



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

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

October 3, 2018

Bruce Eppler
Environmental Manager
Cemex Construction Materials Pacific, LLC
2365 Iron Point Road, Suite 120
Folsom, California 95630

RE: Notice of Alleged Air Quality Violation and Order No. 2660 for Class II Air Quality Operating Permit AP1442-0175.03 (FIN A0425)

Dear Mr. Eppler:

The Nevada Division of Environmental Protection – Bureau of Air Quality Planning (BAQP) alleges that Cemex Construction Materials Pacific, LLC (Cemex) has violated conditions of Class II Air Quality Operating Permit AP1442-0175.03, subsequently replaced by Class II Air Quality Operating Permit AP1442-3826 on November 8, 2017.

The attached Notice of Alleged Air Quality Violation (NOAV) and Order No. 2660 alleges that Cemex has failed operate a stationary source in accordance with any condition of an operating permit. For specific information regarding the alleged violations, please refer to the attached NOAV No. 2660.

On September 20, 2018, the BAQP held an enforcement conference with Cemex to determine whether issuance of NOAV and Order No. 2660 was or was not warranted. Based on the information provided by Cemex, the BAQP has determined that formal issuance of NOAV No. 2660 is warranted.

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 each air quality violation. The BAQP will be recommending a penalty of **\$8,400.00**, for NOAV No. 2660 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 **December 12, 2018 at 9:30am**.

An appeal of NOAV Nos. 2660 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.

Cemex Construction Materials Pacific, LLC
October 3, 2018
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If you have any questions regarding the alleged violation or the enforcement conference, please contact Andrew Tucker by phone at (775) 687-9499, or by email at atucker@ndep.nv.gov. If he is unavailable, please contact me by phone at (775) 687-9335, or by email at rwhited@ndep.nv.gov.

Sincerely,



Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

REW/ajt

enc.: 1.) Notice of Alleged Air Quality Violation and Order No. 2660
2.) SEC Appeal Form #3

cc (w/enc.): Val King, SEC
Storey County Board of Commissioners
FIN A0425 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP
Lisa Kremer, P.E., Chief, BAPC
Ashley Taylor, P.E., GISP, Supervisor, BAPC
Keri Foster, P.E., Supervisor, BAPC
Nathan Carrasco, BAPC
Andrew Tucker, BAQP

Certified Mail No.: 9171 9690 0935 0040 4668 87

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. 2660

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Mr. Bruce Eppler, Environmental Manager
Company Name: Cemex Construction Materials Pacific, LLC
Address: 2365 Iron Point Road, Suite #120, Folsom California 95630
Permit Number: AP1442-0175.03 **FIN:** A0425

Site of Alleged Violation: 3005 Canyon Way, Sparks, Nevada 89434
Date of Observation: 11/1/2017 **Arrival:** 2:00 PM **Departure:** 3:00 PM
Ambient Temperature: 70 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**
Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulations were 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:

Failure to operate air pollution control equipment as per Class II Air Quality Operating Permit AP1442-0175.03 (Operating Permit).

Evidence:

Cemex Construction Materials Pacific, LLC (Cemex) operates an aggregate plant facility under the requirements of Operating Permit AP1442-0175.03 issued October 24, 2011. Cemex's Operating Permit expired on October 24, 2016 failing to renew the Operating Permit. The Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) wrote a Compliance Order No. 2017-17 on February 9, 2017 to allow Cemex to continue operation while a new Operating Permit was constructed. The new Operating Permit (AP1442-3826) was issued to Cemex on November 8, 2017.

On November 1, 2017, the BAPC conducted an inspection of Cemex because they saw a large amount of dust being emitted from the Cemex facility. While conducting the inspection the BAPC observed that the facility was operating Systems 1 through 8 without the required pneumatic fogging sprays in operation as required by the Operating Permit. Additionally, it was observed that some of the pipes and hoses for the controls were in a state of disrepair that rendered the controls nonfunctional. Table 1 provides further detail of the fourteen uncontrolled emission units.

Table 1: Emission Units Observed Operating Without Required Air Pollution Controls

System	Emission Unit	Description	Required Control Device
1	PF1.001	Loader transfer to grizzly feeder S-1PPF	Pneumatic fogging sprays
2	PF1.002	Grizzly feeder S-1PPF & discharge to conveyor PP-1	Pneumatic fogging sprays
3	PF1.003	Grizzly feeder S-1PPF & discharge to jaw crusher S-2PPJ	Pneumatic fogging sprays
3	PF1.004	Jaw crusher S-2PPJ	Pneumatic fogging sprays
3	PF1.005	Discharge from jaw crusher S-2PPJ to conveyor PP-1	Pneumatic fogging sprays

NOTICE OF ALLEGED AIR QUALITY VIOLATION (CONTINUED)

4	PF1.006	Conveyor PP-1 discharge to conveyor PP-2	Pneumatic fogging sprays
5	PF1.007	Conveyor PP-1 discharge to double deck screen S-3PPS	Pneumatic fogging sprays
5	PF1.008	Double deck screen S-3PPS	Pneumatic fogging sprays
5	PF1.009	Double deck screen S-3PPS discharge to conveyor PP-3	Pneumatic fogging sprays
5	PF1.010	Double deck screen S-3PPS discharge to conveyor PP-4	Pneumatic fogging sprays
5	PF1.011	Double deck screen S-3PPS discharge to conveyor PP-6	Pneumatic fogging sprays
6	PF1.012	Conveyor PP-3 discharge to coarse material stockpile	Pneumatic fogging sprays
7	PF1.013	Conveyor PP-4 discharge to conveyor PP-5	Pneumatic fogging sprays
8	PF1.014	Conveyor PP 5 discharge to rip rap stockpile	Pneumatic fogging sprays

On September 20, 2018 the Nevada Division of Environmental Protection - Bureau of Air Quality Planning (BAQP) held an enforcement conference with Cemex to determine whether issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2660 was or was not warranted. Based on the information provided by Cemex, the BAQP has determined that formal issuance of NOAV No. 2660 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation. NOAV No. 2660 represents Cemex's first air quality violation within the last 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.281.3: \$ _____

To take corrective action: Maintain and operate all control devices as required by the Operating Permit.

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ To conduct a Supplemental Environmental Project specified by the BAPC

_____ This notice is a warning.

To pay the penalty amount assessed by the State Environmental Commission.

Signature 
Issued by: Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9335 Date: October 03, 2018

REW/ajt

Certified Mail No.: 9171 9690 0935 0040 4668 87

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this 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. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.