

NDEP-BAPC SETTLEMENT AGREEMENTS – September 24, 2008

TAB NO.	COMPANY NAME	VIOLATION	NOAV NUMBER(S)	PROPOSED SETTLEMENT AMOUNT
1	Baker Hughes Drilling Fluids, Lander County	NAC445B.275 “Violations: Acts Constituting; notice.” For failing to conduct emission compliance tests (source tests) within the required timeframe. The tests were conducted five months after the deadline specified by Order 2007-39. The penalty is based on the Administrative Penalty Table developed by the NDEP-BAPC to assess penalties for violations not directly related to emissions.	2147	\$5,000
2	Service Rock Products Corporation, Nye County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating a cement batch plant without the required air quality operating permit; the facility’s operating permit expired on May 28, 2008. In June 2008, the SEC ratified a \$8,800 Settlement Agreement with Service Rock Products for violations relating to operating and constructing unpermitted equipment at another facility in Lincoln County. Although the batch plant is a small facility, the NDEP-BAPC recommended a maximum base penalty of \$10,000; application of the Penalty Matrix to account for the recurring violation resulted in a 45% (\$4,500) increase in the penalty. The NDEP-BAPC also requested that Service Rock Products send a representative to the SEC meeting in order to explain how the company will prevent this violation from occurring in the future.	2149	\$14,500
3	Vanderbilt Minerals Corporation, Nye County	NAC445B.275 “Violations: Acts Constituting; notice.” For operating a clay mining and processing facility without the required air quality operating permit. The facility’s operating permit expired on April 7, but Vanderbilt continued to operate in 2007 and 2008. The base penalty of \$6,000 is based on the Administrative Penalty Table. Because of the recurring nature of the violation, the base penalty of \$6,000 assessed for NOAV 2137 was increased by 40 percent, to a total penalty of \$8,400.	2137	\$8,400