

# 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

May 9, 2011

Jose Ontiveros  
Plant Manager  
Min-Ad, Inc.  
P.O. Box 39  
Winnemucca, NV 89445

**Re:** Notice of Alleged Air Quality Violation: No. **2322**  
Class II Air Quality Operating Permit **AP2048-0381 (FIN A0495)**

Dear Mr. Ontiveros:

On March 2, 2011, Min-Ad, Inc. (Min-Ad) conducted compliance source testing on System 3 in accordance with the requirements of Class II Air Quality Operating permit AP2048-0381.02. Results from the compliance source test showed that on System 3, the emission rate for PM/PM<sub>10</sub> was an average 1.72 lb/hr, exceeding the permitted limit of 1.33 lb/hr by 29.3%. Failure to comply with permitted emission limits represents an air quality violation under **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV No. **2322** alleges that Min-Ad is in violation of **Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice**. **NAC 445B.275** 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 Nevada Revised Statutes 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.

NOAV No. **2322** constitutes a major violation under **NAC 445B.281 Violations: Classification; administrative fines**. This NOAV is the fourth issued to Min-Ad in over 60 months.

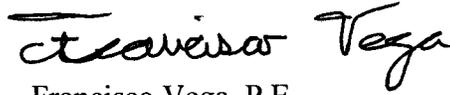
An appeal of NOAV No. **2322** may be requested pursuant to **Nevada Revised Statutes (NRS) 445B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 445B.340**. Appeals are processed through John Walker, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mr. Walker can be reached at 775-687-9308, or by fax at 775-687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.



Min-Ad, Inc.  
May 9, 2011  
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If you have any questions regarding the alleged violations or the enforcement conference, please call Ryan Clark at (775) 687-9536 or myself at (775) 687-9343.

Sincerely,



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

Enc.: 1. Notice of Alleged Air Quality Violation and Order No. 2322  
2. SEC Appeal Form #3

cc (w/enc. 1): John Walker, SEC  
Francisco Vega, NDEP  
FIN A0495 (Certified Copy)

Route to (w/enc. 1): Michael Elges, NDEP  
Jeff Denison, NDEP

Certified Mail No.: 7009 3410 0000 1454 5416

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. 2322

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

**Person(s) to Whom Served:** Jose Ontiveros  
**Company Name:** Min-Ad, Inc.  
**Address:** PO BOX 39, Winnemucca NV, 89445  
**Permit Number:** AP2048-0381.02 **FIN:** A0495

**Site of Alleged Violation:** 4210 Jungo Rd., Min-Ad Facility  
**Date of Observation:** 3/2/2011 **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 compliance source test.

**Evidence:**

Min-Ad, Inc. (Min-Ad) operates a dolomite processing facility, located in Winnemucca, Humboldt County, Nevada, under Class II Air Quality Operating Permit AP2048-0381.02. Class II Air Quality Operating permit AP2048-0381.02 was issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on June 6, 2006.

As required by Class II Air Quality Operating permit AP2048-0381.01, on April 10, 2006, compliance source testing was conducted on System 3. During the April 10, 2006 compliance source testing, Min-Ad demonstrated compliance with the Class II Air Quality Operating permit AP2048-0381.01 emission limits for System 3.

As required by Class II Air Quality Operating permit AP2048-0381.02, Min-Ad is to conduct compliance source testing on System 3, Primary Milling Circuit, at least 90 days prior to the date of expiration of the permit, but no earlier than 365 days from the expiration of the permit. On March 2, 2011, Min-Ad conducted source testing on System 3 in accordance with the requirements of Class II Air Quality Operating permit AP2048-0381.02. Staff from NDEP-BAPC was on-site to observe the compliance source testing. During the compliance source testing, there were no visible emissions coming from the System 3 baghouse exhaust stack.

Results from the compliance source test were received by the NDEP-BAPC on April 15, 2011. Results showed that on System 3, the emission rate for PM/PM<sub>10</sub> was an average 1.72 lb/hr, exceeding the permitted limit of 1.33 lb/hr by 29.3%. The source test was conducted at a throughput of 15.12 tons per hour, which is 84% of the permitted throughput limit of 18 tons per hour.

# NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2322

## Evidence (continued)

In accordance with NAC 445B.281 Violations: Classification: administrative fines, exceeding a permitted emission limit constitutes a major violation. Notice of Alleged Air Quality Violation and Order (NOAV) No. 2322 represents Min-Ad's fourth air quality violation in the last 60 months.

## 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: Conduct regular maintenance and inspections on the baghouse and comply with all emission limits. \_\_\_\_\_

\_\_\_\_\_ 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  
Supervisor  
Compliance and Enforcement Branch

Phone: 775-687-9343 Date: May 9, 2011

FV/rc  
Certified Mail No.: 7009 3410 0000 1454 5416

*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.*

**FORM # 3**  
**FORM FOR REQUESTING AN APPEAL HEARING**  
**BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION**

1. Name, address, telephone number, and signature of applicant:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Representative Capacity (if applicable): \_\_\_\_\_
2. Specify type of applicant: Individual, Partnership, Corporation, or Other: \_\_\_\_\_
3. Other person or persons authorized to receive service of notice: \_\_\_\_\_
4. Complete description of the business or activity and the location of the activity involved in the request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Nature of the appeal and grounds thereof: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record: \_\_\_\_\_

Date of Request \_\_\_\_\_

Send Form To: John Walker, State Environmental Commission, 901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249 (Fax 775-687-5856)