

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

Leo Drozdoff, P.E.
Acting Director



CHAIRMAN:
Eugene Gans
Las Vegas, NV

November 02, 2010

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

Anthony Glen Cruse, President
Eagle Peak Rock and Paving, Inc.
935 Pemberton Drive
Spring Creek, NV 89815

MEMBERS

Pete Anderson
State Forester
Division of Forestry

Frances Barron
State Board of Health
Las Vegas, NV

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

COUNSEL
Rose Marie Reynolds

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

[Kathy Rebert](#)
Recording Secretary

RE: Penalty Assessments for Air Quality Violations No. 2248,
2249, 2257, & 2258

Dear Mr. Cruse:

On May 12, 2010 at 7:50 a.m., the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) performed an unscheduled inspection of Eagle Peak Rock and Paving, Inc.'s portable asphalt batch plant and crushing and screening equipment located near Beatty, Nevada. NDEP determined that Eagle Peak Rock and Paving, Inc. (Eagle Peak) failed to control emissions and failed to install air pollution controls in accordance with Permit AP1442-2599-COLA #2202, which are major violations per NAC 445B.275(1)(c) and NAC 445B.281. NDEP issued four Notices of Alleged Air Quality Violation and Order (NOAV) from this inspection: No. 2248, for exceeding opacity on source #PF1.014; No. 2249, for failing to install 20 air pollution controls; No. 2257, for exceeding opacity on source #PF1.016; and No. 2258, for exceeding opacity on source PF#1.023.

When NDEP sent the NOAVs by certified mail on September 1, 2010, it notified Eagle Peak of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Eagle Peak did not appeal the NOAVs, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAVs No. 2248, 2249, 2257 and 2258 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.

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 \$30,800, 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 of Eagle Peak. The SEC may, without further notice, take administrative action against Eagle Peak Rock and Paving, Inc., if the SEC determines that such administrative action is warranted after it considers NOAVs No. 2248, 2249, 2257 and 2258.

If you have any questions regarding this notice, please contact me at (775) 687-9310.

Sincerely,

John B. Walker
Executive Secretary

JW:kr

Certified Mail #7007 0220 0003 5226 0491

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