided by Joy, it has been determined that the violations occurred for two days of operation on March 6 and March 7, 2012. During this period of time the operation of Systems 08 - 11 resulted in 8 violations for failure to install required air pollution control equipment.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failure to install required air pollution control equipment constitute major violations. Notice of Alleged Air Quality violation and Order (NOAV) No. 2400 in conjunction with NOAV No. 2399; represents Joy's second 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 permit required controls on systems 08 - 11 (the installation of controls was completed on March 8, 2012)

_____ 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: May 8, 2012

FV/rf
Certified Mail No.: 9171 9690 0935 0009 9352 87

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.

FORM # 3
FORM FOR REQUESTING AN APPEAL HEARING
BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

1. Name, address, telephone number, and signature of applicant:
Name: _____
Address: _____
Telephone: _____
Signature: _____
Representative Capacity (if applicable): _____
2. Specify type of applicant: Individual, Partnership, Corporation, or Other: _____
3. Other person or persons authorized to receive service of notice: _____
4. Complete description of the business or activity and the location of the activity involved in the request: _____

5. Nature of the appeal and grounds thereof: _____

6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal: _____

7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record: _____

Date of Request _____

Send Form To: John Walker, State Environmental Commission, 901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249 (Fax 775-687-5856)