

**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

Notice of Violation No. AQMV24-0018

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

NOTICE OF VIOLATION No: AQMV24-0018

ISSUED TO

STC Ventures, LLC

Location: Wedge Pkwy., Reno, NV 89511

APN: 144-070-26, 049-450-16, 049-450-57

Permit Number: APCP23-0068

Date of Issuance: June 12, 2024

Case No.: 1509

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that STC Ventures, 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 April 5, 2024 representatives of the AQMD conducted an air quality evaluation of the Yellow Brick Road project covered by Dust Control Permit No. APCP23-0068. During the evaluation the AQMD determined that dust generating activities were occurring outside the acreage covered by the Dust Control Permit. The AQMD advised that all activities in the unpermitted acreage must cease. The AQMD advised that an updated application must be submitted to the AQMD to add the additional acreage to Dust Control Permit No. APCP23-0068.

On April 10, 2024 a Dust Control Permit Modification form was submitted to the AQMD to increase the acreage for the Yellow Brick Road project.

AIR QUALITY MANAGEMENT DIVISION

1001 East Ninth Street, Building B-171, Reno, Nevada 89512

AQMD Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com

Serving Reno, Sparks and all of Washoe County, Nevada.

On April 16, 2024 the AQMD updated Dust Control Permit No. APCP23-0068 to include the additional acreage on the Yellow Brick Road project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

STC Ventures, LLC is advised that within (10) working days of the receipt of this Notice of Violation, STC Ventures, 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 \$1000.00.

6/13/24
Date



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

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

Company Name STC Ventures, LLC
Contact Name Ward Chilton
Case Number 1509

I. Violation of Section 040.030.C.3 - DUST CONTROL PERMIT REQUIREMENTS

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

6/13/24

Date

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

Company Name	STC Ventures, LLC
Contact Name	Ward Chilton
Case Number	1509
Violation Number	AQMV24-0018
Violation of Section	040.030.C.3 - DUST CONTROL PERMIT REQUIREMENTS
Permit Condition	N/A

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
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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
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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/Mo **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**

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

III. Penalty Adjustment Consideration

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

Comment: _____

0%

B. Compliance History

Similar Violation < 12 months (300%)

+ 0%

+ 0%

+ 0%

Similar Violation < 3 years (200%)

Similar Violation > 3 years (150%)

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:

\$ 1,000.00	x	0%	= \$ <input style="background-color: #FFFF00; color: black; width: 100px; height: 20px; text-align: center; border: 1px solid black;" type="text"/>
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)	Total Adjustment Value

Additional Credit for Environmental Investment/Training

- \$

Comment: _____

Adjusted Penalty:

\$ 1,000.00	+/-	\$ 0.00	= \$ <input style="background-color: #FFFF00; color: black; width: 100px; height: 20px; text-align: center; border: 1px solid black;" type="text"/>
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)	Recommended Penalty



Senior AQ Specialist/Supervisor

Date

6/13/24

**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

**Supporting Documentation for
Notice of Violation No. AQMV24-0018**

Inspector: Alex Messinger-Patton

Date/Time: 4/5/24 / 10:50 am

Permit No.: APCP23-0068

Responsible Party: STC Ventures, LLC

Project Name: Yellow Brick Road

Location: 18620 Wedge Parkway, Reno, NV 89511

Weather: Clear Partly Cloudy Cloudy Recent Rain Temp: 32 Wind (mph): 4 Direction: NW

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

Activities Occurring: None

<input type="checkbox"/> Clearing/Grubbing	<input type="checkbox"/> Backfilling	<input type="checkbox"/> Abrasive Blasting	<input type="checkbox"/> Clearing Forms	<input type="checkbox"/> Crushing/Screening
<input type="checkbox"/> Cut & Fill	<input type="checkbox"/> Exporting/Importing	<input type="checkbox"/> Explosive Blasting	<input type="checkbox"/> General Construction	<input checked="" type="checkbox"/> Subgrade Prep
<input checked="" type="checkbox"/> Trenching	<input checked="" type="checkbox"/> Stockpiling	<input type="checkbox"/> Demolition (mech)	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Paving

EMISSIONS COMPLIANCE Yes No

Fugitive Dust Emissions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, source: _____	Plume/Length: _____
			>5 min any 1 hour	<input type="checkbox"/> Yes <input type="checkbox"/> No Opacity: _____ %

Project Soils:	Stable: <input checked="" type="checkbox"/> Moist	<input type="checkbox"/> Gravel	<input type="checkbox"/> Palliative	<input checked="" type="checkbox"/> Crust	<input type="checkbox"/> Other: _____
	Unstable: <input type="checkbox"/> Dry	<input type="checkbox"/> Loose	<input type="checkbox"/> Powdery		

Interior Roads:	<input checked="" type="checkbox"/> None	Stable: <input type="checkbox"/> Paved	<input type="checkbox"/> Type II	<input type="checkbox"/> Moist	<input type="checkbox"/> Dust Suppressant
		Unstable: <input type="checkbox"/> Dry	<input type="checkbox"/> Loose	<input type="checkbox"/> Powdery	

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

Water Source: Hydrant Stand Tank Reservoir None Observed Other: off site

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: 4.52 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: Jake Sims Title: Knox Foreman in person phone call

Actions Taken: None Verbal Warning ION

Inspection Notes:

Trackout onto Wedge Pkwy.

Area of disturbance measured to be about 12 acres, advised work must stop in unpermitted areas. Unclear which areas are permitted and which aren't. Foreman broke site for lunch, message left for applicant and permit contact to discuss finding.

Photographs

Yellow Brick Road
18620 Wedge Parkway, Reno, NV 89511
Taken on April 5, 2024
NOV No. AQMV24-0018



Photograph 1

Date: April 4, 2024

Screen capture of GPS measurement of the total area of disturbance.



Photograph 2

Date: April 5, 2024

Direction: SE

This photograph shows a panoramic view of the area of disturbance looking Southeast across the project.



Photograph 3

Date: April 5, 2024

Direction: NW

Image shows a view of the area of disturbance Northwest across the project.



Photograph 4

Date: April 5, 2024

Direction: SW

Image shows a panoramic view of the area of disturbance looking Southwest across the project.



Photograph 5

Date: April 5, 2024

Direction: NW

Image shows a panoramic view of the area of disturbance looking Northwest across the project.

AIR QUALITY MANAGEMENT DIVISION

Permit # APCP23-0068

Dust Control Permit

Permit Issued To:

STC Ventures, LLC
c/o Ward Chilton
1900 Manzanita Lane
Reno, NV 89509

Contractor Of Record:

Knox Excavating
c/o Jon Maxwell
1165 Sawmill Road
Gardnerville, NV 89410

Permittee Contact Information:

Phone: 7757720108
email: wardchilton@outlook.com

Contractor Contact Information:

Phone: 7758304150
email: jon@knoxexcavating.com

Project Name:

Yellow Brick Road

Location:

Wedge Parkway

Permit Issued:

05/04/2023

Permit Expiration:

11/04/2024

Projected Start Date:

06/01/2023

Size of Project (Acres):
4.52

Inspection Area:
3

Dust Permit Modifications**Application Summittal Date**

02/21/2024

Description of Work:

Added contractor information and changed project name from SUMMIT TENNIS AND HEALTH CLUB to YELLOW BRICK ROAD

AIR QUALITY MANAGEMENT DIVISION

“CONDITIONS OF OPERATION”

- 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. Washoe County District Board of Health Regulations Governing Air Quality Management 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) The owner and/or operator shall install and maintain a suitable trackout control device that controls and prevents trackout and removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site at all exits onto a paved public roadway. Clean-up of spillage, carry-out, erosion, and/or trackout shall be performed at least daily or immediately at any time during the day if trackout is creating visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour. 040.030(C)(4)(b)

AIR QUALITY MANAGEMENT DIVISION

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 020.040 Civil Fines and Penalties.

Deborah Vega

Health District Representative

DUST CONTROL PERMIT APPLICATION

FOR AQMD USE ONLY

Application Information			
Application Type: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification			
For Renewals/Modifications Only. Existing Permit Number (APCPXX-XXXX): APCP23-0068			
Project/Development Name: Yellow Brick Road			
APN(s): 144-070-26, 049-450-16, 049-450-57			
Size of Project (acres): 4.52			
Project Start Date: June 2023		Project Completion Date: December 2024	
Applicant Information			
Company Name: STC Ventures, LLC			
Company Street Address: 1900 Manzanita Lane			
City: Reno	State: NV	ZIP: 89509	
Contact Name: Ward Chilton		Title: Manager	
Phone Number: 775-772-0108		Email: wardchilton@outlook.com	
General Contractor Information (all fields must be completed, even if the same as applicant)			
Company Name: Knox Excavating			
Company Street Address: 1165 Sawmill Road			
City: Gardnerville	State: NV	ZIP: 89410	
Contact Name: Jon Maxwell		Title: Owner/General Manager	
Phone Number: 775-830-4150		Email: jon@knoxexcavating.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: Jon Maxwell		Title: Owner/General Manager	
Mobile Phone Number: 775-830-4150		Email: jon@knoxexcavating.com	
After-Hours Contact #2			
Contact Name: James Cooper		Title: Compliance Manager / Senior Inspector	
Mobile Phone Number: 775-846-1778		Email: cooper@epsnv.com	

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.



Feb. 21, 2024

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

Date

Ward Chilton

Manager

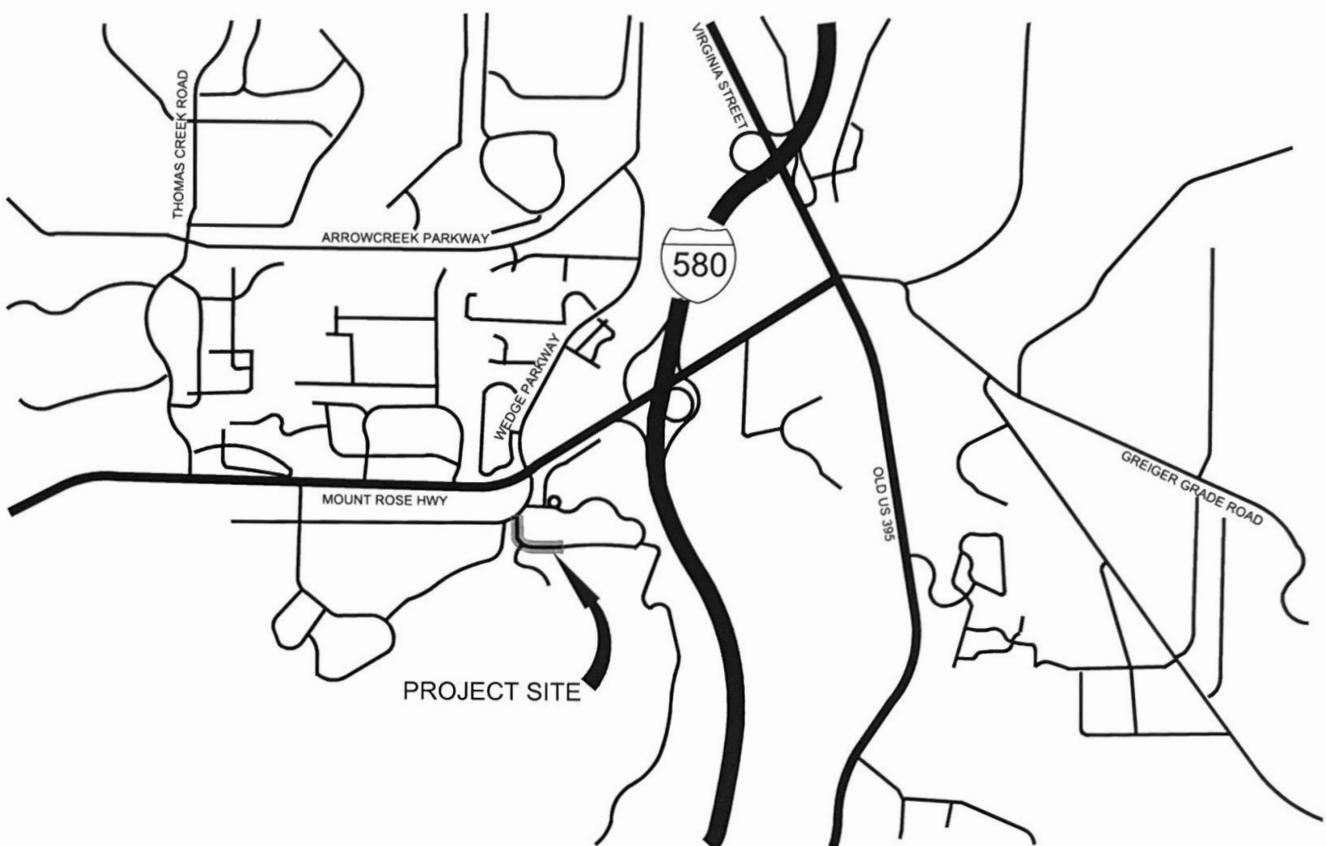
Print Name

Title

Project/Development Information	
Detailed description of project/development: Construction of commercial collector roadway approximately 1350 lineal feet in length (64 foot right-of-way) and a 25 foot wide private access road.	
Modification to add General Contractor and change project name to fit accordingly on a 4x4 Dust sign.	
Type of Project (choose one): <input type="checkbox"/> Commercial <input type="checkbox"/> Road Rehab/Maintenance <input type="checkbox"/> Municipal Project <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Utilities <input checked="" type="checkbox"/> New Road/Highway <input type="checkbox"/> Residential Subdivision/Multi-Family	
Will fill material be required?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes yd ³
Amount of material to be excavated (yd ³): 16,222	
Will there be an excess of native material as a result of excavation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes yd ³	
Will crushing/screening equipment be used? <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
If "Yes", Stationary Source Permit to Operate Number for the equipment (AAIRXX-XXXX):	
On-site soil type: gravel, sand and silts	
Is there a soil analysis report available? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Method(s) of dust control to be utilized (select all that apply):	
<input checked="" type="checkbox"/> Water Truck(s). If yes, specify water source and how many trucks: 1	
<input type="checkbox"/> Dust Palliative. If yes, attach an SDS and specify the type:	
<input type="checkbox"/> Sprinklers/Water Cannons. If yes, specify the location(s):	
<input type="checkbox"/> Compaction. If yes, what percent?	
<input type="checkbox"/> Enclosure. If yes, specify the type (ex., fences, windbreaks, etc.):	
<input type="checkbox"/> Revegetation. If yes, attach a seeding schedule and specify the type:	
<input type="checkbox"/> Other (specify):	
Will temporary irrigation be supplied? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
On-Site Speed Limit: 15 mph	
Method(s) to control mud/soil being tracked onto adjacent paved roadways: Rock entry/exit and sweeping	
<i>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).</i>	
Method(s) (ex., fences, barriers, etc.) to prevent unauthorized traffic on the construction site: Fencing and barriers will be utilized where traffic can access the site.	

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.

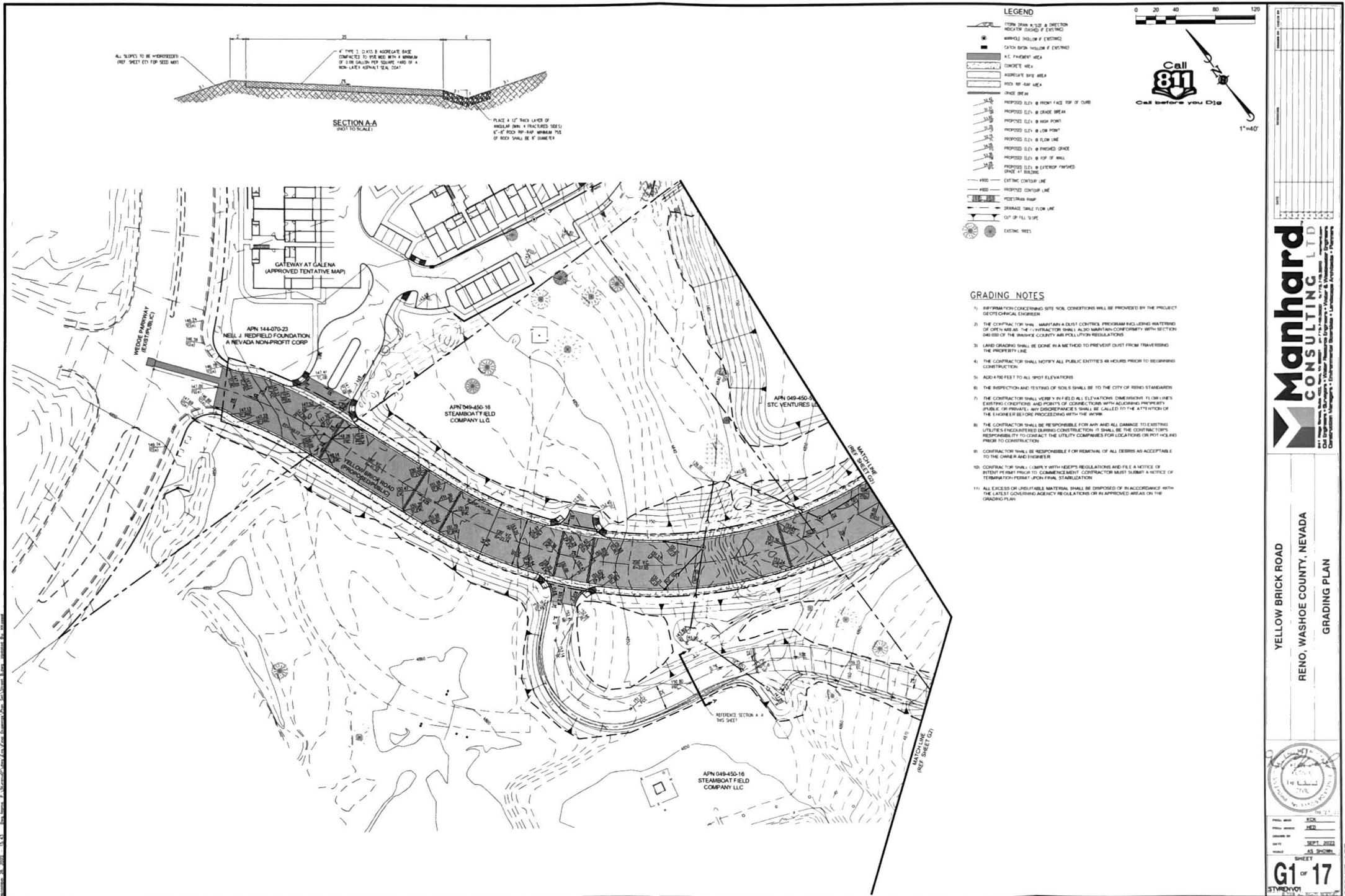
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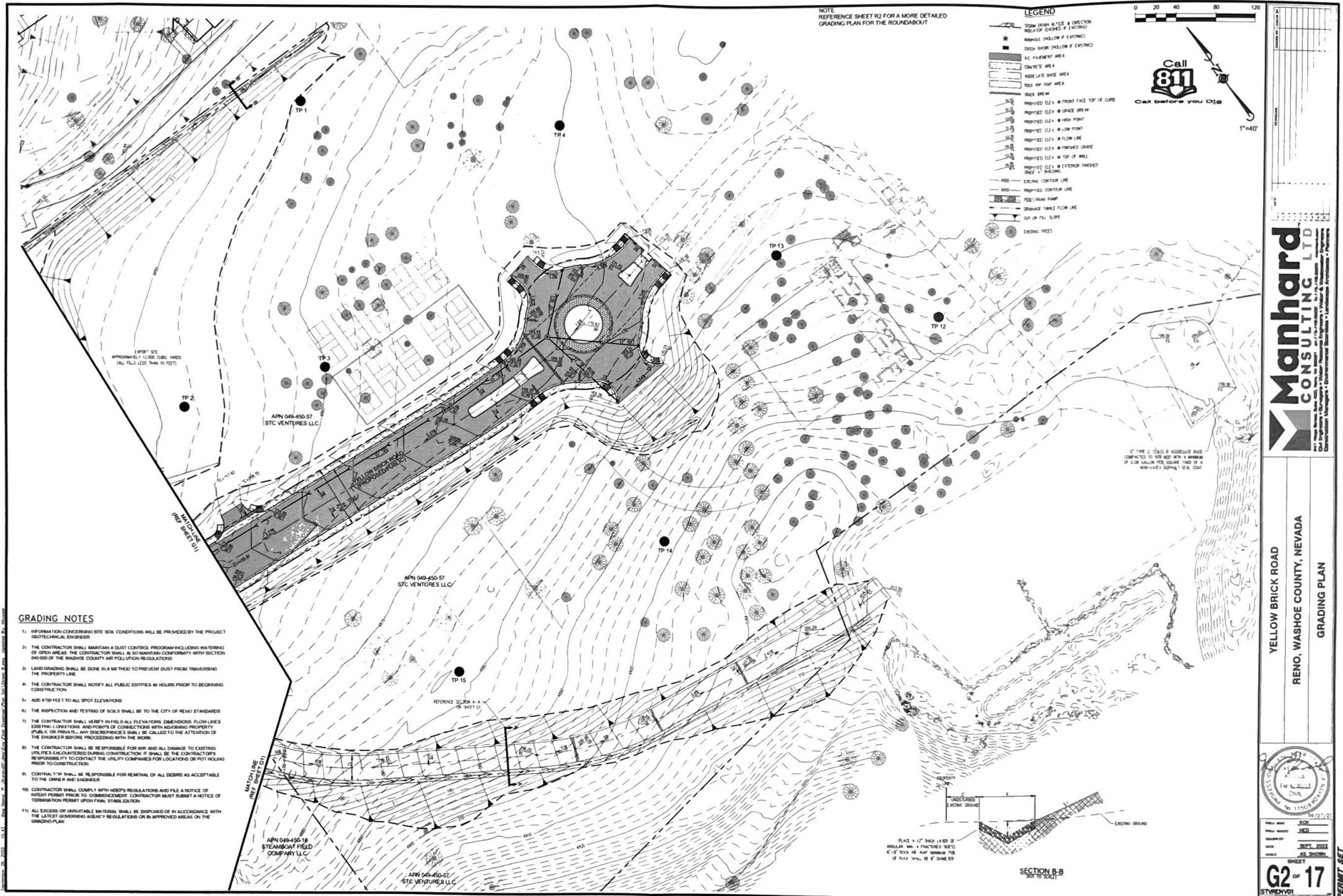


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Manhard
CONSULTING LTD.
241 Ridge Street, Suite 400, Reno, NV 89501 ph:775-746-3500 fx:775.746.3520 manhard.com
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

YELLOW BRICK ROAD	
RENO, WASHOE COUNTY, NEVADA	
VICINITY MAP	
PROJ. MGR.: <u>KCK</u>	SHEET
DRAWN BY: <u>DRB</u>	1 OF 3
DATE: <u>OCT. 2022</u>	
SCALE: <u>N.T.S.</u>	
STVRENV01	





AIR QUALITY MANAGEMENT DIVISION

Permit # APCP23-0068

Dust Control Permit

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STC Ventures, LLC
c/o Ward Chilton
1900 Manzanita Lane
Reno, NV 89509

Contractor Of Record:

Knox Excavating
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Permittee Contact Information:

Phone: 7757720108
email: wardchilton@outlook.com

Contractor Contact Information:

Phone: 7758304150
email: jon@knoxexcavating.com

Project Name:

Yellow Brick Road

Location:

Wedge Parkway

Permit Issued:

05/04/2023

Permit Expiration:

11/04/2024

Projected Start Date:

06/01/2023

Size of Project (Acres):
22.91

Inspection Area:
3

Dust Permit Modifications**Application Summittal Date**

02/21/2024

Description of Work:

Added contractor information and changed project name from SUMMIT TENNIS AND HEALTH CLUB to YELLOW BRICK ROAD. Modification was issued 2/23/2024.

04/10/2024

Area of disturbance increased from 4.52 acres to 22.91 acres.

AIR QUALITY MANAGEMENT DIVISION

“CONDITIONS OF OPERATION”

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AIR QUALITY MANAGEMENT DIVISION

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Francisco Vega

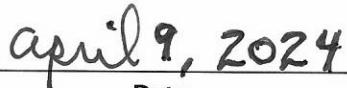
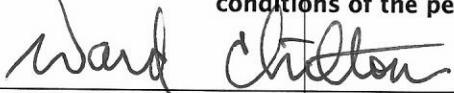
Health District Representative

FOR AQMD USE ONLY

DUST CONTROL PERMIT APPLICATION

Application Information			
Application Type: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification			
For Renewals/Modifications Only. Existing Permit Number (APCPXX-XXXX): APCP23-0068			
Project/Development Name: Yellow Brick Road			
APN(s): 144-070-26, 049-450-16, 049-450-57			
Size of Project (acres): 22.91			
Project Start Date: June 2023		Project Completion Date: December 2026	
Applicant Information			
Company Name: STC Ventures, LLC			
Company Street Address: 1900 Manzanita Lane			
City: Reno	State: NV	ZIP: 89509	
Contact Name: Ward Chilton		Title: Manager	
Phone Number: 775-772-0108		Email: wardchilton@outlook.com	
General Contractor Information (all fields must be completed, even if the same as applicant)			
Company Name: Knox Excavating			
Company Street Address: 1165 Sawmill Road			
City: Gardnerville	State: NV	ZIP: 89410	
Contact Name: Jon Maxwell		Title: Owner/General Manager	
Phone Number: 775-830-4150		Email: jon@knoxexcavating.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: Jon Maxwell		Title: Owner/General Manager	
Mobile Phone Number: 775-830-4150		Email: jon@knoxexcavating.com	
After-Hours Contact #2			
Contact Name: James Cooper		Title: Compliance Manager / Senior Inspector	
Mobile Phone Number: 775-846-1778		Email: cooper@epsnv.com	

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.



Date

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

Ward Chilton

Manager

Print Name

Title

Project/Development Information

Detailed description of project/development:

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:

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:

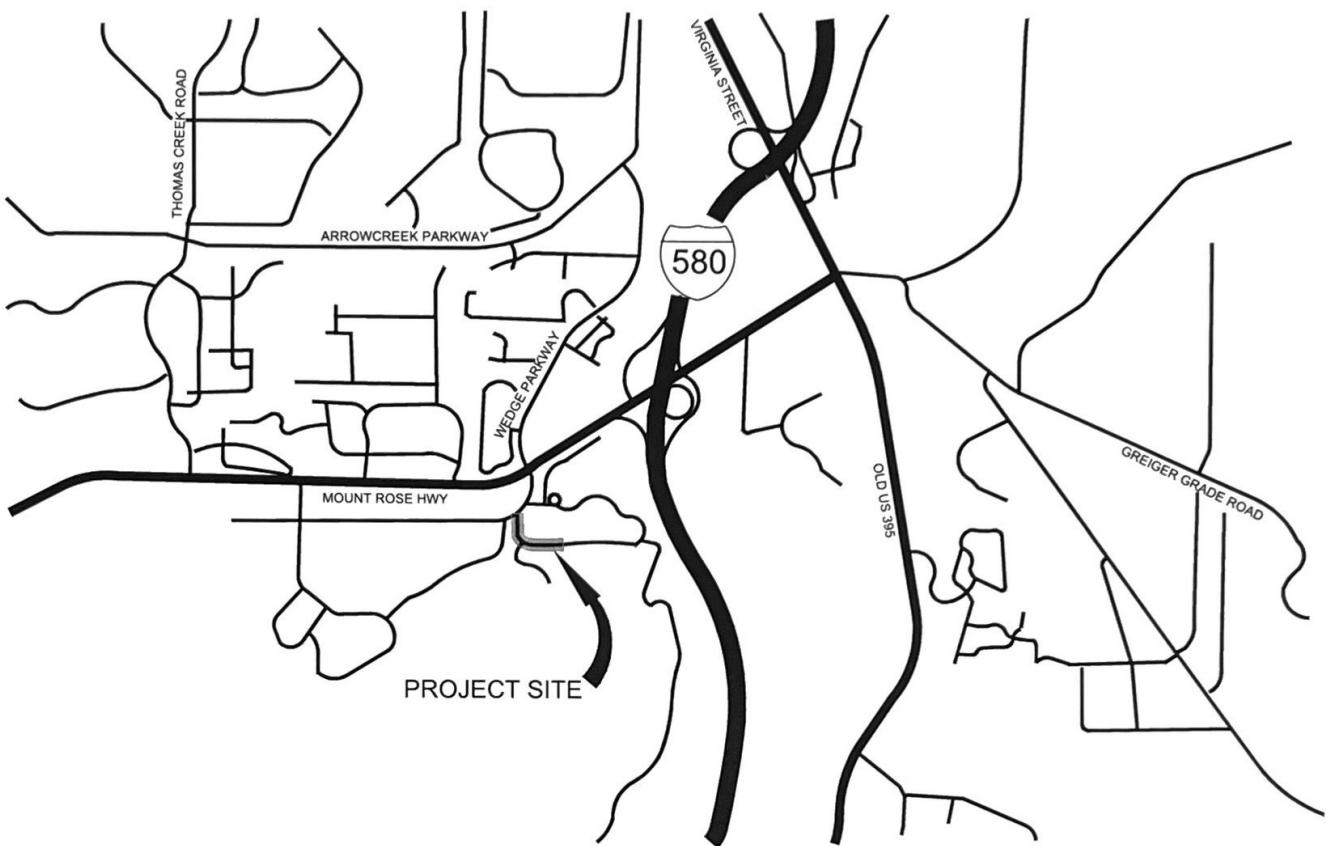
Method(s) to control mud/soil being tracked onto adjacent paved roadways:

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:

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.

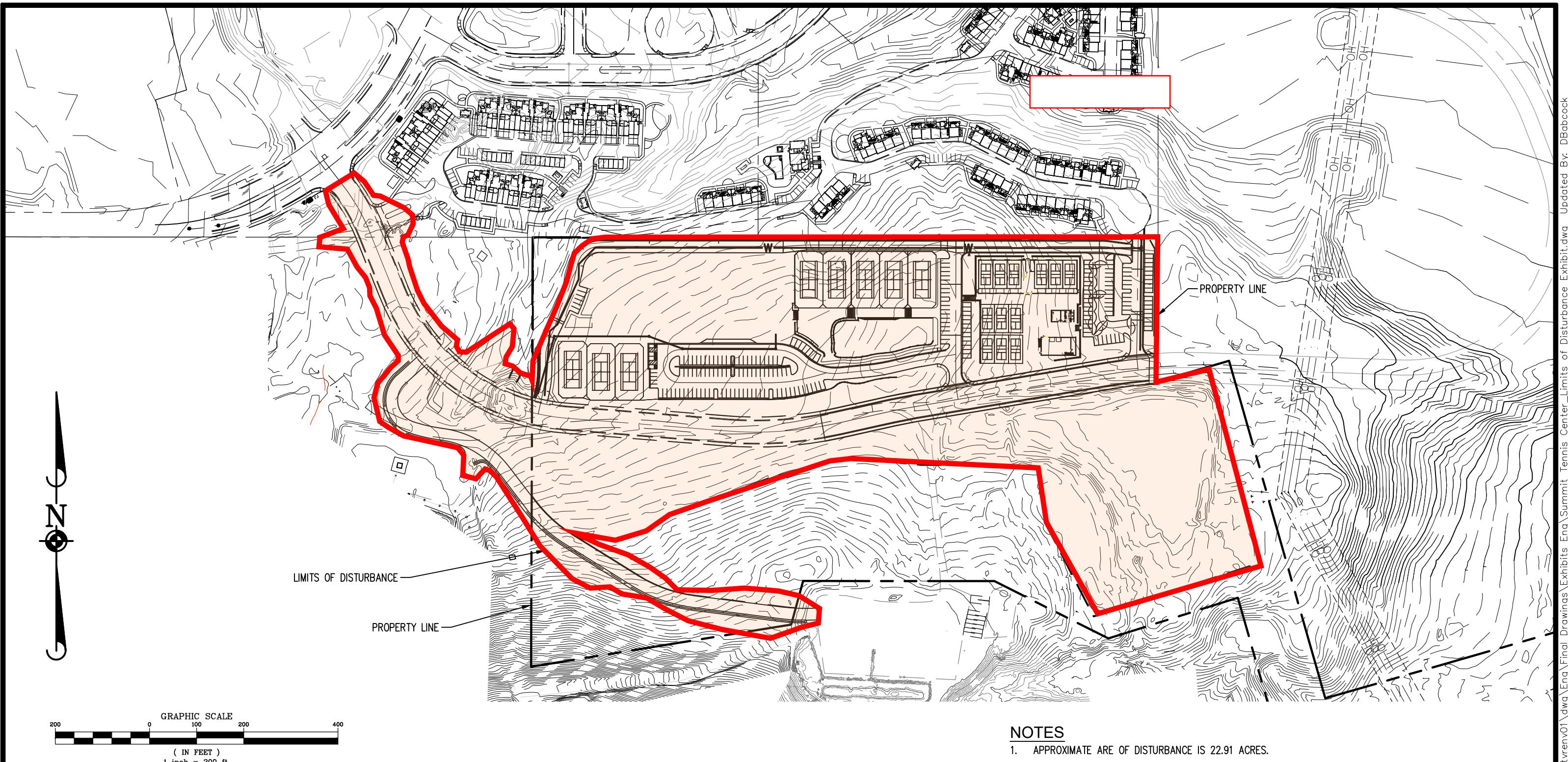
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Manhard
CONSULTING LTD.
241 Ridge Street, Suite 400, Reno, NV 89501 ph:775-746-3500 fx:775.746.3520 manhard.com
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

YELLOW BRICK ROAD	
RENO, WASHOE COUNTY, NEVADA	
VICINITY MAP	
PROJ. MGR.: <u>KCK</u>	SHEET
DRAWN BY: <u>DRB</u>	1 OF 3
DATE: <u>OCT. 2022</u>	
SCALE: <u>N.T.S.</u>	
STVRENV01	



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DATE	REVISIONS	DRAWN BY	CHECK BY

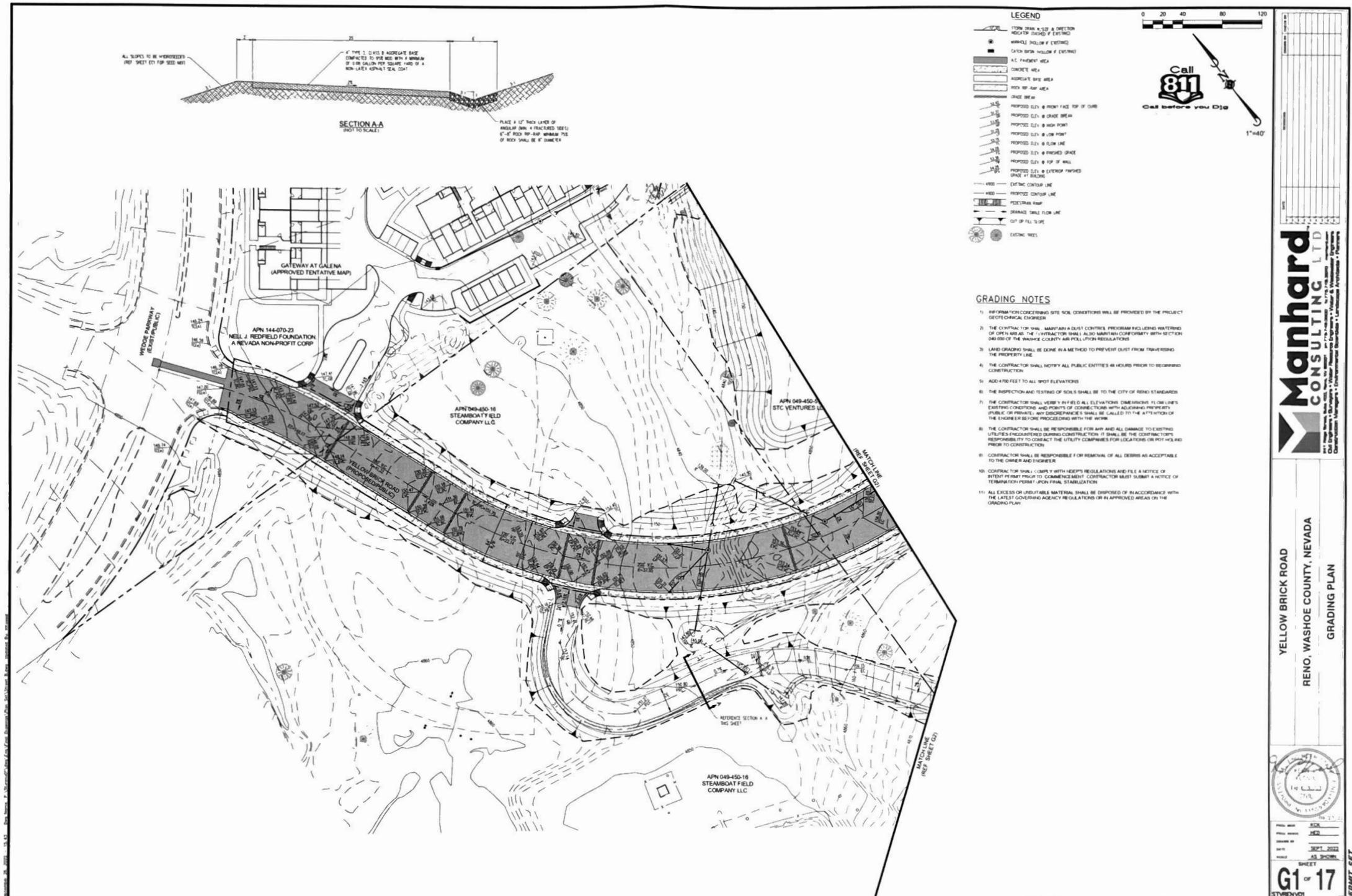


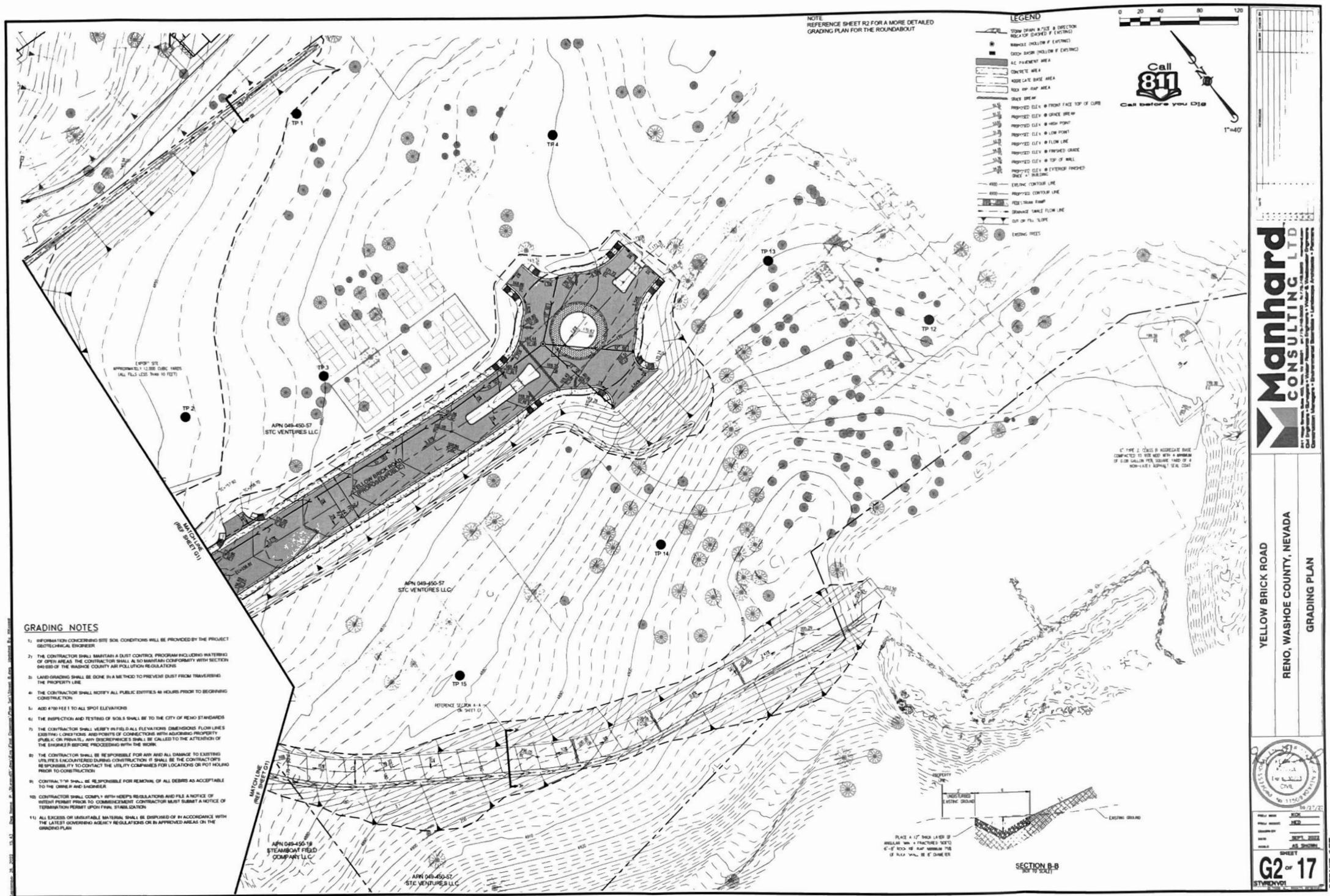
SUMMIT TENNIS CENTER

RENO, NEVADA

LIMITS OF DISTURBANCE

DRAWN BY: DRB DATE: 04-08-24 SCALE: AWM CODE: STVRENV01





**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

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

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

in the school district fund of Washoe County.

h. All monetary fines assessed pursuant to violations of PARTS 030.105 or 030.107 for improper asbestos containing material removal, shall be for an amount greater than the estimated savings obtained by the illegal removal.

4. INJUNCTIVE RELIEF

a. In addition to any remedy at law hereunder, the Control Officer may apply to a court of competent jurisdiction for any other equitable and injunctive relief to enforce compliance with, or to restrain violation of any provisions of these regulations or to any regulation or rule made and adopted pursuant thereto.

5. INTERFERENCE WITH PERFORMANCE OF DUTY

a. No person shall refuse entry or access to any authorized representative of the District Board of Health, upon presentation of appropriate credential, who requests entry to inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall obstruct, hamper or interfere with any such inspection. If entry is refused, or prior to attempting to enter, such officer may apply to any magistrate for a search warrant. The magistrate shall issue the warrant if he believes from the supporting affidavit or affidavits that there is probable cause to believe that a source of air contaminant exists or is being constructed or operated on the premises to be searched.

**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

Appeal

JUN 20 2024

JUN 02 2024

WASHOE COUNTY
HEALTH DIST.WASHOE COUNTY
HEALTH DIST.**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: STC VENTURES, LLC
PHONE: (775) 772-0108 EMAIL: ward@chiltoninvestments.com
MAILING ADDRESS: 1900 MANZANITA LANE
CITY: RENO STATE: NV ZIP CODE: 89509
PHYSICAL ADDRESS: 1900 MANZANITA LANE
CITY: RENO STATE: NV ZIP CODE: 89509
EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES NO
APPEAL OF ORDER
APPEAL OF VIOLATION
VIOLATION NUMBER: AQMV24-0018 DATE RECEIVED: JUNE 12, 2024
REGULATION INVOLVED: SECTION:
040.030.C.3

BASIS FOR APPEAL/VARIANCE: WORK DID OCCUR IN THE ACRES IDENTIFIED EXCEPT THE REMOVAL OF A FEW TREES THAT WERE NOT IN THE IDENTIFIED ACRES. ACCESS TO THE TREE CUTTING DID NOT INVOLVE ANY GRADING OR CREATION OF ~~any~~ DUST.

WARD CHILTON, Manager
NAME OF RESPONSIBLE OFFICIAL

ward chilton
SIGNATURE OF RESPONSIBLE OFFICIAL

MANAGER

TITLE

June 14, 2024

DATE

Revised 03/2024

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

NOTICE OF VIOLATION No: AQMV24-0018

ISSUED TO

STC Ventures, LLC

Location: Wedge Pkwy., Reno, NV 89511

APN: 144-070-26, 049-450-16, 049-450-57

Permit Number: APCP23-0068

Date of Issuance: June 12, 2024

Case No.: 1509

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that STC Ventures, 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 April 5, 2024 representatives of the AQMD conducted an air quality evaluation of the Yellow Brick Road project covered by Dust Control Permit No. APCP23-0068. During the evaluation the AQMD determined that dust generating activities were occurring outside the acreage covered by the Dust Control Permit. The AQMD advised that all activities in the unpermitted acreage must cease. The AQMD advised that an updated application must be submitted to the AQMD to add the additional acreage to Dust Control Permit No. APCP23-0068.

On April 10, 2024 a Dust Control Permit Modification form was submitted to the AQMD to increase the acreage for the Yellow Brick Road project.

ONLY WORK DONE
OUTSIDE OF PERMITTED
AREA WAS
CUTTING
SOME
TREES -
NO GRADING
WAS
INVOLVED

On April 16, 2024 the AQMD updated Dust Control Permit No. APCP23-0068 to include the additional acreage on the Yellow Brick Road project.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

STC Ventures, LLC is advised that within (10) working days of the receipt of this Notice of Violation, STC Ventures, 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 \$1000.00.

6/13/24

Date



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

WardChilton@outlook.com

From: Jeppson, Jeff J <JJJeppson@nnph.org>
Sent: Thursday, June 13, 2024 5:00 PM
To: wardchilton@outlook.com
Subject: Notice of Violation AQMV24-0018 of Dust Control Permit APCP23-0068
Attachments: 240613 NNPH Final NOV.pdf

Importance: High

Dear Mr. Chilton,

Please see the attached copy of a Notice of Violation issued by the Air Quality Management Division of Northern Nevada Public Health. The original is being sent certified to the address on file.

Please let me know if there are any questions or concerns.

Sincerely,



Jeff Jeppson
Senior Air Quality Specialist
Air Quality Management Division

Ph: 775-784-7232
1001 E Ninth St. Bldg. B Reno, NV 89512
OurCleanAir.com

NNPH.org |

[Click here to take our customer satisfaction survey](#)

**My regular schedule is Tuesday – Friday, 7:00 AM to 5:30 PM.*

**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

**Previous Action
Notice of Violation No. AQMV24-0015**

Staff Report
Board Meeting Date: May 23, 2024

DATE: July 23, 2024
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 citation issued to STC Ventures, LLC, Case No. 1491, Notice of Violation No. AQMV24-0015 with a \$500.00 penalty for failing to control fugitive dust from construction activities.
(FOR POSSIBLE ACTION)

SUMMARY

Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV24-0015 be **upheld** and a fine in the amount of **\$500.00** be levied against STC Ventures, LLC for failing 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. This action 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 1 (Visible Emissions Prohibition).

District Health Strategic Priorities 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

No previous action.

BACKGROUND

Please refer to the attached NOV No. AQMV24-0015 for specific information. The NOV contains the facts associated with the incidents of noncompliance and supporting documentation relevant to the NOV.

NOV No. AQMV24-0015 and associated documentation supporting the NOV was sent certified mail to the offices of STC Ventures, LLC and was received on April 8, 2024. The certified mail 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. AQMV24-0015 was not exercised by STC Ventures, LLC within the 10-day appeal timeframe pursuant to paragraph 020.000.C.3 Appeal Procedure. As such, NOV No. AQMV24-0015 was determined to be final by the AQMD with a penalty amount of \$500.00.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation and associated fine. All fine 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 recommends the Board uphold an uncontested citation issued to STC Ventures, LLC, Case No. 1491, Notice of Violation No. AQMV24-0015, with a \$500.00 fine.

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. AQMV24-0015; or
2. The Board may determine to uphold Notice of Violation No. AQMV24-0015 and levy any fine in the range of \$0.00 to \$500.00 per day per violation for the minor violation.

POSSIBLE MOTION

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

1. "Move to uphold an uncontested penalty issued to STC Ventures, LLC, Case No. 1491, Notice of Violation No. AQMV24-0015 with a total fine of \$500.00."

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. 1491, Notice of Violation No. AQMV24-0015, issued to STC Ventures, LLC" or
2. "Move to uphold Case No. 1491, Notice of Violation No. AQMV24-0015, and levy a fine in the amount of (range of \$0.00 to \$500.00) per day per violation, with the matter being continued to the next meeting to allow for the STC Ventures, LLC to be properly noticed."

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

NOTICE OF VIOLATION No: AQMV24-0015

ISSUED TO

STC Ventures, LLC

Location: Wedge Pkwy., Reno, NV 89511

APN: 144-070-26, 049-450-16, 049-450-57

Permit Number: APCP23-0068

Date of Issuance: March 26, 2024

Case No.: 1491

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that STC Ventures, 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 Permit to Operate APCP23-0068. Specifically, Condition of Operation No. 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. Washoe County District Board of Health Regulations Governing Air Quality Management. 040.030(C)(1).

2. BASIS OF VIOLATION

A. Regulatory Authority

The District Board of Health Regulations Governing Air Quality Management paragraph 040.030.C.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 February 27, 2024, the AQMD sent a courtesy notice to all Dust Control Permit holders in Washoe County concerning high winds forecast for February 29, 2024.

On February 29, 2024, a Senior Air Quality Specialist of the AQMD observed and documented over 5 minutes of visible fugitive dust from stockpiles and construction equipment operations on the Yellow Brick Road Project site via EPA Reference Method 22.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

STC Ventures, LLC is advised that within (10) working days of the receipt of this Notice of Violation, STC Ventures, 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.

3/26/2024

Date



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

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

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

Company Name STC Ventures, LLC
Contact Name Ward Chilton
Case Number 1491

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

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



Date

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

Company Name	STC Ventures, LLC
Contact Name	Ward Chilton
Case Number	1491
Violation Number	AQMV24-0015
Violation of Section	040.030.C.1 VISIBLE EMISSIONS PROHIBITION
Permit Condition	Condition of Operation No. 1

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

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/Mon **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%)

Comment Penalty by Rule

B. Compliance History

Similar Violation < 12 months (300%)

+

Similar Violation < 3 years (200%)

+

Similar Violation > 3 years (150%)

+

--

Previous Unrelated Violations < 5 years

5% x , # of previous violations

+

--

Comment: Penalty by Rule

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



Senior AQ Specialist/Supervisor

3/26/2024

Date

Administrative Penalty Table

Air Quality Management Division Washoe County Health District

I. Minor Violations - Section 020.040(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
040.030	Construction Without a Dust Control Permit		
	Project Size – Less than 10 acres	\$ 500 + \$50 per acre	
	Project Size – 10 acres or more	\$1,000 + \$50 per acre	

II. Major Violations - Section 020.040

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



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:
9171 9690 0935 0224 2125 14.

Item Details

Status: Delivered, Individual Picked Up at Post Office
Status Date / Time: April 8, 2024, 10:00 am
Location: RENO, NV 89510
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 4lb, 8.5oz

Recipient Signature

Signature of Recipient:



1900 MANZANITA LN
RENO, NV 89509-5263

Address of Recipient:

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

**ATTACHMENT TO THE STAFF REPORT
DISTRICT BOARD OF HEALTH**

**Air Pollution Control Hearing Board
Meeting Minutes**

**Northern Nevada Public Health
Air Pollution Control Hearing Board
Meeting Minutes**

Members

Richard Harris, JD, PhD, Chair
Yvonne Downs, Vice Chair
Martin Breitmeyer
Anthony Dimpel, PE
Paul Kaplan
Phil Schweber
Lee Squire

**Thursday, July 31, 2024
6:00 p.m.**

**Northern Nevada Public Health
Bldg B, Conference Rooms A & B
1001 East Ninth Street
Reno, NV 89512**

1. Roll Call and Determination of Quorum.

Board members present: Richard Harris, JD, PhD, Chair
Martin Breitmeyer
Anthony Dimpel, PE
Paul Kaplan
Phil Schweber
Lee Squire

Board member absent: Yvonne Downs, Vice Chair

Mina Wilcox, Recording Secretary, verified a quorum was present.

Staff present: Francisco Vega, Air Quality Management Division Director
Joshua Restori, Supervisor, Permitting and Compliance
Chaz Lehman, Deputy District Attorney Civil Division
Mina Wilcox, Senior Office Specialist

2. Pledge of Allegiance.

Chair Harris led "The Pledge of Allegiance."

3. Ethics Law Announcement.

Chaz Lehman, Deputy District Attorney provided a verbal ethics law announcement.

4. Public Comment.

Chair Harris opened the public comment period.

Having no public comment, Chair Harris closed the public comment period.

5. Approval of Agenda.

July 31, 2024

Lee Squire moved to approve the July 31, 2024, agenda. Martin Breitmeyer seconded the motion, which carried unanimously.

6. Approval of Draft Minutes.

March 14, 2024

Lee Squire moved to approve the July 31, 2024, minutes as received. Martin Breitmeyer seconded the motion, which carried unanimously.

Joshua Restori and Appellant, Ward Chilton, were sworn in by Mr. Lehman, Deputy District Attorney.

7. Recommendation of Staff to Uphold Notice of Violation No. AQMV24-0018, issued to STC Ventures, LLC for failure to obtain a dust control permit prior to the commencement of a dust generating activity, with an administrative fine of \$1,000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Chair Harris called staff to provide testimony on this case.

Josh Restori, Supervisor of Permitting and Compliance for the Air Quality Management Division, stated that the Appellant requested to provide testimony first.

Mr. Ward Chilton stood before the Board with a confession of judgement. He stated that he was aware that the Air Quality Management Division had been discussing STC Venture's project with his contractor named John Maxwell. Documents requiring Mr. Chilton's signature about the operation were received in his office from Air Quality Management Division. Mr. Chilton signed the documents thinking he was signing for the appropriate permit, until the notice of violation was issued by Air Quality Management with a \$500 fine.

Mr. Chilton verified the violations with Mr. Maxwell. Mr. Maxwell confirmed the dust control permit violation.

Mr. Chilton approved Mr. Maxwell to pay the \$500 fine and put Mr. Maxwell in-charge of the situation. Yet, shortly after, another notice of violation was issued by the Air Quality Management Division.

Mr. Chilton stated that he thought he was signing documents for proper permit. However, he also recognized the oversight on his part as the owner of STC Ventures, LLC.

Having heard his testimony, Chair Harris asked for suggestion on how to proceed with the motion.

DDA Lehman responded. He stated that the best thing to do is to follow the agenda, or follow the Staff recommendation. He also offered whether Chair Harris would like to hear a presentation or review documentation placed before him and/or make the motion base on the

statement provided by Mr. Chilton.

Chair Harris asked the Board if they had any questions for Mr. Chilton.

Martin Breitmeyer asked: "I understand that Mr. Chilton was the signer of the permits, why did the fine not go to Knox? It sounds like they are the infractor for the second time."

Josh Restori responded: "The applicant is the responsible official associated with the permit, therefore any noncompliance issues would fall on that responsible official. Even though there is a contractor of record onsite, there will be multiple contractors of record as the project proceeds however there is an individual responsible for compliance at that site"

Mr. Breitmeyer said that he was just curious because he thought it fell to the contractor on record when they were doing the operation under the permit. He knew he pulled the permit, but he thought it fell to the contractor when he was operating under the permit, because he had to follow the permit.

Chair Harris stated that he was able to verify that Mr. Chilton's name was on the permit application.

Josh Restori responded by referring to a column on a page with names of responsible individuals associated with the permit.

Mr. Squire stated that essentially, the buck stops on him.

Anthony Dimpel moved to Uphold Notice of Violation No. AQMV24-0018, issued to STC Ventures, LLC for failure to obtain a dust control permit prior to the commencement of a dust generating activity, with an administrative fine of \$1,000.00 by the Air Quality Management Division andAppealed to the Air Pollution Control Hearing Board.

Lee Squire seconded the motion, which carried unanimously.

8. Board Comment

Chair Harris called for comments from the Board.

Having no additional Board comments, Chair Harris closed the Board Comment period.

9. Public Comment

Chair Harris opened the public comment period.

Having no public comment, Chair Harris closed the public comment period.

10. ADJOURNMENT

Mr. Squire moved to adjourn the meeting. Mr. Dimpel seconded the motion, which carried unanimously.

Chair Harris adjourned the meeting at 6:30 p.m.

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The Air Pollution Control Hearing Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Quality Management Division in writing at Northern Nevada Public Health, 1001 E. 9th Street, Building B-171, Reno, NV 89512, or by calling 775-784-7201, 24 hours prior to the meeting.

Public Comment: Reasonable efforts will be made to hear all public comment during the meeting. During the "Public Comment" items, emails may be submitted pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment emails will only be heard during items that are not marked FOR POSSIBLE ACTION. All public comment should be addressed to the Air Pollution Control Hearing Board and not an individual member. The Hearing Board asks that your comments are expressed in a courteous manner. All public comment is limited to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.

Response to Public Comment: The Air Pollution Control Hearing Board can only deliberate or take action on a matter if it has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Air Pollution Control Hearing Board. However, responses from the Air Pollution Control Hearing Board members to specific items presented during public comment, which are not listed as agenda items could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Air Pollution Control Hearing Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Northern Nevada Public Health staff action or to ask that a matter be listed on a future agenda. The Air Pollution Control Hearing Board may do this either during the public comment item or during the following item: "Board Comment – Hearing Board Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)"

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted electronically at the following locations:

Northern Nevada Public Health, 1001 E. 9th St., Reno, NV

Washoe County Administration Building A, Reno, NV

Northern Nevada Public Health Website <https://www.NNPH.org>.

State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Northern Nevada Public Health located at 1001 E. 9th Street, in Reno, Nevada. The Senior Office Specialist to the Air Pollution Control Hearing Board is the person designated by the Northern Nevada Public Health to respond to requests for supporting materials. The Senior Office Specialist is located at Northern Nevada Public Health and may be reached by telephone at (775) 784-7200 or by email at AQMDAdmin@nnph.org. Supporting materials are also available at the Northern Nevada Public Health Website <https://www.NNPH.org> pursuant to the requirements of NRS 241.020.