

Staff Report
Board Meeting Date: April 23, 2026

DATE: April 16, 2026
TO: District Board of Health
FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nph.org
SUBJECT: Recommendation for the Board to uphold the decision of the Air Pollution Control Hearing Board to deny the appeal of Notice of Violation No. AQMV26-0001, issued to JC Golden Mesa, LLC with an Administrative Penalty of \$1,000.00, for failure to control fugitive dust.

SUMMARY

Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommend denying the appeal of Notice of Violation (NOV) No. AQMV26-0001 and levying an Administrative Penalty in the amount of **\$1,000.00** to JC Golden Mesa, LLC, as recommended by the Air Pollution Control Hearing Board (APCHB). The violation was issued for failure to control fugitive dust and allowing visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour from the Golden Mesa North Phase 2 project. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 (Dust Control) Section C (Standards) Subsection 1 (Visible Emissions Prohibition).

District Health Strategic Priority supported by this item:

- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

JC Golden Mesa, LLC was previously issued Notice of Violation No. AQMV25-0017 on September 16, 2025, Case No. 1579, for failure to obtain a Dust Control Permit for the entire disturbed area of the Golden Mesa North Phase 2 project. This enforcement action was approved by the District Board of Health on November 20, 2025. JC Golden Mesa, LLC was previously issued a Warning Letter on November 7, 2025, Case No. 1600, for failure to control fugitive dust and for failure to properly stabilize the disturbed soil associated with the Golden Mesa North Phase 2 project to prevent fugitive dust from occurring. Please see the attached documents associated with Case No.'s 1579 and 1600.

BACKGROUND

Please refer to the attached NOV No. AQMV26-0001 and supporting documentation for background information. These documents contain the facts associated with the incident of noncompliance supporting the issuance of the NOV and the Administrative Penalty.

NOV No. AQMV26-0001 was sent by email and certified mail to the offices of JC Golden Mesa, LLC. The violation case packet contained instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the "Appeal Petition to the Air Pollution Control Hearing Board" form.

On January 26, 2026, an Appeal Petition of NOV No. AQMV26-0001 was received by the AQMD within the 10-day appeal timeframe pursuant to DBOH Regulations paragraph 020.000.C.3.b and a meeting of the Washoe County Air Pollution Control Hearing Board (Board) was scheduled for April 7, 2026.

On April 7, 2026, the APCHB heard the Appeal Petition of Case No. 1604. Five APCHB members were present. JC Golden Mesa, LLC failed to appear for the hearing. A presentation of the Case was provided by the AQMD. The APCHB determined the violation associated with AQMV26-0001 did occur and voted unanimously to uphold the violation and impose the proposed Administrative Penalty of \$1,000.00.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation and associated penalty. All penalty money collected is forwarded to the Washoe County School District to be used for environmentally focused projects for the benefit of the students.

RECOMMENDATION

Staff recommend the Board approve the decision of the APCHB to deny the appeal of NOV No. AQMV26-0001, associated with Case No. 1604, issued to JC Golden Mesa, LLC and levy a total Administrative Penalty in the amount of \$1,000.00.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No. AQMV26-0001; or
2. The Board may determine to uphold Notice of Violation No. AQMV26-0001 and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

POSSIBLE MOTION

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold the decision of the APCHB to deny the appeal of NOV No. AQMV26-0001, associated with Case No. 1604, issued to JC Golden Mesa, LLC and levy a total Administrative Penalty in the amount of \$1,000.00."

Or, should the Board wish to consider an alternative motion the possible motions may be:

1. "Move to dismiss Case No. 1604, Notice of Violation No.'s AQMV26-0001 associated with Case No. 1604 issued to JC Golden Mesa, LLC"; or
2. "Move to uphold Case No. 1604, Notice of Violation No. AQMV26-0001, and levy an Administrative Penalty in the amount of (range of \$0.00 to \$1,000.00) per day per violation, with the matter being continued to the next meeting to allow JC Golden Mesa, LLC to be properly noticed."