

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No: AQMV24-0019

ISSUED TO

Aspen Earthworks

Location: APN 514-631-01 to 514-631-25

Permit Number: APCP24-0044

Date of Issuance: July 24, 2024

Case No.: 1512

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that Aspen Earthworks is in violation of the District Board of Health Regulations Governing Air Quality Management PART 040.030 – DUST CONTROL.

1. VIOLATION

- A. Failure to obtain a Dust Control Permit prior to commencement of a dust generating activity (1) acre or greater.

2. BASIS OF VIOLATION

A. Regulatory Authority

The District Board of Health Regulations Governing Air Quality Management paragraph 040.030.C.3 DUST CONTROL PERMIT REQUIREMENTS:

The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the “District Board of Health Regulations Governing Air Quality Management.” Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

B. Facts to Constitute the Violation

On February 23, 2024, the AQMD sent a courtesy expiration notice to the contact person for Dust Control Permit No. APCP22-0235 for the City View Executive Homes project. The notice advised that the Dust Control Permit would expire on April 10, 2024.

On March 20, 2024 an application for a new Dust Control Permit for the project was submitted to the AQMD by Aspen Earthworks.

On March 22, 2024 the application for a new Dust Control Permit was processed by the AQMD and the required fee was invoiced.

On April 10, 2024 Dust Control Permit No. APCP22-0235 for the City View Executive Homes project expired. The fee for the new Dust Control Permit had not been paid.

On May 13, 2024 an Air Quality Specialist Trainee (AQST) conducted an inspection of the City View Executive Homes project. The AQST determined that the site disturbance was over 1-acre and the site required a Dust Control Permit. The AQST contacted representatives of Aspen Earthworks and advised them that the fee for a new Dust Control Permit for the project site had not been paid. The required fee was paid following contact with the AQMD. Dust Control Permit No. APCP24-0044 was then issued for the project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Aspen Earthworks is advised that within (10) working days of the receipt of this Notice of Violation, Aspen Earthworks may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street Suite B171
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of \$500.00

7/24/24

Date



Jeff Jeppson
Senior Air Quality Specialist
Air Quality Management Division
Northern Nevada Public Health

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Aspen Earthworks
Contact Name Ryan Dustin
Case Number 1512

I. Violation of Section 040.030.C.3 DUST CONTROL PERMIT REQUIREMENTS

I. **Recommended Penalty** = \$ 500.00

II. Violation of Section 0

II. **Recommended Penalty** = \$ 0.00

III. Violation of Section 0

III. **Recommended Penalty** = \$ 0.00

IV. Violation of Section 0

IV. **Recommended Penalty** = \$ 0.00

V. Violation of Section 0

V. **Recommended Penalty** = \$ 0.00

Total Recommended Penalty = \$ 500.00



Senior AQ Specialist/Supervisor

7/24/24
Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Aspen Earthworks
 Contact Name Ryan Dustin
 Case Number 1512
 Violation Number AQMV24-0019
 Violation of Section 040.030.C.3 DUST CONTROL PERMIT REQUIREMENTS
 Permit Condition N/A

I. Base Penalty as specified in the Penalty Table = \$ **500.00**

II. Severity of Violation

A. Public Health Impact

1. Toxicity of Release (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
 Adjustment Factor **1**

Comment: Penalty by Rule

2. Environmental/Public Health Risk (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Penalty by Rule

Total Adjustment Factors (1 x 2) = **1**

B. Adjusted Base Penalty

Base Penalty \$ 500.00 x Adjustment Factor 1 = \$ **500.00**

C. Number of Days/Weeks/Months or Units in Violation

Adjusted Penalty \$ 500.00 x Number of Days/Weeks/Mo **1** = \$ **500.00**

Comment: Penalty by Rule

D. Economic Benefit

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

Comment: Penalty by Rule

Penalty Subtotal

Adjusted Base Penalty \$ 500.00 + Economic Benefit \$ 0.00 = \$ **500.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment: _____

B. Compliance History

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5%

 x , # of previous violations

+ 0%

Comment: _____

Total Penalty Adjustment Factors – Sum of A & B

0%

IV. Recommended Penalty

Penalty Adjustment:

\$ 500.00	x	0%			= \$ 0.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training	-	\$ 0.00
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Comment: _____

Adjusted Penalty:

\$ 500.00	+/-	\$ 0.00	=	\$ 500.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

Senior AQ Specialist/Supervisor

7/24/24

Date



August 30, 2024

Dear Joshua Restori:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3975 4999 08.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	July 26, 2024, 1:33 pm
Location:	RENO, NV 89502
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	4lb, 3.9oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	1140 Corporate

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004