

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Leo Drozdoff, P.E.
Acting Director



CHAIRMAN:
Eugene Gans
Las Vegas, NV

May 12, 2011

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Alan Coyner
Administrator
Division of Minerals
Commission on Mineral
Resources

Terry McIntyre
Plant Manager
Graymont Western US Inc.
3950 South 700 East, Suite 301
Salt Lake City, Utah 84107

MEMBERS

Pete Anderson
State Forester
Division of Forestry

RE: Penalty Assessments for Air Quality Violation No. 2288
CLASS I AIR QUALITY OPERATING PERMIT AP3274-1329.01 (FIN A0367)

Frances Barron
State Board of Health
Las Vegas, NV

Dear Mr. McIntyre:

Jason King
State Engineer
Division of Water Resources

On December 15, 2010, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) and Graymont Western US Inc. (Graymont) held an enforcement conference to discuss Graymont's failure to comply with the above referenced permit for the Graymont's lime manufacturing facility. The enforcement conference was held to address Graymonts "failed compliance source test" for the Hydrate Plant Hydrator (System 30) and Kiln #3 (System 17).

Kathryn Landreth
Reno, NV

After the enforcement conference, NDEP sent the above referenced NOAV by certified mail on January 12, 2011 notifying Graymont of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360.

Jim Barbee
Director, Department of
Agriculture

Since Graymont did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2288 at its meeting on June 16, 2011.

Kenneth Mayer - Director
Department of Wildlife

This meeting will be held on Thursday, June 16, 2011 at 9:30 a.m. at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
Rose Marie Reynolds

Pursuant to NRS 445B.640(1), the SEC may levy an administrative fine of not more than \$10,000 per day per violation. Staff from NDEP will provide the SEC with a brief overview of the NOAV and its recommendation for an administrative fine of **\$9,900.00**, which has been calculated from a penalty matrix previously approved by the Commission.

STAFF
[John B. Walker](#)
Executive Secretary

The Commission will formally levy a fine by accepting NDEP's recommendation or increasing or decreasing the fine amount based on the information presented at the meeting.

Your presence is not required at the June 16, 2011 meeting, although you or a company representative may wish to attend and speak on behalf of Graymont. The SEC may, without further notice, take administrative action against Graymont, if the SEC determines that such administrative action is warranted after it considers NOAV No. 2288.

If you have any questions regarding this notice, please contact me at (775) 687-9308.

Sincerely,

John B. Walker
Executive Secretary

JW:jw

Certified Mail # 7007 0220 0003 5226 0835

cc: Colleen Cripps, NDEP
Michael Elges, NDEP
Francisco Vega, NDEP
Rose Marie Reynolds, SEC/DAG