



March 26, 2018

Richard Erickson  
Managing Member  
Clean Dried Processing, Inc.  
P.O. Box 309  
Cedarburg, Wisconsin 53012-0309

**RE: Notice of Alleged Air Quality Violation and Order Nos. 2640  
Class II Air Quality Operating Permit AP2047-3612 (FIN A1805)**

Dear Mr. Erickson:

The Nevada Division of Environmental Protection - Bureau of Air Quality Planning (BAQP) alleges that Clean Dried Processing, Inc. (CDPI) has violated conditions of Class II Air Quality Operating Permit AP2047-3612 (Operating Permit).

On January 3, 2018, CDPI conducted a compliance source test on System 01 – Drum Dryer (Emission Units S2.001-S2.002). Test results indicate System 01 failed to meet the permitted emission limit for PM<sub>2.5</sub>. Failing a compliance source test and operating above a permitted emission limit constitutes violations of **Nevada Administrative Code (NAC) 445B.281: Violations.**

**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 February 26, 2018 the BAQP held an enforcement conference with CDPI to determine whether issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2640 was or was not warranted. Based on the information provided by CDPI, the BAQP has determined that formal issuance of NOAV No. 2640 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failure to comply with a permitted emission limit constitutes a major violation. NOAV No. 2640 represents CDPI's tenth 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 **\$11,902.50**, for NOAV No. 2640 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. 2640 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 violations or the enforcement conference, please contact me by phone at (775) 687-9335 or by email at [rwhited@ndep.nv.gov](mailto:rwhited@ndep.nv.gov).

Sincerely,



Robert Whited  
Supervisor, Enforcement Branch  
Bureau of Air Quality Planning

REW

Enc.: 1. Notice of Alleged Air Quality Violations and Order Nos. 2640  
2. SEC Appeal Form #3

cc (w/enc.): Valerie King, SEC  
Lyon County Board of County Commissioners  
FIN A1805 (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, Supervisor, BAPC  
Tony Dimple, McGinnley & Associates  
Rich Erickson, Clean Dried Processing, Inc.

Certified Mail No.: 9171 9690 0935 0040 4663 20

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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. 2640

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**DRAFT NOTICE OF ALLEGED AIR QUALITY VIOLATION**

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**Person(s) to Whom Served:** Richard Erickson, Managing Member

**Company Name:** Clean Dried Processing, Inc.

**Address:** P.O. Box 309, Cedarburg, Wisconsin 53012-0309

**Permit Number:** AP2047-3612 **FIN:** A1805

**Site of Alleged Violation:** Clean Dried Processing, Inc., 600 Lake Avenue, Silver Springs, Nevada 89429

**Date of Observation:** 02/07/2018

**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.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;

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

Exceeded permitted emission limits during compliance source testing.

**Evidence:**

Clean Dried Processing, Inc. (CDPI) operates a natural gas burner for the purpose of drying food for animal consumption in Silver Springs, Lyon County, Nevada under Class II Air Quality Operating Permit AP2047-3612 (Permit), issued by the Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) on September 25, 2015.

On January 3, 2018, CDPI conducted source testing required by the Permit on the exhaust stack of System 01 – Drum Dryer System (S2.001 – S2.002) for PM/PM<sub>10</sub>/PM<sub>2.5</sub>. Testing was performed by Horizon Air Measurement Services, Inc. (Horizon).

On February 7, 2018 the BAPC was contacted by Tony Dimple of McGinley and Associates on behalf of CDPI to explain that the testing conducted on System 01 for PM/PM<sub>10</sub>/PM<sub>2.5</sub> showed emissions had exceeded the permit limit for PM<sub>2.5</sub>. The permit limit for PM<sub>2.5</sub> is 8.25 lbs/hr. The test results showed that the PM<sub>2.5</sub> emissions were measured at 11.40 lbs/hr.

On February 26, 2018 the Nevada Division of Environmental Protection - Bureau of Air Quality Planning (BAQP) held an enforcement conference with CDPI to determine whether issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2640 was or was not warranted. Based on the information provided by CDPI, the BAQP has determined that formal issuance of NOAV No. 2640 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failing to meet permit limits for emissions during source testing constitutes a major violation. This Draft Notice of Alleged Air Quality Violation and Order (NOAV) and NOAV No. 2640 issued under the same cover represents CDPI's tenth air quality violations in the past 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:** \_\_\_\_\_

  X   **To take corrective action:** Retest System 01 for PM/PM<sub>10</sub>/PM<sub>2.5</sub> by May 1, 2018

           **To conduct a Supplemental Environmental Project specified by the BAPC**

           **This notice is a warning.**

  X   **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, 2108

REW

Certified Mail No.: 9171 9690 0935 0040 4663 20



**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.**

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

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**Date of Request:** \_\_\_\_\_.

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