

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Carson City, Nevada 89701-5249
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Leo Drozdoff, P.E.
Director



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Carson City, NV

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

May 10, 2013

Charles Clear
Plant Manager
P.O. Box 860
Fernley, Nevada 89408

RE: Penalty Assessments for Notice of Alleged Air Quality Violations &
Order Nos. 2409 and 2410 as per Class II Air Quality Operating Permit AP1499-2225
(FIN A0460)

Dear Mr. Clear;

On June 13, 2012 a representatives from the Nevada Division of Environmental Protection (NDEP) met with officials from your company in an enforcement conference concerning Moltan Company's alleged failure to comply with emission limits set for in the above referenced Air Quality Operating Permit. 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 January 24, 2013, it Notified the Moltan Company 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 **\$10,000.00** 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 the Moltan Company.

The SEC may, without further notice, take administrative action against the Moltan Company, if the SEC determines that such administrative action is warranted after it considers NOAV 2409.

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 0012 2750 11

ec: Colleen Cripps, Ph.D., Administrator
Michael Elges, Deputy Administrator
Francisco Vega, NDEP/BAPC
Rose Marie Reynolds, SEC/DAG