

Joe Lombardo  
Governor



STATE OF NEVADA  
STATE ENVIRONMENTAL COMMISSION

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July 31, 2023

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Ziwei Zheng

STAFF  
Sheryl Fontaine  
Executive Secretary

Loren Borst  
Recording Secretary

Terry Reck  
Owner  
Reck Brothers, LLC  
P.O. Box 151372  
Ely, Nevada 89315

RE: Notice of Alleged Air Quality Violation and Order No. 2892  
Class II Air Quality Operating Permit AP1611-0835 (FIN A0480)

Dear Mr. Reck:

On December 21, 2021, the Nevada Division of Environmental Protection (NDEP) held an enforcement conference with Reck Brothers (Reck) to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) No. 2892. As a result of that meeting, NDEP formally issued the above NOAV via certified mail on April 8, 2022. See attachment.

Upon formal issuance of the NOAV, NDEP notified Reck of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Reck 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, September 7, at 9:00 a.m. at the Richard H. Bryan Building, Tahoe Conference Room (2<sup>nd</sup> 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](http://www.sec.nv.gov) or telephone into the meeting at 1(877) 321-6111, ID 946 842 189#.

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 September 7, 2023, meeting, NDEP will provide the SEC with a brief overview of the NOAV and the recommendation for an administrative penalty of \$24,000.00 for NOAV 2892. 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 Reck.

The SEC may, without further notice, take administrative action against Reck if the SEC determines that such administrative action is warranted after it considers NOAV No. 2892.

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 6499 1849 68

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