



September 30, 2024

Christopher Balhoff  
Facility General Manager  
Safety-Kleen Systems, Inc.  
PO Box 5129  
Fallon, NV 89407

**RE: Notice of Alleged Air Quality Violation and Order Nos. 3068 through 3070  
Class II Air Quality Operating Permit AP2992-1473.03 (FIN A0511)**

Dear Christopher Balhoff:

The Nevada Division of Environmental Protection (Division) alleges that Safety-Kleen Systems, Inc. (Safety-Kleen) has violated one or more conditions of their Class II Air Quality Operating Permit (AQOP) AP2992-1473.03 last issued December 5, 2023.

On November 28, 2023, the Division held an enforcement conference with Safety-Kleen to discuss potential enforcement actions 3068 through 3070 (inclusive) alleged in the Letter of Alleged Findings (LOAF) previously sent to Safety-Kleen. On August 1, 2024, the Division held another enforcement conference to discuss potential enforcement action 3150 as alleged in the LOAF previously sent to Safety-Kleen. Potential enforcement action 3068 was thereafter incorporated into potential enforcement action 3150. The conferences were held to clarify the circumstances of the potential enforcement actions and provide an opportunity for Safety-Kleen 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 Nos. 3069 and 3150 are warranted and the issuance of NOAV No. 3070 is warranted as a warning.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV Nos. 3069 and 3150 constitute major violations. 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 **\$6,600.00** for NOAV No. 3069 and **\$29,150.00** for NOAV No. 3150 for a total of **\$35,750.00**.

The Monitoring, Recordkeeping, and/or Reporting violation alleged in NOAV No. 3070 is a minor violation pursuant to NAC 4458.281 and is being issued as a warning.

The date for the next Commission hearing for penalties has not been set. 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.

Appeals of NOAV Nos. 3069, 3070, and 3150 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](mailto: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 NOAVs or the fines, please contact me at (775) 687-9392 or by email at [m.grover@ndep.nv.gov](mailto:m.grover@ndep.nv.gov).

Sincerely,



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

MG

enc.: Notice of Alleged Air Quality Violation Nos. 3069, 3070, and 3150; and Order 3070  
SEC Form 3 – Request an Appeal Hearing

E-Copy: Danilo Dragoni, Ph.D., Deputy Administrator, NDEP  
Jeff Kinder, P.E., Deputy Administrator, NDEP  
Andrew Tucker, Chief, BAQP  
Jennifer Schumacher, Chief, BAPC  
Chad Myers, P.E., Compliance Supervisor, BAPC  
Shannon Watson, Compliance Staff, BAPC  
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC  
Tanya Soleta, P.E., Permitting Supervisor, BAPC  
Nathan Rash, Enforcement Staff, BAQP

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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. 3069**

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**Person(s) to Whom Served:** Christopher Balhoff, Facility General Manager  
**Company Name:** Safety-Kleen Systems, Inc.  
**Address:** Po Box 5129, Fallon, NV 89407  
**Permit Number:** AP2992-1473.03 **FIN:** A0511  
**Site of Alleged Violation:** 22211 Bango Road, Fallon, Nevada 89407  
**Date of Observation:** May 4, 2023

**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:**

Failure to Comply with the Conditions of an Operating Permit: Exceedance of an Operational Limit

**Evidence:**

Safety-Kleen Systems, Inc. (Safety-Kleen) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a petroleum product recycling facility under the requirements of AQOP No. AP2992-1473.03, last issued by the Nevada Division of Environmental Protection (Division) on May 22, 2024.

On May 4, 2023, and May 9, 2023, BAPC Compliance Staff conducted a full, on-site inspection of Safety-Kleen. As part of this inspection, Division staff conducted a review of facility records. During this review, multiple instances were noted where Safety-Kleen exceeded the permit limits for material throughput or composition (see Table 1).

On November 28, 2023, the Division held an enforcement conference with Safety-Kleen to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3069 was or was not warranted. During the enforcement conference, Safety-Kleen supplied evidence that many of the instances in question did not occur or were erroneous, but did not supply sufficient evidence that all instances of the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV No. 3069 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the Nevada State Environmental Commission, the Division has calculated a recommended penalty of \$6,600.00 for NOAV No. 3069.

Table 1: Exceedances of Permitted Limits

Item	System Name	System/Emission Unit	Date	Actual Throughput (tons/hr.)	Permitted Throughput (tons/hr.)	Units	Percent of the Limit
1	Non-Heated Petroleum Liquid Tanks	S12.S2.026	2021	14,832,409	14,000,000	gal/year	106%
2	Non-Heated Petroleum Liquid Tanks	S12.S2.015 and S2.016	2021	24,157,019	22,630,000	gal/year	107%
3	Non-Heated Petroleum Liquid Tanks	S12.S2.026	2022	15,775,194	14,000,000	gal/year	113%
4	Non-Heated Petroleum Liquid Tanks	S12.S2.015 and S2.016	2022	24,809,484	22,630,000	gal/year	110%
5	Non-Heated Petroleum Liquid Tanks	S12.S2.028	2022	14,714,831	14,000,000	gal/year	105%
6	Cooling Tower #5	S16.S2.033	3/18/2021	13,000	10,000	mg/L	130%
7	Cooling Tower #5	S16.S2.033	5/10/2021	37,000	10,000	mg/L	370%
8	Cooling Tower #3	S8.S2.012	5/17/2021	16,000	10,000	mg/L	160%
9	Cooling Tower #5	S16.S2.033	11/8/2021	18,000	10,000	mg/L	180%
10	Cooling Tower #5	S16.S2.033	2/15/2022	12,000	10,000	mg/L	120%
11	Cooling Tower #5	S16.S2.033	8/11/2022	13,000	10,000	mg/L	130%

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and Safety-Kleen has no previous violations in the last 60 months.



**Signature** \_\_\_\_\_

**Issued by:** Andrew Tucker  
Chief  
Bureau of Air Quality Planning

**Phone:** 775-687-9340      **Date:** Sep 26, 2024

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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. 3070**

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**Person(s) to Whom Served:** Christopher Balhoff, Facility General Manager  
**Company Name:** Safety-Kleen Systems, Inc.  
**Address:** PO Box 5129, Fallon, NV 89407  
**Permit Number:** AP2992-1473.03 **FIN:** A0511  
**Site of Alleged Violation:** 22211 Bango Road, Fallon, Nevada 89407  
**Date of Observation:** May 4, 2023

**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:

[...]

(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit;

[...]

**It is alleged that the following act or practice constitutes the violation:**

Failure to Conduct Required Monitoring, Recordkeeping, or Reporting

**Evidence:**

Safety-Kleen Systems, Inc. (Safety-Kleen) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a petroleum product recycling facility under the requirements of AQOP No. AP2992-1473.03, issued by the Nevada Division of Environmental Protection (Division) on November 2, 2022.

On May 4, 2023 and May 9, 2023, BAPC Compliance Staff conducted a full, on-site inspection of the Facility. As part of this inspection, Compliance Staff conducted a review of facility records. During this review it was noted that the Facility could not provide record of the permit required sampling for Total Dissolved Solids (TDS) for the first, third, and fourth quarters of 2020<sup>1</sup>. The permit requires the Facility to sample the cooling tower water from these Systems on a calendar quarterly basis.

On November 28, 2023, the Division held an enforcement conference with Safety-Kleen to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3070 was or was not warranted. During the enforcement conference, Safety-Kleen did not supply any evidence that the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV No. 3070 as a warning is warranted.

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<sup>1</sup> The facility was not operating from April 2020 to July 2020 negating the need for reporting during the second quarter of 2020

ORDER

Under the authority of Nevada Revised Statute (NRS) 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

\_\_\_\_\_ To pay the following administrative fine in accordance with NAC 445B.281: \_\_\_\_\_

\_\_\_\_\_ To take corrective action: \_\_\_\_\_

\_\_\_\_\_ To appear for an enforcement conference in person at: 901 S. Stewart St. Suite 4001, Carson City, Nevada, 89701, or by video conference or phone.  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ To conduct a Supplemental Environmental Project specified by the Division

X This notice is a warning.



Signature \_\_\_\_\_

Issued by: Andrew Tucker  
Chief  
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: Sep 26, 2024

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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. 3150**

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**Person(s) to Whom Served:** Christopher Balhoff, Facility General Manager  
**Company Name:** Safety-Kleen Systems, Inc.  
**Address:** Po Box 5129, Fallon, NV 89407  
**Permit Number:** AP2992-1473.03 **FIN:** A0511  
**Site of Alleged Violation:** 22211 Bango Road, Fallon, Nevada 89407  
**Date of Observation:** August 10-11, 2023, and November 30-December 1, 2023

**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(s)

**Evidence:**

Safety-Kleen Systems, Inc. (Safety-Kleen) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a petroleum product recycling facility under the requirements of AQOP No. AP2992-1473.03, last issued by the Nevada Division of Environmental Protection (Division) on May 22, 2024.

On August 10-11, 2023, Safety-Kleen re-tested systems 01A and 05A when it was discovered earlier in 2023 that Safety-Kleen first failed in April 2020. For both systems, Safety-Kleen reported emissions in excess of the permitted emission limits for PM<sub>10</sub> and PM<sub>2.5</sub> (see Table 1).

On November 30 and December 1, 2023, Safety-Kleen re-tested systems 01A and 05A after the August failure. For both systems, Safety-Kleen reported emissions in excess of the permitted emission limits for PM<sub>10</sub> and PM<sub>2.5</sub> (see Table 1).

On November 28, 2023, and August 1, 2024, the Division held enforcement conferences with Safety-Kleen to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3150 was or was not warranted. During the enforcement conference, Safety-Kleen did not supply any evidence that the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV No. 3150 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the Nevada State Environmental Commission, the Division has calculated a recommended penalty of \$29,150.00 for NOAV No. 3150.



Table 1: Failed Source Test Results

Item	System Name	System/ Emission Unit	Date(s)	Pollutant	Recorded Value [lb./hr.]	Permit Limit [lb./hr.]	Percent of the Limit
1	Recycled Fuel Oil (RFO) Re-refining Unit #1	S1A.S2.001A, S1A.S2.002A, S1A.S2.032A	8/10/2023	PM <sub>10</sub>	0.130	0.084	155%
2	Recycled Fuel Oil (RFO) Re-refining Unit #1	S1A.S2.001A, S1A.S2.002A, S1A.S2.032A	8/10/2023	PM <sub>2.5</sub>	0.130	0.084	155%
3	Recycled Fuel Oil (RFO) Re-Refining Unit #2	S05.S2.007B and S05.S2.008B	8/11/2023	PM <sub>10</sub>	0.330	0.24	138%
4	Recycled Fuel Oil (RFO) Re-Refining Unit #2	S05.S2.007B and S05.S2.008B	8/11/2023	PM <sub>2.5</sub>	0.330	0.24	138%
5	Recycled Fuel Oil (RFO) Re-refining Unit #1	S1A.S2.001A, S1A.S2.002A, S1A.S2.032A	11/30/2023	PM <sub>10</sub>	0.104	0.084	124%
6	Recycled Fuel Oil (RFO) Re-refining Unit #1	S1A.S2.001A, S1A.S2.002A, S1A.S2.032A	11/30/2023	PM <sub>2.5</sub>	0.104	0.084	124%
7	Recycled Fuel Oil (RFO) Re-Refining Unit #2	S05.S2.007B and S05.S2.008B	12/1/2023	PM <sub>10</sub>	0.399	0.24	166%
8	Recycled Fuel Oil (RFO) Re-Refining Unit #2	S05.S2.007B and S05.S2.008B	12/1/2023	PM <sub>2.5</sub>	0.399	0.24	166%

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation, and Safety-Kleen has no previous violations in the past 60 months.



**Signature** \_\_\_\_\_

**Issued by:** Andrew Tucker  
Chief  
Bureau of Air Quality Planning

**Phone:** 775-687-9340      **Date:** Sep 26, 2024

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