

Exhibit G

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Form #3

Request an Appeal Hearing

Revised 6-2012



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature of appellant:

Name: Reck Brothers, LLC

Physical Address: 720 S Industrial Way, Ely, NV, 89301

E-mail Address: reckbrothersfrontdesk@gmail.com

Telephone Number: (775) 289-2772

Signature: Martin K. Banks Digitally signed by Martin K. Banks
Date: 2024.03.06 13:59:06 -07'00'

Representative capacity (if applicable): Counsel

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

Clearly Erroneous: NRS 445B.450 1., NRS 445B.470 1.(a), NAC 445B.018, NAC 445B.22097, NAC 445B.275;

NRS 445B.640(1), NAC 445B.281, and associated penalty matrix table and penalty calculation worksheet.

Arbitrary & Capricious: Same as above.

SEC Jurisdiction: NRS 445B.340, NRS 445B.360, NAC 445B.890 2.(e) & 2.(f).

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Clearly Erroneous: Appellant believes that given the nature of the particular emissions and the limited disbursement of those emissions, the facility was not a source, was not emitting air contaminants, was not emitting into the ambient air, and that therefore the violation was unwarranted and clearly erroneous.

Appellant also believes that the recommended penalty may have been based on an erroneous class and/or failure category in the penalty matrix table, and on an erroneous deviation adjustment, an erroneous economic benefit calculation, and an erroneous consideration of mitigating factors and history of non-compliance. Appellant will likely update this statement as further detail becomes available.

Arbitrary or Capricious: Appellant believes that given the nature of the particular emissions and the limited disbursement of those emissions, the facility was not a source, was not emitting air contaminants, was not emitting into the ambient air, and that therefore the violation was unwarranted, and arbitrary or capricious..

Appellant also believes that the recommended penalty may have been based on an arbitrary or capricious class and/or failure category in the penalty matrix table, and on an arbitrary or capricious deviation adjustment, an arbitrary or capricious economic benefit calculation, and an arbitrary or capricious consideration of mitigating factors and history of non-compliance. Appellant will likely update this statement as further detail becomes available.

Date of Request: March 6, 2024.

Supporting Documents



After signing and submitting this form (below), attach the permit or notice of alleged violation that you are appealing directly to your email message. Include other supporting documents as needed.

Send form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701