

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2
3 In Re:)
4)
5 Cind-R-Lite Cinder Cone Mine--Notice of)
6 Alleged Air Quality Violation No. 2247)
7)

DECISION AND ORDER

8 On October 5, 2010, the State Environmental Commission ("Commission") considered
9 Notice of Alleged Air Quality Violation No. 2247 issued to Cind-R-Lite Cinder Cone Mine
10 ("Cind-R-Lite") by the State of Nevada, Division of Environmental Protection, Bureau of Air
11 Pollution Control ("NDEP"). Ekco Hernandez appeared on behalf of Cind-R-Lite and
12 Francisco Vega appeared on behalf of NDEP.

13 Cind-R-Lite operates a cinder processing facility in Nye County, Nevada under Class II
14 Operating Permit AP3271-2457. On May 10, 2010, an NDEP inspector performed an
15 unscheduled on-site inspection of crushing and screening equipment. The inspector recorded
16 a six minute VE reading on source #PF1.011.2 which showed an average of 80.6% opacity.
17 However, Permit AP3271-2457 limits the opacity of particulate matter to 10%.

18 Exceeding a permitted emission limit constitutes a major violation pursuant to NAC
19 445B.275(1)(c) and NAC 445B.281(1). NDEP uses an administrative penalty table to assess
20 penalties for failing to comply with a permitted operative parameter. The penalty table
21 established a \$600 penalty for exceeding the permitted emission limits, which was multiplied
22 by 6 because the visible emissions were greater than 50% opacity. NDEP recommended a
23 penalty of \$3,600 to the Commission.

24 Cind-R-Lite argued that the penalty was excessive for a first violation and should be
25 reduced. Cind-R-Lite noted that after a random inspection by NDEP about five years ago,
26 Cind-R-Lite installed more sprinklers based on the inspector's suggestion to prevent possible
27 future violations. Cind-R-Lite spent about \$600 on sprinklers. Cind-R-Lite also spent \$2,500
28 on opacity testing by an independent company. Before the May 2010 inspection, Cind-R-Lite

1 had been inspected three times in a five year period and did not have any problems. To
2 address the opacity issue, Cind-R-Lite has adjusted its running schedule from 5 a.m. to noon
3 and if there is wind above five miles per hour, operations will not run. Cind-R-Lite performs its
4 own internal opacity testing about every 4 to 6 months. Cind-R-Lite has also been
5 cooperative with NDEP in addressing the problem.

6 After hearing presentations from NDEP and Cind-R-Lite, the Commission assessed a
7 penalty of \$600.00 against Cind-R-Lite for Notice of Alleged Air Quality Violation No. 2247.

8 Pursuant to NRS 445B.640(1), the Commission hereby ORDERS that Cind-R-Lite pay
9 an administrative fine of \$600.00 to the State of Nevada for Notice of Alleged Air Quality
10 Violation No. 2247.

11 Dated this 28 day of October, 2010.

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14 Alan Coyner, Vice Chairman
15 State Environmental Commission
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CERTIFICATE OF SERVICE

The undersigned, an employee of the State of Nevada, State Environmental Commission, does hereby certify that on the date shown below, a true and correct copy of the foregoing DECISION AND ORDER was duly mailed, postage prepaid, to the following:

Ernie Selman
Vice President
Cind-R-Lite Cinder Cone Mine
4745 Mitchell Street
North Las Vegas, NV 89081
CERTIFIED MAIL 7007 0220 0003 5226 0439

Mike Elges
Bureau of Air Pollution Control
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701

An employee of the State Environmental Commission

DATED: October __, 2010