

EXHIBIT 5

EXHIBIT 5



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Steve Sisolak, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

February 6, 2020

ABC Recycling Industries, LLC
Mr. Robert Ford
2799 East Tropicana Blvd. Suite H
Las Vegas, Nevada 89121

**Sent via E-mail, FedEx No.
777674695739 & Certified Mail No.
9171969009350218708474**

**RE: Decision to Revoke the Lathrop Mill Reclamation Permit #0171; and
Forfeit of the Reclamation Surety Cash Deposit**

Dear Mr. Ford,

This letter serves to notify ABC Recycling LLC (ABC) that the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (Division) has made a decision to revoke Lathrop Mill Reclamation Permit #0171 and forfeit ABC's cash deposit surety securing reclamation at that site.

Background

The Division issued a Notice of Noncompliance and Order on August 13, 2019. The Notice of Noncompliance and Order stated that ABC failed to pay its annual reclamation permit fee of \$4,166.00 by April 15, 2019 and directed ABC to pay the fee by September 13, 2019. Because ABC did not acknowledge receipt of the Notice of Non-compliance and Order, the Division sent a second Notice of Noncompliance and Order via E-mail and Federal Express, return receipt requested, on September 16, 2019, which required ABC to pay its annual reclamation fee by October 11, 2019. ABC acknowledged receipt of the second Notice of Noncompliance and Order, but did not make its annual permit fee payment.

On November 21, 2019, the Division sent a follow-up letter to ABC by E-mail and Federal Express. The letter notified ABC that the Division had set a hearing date for January 10, 2020 regarding possible suspension or revocation of ABC's reclamation permit and forfeiture of its cash deposit surety deposit. You attended the hearing on behalf of ABC, and Todd Process and I attended on behalf of the Division. During the hearing you discussed ABC's difficulties in complying with permit terms and statutory requirements to reclaim the site and stated that the primary owner of the company was reluctant to put additional money into the property and pay the past due annual reclamation permit fee. At the end of the meeting Mr. Process and I provided you with a final deadline of January 24, 2020 to submit ABC's annual permit fee payment. In addition, we explained to you that failure to pay the annual fee would result in permit revocation and forfeiture of the cash deposit surety held by the Division for site reclamation. As the date of this letter, ABC has not paid its annual permit fee.

Discussion

Mining operators are required to obtain a reclamation permit for the land disturbed as a result of mining operations, agree in writing to be responsible for such reclamation, and post a surety for the cost of reclamation in the event the operator fails to perform as required by the permit.¹ On or before April 15 of each year, a reclamation permittee must submit a report to the Division regarding land disturbance and reclamation activities and pay an annual permit fee.² The Division may revoke an operator's reclamation permit on finding, after notice and hearing, that the permittee violated any provision of NRS 519A.010 to 519A.280, inclusive, or any regulation adopted by the Commission pursuant to 519A.160.³ The Division may also order the forfeiture of the operator's surety upon revoking the operator's permit.⁴ A reclamation permittee's failure to pay its annual permit fee would constitute grounds for permit revocation and surety forfeiture.

As described above, ABC held a reclamation permit for operation of Lathrop Mill and was required to pay an annual permit fee of \$4,166 by April 15, 2019. ABC failed to pay the annual permit fee by that date and subsequent dates identified in the Division's Notices of Non-Compliance and Orders issued on August 13, 2019 and September 13, 2019. The Division notified ABC of and held a hearing on January 10, 2020 regarding ABC's failure to pay its annual reclamation permit fee as required by NRS 519A.260 and NAC 519A.235. At the hearing, ABC indicated that it was reluctant to put additional money into the property and pay the past due annual permit fee, which is not valid justification for its failure to comply with its statutory and regulatory obligations to pay an annual permit fee and reclaim the land after mining is complete.

The Division finds that ABC is in violation NRS 519A.260 and NAC 519A.235, due to its failure to timely pay its annual reclamation permit fee and revokes ABC's permit, effective 10 days from the date of this letter.⁵

The Division also orders the forfeiture of ABC's \$205,791.00 cash deposit in its entirety, effective 10 days from the date of this letter, since the cash deposit is based on the estimated costs for reclamation of the site and ABC has not indicated a willingness or intent to fulfill its obligations to reclaim the site as required by its reclamation permit. To the extent that the \$205,791.00 cash deposit surety is not sufficient to fully reclaim the site, ABC is advised that it may be liable for the additional costs spent to satisfy this statutory and regulatory requirement.

This decision is final and not subject to review unless, within 10 days after the date of such Decision is served, the State Environmental Commission (SEC) located at 901 S. Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, receives a request for a hearing by written petition SEC Form 3.

¹ NRS 519A.200, 519A.210.

² NRS 519A.260, NAC 519A.235.

³ NRS 519A.150(9), NAC 519A.220, NAC 519A.400.

⁴ NAC 519A.390.

⁵ NAC 519A.220 (stating that revocation is effective not later than 30 days after the operator is sent written notice by the Division setting forth the facts and conduct warranting revocation).

If you have any questions concerning this matter, please contact me at (775) 687-9397 or jsawyer@ndep.nv.gov.

Sincerely,



Joe Sawyer, P.E., Chief
Bureau of Mining Regulation and Reclamation

Enclosure: SEC Form 3

Ec: Greg Lovato, Administrator, NDEP
Todd Process, Supervisor, BMRR Reclamation Branch
Rick Perdomo, Esq., Deputy Administrator, NDEP
Todd Suessmith, Permit Writer, BMRR Reclamation Branch
Samantha Thomson, Public Information Officer, NDEP
Val King, SEC
Rich Perry, NDOM
Nye County Board of Commissioners



February 12, 2020

Dear Customer,

ABC Recycling Industries / Robert Ford
Lathrop Mill, RP 0171: Decision to revoke reclamation
permit 0171 and bond forfeiture. 02/06/2020 letter

The following is the proof-of-delivery for tracking number: 777694695739

Delivery information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	J.VAN WAGONER	Delivery Location:	
Service type:	FedEx Priority Overnight		LAS VEGAS, NV,
Special Handling:	Deliver Weekday	Delivery date:	Feb 7, 2020 10:30

Shipping information:

Tracking number:	777694695739	Ship Date:	Feb 6, 2020
		Weight:	0.5 LB/0.23 KG

Recipient:	Shipper:
LAS VEGAS, NV, US,	Carson city, NV, US,

Reference	Lathrop Mill - Revoke Permit
Purchase Order	0696
Department Number	BMRR

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Thank you for choosing FedEx



February 21, 2020

ABC Recycling Industries / Robert Ford
Lathrop Mill, RP 0171: Decision to revoke reclamation permit 0171 and bond
forfeiture. 02 /06 /2020 letter

Dear j b:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0218 7084 74.

Item Details

Status:	We regret to inform you that we were unable to locate any delivery information in our records for your item.
Status Date / Time:	N/A
Location:	N/A
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004