

**JIM. GIBBONS**  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Telephone (775) 687-9308  
Fax (775) 687-5856  
[www.sec.nv.gov](http://www.sec.nv.gov)

**Leo Drozdoff, P.E.**  
Acting Director



CHAIRMAN:  
Lew Dodgion  
Carson City, NV

May 12, 2010

VICE CHAIRMAN:  
Alan Coyner  
Administrator  
Division of Minerals  
Commission on Mineral  
Resources

Mr. John Miller  
Zeox Mineral Materials Corporation (Ash Meadows, LLC)  
HCR 70 Box 7006, East Spring Meadows Road  
Amargosa Valley, NV 89020

RE: Notice of Alleged Air Quality Violation and Order (NOAV) No. 2225

MEMBERS

Dear Mr. Miller:

Pete Anderson  
State Forester  
Division of Forestry

On May 6, 2010, the State Environmental Commission (Commission) received your appeal regarding the above referenced NOAV. According to U.S. Postal Service records, you received the NOAV documents on April 19, 2010. Nevada law, as stated in NRS 445B.340, requires that an appeal be filed with the Commission within 10 days after the date of action of the Department; the Department (i.e., Nevada Division of Environmental Protection) took final action on the above referenced NOAV on April 8, 2010. Since you failed to meet the 10 day filing period, the Commission is obligated to deny your appeal as untimely.

Tony Lesperance  
Director, Department of  
Agriculture

Although the Commission is unable to grant your appeal, it will nevertheless consider NOAV No. 2225 and the appropriate fine to be levied at its next Commission meeting. The meeting has been scheduled for June 17, 2010 beginning at 10:00 a.m. and will be held at the Nevada Department of Wildlife, Conference Room A, 1100 Valley Road, Reno, Nevada. Zeox Mineral Materials Corporation (Ash Meadows, LLC) will be listed on the Commission meeting agenda.

Eugene Gans  
Las Vegas, NV

Kenneth Mayer - Director  
Department of Wildlife

Kathryn Landreth  
Reno, NV

Jason King  
State Engineer  
Division of Water Resources

In NOAV No. 2225, the Nevada Division of Environmental Protection (NDEP) found that Zeox Corporation had failed to operate a stationary source in accordance with its operating permit when it exceeded the permitted emission limit for particulate matter during compliance testing in November 2009. This is a major violation per NAC 445B.275(1)(c) and NAC 445B.281. In its letter accompanying the NOAV, NDEP stated that it assessed penalties for major air quality violations for the Commission and that it proposed a penalty of \$8,000.

Harry Shull  
Las Vegas, NV

Frances Barron  
State Board of Health  
Las Vegas, NV

Stephanne Zimmerman  
Las Vegas, NV

At the June 17, 2010 meeting, the Commission will determine the appropriate penalty for the violation contained in NOAV No. 2225. Pursuant to NRS 445B.640(1), the Commission may levy an administrative fine of not more than \$10,000 per day per violation.

COUNSEL  
Rose Marie Reynolds

STAFF  
John B. Walker  
Executive Secretary

Before the Commission takes action, staff from NDEP will provide a brief overview of the NOAV including the recommended fine amount. The Commission will then invite Zeox Corporation and members of the public to make comments, followed by the Commission's deliberations.

Kathy Rebert  
Recording Secretary

While the Commission does not have to follow NDEP's recommendation, it is important to note that NDEP acts as the Commission agent in negotiating penalties, which is accomplished through use of a penalty matrix that was previously approved by the Commission.

Please note that your presence is not required at the June 17, 2010 meeting, although you may wish to attend. Once again, the Commission may, without further notice, take administrative action against Zeox Corporation, if the Commission determines that such administrative action is warranted after it considers NOAV No. 2225 at the June 17 hearing.

If you have any questions regarding this notice, please contact me at (775) 687-9308.

Sincerely,

John B. Walker  
Executive Secretary

JW

cc: Lew Dodgion, Chairman SEC  
Colleen Cripps, NDEP  
Tom Porta, NDEP  
Mike Elges, BAPC  
Greg Remer, BAQP  
Larry Kennedy, BAPC  
Francisco Vega, BAPC  
Rose Marie Reynolds, SEC/DAV.

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