



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 19, 2011

William Carr  
District Manager  
Refuse Inc.  
2401 Canyon Way  
Sparks, NV 89434

**Re:** Notice of Alleged Air Quality Violation: No. **2330**  
Class I Air Quality Operating Permit **AP4953-1148.1 (FIN A0018)**

Dear Mr. Carr:

On June 25, 2011 and August 29, 2011 the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) and Refuse Inc (WM, Waste Management of Nevada) held an enforcement conference to discuss WM's alleged failure to comply with System 3 (Asphalt Plant) throughput rate limit as required by Class I Air Quality Operating Permit AP4953-1148.01. Based on the information presented during the enforcement conferences, the NDEP determined that issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. **2330** is warranted. The failure to comply with the permitted throughput rate limit represents an air quality violation under **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV No. **2330** alleges that WM 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. **2330** constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines**. This NOAV is the first violation that WM has received in the last 60 months.

An appeal of NOAV No. **2330** 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.



Refuse Inc.  
October 19, 2011  
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If you have any questions regarding the alleged violation, please call Joseph Prary at (775) 687-9340 or myself at (775) 687-9343.

Sincerely,



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

FV/jp

enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2330  
2. SEC Appeal Form #3

cc (w/enc. 1): John Walker, SEC  
Storey County Board of Commissioners  
Francisco Vega, NDEP  
FIN A0018 (Certified Copy)

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

Certified Mail No.: 7008 1140 0004 4030 2233

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. 2330

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

**NOTICE OF ALLEGED AIR QUALITY VIOLATION**

**Person(s) to Whom Served:** William Carr

**Company Name:** Refuse Inc. (Waste Management of Nevada)

**Address:** 1390 East Commercial Row, Reno NV 89512

**Permit Number:** AP4953-1148.01

**FIN:** A0018

**Site of Alleged Violation:** Lockwood Regional Landfill, 2401 Canyon Way, Sparks, NV 89434

**Date of Observation:** April 6, 2011      **Arrival:** 10:00 AM      **Departure:** 1:00 PM

**Ambient Temperature:** 55      °F      **Clear:** X      **Cloudy:**      **Rain:**      **Snow:**

**Wind Speed:** 3-5      mph      **Wind Direction:** 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 comply with permitted production limits.

**Evidence:**

Refuse Inc. (Waste Management of Nevada) operates the Lockwood Landfill under Class I Air Quality Operating Permit AP4953-1148.01 issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) on April 20, 2009. The landfill is located off of exit 23 on I-80.

On April 6, 2011, an inspection of Waste Management of Nevada, Lockwood landfill (WM) was conducted. Upon completion of the inspection, a review of WM's 2010 Actual Production/Emission Report was conducted. While reviewing the actual production/emission report it was discovered that System 3, Asphalt Grinding Circuit, exceeded its permitted throughput rate of 110 tons of asphalt waste per hour. The actual production/emission report shows that System 3 has an average throughput rate of 144 tons of asphalt waste per hour, approximately 31% greater than the permitted limit.

On May 10, 2011, a review of the July and August 2010 operating records was conducted. The operating records for system 3 clearly state that the system consistently operates at an average throughput rate of 144 tons of asphalt waste per hour.

On June 19, 2011 an enforcement conference was held with WM. During the meeting, representatives from the landfill expressed to the NDEP that the processing capacity of System 3's grinding unit could not exceed 110 TPH and the operating capacity of the unit determined the system's throughput limit. The NDEP explained to WM's representatives that the operating limit does not just apply to the grinding unit, but to the entire system.

## NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2330

### **Evidence (continued):**

Upon conclusion of the enforcement conference it was decided that an additional inspection of the facility should be conducted, with attention put on System 3.

An additional inspection of the Lockwood Landfill was conducted on July 12, 2011. The NDEP inspector met with WM's environmental specialist and the acting superintendent. The operation of System 3 starts with a loader that feeds asphalt waste into the hopper, the asphalt is conveyed to a mesh screen where the plus and minus fractions are separated. The minus fractions are conveyed to a stock pile and the plus fractions are transferred to the grinder. Once ground, the fractions are conveyed to a separate stock pile.

Prior to the July 12, 2011 inspection, the NDEP inspector reviewed correspondence between the NDEP permitting branch and WM. During the permit renewal process, the NDEP's permitting branch inquired about the determination of system's throughput rate. Due to the NDEP inquirer about the systems throughput rate, WM decided to reduce the systems throughput rate from 200 TPH to 110 TPH.

On August 29, 2011 an additional meeting was held with WM. The purpose of the meeting was to discuss the findings from the July inspection. During the meeting the NDEP presented with evidence to WM that during the 2009 permit renewal process WM decided to reduce the system's throughput rate. The NDEP showed WM the application they had submitted and also showed them where in the application they had requested a maximum throughput rate of 110 tons/hour for that system.

Failure to comply with permitted operational limitations constitutes a major violation under NAC 445B.281. Violation: Classification; administrative fines. This Notice of Alleged Air Quality Violation and Order constitutes WM first violation within the last 60 months.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2330

## 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: Modify the existing air quality operating permit to increasing the Asphalt Grinding Circuit throughput rate or implement measures that would ensure that the system does not exceed the 110 TPH throughput rate limit.

\_\_\_\_\_ 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 19, 2011

FV/jp

Certified Mail No.: 7008 1140 0004 4030 2233

*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)