

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

## NOTICE OF VIOLATION No: AQMV24-0009 ISSUED TO

**Metcalf Builders, Inc.**

**Location: 350 Boomtown Garson Rd., Reno, NV 89523**

**APN: 038-430-55**

**Permit Number: APCP23-0218**

**Date of Issuance: March 6, 2024**

**Case No.: 1483**

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that Metcalf Builders, Inc. 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.
- B. Facts to Constitute the Violation  
On October 17, 2023 the AQMD sent a Courtesy Dust Control Permit Expiration Notice concerning the pending expiration of Dust Control Permit No. APCP22-0131 for the Kallan Apartment Complex project.

On November 26, 2023 Dust Control Permit No. APCP22-0131 for the Kallan Apartment Complex project expired.

On December 13, 2023 an Air Quality Specialist (AQS) performed an inspection of the Kallan Apartment Complex project. The AQS determined that the site disturbance was over 1 acre, therefore a Dust Control Permit was still required. The AQS advised site personnel that all dust generating activities on the site must cease until a new Dust Control Permit was obtained from the AQMD. Later the same day a complete Dust Control Permit application was submitted to the AQMD.

On December 14, 2023 Dust Control Permit No. APCP23-0218 was issued for the Kallan Apartment Complex project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS


A. Appeal Procedure

Metcalf Builders, Inc. is advised that within (10) working days of the receipt of this Notice of Violation, Metcalf Builders, Inc. 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.

3/6/24  
Date

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

# CHAPTER 020 - GENERAL PROVISIONS

## PART 020.100 - VIOLATIONS OF REGULATIONS AND PENALTIES

### SECTION A - VIOLATION OF REGULATIONS AND PENALTIES

#### 1. VIOLATION OF REGULATIONS

- a. In determining whether a violation of these regulations has been committed, whether the violation was intentional or inadvertent is immaterial and does not constitute cause for dismissal of the case by the Hearing Board or District Board of Health. However, either board may consider whether the violation was intentional or inadvertent in determining the amount of the penalty to be imposed.

#### 2. NOTICE OF VIOLATION

- a. Whenever the Control Officer or their authorized agent or representative has a reasonable cause to believe that any section of these regulations for the prevention, abatement or control of air pollution has been violated, the Control Officer shall cause written notice to be served upon the person or persons responsible for the alleged violations.
- b. The notice shall specify:
  - (1) The section or sections of these regulations alleged to be violated.
  - (2) The facts alleged to constitute the violation.
  - (3) Appeal procedure including any time limitations.
- c. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within ten (10) working days after service of the notice, a person named in the order requests a hearing before the Hearing Board.
- d. With or without the issuance of an order pursuant to paragraph 020.100.A.2.c:
  - (1) The Control Officer or their authorized agent or representative may notify the person or persons responsible for the alleged violation to appear before the Hearing Board at a specified time and place; or
  - (2) The Hearing Board may initiate proceedings for recovery of the appropriate penalty set forth in paragraph 020.100.A.3.
- e. Nothing in this section prevents the Hearing Board or the Control Officer or their authorized agent or representative from making efforts to obtain voluntary compliance through warning, conference, or other appropriate means.

#### 3. CIVIL FINES AND PENALTIES

- a. Except as provided in paragraphs 020.100.A.3.b. and c., a violation of any section of these regulations constitutes a major violation. Failure to comply with any condition of an operating permit constitutes a violation.
- b. Any person who commits a major violation of any section of these regulations, other than paragraph 020.100.A.5. and SECTION 020.000.D., is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00 per day, per violation. Each day of violation constitutes a separate offense. The District Board of Health may establish a compliance schedule as a part of any civil

finding either in lieu of, or in addition to, monetary penalties. Any fines assessed may be held in abeyance pending fulfillment of any compliance schedule.

- c. Violations of PARTS 040.030 (Dust Control), 040.035 (Open Burning), 040.040 (Fire Set for Training), 040.050 (Incinerator Emission), 040.051 (Wood-Burning Devices), 040.055 (Odorous Emissions), 040.080 (Gasoline Transfer and Dispensing Facilities), 040.200 (Diesel Engine Idling) or 050.001 (Emergency Episode Plan) of these regulations constitutes a minor violation unless there are three or more violations of any one of those PARTS by a person or entity, occurring within a period of twelve (12) consecutive months. All minor violations become major violations upon the occurrence of the third violation of the same PART within a period of twelve (12) consecutive months.
  - (1) The first offense of a minor violation shall result in an administrative fine of \$500.
  - (2) The second offense of a minor violation shall result in an administrative fine of \$1,000.
  - (3) Administrative non-compliance of the PARTS described in this paragraph (i.e. incomplete Dust Log, on site permit missing) shall constitute a warning. Any further administrative non-compliance with conditions of the PARTS described in this paragraph may constitute a violation.
- d. Administrative fines shall be levied by appropriate action of the District Board of Health and recorded in its official minutes. The evidence or information on which the District Board of Health bases its action may include any one or more of the following:
  - (1) The recommendation of the Control Officer, or their authorized agent or representative, based on any Notice of Violation served on any person in accordance with these regulations if that person has not appeared or requested a hearing before the Hearing Board.
  - (2) The recommendation of the Hearing Board, based on its findings in connection with any appeal or other matter referred to the District Board of Health in accordance with these regulations.
  - (3) Evidence presented before the District Board of Health by any person, public official, or representative of the District Board of Health, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) calendar days in advance) of the hearing at which such evidence is to be presented and is provided an opportunity to present evidence in his defense at the hearing.
- e. Unless the District Board of Health bases its decision on the recommendations and/or findings of the Control Officer, their authorized agent or representative, or the Hearing Board as set forth in paragraphs 020.000.A.3.d.(1) and (2), the District Board of Health shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the District Board of Health pursuant to paragraph 020.100.A.3.d.(3). Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts if the original is not readily available and, on request, parties shall be given an opportunity to compare the copy with the original. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first was called to testify and rebut the evidence against them. The District Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the District Board of Health's specialized knowledge. All decisions of the District Board of Health respecting administrative fines shall be in writing or notice of the District Board of Health's decision shall be forwarded to the aggrieved party at their last known mailing address.
- f. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the District Board of Health, at its discretion, may choose to waive the fine for a first violation, levy any fine providing it does not exceed the appropriate range limitation, require use of other mitigation methods or schedules of compliance and, in emergency situations, require a stop work order to be issued and/or any other combination of remedies to bring about compliance with the regulations.
- g. All administrative fines collected by the District Board of Health pursuant to this section shall be deposited

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Metcalf Builders, Inc.  
Contact Name Rusty Heberger  
Case Number 1483

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

3/6/24  
\_\_\_\_\_  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Metcalfe Builders, Inc.  
 Contact Name Rusty Heberger  
 Case Number 1483  
 Violation Number AQMV24-0009

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**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
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 < 5 years

5%

x

0%

, # 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

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

\_\_\_\_\_  
Date

3/6/24



March 13, 2024

Dear Nennette Cano:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9489 0090 0027 6501 2526 78.**

#### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	March 13, 2024, 10:47 am
<b>Location:</b>	RENO, NV 89502
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™
	Return Receipt Electronic

#### Shipment Details

<b>Weight:</b>	3lb, 15.5oz
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#### Recipient Signature

Signature of Recipient:

Address of Recipient:

1900 S MCCARRAN BLVD,  
RENO, NV 89502

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