

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

Notice of Violation No. AQMV26-0001

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

NOTICE OF VIOLATION No: AQMV26-0001
ISSUED TO
JC Golden Mesa, LLC
APN: 552-050-01
Permit Number: APCP25-0143
Date of Issuance: January 13, 2026
Case No.: 1604

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

1. VIOLATION

- A. Failure to comply with the provisions of Dust Control Permit No. APCP25-0143. Specifically, requirement No. 1 on the Dust Control Permit:

1. VISIBLE EMISSIONS PROHIBITION: The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour. 040.030.C.1.

2. BASIS OF VIOLATION

- A. Regulatory Authority
The District Board of Health Regulations Governing Air Quality Management SECTION 040.030.C – STANDARDS:

1. VISIBLE EMISSIONS PROHIBITION: The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.

- B. Facts to Constitute the Violation

On December 19, 2025, a representative of the AQMD was on patrol and observed a large dust plume emanating from the Golden Mesa Phase 2 project site during high winds. The AQMD initiated an EPA Reference Method 22 observation. The AQMD observed and documented 6-minutes and 50-seconds of visible fugitive dust during a 6-minute 50-second observation. Site soils were observed to be dry and not adequately stabilized. Dust emissions were blowing directly into residences to the east of the project site. A citizen complaint concerning dust emanating from the project site was filed with Code Enforcement at the time of the observation.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

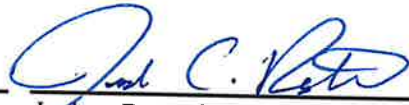
A. Appeal Procedure

JC Golden Mesa, LLC is advised that within (10) working days of the receipt of this Notice of Violation, JC Golden Mesa, LLC 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 \$1,000.00.

1/13/26
Date



Joshua Restori
Supervisor, Permitting and Compliance
Air Quality Management Division
Northern Nevada Public Health

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Supporting Documentation for
Notice of Violation No. AQMV26-0001**

DUST CONTROL PERMIT APPLICATION

FOR AQMD USE ONLY

Application Information			
Application Type: ☐ New ☒ Renewal ☐ Modification			
For Renewals/Modifications Only. Existing Permit Number (APCPXX-XXXX): APCP24-004			
Project/Development Name: Golden Msa North P2			
APN(s): 552-050-01			
Size of Project (acres): 73			
Project Start Date: 3-15-25		Project Completion Date: 3-15-27	
Applicant Information			
Company Name: JC Golden Mesa LLC			
Company Street Address: 5400 Equity Ave			
City: Reno	State: NV	ZIP: 89502	
Contact Name: Scott Berge		Title: General Manager	
Phone Number: 775-473-4215		Email: sberge@kdhbuilders.net	
General Contractor Information (all fields must be completed, even if the same as applicant)			
Company Name: Aspen Earthworks			
Company Street Address: 1140 Corporate Blvd			
City: Reno	State: NV	ZIP: 89502	
Contact Name: Michael Beloud		Title: Project Manager	
Phone Number: 702-378-3971		Email: mbeloud@aspeneearthworks.com	
After-Hours Contact Information (person's to be contacted during non-working hours in case of dust problems)			
After-Hours Contact #1			
Contact Name: Javier Barragan		Title: Super	
Mobile Phone Number: 775-223-5987		Email: javier.barragan@aspeneearthworks.com	
After-Hours Contact #2			
Contact Name: Scott Berge		Title: General Manager	
Mobile Phone Number: 775-247-4688		Email: sberge@kdhbuilders.net	

By signing, the applicant shall constitute agreement to accept responsibility for maintaining compliance with the conditions of the permit and DBOH 040.030 24 hours per day, 7 days per week.

Scott Berge

7-22-25

Responsible Official (Applicant) Signature (e-signature ok)

Date

Scott Berge

General Manager

Print Name

Title

Project/Development Information

Detailed description of project/development:

Renew dust permit of subdivision improvements including grading, storm drain, water, curb, gutter, utilities,

Type of Project (choose one):

☐ Commercial ☐ Road Rehab/Maintenance ☐ Municipal Project ☐ Single Family Residence
☐ Utilities ☐ New Road/Highway ☒ Residential Subdivision/Multi-Family

Will fill material be required? ☒ No ☐ Yes yd³

Amount of material to be excavated (yd³):

Will there be an excess of native material as a result of excavation? ☒ No ☐ Yes yd³

Will crushing/screening equipment be used? ☒ No ☐ Yes

If "Yes", Stationary Source Permit to Operate Number for the equipment (AAIRXX-XXXX):

On-site soil type: silty sand/ clayey sand

Is there a soil analysis report available? ☒ Yes ☐ No

Method(s) of dust control to be utilized (select all that apply):

☒ Water Truck(s). If yes, specify water source and how many trucks:

☐ Dust Palliative. If yes, attach an SDS and specify the type:

☐ Sprinklers/Water Cannons. If yes, specify the location(s):

☐ Compaction. If yes, what percent?

☐ Enclosure. If yes, specify the type (ex., fences, windbreaks, etc.):

☐ Revegetation. If yes, attach a seeding schedule and specify the type:

☐ Other (specify):

Will temporary irrigation be supplied? ☐ Yes ☒ No

On-Site Speed Limit: 5mph

Method(s) to control mud/soil being tracked onto adjacent paved roadways:

water truck and rock track out areas

Cleanup of track out shall be performed at least daily or immediately at any time during the day if track out is creating visible fugitive dust emissions for a period or periods accumulating more than (5) minutes in any one hour (DBOH 040.030).

Method(s) (ex., fences, barriers, etc.) to prevent unauthorized traffic on the construction site:

fences, and barriers

Permanent stabilization methods such as construction of buildings, parking lots, etc., landscaping, revegetation, chemical sealant/palliative, or other approved method(s) of stabilization must occur prior to closure of a Dust Control Permit.

DUST CONTROL PERMIT

Issued by the Northern Nevada Public Health Air Quality Management Division (AQMD) pursuant to
its authority under District Board of Health Regulations Governing Air Quality
Management Section 040.030 Dust Control

Dust Control Permit No.: APCP25-0143

Date of Issuance: 08/11/2025

Expiration Date: 02/11/2027

Permit Issued To:

JC Golden Mesa, LLC

c/o Scott Berge

5400 Equity Avenue

Reno, NV 89502

Phone: 7754734215

Email: sberge@kdhbuilders.net

Contractor:

Aspen Earthworks

c/o Michael Beloud

1140 Corporate Blvd.

Reno, NV 89502

Phone: 7023783971

Email: mbeloud@aspeneearthworks.com

After Hours Contact 1:

Javier Barragan

Phone: 7752235987

Email: javier.barragan@aspeneearthworks.com

After Hours Contact 2:

Scott Berge

Phone: 7752474688

Email: sberge@kdhbuilders.net

Project Name:

Golden Mesa North Phase 2

Disturbed Acres:

73.13

Location:

Golden Valley at Estates Rd. and
Indian Ln.

Inspection Area:

1

Dust Control Permit Modifications

Date:

Description of Modification:

--This Dust Control Permit is non-transferrable between projects or locations--

DUST CONTROL PERMIT REQUIREMENTS

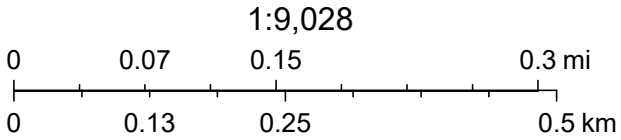
- 1) **VISIBLE EMISSION PROHIBITION:** The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour. 040.030.C.1.
- 2) The owner and/or operator of any unpaved parking lot or staging area shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour and shall meet at least one of the standards in 040.030.C.2.a.
- 3) The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour and shall meet at least one of the standards in 040.030.C.2.b.
- 4) The owner and/or operator of an open area and vacant lot or any disturbed surface area on which no activity is occurring shall meet at least one of the standards in 040.030.C.2.c.
- 5) All open storage piles shall be stabilized by utilizing at least one of the standards described in 040.030.C.2.d.
- 6) The owner and/or operator shall erect an informational sign at the main entrance to the project site prior to breaking ground. The sign shall remain in place for the duration of the project. The sign shall meet all the criteria listed in the attached Dust Control Permit Sign Template. 040.030.C.3.c.
- 7) The owner and/or operator shall submit an updated Dust Control Permit Application upon change of ownership and/or responsibility for the Dust Control Permit. 040.030.C.3.b.(2)
- 8) When hauling bulk materials off-site onto paved public roadways, the owner and/or operator shall prevent spillage or loss of bulk material from holes or other openings in the cargo compartment floor, sides, and/or tailgate using at least one of the following control measures: cover all haul trucks with a tarp or other suitable closure, ensure bulk materials contain enough moisture and/or dust suppressant to prevent fugitive dust emissions during transport, and/or load all haul trucks such that the freeboard is not less than six (6) inches. 040.030.C.4.a.
- 9) When hauling bulk materials off-site onto paved public roadways, the owner and/or operator shall prevent spillage or loss of bulk material from holes or other openings in the cargo compartment floor, sides, and/or tailgate using at least one of the following control measures: cover all haul trucks with a tarp or other suitable closure, ensure bulk materials contain enough moisture and/or dust suppressant to prevent fugitive dust emissions during transport, and/or load all haul trucks such that the freeboard is not less than six (6) inches. 040.030.C.4.a.

- 10) Cessation of operations is required if dust cannot be controlled due to equipment operations and/or gusty wind conditions. During these conditions, continued dust control measures must be implemented as defined in 040.030.B.5.
- 11) The Dust Control Permit shall be kept on the specific job site and made available to the Control Officer immediately upon request. 040.030.E.2.
- 12) Any person who conducts dust generating activities shall maintain daily records demonstrating compliance with 040.030(C). Daily records shall be made available to the Control Officer immediately upon request. 040.030.E.2.
- 13) Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of District Regulations and this Dust Control Permit. Citations may be issued for each day of violation, in amounts up to \$10,000 per day as stated in PART 020.100 Violations of Regulations and Penalties.

END OF PERMIT REQUIREMENTS



June 6, 2025



Washoe County GIS, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

This information for illustrative puroposes only. Not be used for

"RESPONSIBILITIES OF APPLICANT DURING CONSTRUCTION"

The Applicant is responsible for:

- a) Compliance with all conditions of the Dust Control Permit
- b) **Dust control 24 hours a day, 7 days a week, including weekends and holidays, from commencement of project to completion.**
- c) If required, obtaining a permit addressing water quality issues related to storm run-off. The Nevada Division of Environmental Protection issues this permit. Contact (775) 687-9418 for further information.
- d) Ensuring a Dust Control Permit is available on site. The site is subject to the right of inspection by an Air Quality Specialist at any time. If the **Specialist** ascertains that a present or potential dust particulate problem exists, specific conditions may apply.
- e) Problem areas or potential problem areas, which may be pointed out by the Air Quality Specialist, must be controlled as soon as possible after being brought to the attention of a responsible individual in the employment of the **Applicant (Owner/Operator)**, Prime Contractor, or Grading/Excavating Contractor.
- f) Notification to the Air Quality Management Division (775-784-7200) when there are transfers or additions of ownership or grading/excavating contractors, from commencement of project to completion.
- g) Submittal and approval of a new Dust Control Permit, **prior to the expiration date**, if the project is not complete, and the remaining land disturbance is one acre or greater. The Dust Control Permit is valid for eighteen (18) months from the date the Permit is issued.

"RESPONSIBILITIES OF APPLICANT UPON COMPLETION OF CONSTRUCTION"

- a) Stabilization of the area is required once "final grade" is complete, by construction/landscaping, revegetation, chemical sealant, or other approved method(s) of dust suppression.
- b) **Submit a Completion of Project form (attached) to the AQMD, 1001 East Ninth St B171, Reno NV 89512 or by emailing the form to AQMDDust@nnph.org.**

DUST CONTROL PERMIT INSPECTION FORM

Inspector: Jeppson Date/Time: 12/19/2025 / 1100-1140
Permit No.: APCP25-0143 Responsible Party: JC Golden Mesa, LLC - KDH Builders
Project Name: Golden Mesa North Phase 2 Location: Estates Rd

Weather: ☐ Clear ☒ Partly Cloudy ☐ Cloudy ☐ Recent Rain Temp: 56 Wind (mph): 45 Direction: W

Site: ☐ Active ☒ Inactive ☐ Project Complete **Workers Present:** Yes ☒ No ☐

Activities Occurring: ☒ None

☐ Clearing/Grubbing ☐ Backfilling ☐ Abrasive Blasting ☐ Clearing Forms ☐ Crushing/Screening
☐ Cut & Fill ☐ Exporting/Importing ☐ Explosive Blasting ☐ General Construction ☐ Subgrade Prep
☐ Trenching ☐ Stockpiling ☐ Demolition (mech) ☐ Landscaping ☐ Paving

EMISSIONS COMPLIANCE ☐ Yes ☒ No

Fugitive Dust Emissions ☒ Yes ☐ No If yes, source: Open ground Plume/Length: 1000ft+
>5 min any 1 hour ☐ Yes ☐ No **Opacity:** 80 %

Project Soils: Stable: ☒ Moist ☐ Gravel ☐ Palliative ☐ Crust ☐ Other: _____

Unstable: ☒ Dry ☒ Loose ☐ Powdery

Interior Roads: ☒ None Stable: ☐ Paved ☐ Type II ☐ Moist ☐ Dust Suppressant

Unstable: ☐ Dry ☐ Loose ☐ Powdery

Track-out: ☐ Yes ☒ No **Dust from vehicles:** ☐ Yes ☒ No If yes: ☐ Interior ☐ Access

Water Source: ☐ Hydrant ☐ Stand Tank ☐ Reservoir ☐ None Observed ☐ Other: _____

Mitigation Equipment: ☐ Hose ☐ Pull(s) ☒ Truck(s): 2 ☐ None Observed ☐ Other: _____

Mitigation Equipment Ratio: ☐ Adequate ☒ Inadequate ☐ None

Track-out device present: ☒ Yes, functional ☐ Yes, not functional ☐ No, needed ☐ No, not needed

ADMINISTRATIVE COMPLIANCE ☒ Yes ☐ NO

Acreage Permitted: 73.13 **Project Size:** ☒ Equal To ☐ Greater Than

Staging/Parking area(s): ☒ N/A ☐ On-Site ☐ Off-Site, included in acreage ☐ Off-Site, not included in acreage

Stationary Source Permits: ☒ No Equipment ☐ Screen ☐ Crusher ☐ Batch Plant Permit# _____

DCP Sign: ☒ Yes ☐ No **DCP On-Site:** ☐ Yes ☐ No ☒ Not Verified **Dust Logs:** ☐ Yes ☐ No ☒ Not Verified

Spoke with: Dave **Title:** Aspen Earthworks Rep. (dispatch) ☒ in person ☐ phone call

Actions Taken: ☐ None ☐ Verbal Warning ☒ ION

Inspection Notes:

Significant dust emissions from the site observed during high winds. Dust was blowing directly into residential properties to the east and northeast. Over 5 minutes of visible fugitive dust emissions were observed and documented. 1 water truck was on site at arrival. A second water truck arrived after about 20 minutes. Mitigation was not sufficient to prevent fugitive dust for the size and condition of the site.

**Northern Nevada Public Health
Air Quality Management Division
Compliance Report**

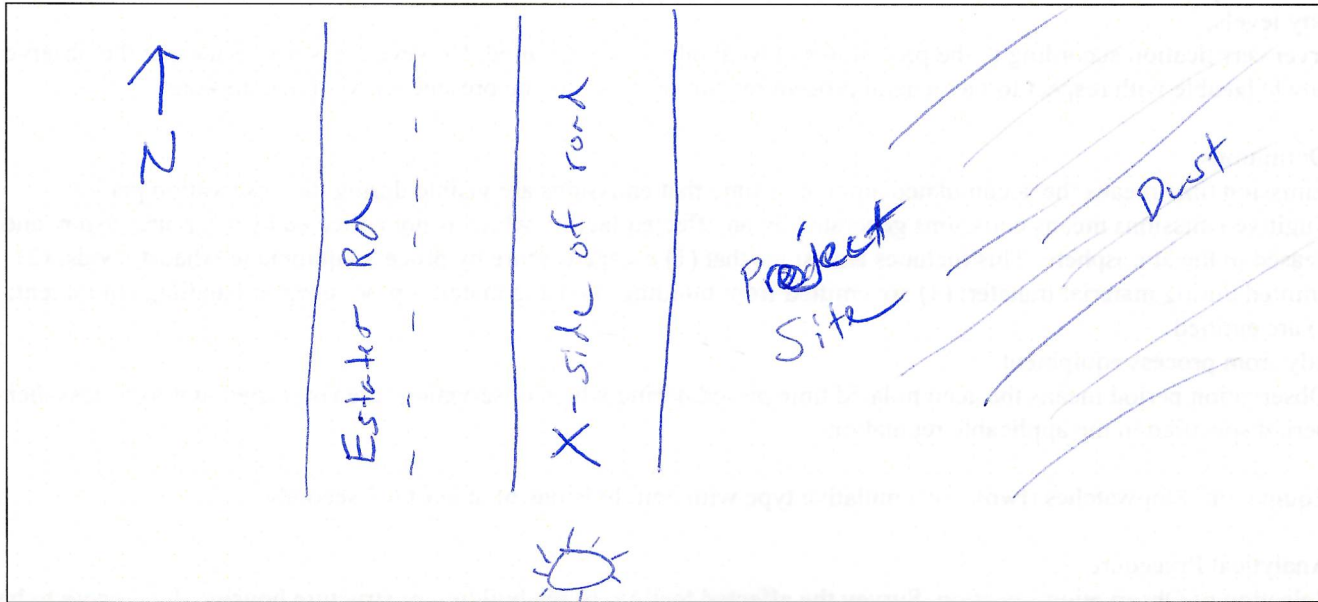
Golden Mesa North Phase 2
0 Estates Rd.
Reno, NV 89506

On December 19, 2025, Sr AQS Jeppson inspected the Golden Mesa North Phase 2 project. Significant dust emissions were observed as the Sr AQS approached the site. Dust emissions were nearly continuous. Dust was blowing directly into residential areas to the east and north. One water truck was operating. The Sr AQS started a Method 22 observation. An Aspen Earthworks employee stopped and spoke with the Sr AQS. The employee advised that he was calling in 2 additional water trucks to the site. The Sr AQS resumed the Method 22 observation. An additional 5 minutes of continuous blowing fugitive dust was observed. The Sr AQS obtained several videos showing the dust and impact to adjacent residents. The Sr AQS sent an ION to the official responsible with KDH Builders, Mr. Scott Berge.

EPA Method 22 Observation Form

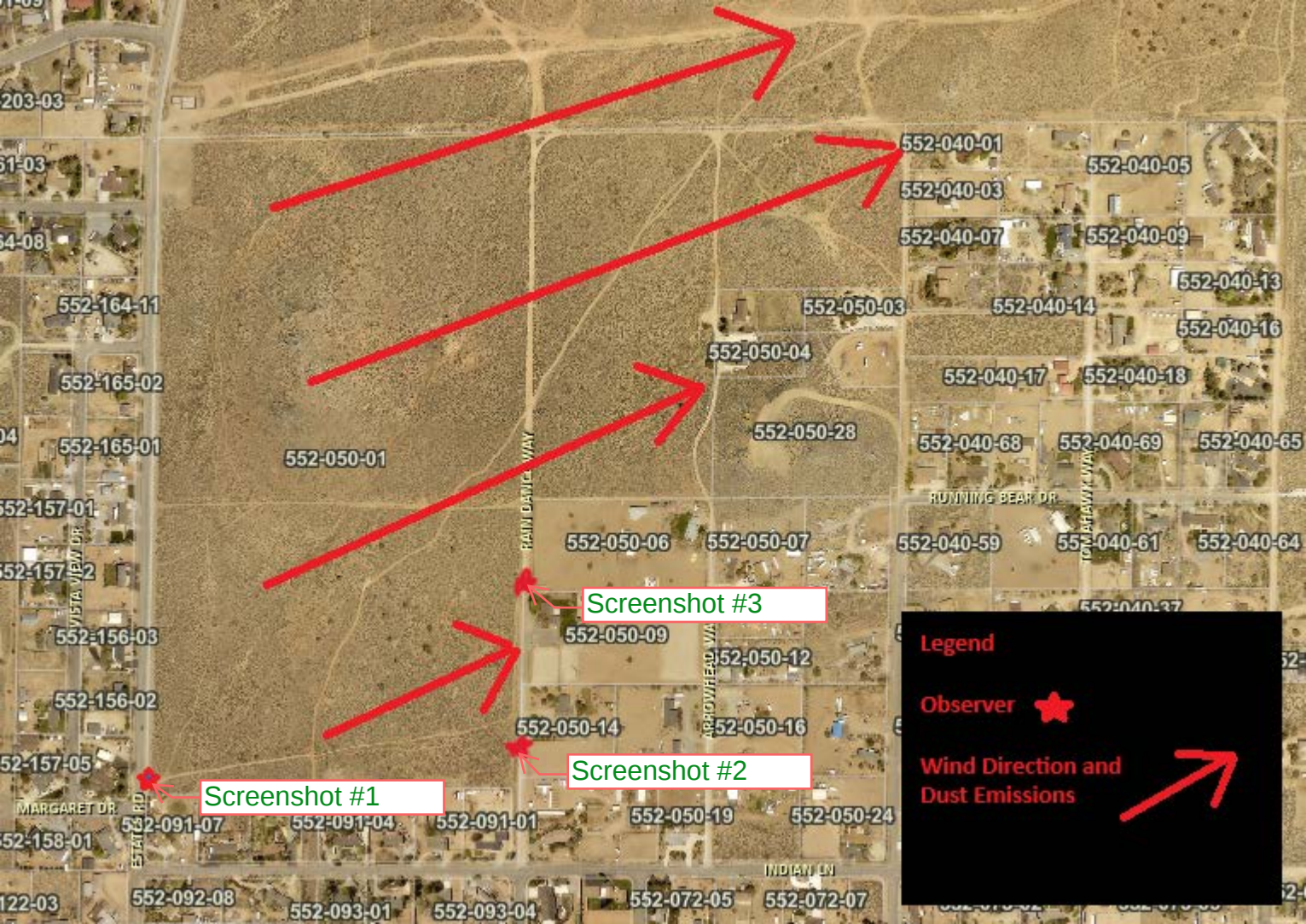
Company	KDH Builders	Observer	Jeff Jeppson
Address	0 Estater Rd	Affiliation	NNPH-AQMD
City	Reno	Wind Direction	WSW
Permit Number	APC25-0143	Wind Speed	45 mph gusts
Date	12/19/25	Process unit	Open sub division

Sketch process unit: indicate observer position to source; indicate potential emission points Show position of sun with respect to observer and North arrow: ↑ North ☼ Sun X Observer



Observations	Clock Time	Observation period duration minutes: seconds	Accumulated emission time minutes: seconds
Begin Observation	11 01	1:50	1:50
	11 03	5:00	6:50
To complete this form, record the following:			
End Observation	11 08	6:50	6:50

interruption
site
contact



Screenshot #1



Screenshot #2



Screenshot #3



**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Washoe County District Board of Health Regulations
020.040 Civil Fines and Penalties and Administrative
Fine Assessment**

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

Company Name JC Golden Mesa LLC
Contact Name Scott Berge
Case Number 1604

I. Violation of Section 040.030.C.1 - VISIBLE EMISSIONS PROHIBITION

I. Recommended Penalty = \$ 1000.00

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 = \$ 1,000.00


Senior AQ Specialist/Supervisor

1/13/26
Date

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

III. Penalty Adjustment Consideration

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

0%

Comment: N/A

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: N/A

Total Penalty Adjustment Factors – Sum of A & B

0%

IV. Recommended Penalty

Penalty Adjustment:

\$ 1,000.00 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: N/A

Adjusted Penalty:

\$ 1,000.00 +/-

\$ 0.00

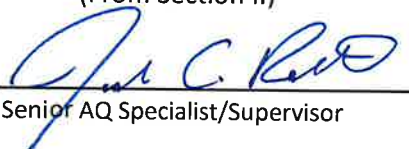
=

\$ 1,000.00

Penalty Subtotal
(From Section II)

Total Adjustment Value
(From Section III + Credit)

Recommended Penalty


Senior AQ Specialist/Supervisor

1/13/26
Date

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

Company Name JC Golden Mesa LLC
Contact Name Scott Berge
Case Number 1604
Violation Number AQMV26-0001

Violation of Section 040.030.C.1 - VISIBLE EMISSIONS PROHIBITION
Permit Condition Requirement No. 1

I. Base Penalty as specified in the Penalty Table = \$ **1,000.00**

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 \$ 1,000.00 x Adjustment Factor 1 = \$ **1,000.00**

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

Adjusted Penalty \$ 1,000.00 x Number of Days/Weeks/Months **1** = \$ **1,000.00**

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 \$ 1,000.00 + Economic Benefit \$ 0.00 = \$ **1,000.00**

Administrative Penalty Table

Air Quality Management Division Northern Nevada Public Health

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

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

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

Appeal

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

Return to: Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street B171
Reno, Nevada 89512
(775) 784-7200

www.OurCleanAir.com

PETITIONER: JC Golden Mesa LLC

PHONE: 775-473-4215 EMAIL: shasso@kdhbuilders.net

MAILING ADDRESS: 5400 Equity Ave

CITY: Reno STATE: NV ZIP CODE: 89502

PHYSICAL ADDRESS: 5400 Equity Ave

CITY: Reno STATE: NV ZIP CODE: 89502

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES ☐ NO ☐

APPEAL OF ORDER ☐

APPEAL OF VIOLATION ☒

VIOLATION NUMBER: AQMV26-0001 DATE RECEIVED: 1-15-26

REGULATION INVOLVED: SECTION: 040.030

BASIS FOR APPEAL/VARIANCE: Our General Contractor had a water truck on site and was maintaining dust control. At the time of this violation no site work was being done. just dust control

There are other properties in the area that we do not own and are open spaced and create dust that are not in JC Golden Mesa Control and we should not be penalized for that

Scott Berge

NAME OF RESPONSIBLE OFFICIAL



SIGNATURE OF RESPONSIBLE OFFICIAL

General Manager

TITLE

1-19-26

DATE

Revised 03/2024

FRIDAY, December 19 2025

📝 Revised by Jenny Estrada Monday, December 22, 2025 at 12:56 PM

💰 Sent to Payroll Monday, December 22, 2025 at 3:35 PM

⬅ Previous Codes



David Orebaugh

🕒 Shift 1

Driver

🚛 614
FREIGHTLINER 1...

👤 1305
Carl Crane
55
Driver

🚛 469
KNWT T880 SUP...

👤 1461
Ramone Washingt...
55
Driver

🚛 615
FREIGHTLINER ...

2521: GSR ARENAAND ICE RINK COST ...

8008
Arena Soil Remediation

TM

0 LS

1360
WATER TRUCK

0 LS

2516: 0 RIDGEVI...

1350
HAUL AGGS

E

0 LS

2508: Golden Mes...

1360
WATER TRUCK

0 LS

/4

4

/1.5

1.5

/8.5

8.5

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Previous Action
Notice of Violation No. AQMV25-0017**

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

NOTICE OF VIOLATION No: AQMV25-0017
ISSUED TO
JC Golden Mesa LLC
APN: 552-050-01
Permit Number: APCP24-0004
Date of Issuance: September 16, 2025
Case No.: 1579

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that JC Golden Mesa LLC 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 2, 2025, the AQMD conducted a complaint response evaluation of the Golden Mesa North Phase 2 project covered by Dust Control Permit No. APCP24-0004 issued to JC Golden Mesa LLC. At the time of the evaluation, the AQMD observed and documented dust generating activities associated with the project occurring outside the sixty-two (62) acres covered by the Dust Control Permit. Approximately ten (10) acres of disturbance outside the permitted area was observed.

Following the observation, the AQMD contacted the site personnel and advised that JC Golden Mesa LLC was operating outside the disturbed acreage of the Dust Control Permit No. APCP24-0004.

On June 6, 2025, an application to modify Dust Control Permit No. APCP24-0004 with an additional eleven (11) acres was submitted to the AQMD. The modification included an updated map of disturbed acres.

On June 16, 2025, a modification of Dust Control Permit No. APCP24-0004 was issued to JC Golden Mesa, LLC by the AQMD which covered the full area of disturbance for the project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

JC Golden Mesa LLC is advised that within (10) working days of the receipt of this Notice of Violation, JC Golden Mesa LLC 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.

9/16/2025

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 JC Golden Mesa LLC
Contact Name Scott Berge
Case Number 1579

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

9/16/2025

Date

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

Company Name	JC Golden Mesa LLC
Contact Name	Scott Berge
Case Number	1579
Violation Number	AQMV25-0017
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/Months **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 < 5 years

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

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

9/16/2025
Date

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Previous Action
Warning Letter Issued November 7, 2025**

November 7, 2025

Scott Berge
General Manager - KDH Builders
JC Golden Mesa, LLC
5400 Equity Ave.
Reno, NV 89502

Subject: Incident of Noncompliance Associated with Case No. 1600

Dear Mr. Berge,

On November 5, 2025, the Air Quality Management Division (AQMD) of Northern Nevada Public Health identified an incident of noncompliance associated with Dust Control Permit APCP25-0143 located at Golden Mesa North Phase 2 project on APN 552-050-01. The specifics of the incident of noncompliance are identified below.

On October 30, 2025, the AQMD conducted a Dust Control Permit inspection at the Golden Mesa North Phase 2 project. The inspection was conducted in response to 4 separate resident complaints related to dust emissions from the project site during high winds on October 25-26, 2025. Videos and photos provided by residents indicated that the site was not adequately stabilized in compliance with the Dust Control Permit. At the time of the inspection, the AQMD advised that the site was not complying with the conditions of the Dust Control Permit. The AQMD advised that the site must be adequately stabilized at all times to comply with the Dust Control Permit and district regulations.

On November 4, 2025, the AQMD sent a dust advisory to representatives of JC Golden Mesa, LLC concerning high winds forecast overnight.

On November 5, 2025, the AQMD received correspondence from several residents indicating that they were being impacted by significant dust emissions from the project site during early morning hours. Videos from residents showed dust emissions from the site near 100% opacity. Dust was blowing directly into residential properties. By the time of the AQMD site response, the site had been saturated by rain and dust emissions were under control.

Based on the information available, it has been determined that JC Golden Mesa, LLC has allegedly violated the following paragraphs of the District Board of Health Regulations Governing Air Quality Management:

040.030.C.1: VISIBLE EMISSION PROHIBITION: The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.

040.030.C.2.c: Open Area and Vacant Lot or Disturbed Surface Area: The owner and/or operator of an open area and vacant lot or any disturbed surface area on which no activity is occurring shall meet at least one of the following standards:

- (1) Maintain a visible crust.*
- (2) Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;*

- (3) *Maintain a flat vegetative cover (i.e., attached [rooted] vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50 percent;*
- (4) *Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominate vertical orientation) that is equal to or greater than 30 percent;*
- (5) *Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 10 percent and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for nonerodible elements;*
- (6) *Maintain a percent cover that is equal to or greater than 10 percent for non-erodible elements; or*
- (7) *Comply with a standard of an alternative test method upon obtaining the written approval from the Control Officer and the U.S. Environmental Protection Agency.*

In response to the incident of noncompliance described above, the AQMD has made the determination to issue a **Warning** to JC Golden Mesa, LLC under Dust Control Permit APCP25-0143.

Please be aware that although no fine amount will be issued as part of this determination, any future incidents of noncompliance may be affected by the issuance of this warning. Specifically, this warning may result in a future penalty recommendation being compounded, by as much as 300%, as a result of this issuance. In Attachment 1, please find the penalty table the AQMD uses to establish base penalty amounts. In addition, in Attachment 2 is the "Recommended Penalty Calculation Worksheet" the AQMD uses to adjust the base penalty amount. Under III.B, Compliance History, of the "Recommended Penalty Calculation Worksheet" is how past compliance history may affect future penalty recommendations made by the AQMD.

If you have any questions regarding the information contained in this letter, please contact me at 775-784-7232.

Sincerely,



Jeff Jeppson
Senior Air Quality Specialist, AQMD
Northern Nevada Public Health

Enclosed:

- Attachment 1- PART 020.100- Violations of Regulations and Penalties
- Attachment 2 - Recommended Penalty Calculation Worksheet

E-Copy: Scott Berge sberge@kdhblders.net
Certified Mail No.: 9489 0090 0027 6630 7843 85



March 23, 2026

Dear Joshua Joshua:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6630 7843 85.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	November 13, 2025, 9:55 am
Location:	RENO, NV 89502
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz
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Recipient Signature

Signature of Recipient:

Address of Recipient:

5400 EQUITY AVE, 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