

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
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Leo Drozdoff, P.E.
Director



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COUNSEL
Rose Marie Reynolds

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

January 10, 2013

Art Wilson
Owner/Operator
Western States Gypsum
P.O. Box 20160
Carson City, Nevada 89721

RE: Penalty Assessments for Air Quality Violation and Order (NOAV) Nos. 2416, 2417, 2418, and 2419 as per Class II Air Quality Operating Permit AP1499-0504.02 (FIN A0739)

Dear Mr. Wilson:

In July 2012 representatives from the Nevada Division of Environmental Protection (NDEP) met with officials from your company in an enforcement conference concerning Western States Gypsum alleged failure to obtain a valid air quality operating permit for a regulated emission unit. 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 October 30, 2012, it notified Western States Gypsum 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 February 13, 2013. This meeting will be held on Wednesday, February 13, 2013 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 **\$25,200.00** 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 February 13, 2013 meeting, although you or a company representative may wish to attend and speak on behalf of Western States Gypsum.

The SEC may, without further notice, take administrative action against Western States Gypsum, if the SEC determines that such administrative action is warranted after it considers the above referenced NOAV(s).

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 76

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