

# 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

March 28, 2014

Scott Reutner  
President  
Modern Concrete Inc.  
1777 Sharps Access  
Elko, Nevada 89801

**RE: Notice of Alleged Air Quality Violation and Order Nos. 2478, 2479 and 2480  
Class II Air Quality Operating Permit for Temporary Sources AP1442-1153.03  
Change of Location Approval (COLA) No. 2352 (FIN A0061)**

Dear Mr. Reutner:

The Nevada Division Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Modern Concrete Inc. (Modern) has violated a condition of their Class II Air Quality Operating Permit AP1442-1153.03 (FIN A0061), Change of Location Approval (COLA) #2352.

On March 11, 2014, the NDEP-BAPC held an enforcement conference with Modern to discuss the supporting information regarding the Draft Notice of Alleged Violation and Orders (NOAV's) dated February 24, 2014. Based on the information presented during the conference, the NDEP-BAPC has determined that issuance of NOAV Nos. 2478, 2479 and 2480 are warranted. Failure to provide the NDEP with a start of operations form, exceeding permitted throughput limits, and failure to report deviations from the air quality operating permit 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. 2478, 2479 and 2480 constitutes major violations as defined by Section 2 of **NAC 445B.281 Violations: Classification; administrative fines**. NOAV Nos. 2478, 2479 and 2480 are the first NOAVs issued to Modern in the past 60 months.



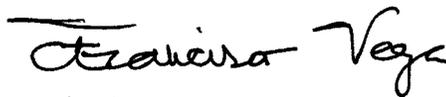
Modern Concrete, Inc.  
March 28, 2014  
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As was discussed during the conference held on March 11, 2014, the NDEP-BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for major air quality violations. The NDEP will be recommending a penalty of \$1,800 for NOAV No. 2478 and \$600 for NOAV No. 2479. As was discussed during the enforcement conference NOAV No 2480 will be issued as a warning.

An appeal of NOAV Nos. 2478, 2479 and 2480 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. 2478, 2479 & 2480  
2. SEC Appeal Form #3

cc (w/enc. 1): Valerie King, SEC  
Elko County Board of Commissioners  
Francisco Vega, NDEP  
FIN A0061 (Certified Copy)

E-Copy: Jonathan McRae, NDEP  
Scott Reutner, Modern  
Cassie Delbridge, Modern

Certified Mail No.: 9171 9690 0935 0012 7166 75

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. 2478

**NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER**

**NOTICE OF ALLEGED AIR QUALITY VIOLATION**

**Person(s) to Whom Served:** Scott Reutner

**Company Name:** Modern Concrete, Inc.

**Address:** 1777 Sharps Access, Elko, NV 89801

**Permit Number:** AP1442-1153.03 **FIN:** A0061

**Site of Alleged Violation:** 1777 Sharps Access, Elko, NV 89801

**Date of Observation:** 2/2/2014 **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:**

Modern Concrete, Inc. (Modern) 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 2352. COLA 2352 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on November 1, 2012.

On January 21, 2013, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Modern. During the review of the completion form the NDEP-BAPC discovered that Modern had exceeded the throughput limits on three of the four permitted systems. System 01 and System 02 (Cement Silo Loading/Unloading) both were limited by COLA 2352 to 992 tons/job of throughput but 1,520 tons/job was reported. System 04 (Sand Transfer Loading), COLA 2352 limited the throughput to 2,771 tons/job and Modern reported a throughput of 5,116 tons/job.

On March 11, 2014, the NDPE-BAPC and Modern Concrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Modern Concrete agreed with the findings of the NDEP-BAPC. Modern Concrete did not have any questions and understood that NOAV No. 2478 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 Modern Concrete's first air quality violation in the past 60 months.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2478

## 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: March 28, 2014

FV/be  
Certified Mail No.: 9171 9690 0935 0012 7166 75

*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. 2480

**NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER**

**NOTICE OF ALLEGED AIR QUALITY VIOLATION**

**Person(s) to Whom Served:** Scott Reutner

**Company Name:** Modern Concrete, Inc.

**Address:** 1777 Sharps Access, Elko, NV 89801

**Permit Number:** AP1442-1153.03 **FIN:** A0061

**Site of Alleged Violation:** 1777 Sharps Access, Elko, NV 89801

**Date of Observation:** 2/2/2014 **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 submit a deviation report within 15 days of throughput exceedance.

**Evidence:**

Modern Concrete, Inc. (Modern) 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 2352. COLA 2352 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on November 1, 2012.

On January 21, 2013, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Modern. During the review of the completion form the NDEP-BAPC discovered that Modern had exceeded the throughput limits on three of the four permitted systems and did not submit a deviation report within 15 days as required by their air quality operating permit. System 01 and System 02 (Cement Silo Loading/Unloading) both were limited by COLA 2352 to 992 tons/job of throughput but 1,520 tons/job was reported. System 04 (Sand Transfer Loading), COLA 2352 limited the throughput to 2,771 tons/job and Modern reported a throughput of 5,116 tons/job.

On March 11, 2014 the NDPE-BAPC and Modern Concrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Modern Concrete agreed with the findings of the NDEP-BAPC. Modern Concrete did not have any questions and understood that NOAV No. 2480 would be formally issued.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, exceeding a permitted throughput limit and failing to provide a notification of an exceedance both constitute major violations. This Notice of Alleged Air Quality Violation and Order (NOAV) represent Modern Concrete's first air quality violation in the past 60 months.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2480

## 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: March 28, 2014

FV/be  
Certified Mail No.: 9171 9690 0935 0012 7166 75

*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. 2479

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

**Person(s) to Whom Served:** Scott Reutner

**Company Name:** Modern Concrete, Inc.

**Address:** 1777 Sharps Access, Elko, NV 89801

**Permit Number:** AP1442-1153.03 **FIN:** A0061

**Site of Alleged Violation:** 1777 Sharps Access, Elko, NV 89801

**Date of Observation:** 2/2/2014 **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:**

Modern Concrete, Inc. (Modern) 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 2352. COLA 2352 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on November 1, 2012.

On January 21, 2013, the NDEP-BAPC received a Class II COLA Completion of Operations Reporting Form from Modern. During the review of the completion form the NDEP-BAPC discovered that Modern failed to inform the NDEP of the date of initial startup in accordance with **NAC 445B.250 Notification of Director: Construction, reconstruction and initial startup**. The NDEP did not receive any notification of startup from Modern.

On March 11, 2014 the NDPE-BAPC and Modern Concrete had an enforcement conference to discuss whether the issuance of this violation was or was not warranted. Modern Concrete agreed with the findings of the NDEP-BAPC. Modern Concrete did not have any questions and understood that NOAV No. 2479 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 Modern Concrete's first air quality violation in the past 60 months.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2479

## 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: March 28, 2014

FV/be  
Certified Mail No.: 9171 9690 0935 0012 7166 75

*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.*