



CHAIRMAN:
Eugene Gans
Las Vegas, NV

November 2, 2010

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

Mr. Lennie Boteilho, Senior Manager
Ames Construction, Inc.
3737 West 2100 South
West Valley City, UT 84120

MEMBERS

RE: Penalty Assessments for Air Quality Violations No. 2269, 2270, and 2271

Pete Anderson
State Forester
Division of Forestry

Dear Mr. Boteilho:

Frances Barron
State Board of Health
Las Vegas, NV

On April 28, 2010, the Nevada Division of Environmental Protection - Bureau of Air Pollution Control (NDEP-BAPC) received the Completion of Operations Reporting Form and the associated production records from Ames Construction, Inc. (Ames) for COLA 2274. Review of the records indicated that Ames operated under COLA #2174 from February 19, 2009 (submitted start-up form) to April 20, 2010 (submitted completion form), which was sixty one (61) days beyond the expiration of the permit. Accordingly, Ames exceeded the limit set in the permit for daily hours of operation and production throughput for the Concrete Batch Plant on 12 different occasions and failed to report these exceedances.

Jason King
State Engineer
Division of Water Resources

Kathryn Landreth
Reno, NV

Tony Lesperance
Director, Department of
Agriculture

Kenneth Mayer - Director
Department of Wildlife

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

NDEP issued three Notices of Alleged Air Quality Violation and Order (NOAV) from this review: No. 2269, for operating without a valid air quality operating permit; No. 2270, for failing to report the throughput and operating hour exceedances; and No. 2271, for exceeding throughput and daily operating hour limits set in the permit. NOAV 2269 through 2271 are major violations per NAC 445B.275.

COUNSEL
Rose Marie Reynolds

When NDEP sent the NOAVs by certified mail on September 21, 2010, it notified Ames of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Ames did not appeal the NOAVs, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAVs No. 2269 through 2271 at its meeting on December 7, 2010. This meeting will be held on Tuesday, December 7, 2010 at 9:30 a.m. at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

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

[Kathy Rebert](#)
Recording Secretary

Pursuant to NRS 445B.640(1), the SEC may levy an administrative fine of not more than \$10,000 per day per violation. Staff from NDEP will provide the SEC with a brief overview of the NOAVs and its recommendation for an administrative fine of \$11,550, 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 December 7, 2010 meeting, although you or a company representative may wish to attend and speak on behalf Ames Construction, Inc. The SEC may, without further notice; take administrative action against Ames Construction, Inc., if the SEC determines that such administrative action is warranted after it considers NOAVs 2269, 2270, and 2271.

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

Sincerely,

John B. Walker
Executive Secretary

JW:kr

Certified Mail #7007 0220 0003 5226 0521

cc: Colleen Cripps, NDEP
Michael Elges, NDEP
Francisco Vega, NDEP
Kathy Rebert, SEC
Rose Marie Reynolds, SEC/DAG