NORTHERN NEVADA Public Health | Air Quality

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

NOTICE OF VIOLATION No: AQMV24-0012

ISSUED TO

Record Steel & Construction
Location: APN 039-161-36
Permit Number: APCP23-0011
Date of Issuance: March 27, 2024
Case No.: 1488

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that Record Steel & Construction 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. Failure to maintain daily records demonstrating compliance with a Dust Control Permit.

2. BASIS OF VIOLATION

   A. Regulatory Authority
   The District Board of Health Regulations Governing Air Quality Management PART 040.030 DUST CONTROL.

   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.

   040.030.E.2. RECORDKEEPING:
   a. Any person who conducts dust-generating activities subject to Section C.3 of this Rule shall maintain daily records demonstrating compliance with Section C of this Rule.
      1. The Dust Control Permit shall be kept on the specific job site and made available to the Control Officer immediately upon request.
      2. Daily records shall be made available to the Control Officer immediately upon request.

B. Facts to Constitute the Violation

On January 10, 2024 an Air Quality Specialist Trainee (AQST) observed a stockpile site on APN 039-161-36. The area of the stockpile site covered approximately 2 acres. The area was not covered by a Dust Control Permit.

The AQST determined that the stockpile area was part of the Orr Ditch PBS / Hydroelectric Project. Dust Control Permit No. APCP23-0011 covered a portion of the project; however, the 2-acre stockpile site had not been included in the Dust Control Permit application. The AQST advised site personnel that the area was not covered by a Dust Control Permit and that all activities in the unpermitted area must cease until the acreage was added to the existing Dust Control Permit for the project.

Additionally, the AQST requested daily records demonstrating compliance with Dust Control Permit No. APCP23-0011. Records were not being maintained in compliance with the Dust Control Permit.

A Dust Control Permit Modification Application was then submitted to the AQMD to add the acreage to Dust Control Permit No. APCP23-0011.

On January 17, 2024 the AQMD issued an updated Dust Control Permit for the project under record No. APCP23-0011. The updated permit included the stockpile site and additional acreage for the project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Record Steel & Construction is advised that within (10) working days of the receipt of this Notice of Violation, Record Steel & Construction 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
1001East 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.

3/27/24
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: Record Steel & Construction
Contact Name: Sal Varela
Case Number: 1488

I. Violation of Section: 040.030 DUST CONTROL

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

3/27/24
Date

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

Company Name	Record Steel & Construction
Contact Name	Sal Varela
Case Number	1488
Violation Number	AQMV24-0012
Violation of Section	040.030 DUST CONTROL
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 < 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 - $ [ ]

Comment: _____

Adjusted Penalty:

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

_____ 3/27/24

Senior AQ Specialist/Supervisor — 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	Odorus 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.

		Source Category	
Regulation	Violation	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

UNITED STATES POSTAL SERVICE

May 3, 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 2527 91**.

Item Details

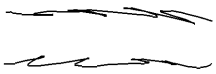
Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	April 18, 2024, 9:47 am
Location:	BOISE, ID 83706
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	4lb, 10.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

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

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Sincerely,
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