



March 26, 2018

Robert Matthews
Owner
Tahoe Western Asphalt, LLC
PO Box 21645
Carson City, Nevada 89721

**RE: Notice of Alleged Air Quality Violation and Order No. 2635
Class II Air Quality Operating Permit AP1611-3748 (FIN A1969)**

Dear Mr. Matthews:

The Nevada Division of Environmental Protection – Bureau of Air Quality Planning (BAQP) alleges that Tahoe Western Asphalt, LLC (TWA) has violated conditions of Class II Air Quality Operating Permit No. AP1611-3748 (Operating Permit). Specifically, the attached Notice of Alleged Air Quality Violation and Order (NOAV) No. 2635 alleges that TWA failed a source test on System 02 – Asphalt Plant: Drum Dryer Mixer/Burner (S2.001).

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

“1. Failure to comply with any requirement of NAC 445B.001 to 445B.390, 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;”

On January 9, 2017 the BAQP held an enforcement conference with TWA to determine whether issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2635 was or was not warranted. During the enforcement conference TWA did not supply any evidence that NOAV 2635 did not happen. Based on the information provided by TWA, the BAQP has determined that formal issuance of NOAV No. 2635 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and it is the TWA’s seventh air quality violation within the last 60 months.

As was discussed during the enforcement conference, the BAQP makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for an air quality violation. The BAQP will be recommending a penalty of **\$27,950.00**, for NOAV No. 2635 based on use of the Administrative Penalty Matrix for air quality violations. The open to public SEC hearing will be held at the Nevada Legislative Building, Room 2135, located at 401 South Carson Street on May 23, 2018 at 9:00am.

An appeal of NOAV No. 2635 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within ten (10) days of receipt of this notice, pursuant to **NRS 445B.340 Appeals to Commission: Notice of appeal**. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mrs. King can be reached at (775) 687-9374, or by fax at (775) 687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions regarding the alleged violation or the enforcement conference, please contact me at (775) 687-9335.

Sincerely,



Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

REW

enc.: Notice of Alleged Air Quality Violation and Order No. 2637
2. SEC Appeal Form #3

cc (w/enc.): Valerie King, SEC
Carson City County Board of County Commissioners
FIN A0531 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP
Lisa Kremer, P.E., Chief, BAPC
Travis Osterhout, P.E., Compliance Supervisor, BAPC
Ashley Taylor, P.E., GISP Permitting Supervisor
Robert Matthews, TWA
Mark Simons, TWA

Certified Mail No.: 9171 9690 0935 0040 4663 37

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2635

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Robert Matthews, Owner

Company Name: Tahoe Western Asphalt, LLC

Address: P.O. Box 21645, Carson City, Nevada 89721

Permit Number: AP1611-3748

FIN: A1969

Site of Alleged Violation: Tahoe Western Asphalt, LLC, 8013 US 50 East, Carson City, Nevada 89706

Date of Observations: 4/25/2017 **Time:** N/A

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:

Exceeded permitted emission limit during compliance source testing.

Evidence:

Tahoe Western Asphalt, LLC (TWA) operates a propane-fired drum dryer mixer/burner for the purpose of producing asphalt in Carson City, Nevada under Class II Air Quality Operating Permit AP1611-3748 (Operating Permit) issued by the Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) on May 23, 2016.

On April 25, 2017, TWA conducted required source testing on System 02 – Asphalt Plant: Drum Dryer Mixer/Burner (Emission Unit S2.001). Test results indicate that System 02 had an average PM/PM₁₀/PM_{2.5} emission rate of 23.58 lb/hr, which is 429.6% of the permitted emission rate of 5.49 lb/hr.

On January 9, 2017 the Nevada Division of Environmental Protection -Bureau of Air Quality Planning (BAQP) held an Enforcement Conference with TWA to determine whether issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2635 was or was not warranted. During the enforcement conference Kennametal did not supply any evidence that NOAV 2635 did not happen. Based on the information provided by TWA, the BAQP has determined that formal issuance of NOAV No. 2635 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and it is the TWA's seventh air quality violation within the last 60 months.

ORDER

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

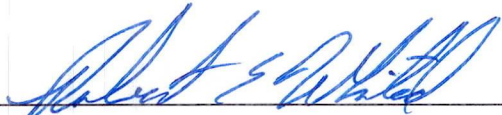
_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

_____ To take corrective action: _____

_____ To conduct a Supplemental Environmental Project specified by the BAPC

_____ This notice is a warning.

To pay the penalty amount assessed by the State Environmental Commission.

Signature  _____

Issued by: Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

Phone: 775-687-9335 Date: March 26, 2018

REW

Certified Mail No.: 9171 9690 0935 0040 4663 37



FORM 3: FORM FOR REQUESTING AN APPEAL HEARING
(Provide attachments as needed)

1. Name, address, telephone number, and signature of appellant:

Name: _____

Physical Address: _____

E-mail Address: _____

Telephone Number: _____

Signature: _____

Representative capacity (if applicable): _____

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Date of Request: _____.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701