

**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



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Las Vegas, NV

January 17, 2012

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Division of Minerals  
Commission on Mineral  
Resources

William Carr  
District Manager  
Refuse Inc.  
2401 Canyon Way  
Sparks, NV 89434

MEMBERS

Pete Anderson  
State Forester  
Division of Forestry

RE: Penalty Assessments for Air Quality Violation (Notice of Alleged Air Quality Violation and Order No 2330)

Frances Barron  
State Board of Health  
Las Vegas, NV

Dear Mr. Carr:

Jason King  
State Engineer  
Division of Water Resources

On August 29, 2011 the Nevada Division of Environmental Protection (NDEP) and Refuse Inc. held an enforcement conference to discuss Refuse alleged failure to comply with Asphalt Plant throughput rate limits as required by NDEP's Class I Air Quality Operating Permit (# AP495311480.01). Based on the enforcement conference, NDEP issued the above referenced NOAV & Order on October 19, 2011.

Kathryn Landreth  
Reno, NV

When NDEP sent the NOAV by certified mail, it notified Refuse Inc. of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Refuse Inc. did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2330 at its meeting on February 15, 2012. This meeting will be held on Wednesday, February 15, 2012 at 9:00 a.m. at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

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

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 February 15 meeting staff from NDEP will provide the SEC with a brief overview of the NOAV and its recommendation for an administrative fine of \$28,000.00, 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.

COUNSEL  
Rose Marie Reynolds

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

Your presence is not required at the February 15, 2012 meeting, although you or a company representative may wish to attend and speak on behalf of Refuse Inc. The SEC may, without further notice, take administrative action against Refuse Inc., if the SEC determines that such administrative action is warranted after it considers NOAV No. 2330.

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

Sincerely,

John B. Walker  
Executive Secretary

Jbw:

Certified Mail # 7011 1570 0002 9616 8848

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