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Executive Secretary

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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)

October 24, 2018

**Bradley Crowell**  
Director



Mr. Don Tibbals  
President  
Gopher Construction, Inc.  
1625 East Newlands Dr.  
Fernley, Nevada 89408

RE: Notice of Alleged Air Quality Violation and Order No. 2661  
Class II Air Quality Operating Permit AP1442-1396.02 (FIN A0441)

Dear Mr. Tibbals:

On September 20, 2018, the Nevada Division of Environmental Protection (NDEP) held an enforcement conference with Gopher Construction, Inc. (Gopher) to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) No. 2661. As a result of that meeting, NDEP formally issued the above NOAV. See attachment.

NDEP sent NOAV No. 2661 via certified mail on October 16, 2018, notifying Gopher of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Gopher did not appeal the NOAV. Therefore, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in the above referenced NOAV on **Wednesday, December 12, 2018 at 9:30 a.m. at the Laxalt Building, Second Floor, located at 401 North Carson Street, Carson City. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 5100, located at 555 East Washington Avenue, Las Vegas.**

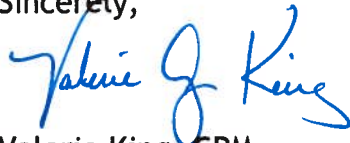
Pursuant to NRS 445B.640(1), the SEC may approve an administrative penalty of not more than \$10,000 per day per violation. During the December 12, 2018 meeting, NDEP will provide the SEC with a brief overview of the NOAVs and the recommendation for an administrative penalty of \$8,000.00. This recommended 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 Gopher.

The SEC may, without further notice, take administrative action against Gopher if the SEC determines that such administrative action is warranted after it considers NOAV No. 2661.

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 2755 47

cc: Greg Lovato, Administrator  
Jeffrey Kinder, Deputy Administrator  
Danilo Dragoni, Chief, BAQP  
Robert Whited, Supervisor, BAQP  
Jim Gans, SEC, Chairman  
Henna Rasul, SEC/DAG