

STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

April 4, 2014

Deane Hudson
Area Manager North America
Jetcrete North America
2409 Albert Street North
Regina, SK S4P 3E1, Canada

**RE: Notice of Alleged Air Quality Violation and Order Nos. 2481, 2482 and 2483
Class II Air Quality Operating Permit for Temporary Sources AP1442-3316.03
Change of Location Approval (COLA) 2364 (FIN A1619)**

Dear Mr. Hudson:

The Nevada Division Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Jetcrete North America (Jetcrete) has violated a condition of their Class II Air Quality Operating Permit AP1442-3316.03 (FIN A1619), Change of Location Approval (COLA) #2364.

On March 26, 2014, the NDEP-BAPC held an enforcement conference with Jetcrete to discuss the production records provided by Jetcrete. Based on the information presented during the conference, the NDEP-BAPC has determined that issuance of NOAV Nos. 2481, 2482 and 2483 are warranted. Failure to provide the NDEP-BAPC with a start of operations form, exceeding permitted throughput limits, and operating past the permit expiration date constitutes violations of **Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice** (see below).

NAC 445B.275 Violations: Acts constituting; notice states, in part, that: "1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, 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;

The attached NOAV Nos. 2481, 2482 and 2483 constitutes major violations as defined by Section 2 of **NAC445B.281 Violations: Classification; administrative fines**. NOAV Nos. 2481, 2482 and 2483 are the first NOAVs issued to Jetcrete in the past 60 months.



Jetcrete North America

April 4, 2014

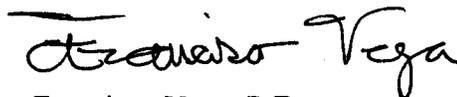
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As was discussed during the conference held on March 26, 2014, the NDEP-BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for major air quality violations. The NDEP-BAPC will be recommending a penalty of \$4,800 for NOAV No. 2481 and \$4,800 for NOAV No. 2482. In addition, as was also discussed during the enforcement conference NOAV No. 2483 will be issued as a warning.

An appeal of NOAV Nos. 2481, 2482 and 2483 may be requested pursuant to **Nevada Revised Statutes (NRS) 445B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 445B.340**. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Ms. 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.

If you have any questions regarding the alleged violations or the enforcement conference, please call Brian Elder at (775) 687-9541 or myself at (775) 687-9343.

Sincerely,



Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

FV/be

enc.: 1. Notice of Alleged Air Quality Violation and Order Nos. 2481, 2482 & 2483
2. SEC Appeal Form #3

cc (w/enc. 1): Valerie King, SEC
Eureka County Board of Commissioners
Francisco Vega, NDEP
FIN A1619 (Certified Copy)

E-Copy: Deane Hudson, Jetcrete

Certified Mail No.: 9171 9690 0935 0037 8208 76

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. 2481

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Deane Hudson, Area Manager North America
Company Name: Jetcrete North America
Address: 2409 Albert Street North, Regina, SK S4P 3E1, Canada
Permit Number: AP1442-3316.03 **FIN:** A1619
Site of Alleged Violation: Eureka County, NV
Date of Observation: 3/21/2014 **Arrival:** N/A **Departure:** N/A
Ambient Temperature: N/A °F **Clear:** **Cloudy:** **Rain:** **Snow:**
Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, 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:

Failed to report the date of startup of the facility within the required timeframe.

Evidence:

Jetcrete North America (Jetcrete) operates a cement mixing plant in Eureka County, Nevada under a Class II General Operating Permit for Temporary Sources, Change of Location Approval (COLA) COLA 2364. COLA 2364 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on February 26, 2014.

On March 21, 2014, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Jetcrete. During the review of the completion form the NDEP-BAPC discovered that Jetcrete failed to inform the NDEP-BAPC of the date of initial startup in accordance with **NAC 445B.250 Notification of Director: Construction, reconstruction and initial startup**.

On March 26, 2014, the NDPE-BAPC and Jetcrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Jetcrete agreed with the findings of the NDEP-BAPC. Jetcrete did not have any questions and understood that NOAV No. 2481 would be formally issued.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, failure to report the date of initial startup constitutes a major violation. This Notice of Alleged Air Quality Violation and Order (NOAV) represent Jetcrete's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2481

ORDER

Under the authority of 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.281.1: \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

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

_____ This notice is a warning.

Signature Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: 4/4/14

FV/be
Certified Mail No.: 9171 9690 0935 0037 8208 76

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.

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. 2482

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Deane Hudson, Area Manager North America

Company Name: Jetcrete North America

Address: 2409 Albert Street North, Regina, SK S4P 3E1, Canada

Permit Number: AP1442-3316.03 **FIN:** A1619

Site of Alleged Violation: Eureka County, Nevada

Date of Observation: 3/21/2014 **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** **Cloudy:** **Rain:** **Snow:**

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, 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:

Failed to comply with permitted operating limitations.

Evidence:

Jetcrete North America (Jetcrete) operates a cement mixing plant in Elko County, Nevada under a Class II General Operating Permit for Temporary Sources, Change of Location Approval (COLA) COLA 2364. COLA 2364 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on February 26, 2013.

On March 21, 2014, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Jetcrete. During the review of the completion form the NDEP-BAPC discovered that Jetcrete had exceeded the hourly throughput limits on 8 of the 17 permitted systems on several occasions.

On March 26, 2014, the NDPE-BAPC and Jetcrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Jetcrete agreed with the findings of the NDEP-BAPC. Jetcrete did not have any questions and understood that NOAV No. 2482 would be formally issued.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, exceeding a permitted throughput constitutes a major violation. This Notice of Alleged Air Quality Violation and Order (NOAV) represent Jetcrete's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2482

ORDER

Under the authority of 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.281.1: \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

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

_____ This notice is a warning.

Signature Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: 4/4/14

FV/be
Certified Mail No.: 9171 9690 0935 0037 8208 76

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.

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. 2483

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Deane Hudson, Area Manager North America

Company Name: Jetcrete North America

Address: 2409 Albert Street North, Regina, SK S4P 3E1, Canada

Permit Number: AP1442-3316.03 **FIN:** A1619

Site of Alleged Violation: Eureka County, Nevada

Date of Observation: 3/21/2014 **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** **Cloudy:** **Rain:** **Snow:**

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, 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:

Operated equipment past the expiration date of the air quality permit.

Evidence:

Jetcrete North America (Jetcrete) operates a cement mixing plant in Elko County, Nevada under a Class II General Operating Permit for Temporary Sources, Change of Location Approval (COLA) COLA 2364. COLA 2364 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on February 26, 2013.

On March 21, 2014, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Jetcrete. During the review of the completion form the NDEP-BAPC discovered that Jetcrete had operated their concrete plant after the expiration date of the air quality permit. The permit had an expiration date of February 26, 2014, but records provided by Jetcrete indicate that the concrete plant operated into March of 2014.

On March 26, 2014, the NDEP-BAPC and Jetcrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Jetcrete agreed with the findings of the NDEP-BAPC. Jetcrete did not have any questions and understood that NOAV No. 2483 would be formally issued.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, operating without a valid air quality permit constitutes a major violation. This Notice of Alleged Air Quality Violation and Order (NOAV) represent Jetcrete's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2483

ORDER

Under the authority of 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.281.1: \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

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

This notice is a warning.

Signature Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: 4/4/14

FV/be
Certified Mail No.: 9171 9690 0935 0037 8208 76

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.