

(775) 687-4670

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Air Quality Planning
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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

September 4, 2002

Mr. Terry Reck
Reck Brothers
General Engineering Contractor
P.O. Box 372
Ely, Nevada 89301

RE: ORDER OF COMPLIANCE NO. 2003-1 FOR RECK BROTHERS
AIR QUALITY OPERATING PERMIT AP3531-0835
SAMPLING AND TESTING REQUIREMENTS

Dear Mr. Reck,

The Nevada Division of Environmental Protection/Bureau of Air Pollution Control (NDEP/ BAPC) has reviewed your letter of June 11, 2002, requesting an abbreviated stack test to satisfy the stack testing requirements contained in your air quality operating permit AP3531-0835. You based your request on your company's difficulty in obtaining sufficient business in the Ely area for your hot mix asphalt (HMA) plant to allow you to test for particulate matter and PM-10 at maximum production within the one hundred and eighty (180) days after issuance of your permit or before one hundred and eighty (180) days prior to September 23, 2003, as specified in your permit. You also state that your asphalt plant is the only source for HMA within a 250-mile radius.

Based on your average annual production of five thousand (5,000) tons per year for the last three years and the size of your jobs being under a hundred (100) tons per job during that period, it is recognized that it is unlikely that you will be able to conduct three (3) acceptable stack test runs at the maximum throughput of one hundred and fifty (150) tons per hour as required in your permit.

The NDEP/BAPC is, therefore, issuing Compliance Order No. 2003-1, which stays the requirement that you stack test the HMA plant within the one hundred and eighty (180) days after

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issuance of your permit or before one hundred and eighty (180) days prior to September 23, 2003 until Reck Brothers obtains sufficient business to conduct the source tests at maximum production.

The Compliance Order directs Reck Brothers to perform the required stack test and IOCD test for the hot mix asphalt plant at least ninety (90) days before September 23, 2003. The protocol for stack testing the hot mix asphalt plant must be submitted for approval to NDEP/BAPC thirty (30) days prior to conducting the stack test. The source test and IOCD reports must be submitted to NDEP/BAPC by Reck Brothers within sixty (60) days after the tests are completed. Until the stack testing is done, Reck Brothers shall have a certified U.S. Environmental Protection Agency (USEPA) Method 9 Visual Emission (VE) Observer conduct daily six (6) minute USEPA Method 9 VE observations thirty (30) minutes after each start up of the HMA plant. The VE observations shall be recorded and kept at the HMA plant site. A copy of the "Visible Emission Observation Form" to be used by the certified VE observer is attached.

Except for the conditions and terms established in Compliance Order 2003-1, Reck Brothers shall comply with the conditions and terms of Air Quality Operating Permit AP3531-0835. The Administrative Findings and Compliance Order have been prepared pursuant to Nevada Revised Statute (NRS) 445B.230 and NRS 445B.450.

An appeal of the Compliance Order may be requested pursuant to NRS 445B.360 and to the State Environmental Commission's (SEC) administrative rules. An SEC appeal form #3 has been enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to NRS 445B.340. These appeals are processed through David Cowperthwaite, the Executive Secretary for the SEC, at 123 West Nye Lane, Room 169, Carson City, Nevada, 89706-0851. Mr. Cowperthwaite may be reached by phone at (775) 687-9308, 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 would like guidance on the appeal process, you may contact NDEP's Ombudsman, Ms. Marcia Manley, at (775) 687-9309.

Please contact me at (775) 687-9342, if you have any questions regarding this matter.

Sincerely,



Michael Yamada, P.E.
Supervisor, Compliance and Enforcement
Bureau of Air Pollution Control

Certified Mail: 7001 1140 0000 3841 7735

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Enclosures: 1) Compliance Order No. 2003-1
2 Visible Emission Observation Form
2) SEC Appeal Form #3

cc (w/enc. 1): Allen Biaggi, NDEP
Mike Elges, NDEP
Mehrhdad Moghimi, NDEP
Tina Regan, NDEP
Loraine Hanwell, NDEP, LV office
David Cowperthwaite, SEC