

## NDEP-BAPC SETTLEMENT AGREEMENTS – June 17, 2008

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER(S)	PROPOSED SETTLEMENT AMOUNT
1	American AVK Company, Douglas County	NAC445B.275 “Violations: Acts Constituting; notice.” For failing to conduct initial emission compliance tests within the permitted timeframe (within 180 days of startup). American AVK conducted the initial compliance tests required by its operating permit five months late. The penalty is based on the Penalty Table developed by the NDEP-BAPC to assess penalties for violations not directly related to emissions.	2144	\$2,500
2	Humboldt Vega, LLC Elko County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating a cement batch plant without the required air quality operating permit, and for failing to install and operate emission controls (wet dust suppression) necessary to control emissions from the plant’s lime silo loadout. The base penalty for each NOAV is based on the Penalty Table. Application of the Penalty Matrix, which is used to assess penalties for emissions-related violations, increased the penalty for failing to operate the emissions controls (NOAV 2132) from \$600 to \$1000 to reflect the amount of dust (lime, process fines) emitted from the loadout.	2131, 2132	\$4,000
3	Service Rock Products, Lincoln County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating an aggregate processing plant without the required air quality operating permit, and for failing to apply for and obtain a revision to its air quality operating permit prior to constructing a concrete batch plant at the same location. The base penalty for each NOAV is based on the Penalty Table. The \$6,000 penalty for NOAV 2116 reflects the large size (multiple emission systems) of the aggregate plant. Because of the recurring nature of the violations, the base penalty of \$2,000 assessed for NOAV 2125 was increased by 40 percent, to \$2,800.	2116, 2125	\$8,800