

Department of Conservation & Natural Resources

Brian Sandoval, Governor Bradley Crowell, Director Greg Lovato, Administrator

## Bureau of Air Pollution Control (BAPC) Compliance & Enforcement Branch Penalty Recommendations for State Environmental Commission (SEC) Meeting September 13, 2017

AGENDA ITEM #4	
COMPANY	Tahoe Western Asphalt, LLC
COUNTY	Carson City
NOAV NUMBER(S)	2619, 2620, 2621, 2622, and 2623
VIOLATION & PENALTY SUMMARY	NOAV 2619Violation: Failed to conduct required initial performance testing - NAC 445B.275(1)(c)Date of Observation: January 5, 2017Requirement: Conduct initial performance testing as set forth in the Air Quality Operating Permit.Base Penalty: Administrative Penalty Matrix – Failure to Test – Class 2 Source = \$600Deviation Factors: N/AMultiple Emission Unit Violations or Recurring Events: 1 system for 3.5 months = 3.5Penalty: Adjustment Factors: History of Non-compliance - Recent violations within previous 5 years: 5% x 4 = 20%Total Penalty: (\$600 x 3.5) + (\$2,100 x 20%) = \$2,520NOAV 2620Violation: Failed to conduct required Initial Opacity Compliance Demonstrations (IOCD) - NAC 445B.275(1)(c)Date of Observation: January 5, 2017Requirement: Conduct IOCD's as set forth in the Air Quality Operating Permit.Base Penalty: Administrative Penalty Matrix – Failure to Conduct IOCD's – Class 2 Source = \$200Deviation Factors: N/AMultiple Emission Unit Violations or Recurring Events: 1 system for 3.5 months = 3.54 systems for 6 months = 24Penalty: Adjustment Factors: History of Non-compliance - Recent violations within previous 5 years: 5% x 4 = 20%Total Penalty: (\$200 x 3.5) + (\$200 x 24) + (\$5,500 x 20%) = \$6,600

AGENDA ITEM #4 - CONTINUED	
VIOLATION & PENALTY SUMMARY	<ul> <li>NOAV 2621         Violation: Failed Visible Emissions Observation for Opacity - NAC 445B.275(1)(c)         Date of Observation: April 25, 2017         Requirement: Maintain opacity levels within permitted limit.     </li> <li>Base Penalty: Administrative Penalty Matrix - Failed Method 9 Visible Emissions Observation = \$1,000     Deviation Factors: Volume of Release - Based on Opacity = 1.5     </li> <li>Multiple Emission Unit Violations or Recurring Events: N/A</li> <li>Penalty Adjustment Factors: History of Non-compliance - Similar violations within previous year = 300%             History of Non-compliance - Recent violations within previous 5 years: 5% x 6 = 30%     </li> <li>Total Penalty: (\$1,000 x 1.5) + (\$1,500 x 330%) = \$6,450</li> <li>NOAV 2622</li> <li>Violation: Failed Visible Emissions Observation for Opacity - NAC 445B.275(1)(c)</li> <li>Date of Observation: April 27, 2017</li> <li>Requirement: Maintain opacity levels within permitted limit.</li> <li>Base Penalty: Administrative Penalty Matrix - Failed Method 9 Visible Emissions Observation = \$1,000</li> <li>Deviation Factors: Volume of Release - Based on Opacity = 2.5</li> <li>Multiple Emission Unit Violations or Recurring Events: N/A</li> <li>Penalty: (\$1,000 x 2.5) + (\$2,500 x 335%) = \$10,875</li> <li>NOAV 2623</li> <li>Violation: Failed Visible Emissions Observation for Opacity - NAC 445B.275(1)(c)</li> <li>Date of Observation: April 28, 2017</li> <li>Requirement: Maintain opacity levels within permitted limit.</li> <li>Base Penalty: Administrative Penalty Matrix - Failed Method 9 Visible Emissions Observation = \$1,000</li> <li>Deviation Failed Visible Emissions Observation for Opacity - NAC 445B.275(1)(c)</li> <li>Date of Observation: April 28, 2017</li> <li>Requirement: Maintain opacity levels within permitted limit.</li> <li>Base Penalty: Administrative Penalty Matrix - Failed Method 9 Visible Emissions Observa</li></ul>
TOTAL RECOMMENDED PENALTY	\$33,045