

Staff Report
Board Meeting Date: July 24, 2025

DATE: July 16, 2025
TO: District Board of Health
FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nnph.org
SUBJECT: Recommendation for the Board to uphold an uncontested violation issued to STC Ventures, LLC, Case No. 1548, Notice of Violation No. AQMV25-0011 with a reduced Administrative Penalty of \$9,000.00 for failing to control fugitive dust from construction activities.

SUMMARY

Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommend Notice of Violation (NOV) No. AQMV25-0011 be **upheld** and an Administrative Penalty in the amount of **\$9,000.00** levied against STC Ventures, LLC for failure to control fugitive dust from construction activities. This action alone 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 3 (Dust Control Permit Requirements). However, NOV No. AQMV25-0011 represents the third minor violation of Part 040.030 in a 12-month period at STC Ventures, LLC's Yellow Brick Road project, and pursuant DBOH Regulations paragraph 020.100.A.3.c "...All minor violations become major violations upon the occurrence of the third violations of the same PART within a period of twelve (12) consecutive months." Therefore, the AQMD is recommending issuing NOV No. AQMV25-0011 as a **major violation** with an Administrative Penalty of **\$9,000.00**.

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

STC Ventures, LLC was previously issued Notice of Violation No. AQMV24-0015 on March 26, 2024, for failure to comply with the provisions of Dust Control Permit APCP23-0068, specifically Condition No. 1: Visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour. Please see the attached documents associated with Enforcement Case No. 1491.

STC Ventures, LLC was previously issued Notice of Violation No AQMV24-0018 on June 12, 2024, for failure to obtain a Dust Control Permit prior to commencement of a dust generating activity (1) acre or greater. Please see the attached documents associated with Enforcement Case No. 1509.

BACKGROUND

Please refer to the attached NOV No. AQMV25-0011 for background information. The NOV contains the facts associated with the incidents of noncompliance and supporting documentation relevant to the NOV.

NOV No. AQMV25-0011 and associated documentation supporting the NOV was sent certified mail to the offices of STC Ventures, LLC and was delivered on June 6, 2025. The 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.

An appeal of NOV No. AQMV25-0011 was not exercised by STC Ventures, LLC within the 10-day appeal timeframe pursuant to paragraph 020.000.C.3 Appeal Procedure. STC Ventures, LLC agreed to the violation and to settle the Administrative Penalty by signing a Memorandum of Understanding. As such, NOV No. AQMV25-0011 was determined to be final by the AQMD with a reduced Administrative Penalty of \$9,000.00.

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 uphold an uncontested violation issued to STC Ventures, LLC, Case No. 1548, Notice of Violation No. AQMV25-0011, with a reduced Administrative Penalty of \$9,000.00.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the item should be pulled from the Consent Agenda for discussion. Possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No. AQMV25-0011; or
2. The Board may determine to uphold Notice of Violation No. AQMV25-0011 and levy any Administrative Penalty in the range of \$0.00 to \$10,000.00 per day per violation for the major violation.

POSSIBLE MOTION

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

1. “Move to uphold an uncontested violation issued to STC Ventures, LLC, Case No. 1548, Notice of Violation No. AQMV25-0011 with a reduced Administrative Penalty of \$9,000.00.”

Or, should the Board wish to consider an alternative motion the item should be pulled from the Consent Agenda for discussion and, the possible motion may be:

1. “Move to dismiss Case No. 1548, Notice of Violation No. AQMV25-0011, issued to STC Ventures, LLC” or

2. “Move to uphold Case No. 1548, Notice of Violation No. AQMV25-0011, and levy an Administrative Penalty in the amount of (range of \$0.00 to \$10,000.00) per day per violation, with the matter being continued to the next meeting to allow for the STC Ventures, LLC to be properly noticed.”