

**BRIAN SANDOVAL**  
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](http://www.sec.nv.gov)

**Leo Drozdoff, P.E.**  
Director



January 11, 2013

**CHAIRMAN:**  
Eugene Gans  
Las Vegas, NV

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

**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

Jim Barbee  
Director, Department of  
Agriculture

Ken Mayer, Director  
Department of Wildlife

Tom Porta  
Reno, NV

Mark Turner  
Carson City, NV

Cary Richardson  
Carson City, NV

**COUNSEL**  
Rose Marie Reynolds

**STAFF**  
John B. Walker  
Executive Secretary

Robert Ford  
Cadence Industries 1 LLC  
1231 Sharon Rd.  
Las Vegas, NV 89106

Re: Motion to Dismiss Appeal of NOAV Nos. 2140, 2141 and 2142

Dear Mr. Ford:

The State Environmental Commission (SEC) is in receipt of a letter from Jasmine Mehta dated August 29, 2012, requesting that the appeal of Notice of Alleged Air Quality Violation and Order (NOAV) Nos. 2140, 2141 and 2142 be dismissed and for the NOAVs and penalties to stand. As you may recall, the Nevada Division of Environmental Protection (NDEP) issued NOAV Nos. 2140, 2141 and 2142 to Galtar, LLC on August 19 and 21, 2008, with a total fine of \$11,750 for fugitive dust violations and operating without a permit. Galtar filed an appeal on September 2, 2008, but has failed to bring the appeal to a hearing. Pursuant to NAC 445B.894(4), the Commission may, after providing notice to each party, dismiss an appeal for want of prosecution if the party filing the appeal has failed to bring the appeal to hearing within one year of filing the appeal.

This letter is to notify you that the SEC will consider NDEP's request to dismiss the appeal of NOAV Nos. 2140, 2141 and 2142 at its meeting on February 13, 2013. The meeting will be held on February 13, 2013, at 10:30 a.m., at 901 S. Stewart Street, Tahoe Room (2nd Floor), Carson City, NV 89701.

The SEC's rules of practice, NAC 445B.875 to NAC 445B.899, can be found at:  
<http://leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875>

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 #9171 9690 0935 0010 5551 39

ec: Jasmine Mehta, DAG  
Rose Marie Reynolds, SEC/DAG