



February 6, 2024

Gabriela Quiles
Environmental Manager
Cyanco Company, LLC
5505 Cyanco Drive
Winnemucca, NV 89445

**RE: Notice of Alleged Air Quality Violation (NOAV) No. 3056
Class I Air Quality Operating Permit AP2819-3823 (FIN A0009)**

Dear Ms. Quiles:

The Nevada Division of Environmental Protection (Division) alleges that Cyanco Company, LLC (Cyanco) has violated one or more conditions of Class I Air Quality Operating Permit AP2819-3823.

On May 24, 2023, the Division held an enforcement conference with Cyanco to discuss potential enforcement actions alleged in the Letter of Alleged Findings (LOAF) previously sent to Cyanco. The conference was held to clarify the circumstances of the potential enforcement actions and provide an opportunity for Cyanco to provide evidence demonstrating that violations did not occur or that efforts were made to mitigate the violation.

Based on the information provided during the enforcement conference, the Division has determined that the issuance of NOAV No. 3056 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 3056 constitutes a major violation. For major violations, the Division makes penalty recommendations to the Nevada State Environmental Commission (Commission), and the Commission assesses the penalties. Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the Commission, the Division has calculated a recommended penalty of **\$13,600.00** for NOAV No. 3056.

The date for the next Commission hearing for penalties has been tentatively set for March 21, 2024 in Carson City, NV. Before the hearing for the penalties, the Commission will notify you of the final date and time of the hearing and provide information about how you can participate if you want.

Appeal of NOAV No. 3056 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and Commission administrative rules. Appeals must be received within ten (10) days of receipt of this notice, pursuant to **NRS 445B.340 Appeals to Commission: Notice of appeal**. A copy of the Commission's Appeal Form #3 is enclosed and can also be found on the Commission's website at: <https://sec.nv.gov/participate/forms-and-documents/>. Appeals are processed through Sheryl Fontaine, the Executive Secretary for the Commission, at 901 South Stewart Street, Suite 4001,

Carson City, Nevada, 89701-5249. Ms. Fontaine can be reached at (775) 687-9374, or by email at sfontaine@ndep.nv.gov. Please provide me with a copy of any correspondence your company may have with the Commission.

If you have any questions regarding the NOAV, please contact me at (775) 687-9392 or by email at m.grover@ndep.nv.gov.

Sincerely,



Michelle Grover (Feb 6, 2024 11:42 PST)

Michelle Grover,
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

MG/nr

enc.: Notice of Alleged Air Quality Violation No. 3056
Appeal Form #3

E-Copy: Danilo Dragoni, Ph.D, Deputy Administrator, NDEP
Andrew Tucker, Chief, BAQP
Jennifer Schumacher, Chief, BAPC
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC
Nicholas Greer, Compliance Staff, BAPC
Shannon Watson, Compliance Staff, BAPC
Jaimie Mara, Permitting Supervisor, BAPC
Nathan Rash, Enforcement Staff, BAQP
Loren Borst, Administrative Assistant, NDEP

Certified Mail No.: 9489 0090 0027 6520 4877 92

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY PLANNING
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249
NOTICE OF ALLEGED AIR QUALITY VIOLATION NO. 3056

Person(s) to Whom Served: Gabriela Quiles, Environmental Manager
Company Name: Cyanco Company, LLC
Address: 5505 Cyanco Drive, Winnemucca, NV 89445
Permit Number: AP2819-3823 **FIN:** A0009
Site of Alleged Violation: Cyanco Winnemucca Plant
Date of Observation: August 17-19, 2021

It is alleged that the following regulation was violated by the person named in this notice:

Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice.

1. *Failure to comply with any requirement of NAC 445B.001 to 445B.3689, 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:

Failed Source Test Indicating an Exceedance of a Permitted Pollutant Emission Rate.

Evidence:

Cyanco Company, LLC (Cyanco) currently holds a Class I Air Quality Operating Permit (AQOP) to operate a sodium cyanide (NaCN) manufacturing facility under the requirements of AQOP No. AP2819-3823, last renewed by the Nevada Division of Environmental Protection (Division) on October 25, 2023. Cyanide compounds are one of 180 hazardous air pollutants as designated by the Environmental Protection Agency.

On August 17-19, 2021, Cyanco, contracting through a third party, conducted required annual stack testing on the exhaust stack of two parallel sodium cyanide (NaCN) crystallizers (S2.009 and S2.010). In the results of this test, Cyanco reported to the Division HCN emissions of 0.085 lb/hr exceeding the permitted emission limit of 0.050 lb/hr (170% of the limit). A retest was not conducted.

Source testing is used as a practical demonstration of compliance with permitted emission limits. With the failure of the aforementioned test, Cyanco did not demonstrate compliance with these limitations until the system was tested in October of 2022.

On May 24, 2023, the Division held an enforcement conference with Cyanco to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3056 was or was not warranted. During the enforcement conference, Cyanco did not supply any evidence that the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV No. 3056 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the State Environmental Commission, the Division has calculated a recommended penalty of \$13,600 for NOAV No. 3056.

This Notice of Alleged Violation becomes final and the violations stand unless appealed within ten (10) days of this notice. The person named in this Notice 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.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and Cyanco has no prior air quality violations within the last 60 months.



Signature _____

Issued by: Andrew Tucker
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 **Date:** Feb 6, 2024

AT/MG/nr

Certified Mail No.: 9489 0090 0027 6520 4877 92







210817_A0009_Final NOAV Package V2

Final Audit Report

2024-02-06

Created:	2024-02-06
By:	Michelle Grover (m.grover@ndep.nv.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAy2kmFLF_eXMbyKSS_7MueDo9oCNXAOKk

"210817_A0009_Final NOAV Package V2" History

-  Document created by Michelle Grover (m.grover@ndep.nv.gov)
2024-02-06 - 7:41:35 PM GMT
-  Document e-signed by Michelle Grover (m.grover@ndep.nv.gov)
Signature Date: 2024-02-06 - 7:42:56 PM GMT - Time Source: server
-  Document emailed to Andrew Tucker (atucker@ndep.nv.gov) for signature
2024-02-06 - 7:42:58 PM GMT
-  Email viewed by Andrew Tucker (atucker@ndep.nv.gov)
2024-02-06 - 7:47:06 PM GMT
-  Document e-signed by Andrew Tucker (atucker@ndep.nv.gov)
Signature Date: 2024-02-06 - 7:47:41 PM GMT - Time Source: server
-  Agreement completed.
2024-02-06 - 7:47:41 PM GMT

Michelle Grover

From: Nathan Rash
Sent: Tuesday, February 6, 2024 12:19 PM
To: gabriela.quiles@cyanco.com; mark.moeller@cyanco.com; dan.barrett@cyanco.com
Cc: Andrew Tucker; Michelle Grover; Jennifer Schumacher; Gregg Rosenberg; Nicholas Greer; Shannon Miller; Jaimie Mara
Subject: RE: Enforcement Findings for A0009 Cyanco
Attachments: 210817_A0009_Final NOAV Package - signed.pdf; sec_form3_writable.pdf

Good afternoon,

As Ms. Grover discussed below, Notice of Alleged Violation (NOAV 3056) has been issued. Please find a curtesy copy of the final NOAV package for A0009 - Cyanco. A hard copy will be sent by certified mail today, February 6, 2024. Feel free to reach out with any questions.

Thank you,

Nathan Rash
Environmental Scientist III
Enforcement Branch, Bureau of Air Quality Planning
Nevada Division of Environmental Protection
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701
nrash@ndep.nv.gov
(O) 775-687-9486 | (F) 775-687-5856



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**
Connect with us:   

From: Michelle Grover <m.grover@ndep.nv.gov>
Sent: Monday, February 5, 2024 9:23 AM
To: gabriela.quiles@cyanco.com
Cc: Andrew Tucker <atucker@ndep.nv.gov>; Nathan Rash <nrash@ndep.nv.gov>; kevin.le@cyanco.com; JOHN.RIZZI@CYANCO.COM
Subject: Enforcement Findings for A0009 Cyanco

Good morning,

NDEP has made a final decision regarding the enforcement action against A0009 Cyanco. We have decided to issue NOAV 3056 for a failed source test indicating an exceedance of a permitted pollutant emission rate and will be recommending a penalty of \$13,600 to the State Environmental Commission (SEC) from the 2021 test. NDEP has decided to drop penalties related to the 2020 test. This was calculated using the Matrix set forth by the SEC. The base penalty for this type of violation is a base penalty of \$4,000 per pollutant times the ratio of emissions to permitted emission limit. The 2021 test reported 0.085 lb/hr of HCN and the permit limit was 0.050 lb/hr (ratio of 1.7). An additional multiplier of 2 was added as cyanide compounds are one of the hazardous air pollutants as designated by the EPA. Taking all of this into consideration a total penalty of \$13,600 (\$4,000 x 1.7 x 2) will be recommended to the SEC.

Let me know if you would like to have a phone conversation about any of this and what it looks like moving forward (775-687-9392). This will be issued on Tuesday afternoon February 6, 2023.

Thank you,
Michelle Grover
Enforcement, Supervisor
NDEP, Bureau of Air Quality Planning
P: 775-687-9392

