

Bureau of Air Quality Planning (BAQP) Enforcement Branch
Penalty Recommendations for the March 21, 2024 State Environmental Commission
Meeting

AGENDA ITEM #4	
COMPANY	Reck Brothers, LLC
COUNTY	White Pine County
NOAV NUMBER(S)	3139
VIOLATION & PENALTY SUMMARY	<p><u>NOAV 3139</u> Violation: Failed Source Test Date of Observation: November 4, 2023 Requirement: Comply with permitted PM₁₀ limits. Base Penalty: According to Administrative Penalty Matrix, the base penalty for a failed source test for a pollutant that is subject to a Federally Enforceable State Implementation Plan (SIP) New Source Performance Standard (NSPS) for a Class 2 Source is \$4,000 per pollutant multiplied by the ratio that the pollutant failed by. In this case, the PM₁₀ limit was exceeded by 438% or a 4.38 ratio. Multiple Emission Unit Violations or Recurring Events: 1 system with 1 failed pollutant Volume of Release: 4.38 Penalty Subtotal: (\$4,000.00 base penalty x 4.38) = \$17,520.00 Economic Benefit (avoided costs): N/A Penalty Adjustment Factors: 4 previous violations in previous 5 years. Each penalty adds a 5% adjustment factor giving a total adjustment of 20%. Penalty Adjustment Subtotal: \$17,520.00 penalty subtotal x 20% = \$3,504.00 Total Penalty: (\$17,520.00 + \$3,504.00) = \$21,024.00</p>
TOTAL RECOMMENDED PENALTY	\$21,024.00

AGENDA ITEM #5	
COMPANY	Wulfenstein Construction Company, INC
COUNTY	Nye County
NOAV NUMBER(S)	3071
VIOLATION & PENALTY SUMMARY	<p><u>NOAV 3071</u> Violation: Failure to Install Required Air Pollution Control Equipment Date of Observation: April 19, 2023 Requirement: Controls specified in the permit must be installed and function per the permit Base Penalty: According to Administrative Penalty Matrix, the base penalty for failure to install required air pollution control equipment for a Class 2 Source is \$1,000 per missing emission unit control. Multiple Emission Unit Violations or Recurring Events: 8 emission units Penalty Subtotal: (\$1,000.00 base penalty x 8 emission units) = \$8,000.00 Economic Benefit (avoided costs): N/A Penalty Adjustment Factors: N/A Total Penalty: (\$8,000.00 + \$0.00) = \$8,000.00</p>
TOTAL RECOMMENDED PENALTY	\$8,000.00

AGENDA ITEM #6	
COMPANY	Cyanco Company LLC
COUNTY	Humboldt County
NOAV NUMBER(S)	3056
VIOLATION & PENALTY SUMMARY	<p><u>NOAV 3056</u> Violation: Failed Source Test Date of Observation: August 17-19, 2021 Requirement: Comply with permitted HCN limits Base Penalty: According to Administrative Penalty Matrix, the base penalty for a failed source test for a pollutant on the hazardous air pollutants list for a Class 1 Source is \$4,000 per failed pollutant multiplied by the ratio that the pollutant failed by. In this case, the HCN limit was exceeded by 170% or a 1.7 ratio. Multiple Emission Unit Violations or Recurring Events: 1 pollutant Volume of Release: 1.7 Toxicity of Release: HCN is listed as a Hazardous Air Pollutant (HAP) by the EPA and is subject to a 2x multiplier per the Administrative Penalty Matrix. Penalty Subtotal: \$4,000 base penalty x 1.7 x 2 = \$13,600.00 Economic Benefit (avoided costs): N/A Penalty Adjustment Factors: N/A Total Penalty: \$13,600 + \$0.00 = \$13,600.00</p>
TOTAL RECOMMENDED PENALTY	\$13,600.00