

STEVE SISOLAK  
Governor



STATE OF NEVADA  
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Telephone (775) 687-9374  
Fax (775) 687-5856  
[www.sec.nv.gov](http://www.sec.nv.gov)

Bradley Crowell  
Director



CHAIRMAN

Tom Porta  
Reno, NV

VICE CHAIRMAN

Jason King  
Carson City, NV

MEMBERS

Kacey KC  
State Forester  
Division of Forestry

Vacant  
State Board of Health  
Las Vegas, NV

Adam Sullivan  
Interim State Engineer  
Division of Water  
Resources

Kathryn Landreth  
Reno, NV

Jennifer Ott  
Director, Department of  
Agriculture

Tony Wasley, Director  
Department of Wildlife

Michael Visher  
Administrator  
Division of Minerals  
Commission on Mineral  
Resources

Mark Turner  
Carson City, NV

COUNSEL  
Henna Rasul

STAFF  
Valerie King  
Executive Secretary

Danyel Soulier  
Recording Secretary

May 5, 2021

Mr. 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 and 2797  
Class II General Air Quality Operating Permit for Temporary Construct  
Sources Change of Location Approval AP1442-4165 (FIN A1944)

Dear Mr. Thompson:

On March 3, 2021, the Nevada Division of Environmental Protection (NDEP) held an enforcement conferences with W.W. Clyde Companies to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) Nos. 2794 and 2797. As a result of that meeting, NDEP formally issued the above NOAVs via certified mail on March 31, 2021. See attachment.

Upon formal issuance of the NOAVs, NDEP notified W.W. Clyde Companies of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. W.W. Clyde Companies did not appeal the NOAVs. Therefore, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in the above referenced NOAVs on **Wednesday, June 9, 2021 at 10:00 a.m. at the Richard H. Bryan Building, Tahoe Conference Room (2<sup>nd</sup> Floor) located at 901 South Stewart Street, Carson City. Additionally, the meeting will be video conferenced to the Grant Sawyer Building, Red Rock Conference room located at 555 East Washington Avenue, Las Vegas. It will also be held virtually. To join remotely, please go to <https://call.lifesizecloud.com/9119222> or telephone into the meeting at 1 (877) 422-8614, ext. 911922#**

Pursuant to NRS 445B.640(1), the SEC may approve an administrative penalty of not more than \$10,000 per day per violation. During the June 9<sup>th</sup> meeting, NDEP will provide the SEC with a brief overview of the NOAVs and the recommendation for an administrative penalty of \$10,000.00 for NOAV 2794 and a penalty of \$4,200 for NOAV No. 2797, totaling \$14,200.00. These recommended penalties were calculated using a penalty matrix previously approved by the SEC.

Although your presence is not required at this meeting, you or a representative may wish to attend to speak on behalf of W.W. Clyde

## Companies

The SEC may, without further notice, take administrative action against W.W. Clyde Companies if the SEC determines that such administrative action is warranted after it considers NOAV Nos. 2794 and 2797.

If you have any questions regarding this notice, please contact me at (775) 687-9374.

Sincerely,



Valerie King, CPM  
Executive Secretary

Certified Mail # 9171 9690 0935 0012 2756 60

cc: Greg Lovato, Administrator  
Jeffrey Kinder, Deputy Administrator  
Danilo Dragoni, Chief, BAQP  
Lisa Kremer, Chief, BAPC  
Andrew Tucker, Supervisor, BAQP  
Henna Rasul, SEC/DAG



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

STATE OF NEVADA  
Department of Conservation & Natural Resources

Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Greg Lovato, *Administrator*

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

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.*

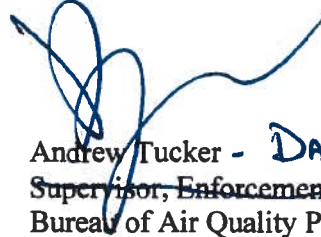
*2. Cashier's checks, certified checks, money orders or personal checks must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249."*

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](mailto: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](mailto: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 A 1944 (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.*

NOAV NO. 2794

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

*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.*

---

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

DD/dad/ajt

Certified Mail No.: 9191 9690 0935 0239 5280 68

*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.*