

STEVE SISOLAK
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Valerie King
Executive Secretary

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Recording Secretary

October 29, 2019

Mr. Scott Lusty
General Manager
Western States Gypsum
PO Box 20160
Carson City, Nevada 89721

RE: Notice of Alleged Air Quality Violation and Order Nos. 2676, 2678, &
2710
Class II Air Quality Operating Permit AP1499-0504.03 (FIN A0739)

Dear Mr. Lusty:

On January 31, 2019 and September 10, 2019, the Nevada Division of Environmental Protection (NDEP) held enforcement conferences with Western States Gypsum to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) Nos. 2676, 2678, & 2710. As a result of those meetings, NDEP formally issued the above NOAVs via certified mail on September 19, 2019. See attachment.

Upon formal issuance of the NOAVs, NDEP notified Western States Gypsum of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Western States Gypsum did not appeal the NOAVs. Therefore, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in the above referenced NOAVs on **Wednesday, December 4, 2019 at 9:00 a.m. at the Richard H. Bryan Building, Tahoe Conference Room (2nd Floor) located at 901 South Stewart Street, Carson City.**

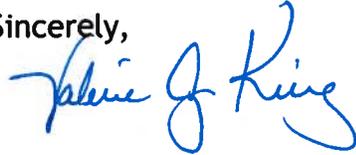
Pursuant to NRS 445B.640(1), the SEC may approve an administrative penalty of not more than \$10,000 per day per violation. During the December 4th meeting, NDEP will provide the SEC with a brief overview of the NOAVs and the recommendation for an administrative penalty of \$10,200.00 for NOAV 2676, \$1,500.00 for NOAV 2678, and \$5,560.00 for NOAV 2710, totaling \$17,260.00. These recommended penalties were 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 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 NOAV Nos. 2676, 2678, & 2710.

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

Sincerely,



Valerie King, CPM
Executive Secretary

Certified Mail # 9171 9690 0935 0012 2756 15

cc: Greg Lovato, Administrator
Jeffrey Kinder, Deputy Administrator
Danilo Dragoni, Chief, BAQP
Lisa Kremer, Chief, BAPC
Andrew Tucker, Supervisor, BAQP
Henna Rasul, SEC/DAG