

Joe Lombardo  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Telephone (775) 687-9374  
Fax (775) 687-5856  
[www.sec.nv.gov](http://www.sec.nv.gov)

James Settelmeier  
Director



February 16, 2024

CHAIRMAN

Tom Porta  
Reno, NV

VICE CHAIRMAN

Jason King  
Carson City, NV

MEMBERS

Kacey KC  
State Forester  
Division of Forestry

Julian (J.J.) Goicoechea  
Director, Department of  
Agriculture

Robert Ghiglieri  
Administrator  
Division of Minerals  
Commission on Mineral  
Resources

Alan Jenne, Director  
Department of Wildlife

Adam Sullivan  
State Engineer  
Division of Water  
Resources

Kathryn Landreth  
Reno, NV

Tina Mudd,  
Reno, NV

Fred Reeder  
Carson City, NV

Tom Smith  
State Board of Health  
Las Vegas, NV

COUNSEL  
Ziwei Zheng

STAFF  
Sheryl Fontaine  
Executive Secretary

Loren Borst  
Recording Secretary

Bryan Wulfenstein  
President  
Wulfenstein Construction Company, Inc.  
2281 E. Postal Drive, #1  
Pahrump, NV 89048

RE: Notice of Alleged Air Quality Violation and Order No. 3071  
Class II Air Quality Operating Permit AP1442-1408.03 (FIN A0442)

Dear Mr. Wulfenstein:

On July 17, 2023, the Nevada Division of Environmental Protection (NDEP) held an enforcement conference with Wulfenstein Construction Company, Inc. (Wulfenstein) to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) No. 3071. As a result of that meeting, NDEP formally issued the above NOAV via certified mail on February 5, 2024. See attachment.

Upon formal issuance of the NOAV, NDEP notified Wulfenstein of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Wulfenstein did not appeal the NOAV. Therefore, the State Environmental Commission (SEC) will determine the appropriate penalty for the violation contained in the above referenced NOAV on **Thursday, March 21, 2024, at 9:00 a.m. at the Richard H. Bryan Building, Bonnie B. Bryan Conference Room (first floor) located at 901 South Stewart Street, Carson City.** The meeting will also be video-conferenced to the Red Rock Conference room located at the NDEP offices 375 East Warm Springs Blvd., Las Vegas. It will also be held virtually. To join remotely, please use the link on the [SEC website](#) or telephone into the meeting at 1(877) 321-6111, ID 205 271 18#.

Pursuant to NRS 445B.640(1) the SEC may approve an administrative penalty of not more than \$10,000 per day per violation. During the March 21, 2024, meeting, NDEP will provide the SEC with a brief overview of the NOAV and the recommendation for an administrative penalty of \$8,000.00 for NOAV 3071. This recommended penalty was calculated using a penalty matrix previously approved by the SEC.

Although your presence is not required at this meeting, you or a representative may wish to attend to speak on behalf of Wulfenstein.

The SEC may, without further notice, take administrative action against Wulfenstein if the SEC determines that such administrative action is warranted after it considers NOAV No. 3071.

If you have any questions regarding this notice, please contact me at (775) 687-9374.

Sincerely,



Sheryl Fontaine  
Executive Secretary

Certified Mail # 9489 0090 0027 6528 5170 26

ec: Jennifer Carr, Administrator  
Danilo Dragoni, Deputy Administrator  
Andrew Tucker, Chief, BAQP  
Jennifer Schumacher, Chief, BAPC  
Michelle Grover, Supervisor, BAQP  
Ziwei Zheng, SEC/DAG