

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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



CHAIRMAN:
Eugene Gans
Las Vegas, NV

November 2, 2010

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

John Seeliger, Regional Energy Manager
Newmont Nevada Energy Investments, LLC
P.O. Box 669
Carlin, Nevada 89822

MEMBERS

RE: Penalty Assessments for Air Quality Violation No. 2226

Pete Anderson
State Forester
Division of Forestry

Dear Mr. Seeliger:

Frances Barron
State Board of Health
Las Vegas, NV

In May of 2009 Newmont Nevada Energy Investments, LLC (Newmont) conducted source emission test on its coal-fired boiler as required by Class I Air Quality Operating Permit to Construct AP4911-1349. Based on preliminary test results reported to the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP), Newmont reported that the boiler exceeded its permitted emission limits for PM/PM10; the final test report confirmed these results. The final report showed the boiler emitted 80.03 lb/hour of total PM/PM10, exceeding the applicable State-only limit of 77.1 lb/hr by 2.9 lb/hr. The boiler also emitted 0.022 lb/MMBtu of filterable PM/PM10, exceeding the applicable BACT limit of 0.012 lb/MMBtu by a factor of 1.83. The NDEP issued Notice of Alleged Air Quality Violation and Order (NOAV) 2226 from the report. NOAV 2226 constitutes a major violation per NAC 445B.281.

Jason King
State Engineer
Division of Water Resources

Kathryn Landreth
Reno, NV

Tony Lesperance
Director, Department of
Agriculture

Kenneth Mayer - Director
Department of Wildlife

When NDEP sent the NOAV by certified mail on September 28, 2010, it notified Newmont of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Newmont did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2226 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.

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
Rose Marie Reynolds

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

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 NOAV and its recommendation for an administrative fine of \$13,725, 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.

[Kathy Rebert](#)
Recording Secretary

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 Newmont Nevada Energy Investments, LLC. The SEC may, without further notice, take administrative action against Newmont Nevada Energy, if the SEC determines that such administrative action is warranted after it considers NOAV No. 2226.

If you have any questions regarding this notice, please contact me at (775) 687-9308.

Sincerely,

John B. Walker
Executive Secretary

JW:kr

Certified Mail # 7007 0220 0003 5226 0514

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