



March 31, 2021

John Thompson
Vice President
W.W. Clyde Companies
730 North 1500 West
Oren, UT 84057

**RE: Notice of Alleged Air Quality Violation and Order Nos. 2794, 2795, 2796 & 2797
Class II General Air Quality Operating Permit for Temporary Construct Sources
Change of Location Approval AP1442-4165 (FIN A1944)**

Dear Mr. Thompson:

The Nevada Division of Environmental Protection (NDEP) alleges that W.W. Clyde Companies (WWCC) has violated one or more conditions of Class II General Air Quality Operating Permit for Temporary Construction Sources, Change of Location Approval (COLA) No. 2860.

On March 3, 2021, NDEP held an enforcement conference with WWCC to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) Nos. 2793, 2794, 2795, 2796 and 2797 were warranted. During the enforcement conference WWCC did not supply any evidence that the alleged violations in NOAV Nos. 2794, 2795, 2796, and 2797 did not occur. Based on the information provided by WWCC, NDEP has determined that formal issuance of NOAV Nos. 2794, 2795, 2796, and 2797 are warranted.

In regards to Draft NOAV No. 2793, WWCC demonstrated to NDEP that compliance testing had been completed for the units on August 20-22, 2019 and that the and the permitted emission limit was met. NDEP has determined that issuance NOAV No. 2793 is not warranted and is dismissing Draft NOAV No. 2793.

In regards to Draft NOAV No. 2797, WWCC was able to demonstrate the records originally provided for several emission units were inaccurate and provided corrected records demonstrating that the material throughput limits had not been exceeded. NDEP has determined that these records satisfied the material throughput reporting requirements specified in the permit and that the material through limits were not exceeded. As specified in NOAV No. 2797, the alleged violations pertaining to these specific emission units have been dismissed.

The violations alleged in NOAV Nos. 2795 and 2796 are minor violations pursuant to NAC 445B.281. The violation in NOAV 2795 is the first offense of reporting violations for WWCC in the previous 60 months. The administrative fine for the first recordkeeping violation is \$250.00 in accordance with NAC 445B.281. The violation in NOAV 2796 is the first offense of fugitive dust violations for WWCC in the previous 60 months. The administrative fine for the first

W.W. Clyde Companies

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fugitive dust violation is \$500.00 in accordance with NAC 445B.281. The total administrative fines for both NOAV's is \$750.00.

The specified fine must be submitted to the State Environmental Commission (SEC) within ten (10) days of NOAV Nos. 2781, 2790, and 2791. Instructions for paying the fine is as follows:

NAC 445B.283 Violations: Manner of paying fines. (NRS 445B.201, 445B.640) states:

"1. The amount of the specified fine, in accordance with the schedule of fines for minor violations, must be submitted within 10 days after service of the notice upon the violator.


2. Cashier's checks, certified checks, money orders or personal checks must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249."

The violations alleged in NOAV Nos. 2794 and 2797 are major violations pursuant to NAC 445B.281. NDEP makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for a major air quality violation. NDEP will be recommending a penalty of \$10,000 for NOAV No. 2794 and a penalty of \$4,200 for NOAV No. 2797. The date for the next SEC hearing has not been determined. It is possible that the SEC hearing will be conducted by teleconference due to COVID. You will be notified when the time and location for the hearing has been finalized.

Appeals of NOAV & Orders Nos. 2794, 2795, 2796, and 2797 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**. A copy of SEC Appeal Form #3 is enclosed and can also be found on the SEC website at: <https://sec.nv.gov/participate/forms-and-documents/>. 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 email at vking@ndep.nv.gov. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions please contact me at by email at atucker@ndep.nv.gov or by phone at (775) 687-9499.

Sincerely,



for Andrew Tucker - **DANILO DRAGONI**
Supervisor, Enforcement Branch **CHIEF**
Bureau of Air Quality Planning

AJT/dad

enc.: 1. Notice of Alleged Air Quality Violation Nos. 2794, 2795, 2796, and 2797
2. SEC Form #3

cc (w/enc.): Valerie King, SEC
Elko County Board of Commissioners
FIN A1944 (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, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
David Dragon, Enforcement Staff, BAQP
Gregg Rosenberg, P.E., Compliance Officer, BAPC
Jens Christiansen, Compliance Officer, BAPC

Certified Mail No.: 9191 9690 0935 0239 5280 68

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. 2794

Person(s) to Whom Served: John Thompson, Vice President
Company Name: W.W. Clyde Companies
Address: 730 North 1500 West, Orem, UT
Permit Number: AP1442-4165 **FIN:** A1944
Site of Alleged Violation: North 4,551.726 KM, East 692.506 KM, UTM Zone 11, NAD 83
Date of Observation: 8/13/2019 **Time:** 8:00 AM

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 Initial Opacity Compliance Demonstrations (IOCD)

Evidence:


W.W. Clyde Companies (WWCC) currently holds a Class II General Air Quality Operating Permit for Temporary Construction Sources to operate an asphalt plant under the requirements of Permit No. AP1442-4165, issued by the Nevada Division of Environmental Protection (NDEP) on April 10, 2019, and Change of Location Approval (COLA) #2860, issued by NDEP on June 21, 2019.

NDEP staff conducted an inspection of the facility from on August 13, 2019. After the inspection, NDEP staff became aware that WWCC had failed to conduct the required IOCD for each of the five permitted systems operated at the facility. WWCC is required to conduct an IOCD for all emission units at every change of location as specified in the COLA.

On March 3, 2021, NDEP held an enforcement conference with WWCC to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2794 was or was not warranted. During the enforcement conference WWCC was unable to show cause why NOAV No. 2794 should not be issued, NDEP has subsequently determined that formal issuance of NOAV No. 2794 is warranted.

This NOAV becomes final unless appealed within ten (10) days after the notice. The person named in this notice may appeal the 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. WWCC does not have any prior air quality violations within the last 60 months.

Signature  _____

Issued by: Danilo Dragoni, PhD
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: March 31, 2021

DD/dad/ajt

Certified Mail No.: 9191 9690 0935 0239 5280 68

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. 2797

Person(s) to Whom Served: John Thompson, Vice President
Company Name: W.W. Clyde Companies
Address: 730 North 1500 West, Orem, UT
Permit Number: AP1442-4165 **FIN:** A1944
Site of Alleged Violation: North 4,551.726 KM, East 692.506 KM, UTM Zone 11, NAD 83
Date of Observation: 7/2/2020 **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 material throughput limit.

Evidence:

W.W. Clyde Companies (WWCC) currently holds a Class II General Air Quality Operating Permit for Temporary Construction Sources (Operating Permit) to operate an asphalt plant under the requirements of Permit No. AP1442-4165, issued by the Nevada Division of Environmental Protection (NDEP) on April 10, 2019, and Change of Location Approval (COLA) #2860, issued by NDEP on June 21, 2019.

WWCC submitted the Completion of Operations Report on June 29, 2020; this report indicated that WWCC had completed operations on June 6, 2020 and specified the Throughput Rate, Total Throughput at Location, and Operating Hours for the duration of the job. NDEP Staff reviewed this report and determined that WWCC exceeded the material throughput limits as defined in the Operating Permit.

On March 3, 2021, NDEP held an enforcement conference with WWCC to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2797 was or was not warranted. During the enforcement conference WWCC was unable to show cause why NOAV No. 2797 should not be issued, NDEP has subsequently determined that formal issuance of NOAV No. 2797 is warranted.

WWCC was able to demonstrate the records originally provided for several emission units were inaccurate and provided corrected records demonstrating that the material throughput limits had not been exceeded. NDEP has determined that these records satisfied the material throughput reporting requirements specified in the permit and that the material through limits were not exceeded. The emission units listed in Tables 1, 2, and 3 represent those emission units that still exceeded the material throughput limits as demonstrated on the corrected records.

This NOAV becomes final unless appealed within ten (10) days after the notice. The person named in this notice may appeal the 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.

Table 1: Throughput Exceedances for System 2 - Asphalt Plant Support, Unloading and Loading

No.	Emission Unit	Description	Throughput Limit (tons/job)	Throughput (tons/job)
1	PF1.045	Scalping Screen and associated transfers	32,000	173,394
2	PF1.046	Scale Belt transfer to Aggregate Belt	32,000	173,394
3	PF1.047	Aggregate Belt transfer to Dryer	32,000	173,394

Table 2: Throughput Exceedances for System 4 – Hot Mix Asphalt Plant

No.	Emission Unit	Description	Throughput Limit (tons/job)	Throughput (tons/job)
4	PF1.061	Drum Dryer Discharge to Duo Drum	160,000	173,394
5	PF1.062	HMA Silo Loading	160,000	173,394
6	PF1.063	HMA Silo Discharge	160,000	173,394

Table 3: Throughput Exceedances for System 5 - Oil Dryer

No.	Emission Unit	Description	Throughput Limit (tons/job)	Throughput (tons/job)
7	S 2.002	No. 2 Fuel Oil-fired Dryer	160,000	173,394

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation. WWCC does not have any prior air quality violations within the last 60 months.

Signature _____

Issued by: Danilo Dragoni, PhD
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: March 31, 2021

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This NOAV becomes final unless appealed within ten (10) days after the notice. The person named in this notice may appeal the 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.