

NDEP-BAPC SETTLEMENT AGREEMENTS – June 17, 2009

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER	PROPOSED SETTLEMENT AMOUNT
1	A & K Earth Movers, Churchill County	<p>NAC445B.275 “Violations: Acts Constituting; notice.” For exceeding the permitted grain loading and emission limit for particulate matter (PM/PM₁₀) during an emission compliance (source) test. Follow-up investigation indicated that the clamps holding some of the bags in the baghouse were loose, resulting in incomplete capture (leaks) of particulate matter.</p> <p>The Administrative Penalty Table includes penalties for violations related to source tests. The Table calls for a \$2,500 penalty for Class 2 facilities (minor sources) that exceed a permitted emission limit and grain loading during a source test.</p>	2166	\$2,500
2	Premier Chemicals, LLC Nye County	<p>NAC445B.275 “Violations: Acts Constituting; notice.” For exceeding the permitted emission limit for particulate matter (PM/PM₁₀) during a source test. Follow-up investigation indicated that a bag missing from one of the baghouse compartments caused it to malfunction (leak).</p> <p>The Administrative Penalty Table calls for a base penalty of \$1,500 for a Class II facility exceeding a permitted emission limit during a source test. Because the emission exceeded the permitted limit by greater than 20 percent, the Penalty Matrix also applies. Taking into account that the emissions were 55 percent higher than the permitted emission limit, the base penalty is increased by 55 percent (\$825) to a total penalty of \$2,325.</p>	2158	\$2,325