

NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NEVADA ENVIRONMENTAL COMMISSION

HEARING ARCHIVE

FOR THE HEARING OF September 21, 2000

HELD AT: Las Vegas, Nevada

TYPE OF HEARING:

REGULATORY

YES APPEAL (Western Elite)

FIELD TRIP

ENFORCEMENT

VARIANCE

RECORDS CONTAINED IN THIS FILE INCLUDE:

YES AGENDA

YES PUBLIC NOTICE

MINUTES OF THE HEARING

LISTING OF EXHIBITS

AGENDA

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 **Thursday, September 21, 2000 beginning at 9:30 a.m.**, at the Cashman Field Center, Room 108, 850 North Las Vegas Boulevard, Las Vegas, Nevada.

This agenda has been posted at the Cashman Field Center and the Grant Sawyer State Office Building in Las Vegas, the Washoe County Library in Reno, the Department of Museums, Library, and Arts, and the Division of Environmental Protection Offices 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

Western Elite Inc., Ryan Williams, President, 6345 E. Bonanza, Las Vegas, Nevada, 89110 appeals the orders dated February 10, 1999, May 3, 2000, and July 21, 2000 by the Nevada Division of Environmental Protection.

The Nevada Division of Environmental Protection, Bureau of Air Quality, on February 10, 1999 issued a Notice of Alleged Violation (NOAV) #1364 on February 10, 1999 for failure to control dust (Nevada Administrative Code or NAC 445B.365) at the Western Elite compost facility located 8 miles north of the Clark County line in Lincoln County. The Bureau, on May 3, 2000, issued NOAV #1435 for fugitive dust (NAC 445B.365) at the facility and on July 21, 2000 the Bureau issued NOAV #1450 for fugitive dust emissions from the facility pursuant to NAC 445B.365. NOAVs #1364 and #1435 are considered minor violations, and #1450 is a major violation. All alleged violations related to Air Quality Operating Permit AP2411-0775.

II. General Commission or Public Comment

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of David Cowperthwaite, Executive Secretary, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851; by facsimile to (775) 687-5856; or by calling (775) 687-4670 extension 3117 no later than 5:00 p.m., September 15, 2000.

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NEVADA STATE ENVIRONMENTAL COMMISSION NOTICE OF APPEAL HEARING

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

Western Elite Inc., Ryan Williams, President, 6345 E. Bonanza, Las Vegas, Nevada, 89110 appeals the orders dated February 10, 1999, May 3, 2000, and July 21, 2000 by the Nevada Division of Environmental Protection.

The Nevada Division of Environmental Protection, Bureau of Air Quality, on February 10, 1999 issued a Notice of Alleged Violation (NOAV) #1364 on February 10, 1999 for failure to control dust (Nevada Administrative Code or NAC 445B.365) at the Western Elite compost facility located 8 miles north of the Clark County line in Lincoln County. The Bureau, on May 3, 2000, issued NOAV #1435 for fugitive dust (NAC 445B.365) at the facility and on July 21, 2000 the Bureau issued NOAV #1450 for fugitive dust emissions from the facility pursuant to NAC 445B.365. NOAVs #1364 and #1435 are considered minor violations, and #1450 is a major violation. All alleged violations related to Air Quality Operating Permit AP2411-0775.

The appellant asserts that in regards to violation #1435 that strong winds on April 28, 2000 had resulted in the shut down of the facility, and that the dust emanated from a rarely used road on the western part of the property. The appellant asserts that an effort was made to control the dust, but due to a natural phenomenon the situation was not controllable. The appellant asserts that at the time of inspection they were not given written or oral notice that they were in violation, but that a meeting would be held to discuss solutions. The appellant asserts in regards to violation #1450, that the same situation of high winds had occurred on May 4, 2000, and watering the road had not been effective in controlling the dust. In addition the appellant asserts that the Division's inspector did not behave ethically and had changed his mind about issuance of the NOAV's.

The hearing will be held:

**Thursday, September 21, 2000
9:30 a.m.
Cashman Field Center, Room 108
850 North Las Vegas Blvd.
Las Vegas, Nevada**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary by writing to Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89706-0851; by facsimile to (775) 687-5856; or by calling (775) 687-4670 extension 3117 no later than 5:00 p.m., September 15, 2000.

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.

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