

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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Leo Drozdoff, P.E.
Acting Director



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Las Vegas, NV

May 12, 2011

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Division of Minerals
Commission on Mineral
Resources

Jerry Tyler
Managing Director
Heart of Nature, LLC
34710 7th Standard Road
Bakersfield, California 93314

MEMBERS

Pete Anderson
State Forester
Division of Forestry

RE: Penalty Assessments for Air Quality Violation No. 2315

Frances Barron
State Board of Health
Las Vegas, NV

Dear Mr. Mr. Tyler:

Jason King
State Engineer
Division of Water Resources

On April 20, 2011 the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP) and Heart of Nature held an enforcement conference to discuss the alleged failure to comply with Class II Air Quality Operating Permit AP1442-2681. Heart of Nature operates a material crushing and screening facility east of State Route (SR) 265 approximately 9 miles South of US 95 in Esmeralda County, Nevada.

Kathryn Landreth
Reno, NV

Based on the information presented during the conference, NDEP determined that issuance of the above referenced Notice of Alleged Air Quality Violation (NOV) was warranted. As indicated in the NOAV, the failure to install and operate required air pollution controls represents an air quality violation under NAC 445B.275. Of note, on March 29, 2011, a NDEP inspector observed large amounts of air born fugitive dust coming from the material site south of Highway US 95. After reviewing the valid air quality operating permit it was determined that several emission units were operating without required air pollution controls.

Jim Barbee
Director, Department of
Agriculture

Kenneth Mayer - Director
Department of Wildlife

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

When NDEP sent the NOAV by certified mail on April 26, 2011, it notified Heart of Nature of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Since Heart of Nature did not appeal the NOAV, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in NOAV No. 2315 at its meeting on June 16, 2011.

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

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.

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 \$600.00, which has been calculated from a penalty matrix previously approved by the Commission.

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 Heart of Nature. The SEC may, without further notice, take administrative action against Heart of Nature, if the SEC determines that such administrative action is warranted after it considers NOAV No. 2315.

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 0897

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