

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Leo Drozdoff, P.E.
Director



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COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

May 10, 2013

John Koster
Northern Nevada Regional President
Harvey's Resort Hotel Casino
P.O. Box 8
Stateline, Nevada 89449

RE: Penalty Assessments for Notice of Alleged Air Quality Violations &
Order Nos. 2433 and 2434 as per Class II Air Quality Operating Permit AP7011-2697
(FIN A0578)

Dear Mr. Koster:

On February 26, 2013 a representatives from the Nevada Division of Environmental Protection (NDEP) met with officials from your company in an enforcement conference concerning Harvey's Resort Hotel Casino alleged failure to comply with certain emissions limits specified in the company's "Annual Emissions Report" for two boiler; accordingly certain requirements set for in the above referenced Air Quality Operating Permit were violated. As an outcome of that meeting NDEP issued the above referenced NOAV(s); see attached.

When NDEP sent the NOAV(s) by certified mail on March 20, 2013, it Notified Harvey's Resort Hotel Casino 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 the above referenced NOAV(s) at its meeting on June 12, 2013. This meeting will be held on Wednesday, June 12 at 10:30 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 NOAV(s) and its recommendation for an administrative fine of **\$3,600.00** 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, 2013 meeting, although you or a company representative may wish to attend and speak on behalf of Harvey's Resort Hotel Casino.

The SEC may, without further notice, take administrative action against Harvey's Resort Hotel Casino, if the SEC determines that such administrative action is warranted after it considers NOAV 2433 and 2434.

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 84

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Michael Elges, Deputy Administrator
Francisco Vega, NDEP/BAPC
Rose Marie Reynolds, SEC/DAG