

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Rose Marie Reynolds

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Executive Secretary

October 31, 2013

Ed Ringle
El Sueno Resort & Casino
P.O. Box 836
Beatty, Nevada 89003

**RE: Notice of Alleged Air Quality Violation No. 2165
Class II Air Quality Operating Permit AP 1629-2531 (FIN A0996)**

Dear Mr. Ringle:

On March 4, 2009, a representative from the Nevada Division of Environmental Protection (NDEP) met with officials from your company in an enforcement conference concerning El Sueno Resort and Casino's (El Sueno) alleged failure to comply with certain requirements set forth in the above referenced Air Quality Operating Permit. As an outcome of that meeting NDEP issued the above referenced NOAV. Please see attached.

When NDEP sent the NOAV by certified mail on March 17, 2009, it El Sueno of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. On April 1, 2009, El Sueno filed an appeal. El Sueno failed to prosecute the motion within one year, and pursuant to NAC 445B.894(4), NDEP made a motion to dismiss the appeal. On September 9, 2013, the State Environmental Commission (SEC) notified Mr. Ringle via a certified letter that the motion to dismiss the appeal would be heard during the SEC regulatory meeting on October 9, 2013. El Sueno failed to appear and on October 9, 2013, the appeal was dismissed.

Since the El Sueno appeal of NOAV No. 2165 has been dismissed, SEC will determine the appropriate penalty for the violation contained in the above referenced NOAV at its meeting on December 4, 2013. This meeting will be held on Wednesday, December 4, 2013 at 10:00 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 NOAV and its recommendation for an administrative fine of \$1,450.00, which has been calculated from a penalty matrix previously approved by the Commission.

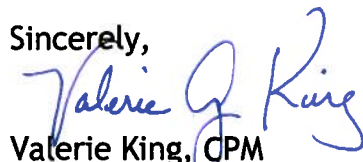
The Commission will formally levy a fine by accepting NDEP's recommendation or increasing or decreasing the fine amount based on the information presented at the meeting.

Your presence is not required at the December 4, 2013 meeting, although you or a company representative may wish to attend and speak on behalf of El Sueno.

The SEC may, without further notice, take administrative action against El Sueno if the SEC determines that such administrative action is warranted after it considers NOAV 2165.

If you have any questions regarding this notice, please contact me at (775) 687-9374.

Sincerely,



Valerie King, CPM
Executive Secretary

VK

Certified Mail # 9171 9690 0935 0011 9073 95

ec: Colleen Cripps, Administrator, NDEP
Rob Bamford, Chief, NDEP
Jasmine Mehta, Chief, NDEP
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