

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

NOTICE OF VIOLATION No: AQMV24-0025

ISSUED TO

KDH Builders

Location: Sierra Vista Project, E. Patrician Dr, Washoe County, NV 89506

Permit Number: APCP24-0039

Date of Issuance: October 10, 2024

Case No.: 1524

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that KDH Builders 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 June 12, 2024, the AQMD performed a routine compliance evaluation of the Sierra Vista project covered by Dust Control Permit APCP24-0039. At the time of the evaluation, the AQMD observed and documented dust generating activities associated with the project were occurring outside the area covered by the Dust Control Permit. The unpermitted area covered approximately 4.1 acres.

Following the observation, the AQMD advised site personnel that the area was not covered by a Dust Control Permit. Work was then stopped in the unpermitted area.

On June 20, 2024, an updated project map was submitted to the AQMD which shifted the project boundaries and included the additional 4.1 acres of disturbance. An updated Dust

Control Permit was then issued by the AQMD which covered the full area of disturbance for the project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

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

10/10/24
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 KDH Builders
Contact Name Scott Berge
Case Number 1524

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

10/10/24

Date

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

Company Name KDH Builders
 Contact Name Scott Berge
 Case Number 1524
 Violation Number AQMV24-0025

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

10/10/24

Date

Administrative Penalty Table

Air Quality Management Division Washoe County Health District

I. Minor Violations - Section 020.100.A.3.c.

Regulation		1st Violation	2nd Violation
040.030	Dust Control	500	1000
040.035	Open Burning	500	1000
040.040	Fire Set for Training	500	1000
040.050	Incinerator Emissions	500	1000
040.051	Wood-burning Devices	500	1000
040.055	Odorous Emissions	500	1000
040.080	Gasoline Transfer and Dispensing	500	1000
040.200	Diesel Engine Idling	500	1000
050.001	Emergency Episode Plan	500	1000

II. Major Violations - Section 020.100.A.3.a.

Regulation	Violation	Source Category	
		Minimum	Maximum
030.000	Construction/Operating without Permit (per major process system or unit/day)	5000	10000
030.1402	Failure to Comply with Stop Work Order	10,000/day	10,000/day
030.2175	Operation Contrary to Permit Conditions (per day or event)	2500	10000
030.235	Failure to Conduct Source Test or Report (per Reporting Period for Each Unit)	2500	5000
	All other Major Violations (per day or event)	5000	10000

III. Major Violations - Section 030.107 Asbestos

A. Asbestos Sampling & Notification	\$ 2,000 - \$10,000
B. Asbestos Control Work Practices (per day or event)	\$ 2,000 - \$10,000
C. Asbestos Containment & Abatement (per day or event)	\$ 5,000 - \$10,000



October 30, 2024

Dear Joshua Restori:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6501 2441 23.

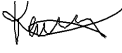
Item Details

Status: Delivered, Front Desk/Reception/Mail Room
Status Date / Time: October 15, 2024, 11:43 am
Location: RENO, NV 89502
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 4lb, 9.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	5400 Equity

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,
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