

**NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**NEVADA ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVE**

**FOR THE HEARING OF June 20, 1995**

**HELD AT: Las Vegas, Nevada**

**TYPE OF HEARING:**

**REGULATORY**

**YES APPEAL (American Wholesale Block- Richard Hayes)**

**FIELD TRIP**

**ENFORCEMENT**

**VARIANCE**

**RECORDS CONTAINED IN THIS FILE INCLUDE:**

**YES AGENDA**

**YES PUBLIC NOTICE**

**MINUTES OF THE HEARING**

**LISTING OF EXHIBITS**

# A G E N D A

## NEVADA STATE ENVIRONMENTAL COMMISSION PUBLIC HEARING

As provided by Nevada Revised Statutes (NRS) Chapter 233B and Nevada Administrative Code (NAC) inclusive, a panel of the Nevada State Environmental Commission will conduct an appeal hearing on Tuesday **June 20, 1995 beginning 11:00 a.m. \***, Grant Sawyer State Office Building, Fourth Floor Conference Room 4412-1, 555 East Washington Avenue, Las Vegas, Nevada.

This agenda has been posted at the Grant Sawyer State Office Building, Las Vegas, the Washoe County Library in Reno, Nevada, the Nevada State Library and Division of Environmental Protection Office in Carson City, Nevada.

The following items will be discussed and acted upon but may be taken in different order to accommodate the interest and time of the persons attending.

### **I. Appeal Hearing - \* ACTION**

Mr. Richard Hayes, owner and operator of American Wholesale Block, P.O. Box 3696, Pahrump, Nevada, 89041 appeals the issuance of the Notice of Alleged Violation (FOAV) and Order # 1139 and # 1140 dated November 16, 1994 and January 30, 1995 by the Nevada Division of Environmental Protection's Bureau of Air Quality.

The Division of Environmental Protection on November 16, 1994 and January 30, 1995 issued NOAV # 1139 alleging that American Wholesale Block had fugitive dust emissions from a sand and gravel operation located at Pahrump, Nevada. The Division asserts that American Wholesale Block violated NAC 445.734, revised as NAC 445B.365. In addition, on October 7, 1994, the Division issued NOAV # 1140 asserts that American Wholesale Block constructed and was operating an aggregate screening plant without a permit, a violation of NAC 445.704, revised as NAC 445B.287.

### **II. General Commission or Public Comment**

**\* Note hearing time is an approximate and it is dependent upon the adjournment of the general regulatory hearing being conducted by the State Environmental Commission on June 20, 1995 beginning at 9:00 am at the same date and location.**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670 extension 3118 no later than 5:00 p.m., June 15, 1995.

## **NEVADA STATE ENVIRONMENTAL COMMISSION AMENDED NOTICE OF APPEAL HEARING**

A three member panel of the Nevada State Environmental Commission will conduct an appeal hearing in the matter of:

Mr. Richard Hayes, owner and operator of American Wholesale Block, P.O. Box 3696, Pahrump, Nevada, 89041 appeals the issuance of the Notice of Alleged Violation (FOAV) and Order # 1139 and # 1140 dated November 16, 1994 and January 30, 1995 by the Nevada Division of Environmental Protection's Bureau of Air Quality.

The Division of Environmental Protection on November 16, 1994 and January 30, 1995 issued NOAV # 1139 alleging that American Wholesale Block had fugitive dust emissions from a sand and gravel operation located at Pahrump, Nevada. The Division asserts that American Wholesale Block violated NAC 445.734, revised as NAC 445B.365. In addition the Division on October 7, 1994 issued NOAV # 1140 that asserts that American Wholesale Block constructing and operating an aggregate screening plant without a permit, a violation of NAC 445.704, revised as NAC 445B.287.

The appellant asserts that the Division has acted in a capricious manner and without regard to common sense and fair dealing. In addition, Mr. Hayes asserts that the Division has attempted to unfairly restrict trade. Mr. Hayes does not agree that violations have occurred.

The hearing will be held Tuesday : **11:00 A.M. \***  
June 20, 1995  
Grant Sawyer State Office Building  
Fourth Floor Conference Room 4412-1  
555 East Washington Avenue  
Las Vegas, Nevada

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This notice is issued pursuant to Nevada Revised Statutes (NRS) Chapter 233B. The hearing will be held in accordance with Nevada Administrative Code, (NAC) 445B.875 to 445B.897, inclusive. A copy of the petition and related documents may be reviewed at the offices of the State Environmental Commission at 333 W. Nye Lane, Room 128, Carson City, Nevada, during working hours (8:00 am to 5:00 pm).