

NDEP-BAPC SETTLEMENT AGREEMENTS - October 5, 2010

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER	PROPOSED SETTLEMENT AMOUNT
1	Heart of Nature, Esmeralda County	NAC445B.275 "Violations: Acts Constituting; notice." For constructing a fuel processing facility without the required air quality operating permit. On December 10, 2009, an NDEP-BAPC inspector observed and inspected a crushing and screening operation in Esmeralda County. During the inspection it was discovered that the operation had not been issued an air quality operating permit. Based on the Penalty Table, constructing and operating without a permit carries a base penalty of \$800. Because the violation occurred over a 24 month period the base penalty was multiplied by 24. The NDEP-BAPC recommended a penalty of \$19,200.	2223	\$19,200
2	Cind-R-Lite, Nye County	NAC445B.275 "Violations: Acts Constituting; notice." For exceeding permitted emission limits. On May 11, 2010 an NDEP-BAPC compliance officer conducted an inspection of the crushing and screening equipment located in Nye County. During the inspection the officer observed visible emissions in excess of permitted emission limits. Based on the Penalty Table, an exceedance of a permitted emission limit carries a base penalty of \$600. Because the visible emissions were greater than 50%, the penalty matrix called for the base penalty to be multiplied by 6. The NDEP-BAPC recommended a penalty of \$3,600.	2247	\$3,600
3	Eagle Peak, Lyon 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 an NDEP-BAPC 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 systems's 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% multiplying the base penalty by 18, for a total of \$10,800. The NDEP-BAPC recommended a penalty of \$30,800.	2248, 2249, 2257, & 2258	\$30,800
4	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 NDEP-BAPC 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. Because the facility was issued the same violation within the last five years, an additional 150% was added to the \$10,000 penalty for a total of \$25,500. The NDEP-BAPC recommended a penalty of \$38,100.	2232 & 2252	\$38,100