

NDEP-BAPC PENALTY RECOMMENDATIONS - December 7, 2010

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER	RECOMMENDED PENALTY
1	Lake Tahoe Horizon Casino Resort, Douglas County	NAC445B.275 "Violations: Acts Constituting; notice." For operating without a valid air quality permit and failure to conduct required compliance source testing. Despite several attempts to contact the permittee, in February of 2009 the DEP discovered that the facility had been operating without a valid air quality operating permit and had failed to conduct required compliance source testing. Based on the Penalty Table, operating without a valid permit carries a base penalty of \$3,000. Because the violation occurred over a 2 year period and involved the operation of 2 units the base penalty was multiplied by 4. Failure to conduct required compliance source testing carries a base penalty of \$600. Although the violation occurred over a 2 year period and involved the operation of 2 units failure to conduct compliance source testing is capped at \$10,000. Horizon was issued the same violation within the last five years, resulting in an additional 155% to the \$10,000 penalty for a total of \$25,500. The DEP is recommending a penalty of \$38,100.	2232 & 2252	\$38,100
2	Eagle Peak, Nye County	NAC445B.275 "Violations: Acts Constituting; notice." For failure to install required air pollution control equipment and exceeding permitted emission limits. On May 12, 2010 a DEP compliance officer conducted an inspection of the crushing, screening and asphalt equipment located in Nye County. During the inspection the officer observed that the equipment did not have the required air pollution controls installed and visible emissions in excess of permitted emission limits. Based on the Penalty Table, failure to operate required air pollution controls carries a base penalty of \$1,000 per system. There were 20 units which did not have the required air pollution controls installed for a penalty of \$20,000. An exceedance of a permitted emission limit carries a base penalty of \$600. There were 3 systems with visible emissions exceedances and all were over 50% opacity multiplying the base penalty by 18, for a total of \$10,800. The DEP is recommending a penalty of \$30,800.	2248, 2249, 2257, & 2258	\$30,800
3	Newmont Nevada Energy Investments, LLC, Eureka County	NAC445B.275 "Violations: Acts Constituting; notice." For exceeding permitted emission limits during a source test. Newmont exceeded permitted emission rates for particulate matter by a factor of 1.83 times the permitted limit. Based on the Penalty Table, the exceedance of a BACT emission limit by a major stationary source carries a base penalty of \$7,500. Applying the Penalty Matrix, exceeding the BACT emission limit by a factor of 1.83 results in a total penalty of \$13,725. The DEP is recommending a penalty of \$13,725.	2226	\$13,725
4	Ames Construction, Inc., Lander County	NAC445B.275 "Violations: Acts Constituting; notice." For operating without a valid air quality permit, exceedance of permitted operating hours and throughput limits and failure to report permit deviations. In April of 2010 Ames submitted to the DEP a Completion of Operation form for COLA 2174. At the time Ames disclosed that they had operated beyond the expiration of the permit. This prompted a records review of the operation. During the records review it was discovered that Ames had exceeded permitted daily hours of operation and throughput limits. Based on the Penalty Table, operating without a valid permit carries a base penalty of \$1,000. Because the violation occurred over a 2 month period the base penalty was multiplied by 2. Failure to comply with permitted operating parameters carries a base penalty of \$600. There were 12 occasions in which permitted daily parameters were exceeded multiplying the base penalty by 12. The first three failures to report the exceedances constitute minor violations carrying a penalty of \$1,750. An additional \$600 was added to the penalty for the remainder of the failures to report. The DEP is recommending a penalty of \$11,550.	2269, 2270, & 2271	\$11,550

