

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Leo Drozdoff, P.E.
Director



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Rose Marie Reynolds

STAFF
[John B. Walker](#)
Executive Secretary

May 11, 2012

K. Bart Hiatt
General Manager
A & K Earth Movers, Inc.
P.O. Box 1059
Fallon, NV 89407

RE: Penalty Assessments for Air Quality Violation (NOAV - Notice of
Alleged Air Quality Violations No# 2369 & 2370)

Dear Mr. Musser:

In September 2011 representatives from the Nevada Division of Environmental Protection (NDEP) met with officials from your company in an enforcement conference concerning A & K Earth Mover's alleged failure to comply with requirements set forth in Class II Air Quality Operating Permit AP1442-0035.02. As an outcome of that meeting NDEP issued the above referenced NOAVs (see attached).

When NDEP sent the NOAV by certified mail on January 18, 2012, it notified A & K Earth Movers of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since your company did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2369 & 2370 at its meeting on June 12, 2012. This meeting will be held on Tuesday, June 12, 2012 at 9:30 a.m. in the Bryan Building in Carson City, Nevada (901 S. Stewart Street, 2nd Floor Tahoe Room).

Pursuant to NRS 445B.640(1), the SEC may levy an administrative fine of not more than \$10,000 per day per violation. At the meeting staff from NDEP will provide the SEC with a brief overview of the NOAVs and its recommendation for an administrative fine of **\$20,280.00** which has been calculated from a penalty matrix previously approved by the Commission. The Commission will formally levy a fine by accepting NDEP's recommendation or increasing or decreasing the fine amount based on the information presented at the meeting.

Your presence is not required at the June 12, 2012 meeting, although you or a company representative may wish to attend and speak on behalf of A & K Earth Movers. The SEC may, without further notice, take administrative action against A & K Earth Movers, if the SEC determines that such administrative action is warranted after it considers NOAVs 2369 & 2370.

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

Sincerely,

John B. Walker
Executive Secretary

JBW

Certified Mail # 9171 9690 0935 0010 5552 83

ec: Colleen Cripps, Ph.D., Administrator
Michael Elges, Deputy Administrator
Francisco Vega, NDEP/BAPC
Rose Marie Reynolds, SEC/DAG