

**Staff Report**  
**Board Meeting Date: July 13, 2021**

**TO:** Air Pollution Control Hearing Board

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0034 issued to Bluth Development, LLC, issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

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**SUMMARY**

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0034 be upheld and an administrative fine in the amount of \$1,750.00 be levied against Bluth Development, LLC for failing to obtain a Dust Control Permit prior to commencement of a dust generating activity. This action constitutes a minor violation of the Washoe County District Board of Health Regulations Governing Air Quality Management.

**BACKGROUND**

Please refer the attached NOV No. AQMV21-0034. This NOV contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

**RECOMMENDATION**

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV21-0034, associated with Case No. 1254, issued to Bluth Development, LLC, and levy an administrative fine in the amount of \$1,750.00.

**ALTERNATIVES**

Should the APCHB wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Air Pollution Control Hearing Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV21-0034.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV21-0034; and levy any fine in the range of \$0.00 to \$1,750.00 per day per violation.

**POSSIBLE MOTION(s)**

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

1. "Move to deny the appeal of NOV No. AQMV21-0034, associated with Case No. 1254 issued to Bluth Development LLC, and levy an administrative fine in the amount of \$1,750.00."

or, should the APCHB wish to consider an alternative motion the possible motion(s) may be:

1. "Move to dismiss NOV No. AQMV21-0034, associated with Case No. 1254, issued Bluth Development, LLC", or
2. "Move to uphold NOV No. AQMV21-0034, associated with Case No. 1254, and levy an administrative fine in the amount of \$0.00 to \$1,750.00 to Bluth Development, LLC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Francisco Vega P.E., MBA  
Director  
Washoe County Health District  
Air Quality Management Division



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

**Notice of Violation No. AQMV21-0034 and  
Supporting Documentation**

# WASHOE COUNTY HEALTH DISTRICT

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WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

## NOTICE OF VIOLATION No. AQMV21-0034

### ISSUED TO

Bluth Development, LLC  
The Lakes at Lemmon Valley (Phase II)  
7711 Sky Vista Parkway  
Reno, Nevada

Date of Issuance: May 21, 2021

Case No.: 1254

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Bluth Development, LLC. is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. 3. Dust Control Permit Requirements.

#### 1. VIOLATION

- A. Failure to obtain a Dust Control Permit prior to commencement of a dust generating activity one (1) acre or greater.

#### 2. BASIS OF VIOLATION

- A. Regulatory Authority  
The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

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 May 4, 2020 an Air Quality Specialist emailed Charles Bluth of Bluth Development LLC regarding the upcoming expiration of the Dust Control Permit for the Lakes at Lemmon Valley on June 6, 2020. No response was received.

#### AIR QUALITY MANAGEMENT

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

AQM Office: 775-784-7200 | Fax: 775-784-7225 | [OurCleanAir.com](http://OurCleanAir.com)

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On June 9, 2020 the specialist verified via phone call to AQMD front office personnel that a new DCP for the Lakes at Lemmon valley had not been received. The specialist then went on site and contacted the receptionist at Bluth Development LLC, who said that she would ensure the permit was applied for immediately. The specialist then called Mr. Bluth and left a message informing him that they were currently operating without a permit and that all dirt moving activities were to cease until a new permit had been obtained. No response was received. The specialist also emailed Mr. Bluth informing him that the incident of noncompliance would be forwarded to the AQMD enforcement group for review.

On June 10, 2020 Dust Control Permit No. APCP20-0112 was issued by AQMD for The Lakes at Lemmon Valley (Phase II).

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Bluth Development, LLC. is advised that within (10) working days of the receipt of this Notice of Violation, Bluth Development, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1,750.00.

5/21/2021

Date



Joshua Restori  
Supervisor, Permitting and Compliance  
Air Quality Management Division  
Washoe County Health District

## Osborn, Brittney

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**From:** Osborn, Brittney  
**Sent:** Monday, May 4, 2020 4:34 PM  
**To:** cpbluth@aol.com  
**Cc:** Daniel Pokrajac  
**Subject:** Lakes at Lemmon Valley

Mr. Bluth,

The Dust Control Permit for The Lakes at Lemmon Valley (APCP18-0217) will expire on 06/06/2020. Please ensure a new permit for the remaining open ground are applied for prior to that date.

**Please note that our office is closed to the public.**

You may mail in the completed application and check or complete the application and pay online.

The forms and instructions for online submission can be found here: [https://www.washoecounty.us/health/programs-and-services/air-quality/Forms\\_and\\_Applications.php](https://www.washoecounty.us/health/programs-and-services/air-quality/Forms_and_Applications.php)



### [Air Quality Forms and Applications - Washoe County NV](#)

Air Quality Forms and Applications. For your convenience permit applications and general information documents are available for you to print out. For a list of current and upcoming fees, click here. If you have any questions about the information contained in these documents, please contact the Air Quality Management Division at (775) 784-7200.

[www.washoecounty.us](http://www.washoecounty.us)

If either or both of the projects are complete to less than 1 acre of open dirt, you may submit a project completion form to close the permit.

If you have any questions, please do not hesitate to contact me.

Thank you,

### **Brittney Osborn**

Air Quality Specialist Trainee | Air Quality Management Division | Washoe County Health District  
[bosborn@washoecounty.us](mailto:bosborn@washoecounty.us) | O: (775) 784-7212 | C: (775) 203-8371 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)

**WASHOE COUNTY  
HEALTH DISTRICT**  
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# WASHOE COUNTY HEALTH DISTRICT

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Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520  
(775) 784-7200

Permit # APCP18-0217

## Dust Control Permit

**Permit Issued To:**

The Lakes at Lemmon Valley  
Mr. Charles Bluth  
4655 Longley Lane #107  
Reno, NV 89502

**Project Name:**

THE LAKES AT LEMMON VALLEY

**Location:**

7711 Sky Vista Pkwy

**Inspection Area:**

1

**Permit Issued:**

12/06/2018

**Permit Expiration:**

06/06/2020

**Project Type:**

Pollution Control

**Size of Project:**

49.38

**# of water trucks:**

5

**Project Start Date:**

12/06/2018

### "CONDITIONS OF OPERATION"

1) The required number of water trucks will be assigned and available for operation 24 HOURS A DAY, 7 DAYS A WEEK for the purpose of water application for control of fugitive dust. If the required number cannot control fugitive dust emissions from equipment operations and/or gusty wind conditions, the applicant shall immediately provide additional water trucks. CESSATION OF OPERATIONS IS REQUIRED IF DUST CANNOT BE CONTROLLED DUE TO EQUIPMENT OPERATIONS AND/OR GUSTY WIND CONDITIONS. IF CESSATION OF OPERATIONS IS USED AS A DUST CONTROL MEASURE, CONTINUED WATERING OF THE PROJECT IS REQUIRED.

2) Dust emissions generated on any entrance or exit haul roads due to equipment operations or gusty wind conditions must be controlled 24 hours a day, 7 days a week, by the use of water application or an environmentally safe dust palliative (District Regulation 040.030, Section C. 2. a. and b.) Any palliative used must comply with state and local regulations and not provide a noxious odor or contaminate ground water.

3) All projects importing or exporting dirt, rock or other fill materials must comply with the work practice standards in District Regulation 040.030, Section C. 4., including load



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tarping, watering or Freeboard. Any soil tracked onto adjoining paved roadways will be promptly removed by wet broom or washing. Regular vacuum or wet sweeping will be performed at least daily, and more often if necessary or if ordered by the Control Officer due to a violation. Any materials tracked out or spilled which cause visible fugitive dust for a period of five (5) minutes in any hour period shall be cleaned up immediately.

4) Any soil or fill storage piles operated or maintained as a part of this construction lot will be covered or wetted down sufficiently to prevent wind blown dust. Dust emissions from screening operations will be controlled by the use of a water truck or other control measure that prevents fugitive dust.

5) The applicant shall implement additional dust control measures, such as extra water trucks, water cannons, re-vegetation, environmentally safe dust palliatives (which comply with all applicable regulations and do not emit a noxious odor and do not contaminate ground water), wind fencing, and/or cessation of operations should these measures fail to control fugitive dust emissions from this project.

6) Once final grade has been completed, and if no structures are being constructed, the owner/developer shall be required to establish a long-term stable surface. This shall include re-vegetation or covering the disturbed soil with rock or crushed asphalt products within 30 days of completion of final grade. The use of an approved palliative is an option, but must be approved by the AQMD prior to application.

7) The applicant shall provide a Material Safety Data Sheet (MSDS) and dilution ratio to AQMD staff for any dust palliative selected for use as a dust control measure at this site.

8) A copy of this dust control permit shall be maintained at the construction project site and available to any sub-contractor or AQMD inspector to review upon request.

9) ANY CHANGES MADE TO THE PROPOSED OPERATIONS, SCOPE OF WORK OR SURFACE DISTURBANCES UNDER THIS DUST CONTROL PERMIT shall be submitted to the Washoe County Health District, AQMD in writing and must receive approval from the Control Officer prior to implementation.

10) The owner or the general contractor shall erect an informational sign at the main entrance to the project site. The sign shall be a minimum of 4 ft. by 8 ft. in size, and shall be in place prior to initiation of disturbance of the ground surface. The sign lettering shall be at least 4 inches high and shall be bold and easily readable by the public. The sign shall remain in place for the life of the project. The sign shall include the following information, The name of the project, Identify the General Contractor, and the following statements "All operators at this site are required to control dust emissions from their operations. The General Contractor is required to oversee and control project wide dust emissions." and "For dust related problems coming from this site, or to make a dust complaint, call this

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(775) 784-7200

phone number 24 hours per day, seven days per week: (775) 784-7200. A 24-hour phone number for both the Contractor/Developer and the Air Quality Management Division shall also be posted. The 24-hour phone number for complaints to the Air Quality Management Division is (775) 784-7200."

11) A log book of all dust control operations, containing all information as required by the Control Officer in the standard "WASHOE COUNTY DUST CONTROL LOG" must be maintained on a daily basis (copies of blank log sheets are available at the AQMD Office). Required information includes, but is not limited to, the number of OPERATING water trucks/pulls, the size of OPERATING water trucks/pulls (gallons capacity of each truck/pull), and the condition of the surface crust on disturbed areas. The operator shall record in the logbook all dust control efforts and the compliance level of the site with dust control requirements. The logbook shall be kept at the project site and made available to District representatives upon request.

12) Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). All disturbed areas must maintain a visible surface crust or other cover in compliance with Regulation 040.030, Section C.2.c. Compliance shall be determined using US Environmental Protection Agency Reference Method 22, with an observation period of not less than 5 minutes in any hour period. Copies of District Regulations, enforcement policies and USEPA Reference Testing Methods may be obtained by contacting the Air Quality Management Division at (775) 784-7200.

13) Failure to comply with all of the requirements of this Dust Control Permit shall be considered a citable 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 District Regulations.



CONTROL OFFICER

01-1059

AIR QUALITY MGMT.

DEC 06 2018

WASHOE COUNTY HEALTH DIST.

To be filled in by AQ Staff	
Permit No.:	APCP18-0217
Area:	1
Water Truck(s):	5
Hydro Basin:	Yes <input type="radio"/> No <input checked="" type="radio"/>

DUST CONTROL PERMIT APPLICATION

FEE as of July 1, 2018: \$229.00 per acre - a one-time \$85.00 admin fee per permit  
(Less than .5 acres round down; .5 and greater round up)

THE "APPLICANT" IS RESPONSIBLE FOR ALL DUST CONTROL 24 HOURS A DAY, SEVEN DAYS A WEEK, including weekends and holidays, from commencement of project to completion.

The Applicant must be the Property Owner, and signed by the Applicant or his Attorney in Fact. Fill in the application completely or it will be returned for completion.

- Name of Development: THE LAKES AT LEMMON VALLEY
- Development Address: 7711 Sky Vista Parkway, Reno, NV 89506  
Please Provide the Parcel #(s): 086-380-15 (Required)
- Size of Project (disturbed acres): 49.38 Acre
- Type of Project (choose one):  
 Commercial       Municipal Projects       Utilities       New Road/Street/Highway  
 Road Rehab/Maintenance       Residential Sub/Multi-Family       Single Family Residence
- If there is an existing Dust Control Permit, list permit number: APCP17-0098

NOTE - - The Dust Control Permit is valid for eighteen (18) months from the date of approval. If the project is not complete or has not commenced by the expiration date, the Applicant must submit a renewal application to the Air Quality Management Division. Failure to do so will result in the Permit expiring and may result in enforcement action.

- APPLICANT -- Name and current Address of Property Owner:  
Owner: THE LAKES AT LEMMON VALLEY, LLC      Contact: CHARLES P. BLUTH  
Address: 4655 LONGLEY LANE, SUITE 107  
City: RENO      State: NV      Zip: 89502  
Phone Number: 775-359-1191      Email: cpbluth@aol.com
- Name and Address of General Contractor:  
Contractor: BLUTH DEVELOPMENT, LLC      Contact: CHARLES P. BLUTH  
Address: 4655 LONGLEY LANE, SUITE 107  
City: RENO      State: NV      Zip: 89502  
Phone Number: 775-359-1191      Email: cpbluth@aol.com
- Proposed Construction Dates - Per Phase: \*\*\* provide grading and phasing maps \*\*\*  
On-Site Grading/Excavation:      Start: 12/01/2018      Complete: 06/30/2020  
Building Construction:      Start: 12/01/2018      Complete: 06/30/2020





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9. Will fill material be required? Yes  yd<sup>3</sup> \_\_\_\_\_ No
10. Will there be an excess of native material as a result of excavation? Yes  yd<sup>3</sup> \_\_\_\_\_ No
11. Will there be any crushing/screening equipment used during construction?  
Yes  No  If yes, Stationary Source Permit #: \_\_\_\_\_
12. Amount of Material to be excavated (yd<sup>3</sup>): \_\_\_\_\_
13. Is there a soil analysis report available? Yes  No
14. On-Site soil type: \_\_\_\_\_
15. Method of dust control to be utilized (per phase):

Water Truck(s) 1 (number of trucks)  
Chemical Sealant -0- (type – attach MSDS Sheets)  
Sprinklers/Water Cannons -0- (locations)  
Compaction n/a (percent)  
Enclosure silt fences (fences, windbreaks)  
Revegetation as needed (type – attach seeding schedule)  
Will temporary irrigation be supplied? Yes  No   
Water Source: temporary construction line (TMWA)  
Speed Limits 5 mph Other \_\_\_\_\_

**NOTE - Permanent stabilization methods such as construction/landscaping, revegetation, chemical sealant/palliative, or other approved method(s) of dust suppression must occur "within 30 days of grading completion". Dust suppression must continue regardless of construction status.**

16. Method to control mud and soil being tracked onto adjacent paved roadways: gravel at construction entrance and exits, street scraping
17. Frequency of daily street cleaning: once daily or as needed
18. Describe the methods (fences, barriers, etc.) to prevent unauthorized traffic on the construction site(s): silt fences / temporary fencing
19. **Persons to be contacted, by cell phone, during non-working hours in case of dust problems:**  
Name & Phone no: Charles P. Bluth 775-359-1191 Email: cpbluth@aol.com  
Name & Phone no: Daniel Pokrajac 951-712-4502 Email: pcestimating@gmail.com
20. The **Applicant's (Owner's) signature or that of his/her Attorney in fact** on this application shall constitute agreement by the Applicant to accept responsibility for meeting the "Conditions of Plan" (attached):

Owner Signature

Charles P. Bluth

Print or type name

Bluth Development, LLC and The Lakes at Lemmon Valley, LLC

Company Name

11/27/2018

Date

Manager

Title

775-359-1191

Phone Number

Revised 06/29/2018 -GR

AIR QUALITY MANAGEMENT

1001 East Ninth Street | Reno, Nevada 89512

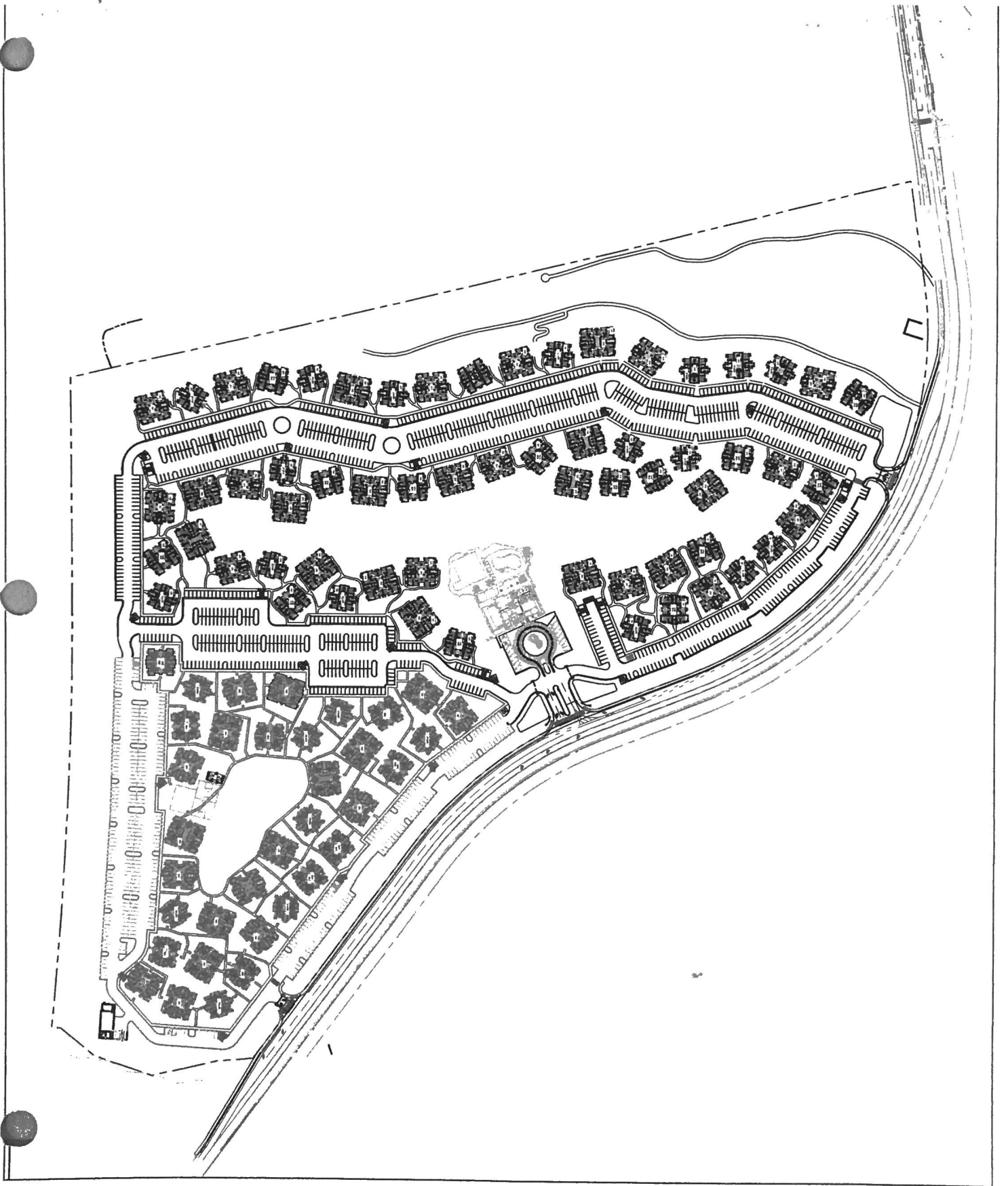
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Air Quality Management Division  
1001 East Ninth Street, Bldg B Reno, Nevada 89512  
(775) 784-7200

Permit # APCP20-0112

## Dust Control Permit

**Permit Issued To:**

Bluth Development LLC  
Charles Bluth  
4655 Longley Lane, Suite 107  
Reno, NV 89506

**Project Name:**

THE LAKES AT LEMMON VALLEY (PHASE II)

**Location:**

7711 Sky Vista Pkwy

**Inspection Area:**

1

**Permit Issued:**

06/10/2020

**Permit Expiration:**

12/10/2021

**Project Type:**

Pollution Control

**Size of Project:**

15

**# of water trucks:**

2

**Project Start Date:**

06/10/2020

### "CONDITIONS OF OPERATION"

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5) The applicant shall implement additional dust control measures, such as extra water trucks, water cannons, re-vegetation, environmentally safe dust palliatives (which comply with all applicable regulations and do not emit a noxious odor and do not contaminate ground water), wind fencing, and/or cessation of operations should these measures fail to control fugitive dust emissions from this project.

6) Once final grade has been completed, and if no structures are being constructed, the owner/developer shall be required to establish a long-term stable surface. This shall include re-vegetation or covering the disturbed soil with rock or crushed asphalt products within 30 days of completion of final grade. The use of an approved palliative is an option, but must be approved by the AQMD prior to application.

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8) A copy of this dust control permit shall be maintained at the construction project site and available to any sub-contractor or AQMD inspector to review upon request.

9) ANY CHANGES MADE TO THE PROPOSED OPERATIONS, SCOPE OF WORK OR SURFACE DISTURBANCES UNDER THIS DUST CONTROL PERMIT shall be submitted to the Washoe County Health District, AQMD in writing and must receive approval from the Control Officer prior to implementation.

10) The owner or the general contractor shall erect an informational sign at the main entrance to the project site. The sign shall be a minimum of 4 ft. by 8 ft. in size, and shall be in place prior to initiation of disturbance of the ground surface. The sign lettering shall be at least 4 inches high and shall be bold and easily readable by the public. The sign shall remain in place for the life of the project. The sign shall include the following information, The name of the project, Identify the General Contractor, and the following statements "All operators at this site are required to control dust emissions from their operations. The General Contractor is required to oversee and control project wide dust emissions." and "For dust related problems coming from this site, or to make a dust complaint, call this

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phone number 24 hours per day, seven days per week: (775) 784-7200. A 24-hour phone number for both the Contractor/Developer and the Air Quality Management Division shall also be posted. The 24-hour phone number for complaints to the Air Quality Management Division is (775) 784-7200."

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12) Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). All disturbed areas must maintain a visible surface crust or other cover in compliance with Regulation 040.030, Section C.2.c. Compliance shall be determined using US Environmental Protection Agency Reference Method 22, with an observation period of not less than 5 minutes in any hour period. Copies of District Regulations, enforcement policies and USEPA Reference Testing Methods may be obtained by contacting the Air Quality Management Division at (775) 784-7200.

13) Failure to comply with all of the requirements of this Dust Control Permit shall be considered a citable 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 District Regulations.

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CONTROL OFFICER



JUN 10 2020

DUST CONTROL PERMIT APPLICATION

To be filled in by AQ Staff	
Permit No.:	_____
Area:	_____
Water Truck(s):	_____
Hydro Basin:	Yes / No

**FEE as of July 1, 2019: \$237.00 per acre – a one-time \$87.00 admin fee per permit**  
(Less than .5 acres round down; .5 and greater round up)

**THE "APPLICANT" IS RESPONSIBLE FOR ALL DUST CONTROL 24 HOURS A DAY, SEVEN DAYS A WEEK,**  
including weekends and holidays, from commencement of project to completion.

The application must be signed by the Applicant or his Attorney in Fact. Fill in the application completely, attached with a site location, grading and/or phasing map(s) or it will be returned for completion.

- Name of Development: THE LAKES AT LEMMON VALLEY (Phase II)
- Development Address: 7711 SKY VISTA PARKWAY  
Please Provide the Parcel #(s): 086-380-15 (Required)
- Size of Project (disturbed acres): 15 acres
- Type of Project (choose one):  
 Commercial       Municipal Projects       Utilities       New Road/Street/Highway  
 Road Rehab/Maintenance       Residential Sub/Multi-Family       Single Family Residence
- If there is an existing Dust Control Permit, list permit number: ~~APCP47-0098~~ 18-0217

**NOTE - - The Dust Control Permit is valid for eighteen (18) months from the date of approval. If the project is not complete or has not commenced by the expiration date, the Applicant must submit a new application and site map to the Air Quality Management Division. Failure to do so will result in the permit expiring and may result in enforcement action.**

6. **APPLICANT – Name and Current Address of Applicant:**

Applicant: CHARLES P. BLUTH Contact: 775-359-1191  
Address: 4655 LONGLEY LANE, SUITE 107  
City: RENO State: NV Zip: 89506  
Phone Number: 775-359-1191 Email: cpbluth@aol.com

7. **Name and Address of General Contractor:**

Owner: BLUTH DEVELOPMENT, LLC Contact: 775-359-1191  
Address: 4655 LONGLEY LANE, SUITE 107  
City: RENO State: NV Zip: 89506  
Phone Number: 775-359-1191 Email: cpbluth@aol.com

**Proposed Construction Dates – Per Phase: \*\*\* provide site location, grading and phasing maps \*\*\***

On-Site Grading/Excavation: Start: 7/1/2017 Complete: est. 7/1/2019  
Building Construction: Start: 1/2/2021 Complete: est. 1/2/2022

# WASHOE COUNTY HEALTH DISTRICT

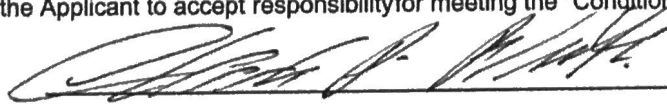
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8. Will fill material be required? Yes  yd<sup>3</sup> \_\_\_\_\_ No
9. Will there be an excess of native material as a result of excavation? Yes  yd<sup>3</sup> \_\_\_\_\_ No
10. Will there be any crushing/screening equipment used during construction?  
Yes  No  If yes, Stationary Source Permit #: \_\_\_\_\_
11. Amount of Material to be excavated (yd<sup>3</sup>): Excavation is complete
12. Is there a soil analysis report available? Yes  No
14. On-Site soil type: composed clay/dirt mix
15. Method of dust control to be utilized (per phase):

Water Truck(s) 2 (number of trucks)  
Chemical Sealant \_\_\_\_\_ (type – attach MSDS Sheets)  
Sprinklers/Water Cannons \_\_\_\_\_ (locations)  
Compaction \_\_\_\_\_ (percent)  
Enclosure \_\_\_\_\_ (fences, windbreaks)  
Revegetation \_\_\_\_\_ (type – attach seeding schedule)  
Will temporary irrigation be supplied? Yes  No   
Water Source: temp const line and water trucks  
Speed Limits 5mph Other \_\_\_\_\_

**NOTE - Permanent stabilization methods such as construction/landscaping, revegetation, chemical sealant/palliative, or other approved method(s) of dust suppression must occur "within 30 days of grading completion". Dust suppression must continue regardless of construction status.**

16. Method to control mud and soil being tracked onto adjacent paved roadways: gravel at construction entrances and exits
17. Frequency of daily street cleaning: once daily as needed
18. Describe the methods (fences, barriers, etc.) to prevent unauthorized traffic on the construction site(s):  
temp fencing and permanent fencing
19. Persons to be contacted, by cell phone, during **non-working hours** in case of dust problems:
- Name & Phone no: Charles P. Bluth Email: cpbluth@aol.com  
Name & Phone no: Pete Coates Email: petercoates@thelakesreno.com
20. The Applicant's signature or that of his/her Attorney in fact on this application shall constitute agreement by the Applicant to accept responsibility for meeting the "Conditions of Plan" (attached):

  
\_\_\_\_\_  
Applicant Signature

6/6/20  
\_\_\_\_\_  
Date

CHARLES P. BLUTH  
\_\_\_\_\_  
Print or type name  
  
BLUTH DEVELOPMENT, LLC  
\_\_\_\_\_  
Company Name

MANAGER  
\_\_\_\_\_  
Title  
  
775-359-1191  
\_\_\_\_\_  
Phone Number

Revised 06/10/2019-KP

AIR QUALITY MANAGEMENT  
1001 East Ninth Street | Reno, Nevada 89512  
AQM Office: 775-784-7200 | Fax: 775-784-7225 | washoecounty.us/health  
Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.







**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**

- 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; and
  - 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) 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 **Subsection C**.
  - 1. The Control Officer 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 **Section 020.040** of these regulations.
- E. Nothing in this section prevents the Hearing Board or the Control Officer from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

**020.040**  
05/28/18)

**CIVIL FINES AND PENALTIES** (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,

- A. Except as provided in **Subsections B** and **C**, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in **Section 030.2175** of these regulations.
- B. Any person who commits a major violation of any section of these regulations, other than Sections **020.050** and **020.055**, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. 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. Any violation of Sections **040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080** or **050.001** of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.

D. The following fines shall be levied for minor violations of these regulations:

	<b>First Violation</b>	<b>Second Violation</b>
<b>Section 040.030</b> (Dust Control)		
A. Violation of Dust Permit Condition(s)	not more than 1000	not less than 1000 not more than 2000
B. Visual Emission Violation	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.035</b> (Open Fires)	not more than 500	not less than 500 not more than 1000
<b>Subsection A of Section 040.040</b> (Fire Training)	not more than 500	not less than 500 not more than 1000
<b>Section 040.050</b> (Incinerator Emission)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.051</b> (Certified Woodstoves)	not more than 500	not less than 500 not more than 1000
<b>Section 040.055</b> (Odors)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.080</b> (Gasoline Transfer)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.200</b> (Diesel Idling)	not more than 500	not less than 500 not more than 1000
<b>Section 050.001</b> (Emergency Episode)	not more than 1000	not less than 1000 not more than 2000

E. 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 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 Board 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 or District Health Department, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) 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.
- F. Unless the Board of Health bases its decision on the recommendations and/or findings of the Control Officer or the Hearing Board as set forth in **Paragraphs 1 and 2 of Subsection E**, the Board shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the Board pursuant to **Paragraph 3** of that subsection. 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 him. The Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the Board's specialized knowledge. All decisions of the Board of Health respecting administrative fines shall be in writing or notice of the Board's decision shall be forwarded to the aggrieved party at his last known mailing address.
- G. All fines shall be levied by formal action of the District Board of Health. The Control Officer may suspend, deny or revoke any or all permits of a person who has failed to pay any fine that has been levied by the District Board of Health.
- H. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the Board 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.
- I. 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.
- J. All monetary fines assessed pursuant to violations of **Sections 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.

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
020.005	Visible Emissions	1000	2500
020.030	Dust Control (fugitive)	1000	2000
020.035	Open Fires	500	1000
020.040	Fire Training	500	1000
020.050	Incinerator	1000	2000
020.051	Woodstoves	500	1000
020.055	Odors	1000	2000
020.080	Gasoline Transfer (maintenance)	1000	2000
020.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000

020.030	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
030.02	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

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

Company Name Bluth Development, LLC.  
Contact Name Charles Bluth  
Case Number 1254

I. Violation of Section 040.030 Section C. 3. Dust Control Permit Requirements

**I. Recommended Penalty** = \$ 1750.00

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** = \$ 1,750.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/21/2021  
\_\_\_\_\_  
Date



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

Company Name Bluth Development, LLC.  
 Contact Name Charles Bluth  
 Case Number 1254  
 Violation Number AQMV21-0034

Violation of Section 040.030 Section C. 3. Dust Control Permit Requirements  
 Permit Condition n/a

**I. Base Penalty as specified in the Penalty Table** = \$ **1,750.00**

**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:** Administrative Violation

**2. Environmental/Public Health Risk (Proximity to sensitive environment or group)**

Negligible – 1x   Moderate – 1.5x   Significant – 2x      Adjustment Factor **1**

**Comment:** Administrative Violation

Total Adjustment Factors (1 x 2) = **1**

**B. Adjusted Base Penalty**

Base Penalty \$ 1,750.00 x Adjustment Factor 1 = \$ **1,750.00**

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

Adjusted Penalty \$ 1,750.00 x Number of Days/Weeks/Mo **1** = \$ **1,750.00**

**Comment:** Administrative Violation

**D. Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

**Comment:** No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 1,750.00 + Economic Benefit \$ 0.00 = \$ **1,750.00**



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

**III. Penalty Adjustment Consideration**

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

**Comment:** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%) + 0%

Similar Violation < 3 years (200%) + 0%

Similar Violation > 3 years (150%) + 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations + 0%

**Comment:** Penalty by rule

**Total Penalty Adjustment Factors** – Sum of A & B 0%

**IV. Recommended Penalty**

Penalty Adjustment:

\$ 1,750.00	x	0%		=	\$ <span style="border: 1px solid black; padding: 2px;">0.00</span>
Penalty Subtotal		Total Adjustment Factors			Total Adjustment
(From Section II)		(From Section III)			Value

Additional Credit for Environmental Investment/Training - \$   

**Comment:** \_\_\_\_\_

Adjusted Penalty:

\$ 1,750.00	+/-	\$ 0.00	=	\$	<span style="border: 1px solid black; padding: 2px;">1,750.00</span>
Penalty Subtotal		Total Adjustment Value			Recommended Penalty
(From Section II)		(From Section III + Credit)			

\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/21/2021  
\_\_\_\_\_  
Date

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

**Appeal**

WASHOE COUNTY  
HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

AIR QUALITY MGMT.

JUN 02 2021

WASHOE COUNTY  
HEALTH DIST.

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: CHARLES P. BLUTH, BLUTH DEVELOPMENT

PHONE: 775-359-1191

MAILING ADDRESS: 4655 LONGLEY LANE, SUITE 107

CITY: RENO STATE: NV ZIP CODE: 89502

PHYSICAL ADDRESS: SAME AS ABOVE

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQMV21-0034 DATE RECEIVED: 5-26-2021

REGULATION INVOLVED: SECTION: 040.030 SECTION C.3  
DUST CONTROL PERMIT REQUIREMENTS

BASIS FOR APPEAL/VARIANCE: A DUST PERMIT WAS  
PURCHASED ON JUNE 9, 2020 & REC'D JUNE 10, 2020  
(ISSUED JUNE 10, 2020) WHICH WAS DONE AS QUICKLY  
AS WE COULD RESPOND DUE TO COVID 19 STAFFING  
ISSUES.

CHARLES P. BLUTH  
PRINT NAME

[Signature]  
SIGNATURE

OWNER/MANAGER  
TITLE

6-1-2021  
DATE

Revised 06-2020

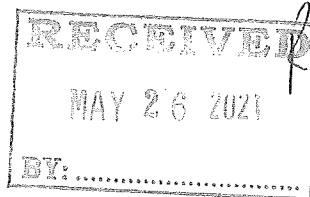


# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

May 21, 2021

Bluth Development, LLC  
Attn: Charles Bluth  
4655 Longley Lane, Suite 107  
Reno, NV 89502



\*LAPSE OF DUST CONTROL PERMIT  
MAY 4, 2020  
DUST CONTROL PERMIT  
DUST CONTROL PERMIT  
WAS ISSUED  
ON JUNE 10, 2021  
EXP. 12-10-2021

**RE: Notice of Violation AQMV21-0034 Associated with The Lakes at Lemmon Valley (Phase II)**

Dear Mr. Bluth,

On June 9, 2020 the Air Quality Management Division (AQMD) of the Washoe County Health District identified an incident of noncompliance associated with The Lakes at Lemmon Valley (Phase II) located on Sky Vista Blvd. The attached Notice of Violation (NOV) No. AQMV21-0034 state the specifics of Case No. 1254.

**Based on the incident of noncompliance, Bluth Development, LLC has violated the following Section of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations):**

- 040.030 Section C.3. Dust Control Permit Requirements

Based on the available information associated with Case No. 1254 the AQMD has determined that formal issuance of NOV No. AQMV21-0034 is warranted.

The AQMD makes recommendations to the Washoe County District Board of Health (DBOH) as to what an appropriate penalty may be for a violation of the DBOH Regulations. The penalty is based on the Penalty Table and DBOH Regulations Section 020.040 Civil Fines and Penalties. NOV No. AQMV21-0034 was cited as a violation of Section 040.030 Section C.3. constituting a minor violation per Section 020.040 (C). Therefore, the AQMD is making a recommendation to the DBOH to uphold NOV No. AQMV21-0034 and administer a penalty by rule in the amount of \$1,750.00 to Bluth Development, LLC.

An appeal of NOV No. AQMV21-0034 may be requested per DBOH Regulation 020.0252 Hearing Board – Appeal Procedure. A copy of the Appeal Petition to the Air Pollution Control Hearing Board is enclosed. Appeal Petitions must be received within (10) days of receipt of this notice. Appeal Petitions may be submitted to:

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

AIR QUALITY MANAGEMENT  
1001 East Ninth Street, Building B-171, Reno, Nevada 89512  
AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com  
Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.



Public Health  
Prevent. Promote. Protect.

Subject: Notice of Violation AQMV21-0034/Bluth Development, LLC.

Date: May 21, 2021

Page 2 of 2

Failure to submit an appeal, using the supplied Appeal Petition Form available in Attachment 4, within the specified timeframe will be considered consent of NOV No. AQMV21-0034 with the recommended penalty of \$1,750.00 to Bluth Development, LLC. The AQMD will then submit NOV No. AQMV21-0034 to the Washoe County District Board of Health. The item will be placed as a consent agenda item with a recommendation for the assessment of an administrative fine of \$1,750.00. Bluth Development, LLC will receive notice of the submittal to the Washoe County District Board of Health prior to the meeting where the item will be heard. nl

If you have any questions regarding the information contained in this letter or the attachments, please contact me at (775) 784-7202. If I am unavailable, please contact Francisco Vega at (775) 784-7211.

Sincerely,



Joshua Restori

Supervisor, Permitting and Compliance

Washoe County Health District, Air Quality Management Division

Enclosed:

Attachment 1 - Notice of Violation (Final)

Attachment 2 - DBOH Regulations Section 020.040 Civil Fines and Penalties

Attachment 3 - Penalty Table

Attachment 4 - Appeal Petition Form

E-copy: AQMD Enforcement Group

Cert. Mail No. (Return Receipt Required):

9171 9690 0935 0218 6774 04

**Staff Report**  
**Board Meeting Date: July 13, 2021**

**TO:** Air Pollution Control Hearing Board

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0037 issued to McCarthy Building Companies, Inc., issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

---

**SUMMARY**

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0037 be upheld and an administrative fine in the amount of \$1,000.00 be levied against McCarthy Building Companies, Inc. for failing to comply with the provisions of Dust Control Permit No. APCP20-0151 and allowing visible dust to be emitted into the air from any operations or disturbed areas of the project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1.). This action constitutes a minor violation of the Washoe County District Board of Health Regulations Governing Air Quality Management.

**BACKGROUND**

Please refer the attached NOV No. AQMV21-0037. This NOV contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

**RECOMMENDATION**

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV21-0037, associated with Case No. 1308, issued to McCarthy Building Companies, Inc., and levy an administrative fine in the amount of \$1,000.00.

**ALTERNATIVES**

Should the APCHB wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Air Pollution Control Hearing Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV21-0037.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV21-0037; and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

**POSSIBLE MOTION(s)**

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

1. "Move to deny the appeal of NOV No. AQMV21-0037, associated with Case No. 1308 issued to McCarthy Building Companies, Inc., and levy an administrative fine in the amount of \$1,000.00."

or, should the APCHB wish to consider an alternative motion the possible motion(s) may be:

1. "Move to dismiss NOV No. AQMV21-0037, associated with Case No. 1308, issued McCarthy Building Companies, Inc.", or
2. "Move to uphold NOV No. AQMV21-0037, associated with Case No. 1308, and levy an administrative fine in the amount of \$0.00 to \$1,000.00 per day per violation to McCarthy Building Companies, Inc."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Francisco Vega P.E., MBA  
Director  
Washoe County Health District  
Air Quality Management Division

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

**Notice of Violation No.  
AQMV21-0037 and Supporting Documentation**



**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION No: AQMV21-0037**

### **ISSUED TO**

**McCarthy Building Companies  
Permit Number: APCP20-0151  
Date of Issuance: May 28, 2021  
Case No.: 1308**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that McCarthy Building Companies is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. 3. Dust Control Permit Requirements.

#### **1. VIOLATION**

- A. Failure to comply with the provisions of Dust Control Permit APCP20-0151. Specifically, permit condition No. 12: Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1).

#### **2. BASIS OF VIOLATION**

A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

**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, 2021, an Air Quality Specialist (AQS) responded to a complaint concerning fugitive dust from the Dodge Flats Solar project. At the time of the



response, the AQS conducted an EPA Reference Method 22 observation of the project site. The AQS documented 9 minutes 35 seconds of visible fugitive dust during an 11 minute 1 second observation. This exceeds the standard set in the Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C.1. and referenced in Condition No. 12 of Dust Control Permit APCP20-0151.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

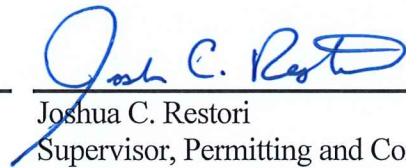
McCarthy Building Companies is advised that within (10) working days of the receipt of this Notice of Violation, McCarthy Building Companies may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1,000.00.

5/28/2021

Date



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Air Quality Management Division  
Washoe County Health District



JOB COMPLETED

DATE \_\_\_\_\_

INITIALS \_\_\_\_\_

CONSTRUCTION SITE INSPECTION FORM

WCMP21-00347

Enforcement Officer: Brittney Osborn Date/Time: 4/5/2021 / 1550  
Permit No.: APCP20-0151 Responsible Party: McCarthy Building Companies  
Project Name: Dodge Flats Solar Location: 2505 State Route 447

Weather:  Clear  Partly Cloudy  Cloudy  Recent Rain Temp: Wind/mph: 64°F Direction: NW 21mph  
Site:  Active  Inactive  Project Complete Workers Present:  Yes  No

Activities Occurring: None

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

EMISSIONS COMPLIANCE  YES  NO

Fugitive Dust Emissions  Yes  No If yes, source: fugitive equipment Plume/Length: \_\_\_\_\_  
Opacity: \_\_\_\_\_%

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)  None Observed  Other: \_\_\_\_\_

Mitigation Equipment Ratio:  Adequate  Inadequate

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

ADMINISTRATIVE COMPLIANCE  YES  NO

Acreage Permitted: 1079 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 ATC# \_\_\_\_\_

DCP Sign:  Yes  No DCP On-Site:  Yes  No  Not verified

Spoke with: Ryan Schatz Title: \_\_\_\_\_  in person /  phone

Actions Taken:  None  Verbal Warning

Notice of Violation - Warning: \_\_\_\_\_  Notice of Violation - Citation \_\_\_\_\_

Deficiencies to be corrected: Fugitive dust from high winds observed across site. Equipment still operating even though dust is not being controlled on the site. Recorded > 10 minutes video of dust from wind & equipment operations. Called Caleb Norton who had Ryan Schatz call me. Informed him that cessation of operations + continued watering is required - shutting down now. Also informed him that this will be documented & forwarded to enforcement group.



Left msg for Complainant req more info (how long). (Carla?)  
Last couple weeks it has been bad.

On site observations:

928-951-4854

- inadequate water trucks for amount of open land
- over ~ 45 minutes, stopped work & watered.
- (2) 8K tender & (2) 4K tenders observed (likely more on site that were not visible)

Spoke to Ryan

↳ he will have plan for additional mitigation measures emailed to me by tomorrow 4/16.

Rec'd call from Tina Midd

4/16 Will begin hydro seeding next week. Will be acquiring additional water truck + buffalo  
Will send more detailed mitigation plan tomorrow.

4/13 On site @ 1300 hrs. Windy. Dusty. Equipment shut down + water trucks all watering. Spoke to Ryan via phone - Gorilla Snot should be here Friday - enough for 20 acres. Discussed use of tackifier in H<sub>2</sub>O.

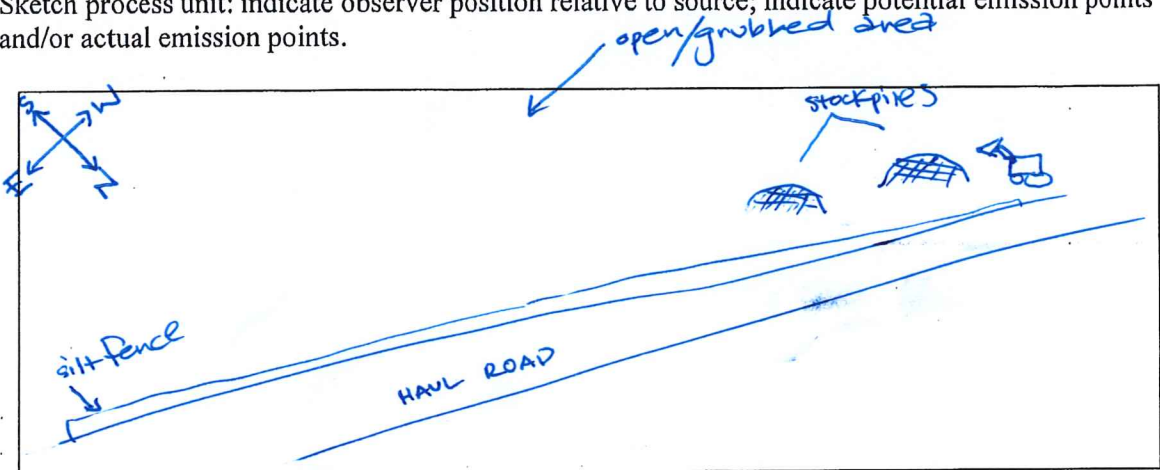
4/29 Conducted reinspection ~ 1300 hrs. Met w/ Ryan Schatz on site. No issues observed.  
(2) 8K & (2) 2K trucks actively watering. Grading complete - minimal trenching operations. Will close inspection & complaint - issues corrected. Again stressed continued watering & shutdown if dust not controlled due to wind.



FUGITIVE OR SMOKE EMISSION INSPECTION  
OUTDOOR LOCATION

Company <i>McCarthy Building Companies</i>	Observer <i>AQS Brittney Osborn</i>
Location <i>2505 State Route 447</i>	Affiliation <i>AQMD</i>
Company Rep.	Date <i>4/5/2021</i>
Sky Conditions <i>Clear / Few clouds</i>	Wind Direction <i>NW</i>
Precipitation <i>NONE</i>	Wind Speed <i>21mph</i>
Industry <i>Construction</i>	Process Unit

Sketch process unit: indicate observer position relative to source; indicate potential emission points and/or actual emission points.



OBSERVATIONS	Clock Time	Observation period duration, minutes:seconds	Accumulated emission time, minutes:seconds
Begin Observation	<u>15:44</u>	<u>11:01</u>	<u>9:35</u>
To complete this form, record the following:			
• the initial clock time			
• the total time of the observation (from SW1)			
• the total time of emissions (from SW2), and			
• the final clock time.			
For more details on recording this data and taking breaks, see #7 and #10 above.			
End Observation	<u>15:55</u>		

Permit # APCP20-0151  
**Dust Control Permit**

**Permit Issued To:**

McCarthy Building Companies  
c/o Kenney Whisenhunt  
2580 St Rose Pkwy, Ste 200  
Las Vegas, NV 89074

**Contractor Of Record:**

McCarthy Building Companies  
c/o Kenney Whisenhunt  
2580 St Rose Pkwy, Ste 200  
Las Vegas, NV 89074

**Project Name:**

DODGE FLATS SOLAR

**Location:**

2505 State Route 447

**Inspection Area:**

2

**Permit Issued:**

09/23/2020

**Project Type:**

Pollution Control

**Permit Expiration:**

03/23/2022

**Size of Project:**

1079

**# of water trucks:**

4

**Projected Start Date:**

10/16/2020

**“CONDITIONS OF OPERATION”**

1) The required number of water trucks will be assigned and available for operation 24 HOURS A DAY, 7 DAYS A WEEK for the purpose of water application for control of fugitive dust. If the required number cannot control fugitive dust emissions from equipment operations and/or gusty wind conditions, the applicant shall immediately provide additional water trucks. CESSATION OF OPERATIONS IS REQUIRED IF DUST CANNOT BE CONTROLLED DUE TO EQUIPMENT OPERATIONS AND/OR GUSTY WIND CONDITIONS. IF CESSATION OF OPERATIONS IS USED AS A DUST CONTROL MEASURE, CONTINUED WATERING OF THE PROJECT IS REQUIRED.

2) Dust emissions generated on any entrance or exit haul roads due to equipment operations or gusty wind conditions must be controlled 24 hours a day, 7 days a week, by the use of water application or an environmentally safe dust palliative (District Regulation 040.030, Section C. 2. a. and b.) Any palliative used must comply with state and local regulations and not provide a noxious odor or contaminate ground water.

- 3) All projects importing or exporting dirt, rock or other fill materials must comply with the work practice standards in District Regulation 040.030, Section C. 4., including load tarping, watering or Freeboard. Any soil tracked onto adjoining paved roadways will be promptly removed by wet broom or washing. Regular vacuum or wet sweeping will be performed at least daily, and more often if necessary or if ordered by the Control Officer due to a violation. Any materials tracked out or spilled which cause visible fugitive dust for a period of five (5) minutes in any hour period shall be cleaned up immediately.
- 4) Any soil or fill storage piles operated or maintained as a part of this construction lot will be covered or wetted down sufficiently to prevent wind blown dust. Dust emissions from screening operations will be controlled by the use of a water truck or other control measure that prevents fugitive dust.
- 5) The applicant shall implement additional dust control measures, such as extra water trucks, water cannons, re-vegetation, environmentally safe dust palliatives (which comply with all applicable regulations and do not emit a noxious odor and do not contaminate ground water), wind fencing, and/or cessation of operations should these measures fail to control fugitive dust emissions from this project.
- 6) Once final grade has been completed, and if no structures are being constructed, the owner/developer shall be required to establish a long-term stable surface. This shall include re-vegetation or covering the disturbed soil with rock or crushed asphalt products within 30 days of completion of final grade. The use of an approved palliative is an option, but must be approved by the AQMD prior to application.
- 7) The applicant shall provide a Material Safety Data Sheet (MSDS) and dilution ratio to AQMD staff for any dust palliative selected for use as a dust control measure at this site.
- 8) A copy of this dust control permit shall be maintained at the construction project site and available to any sub-contractor or AQMD inspector to review upon request.
- 9) ANY CHANGES MADE TO THE PROPOSED OPERATIONS, SCOPE OF WORK OR SURFACE DISTURBANCES UNDER THIS DUST CONTROL PERMIT shall be submitted to the Washoe County Health District, AQMD in writing and must receive approval from the Control Officer prior to implementation.
- 10) The owner or the general contractor shall erect an informational sign at the main entrance to the project site. The sign shall be a minimum of 4 ft. by 8 ft. in size, and shall be in place prior to initiation of disturbance of the ground surface. The sign lettering shall be at least 4 inches high and shall be bold and easily readable by the public. The sign shall remain in place for the life of the project. The sign shall include the following information, The name of the project, Identify the General Contractor, and the following statements "All operators at this site are required to control dust emissions from their operations. The General Contractor is required to oversee and control project wide dust emissions." and "For dust related problems coming from this site, or to make a dust complaint, call this phone number 24 hours per day, seven days per week: (775) 784-7200. A 24-hour phone number for both the Contractor/Developer and the Air Quality Management Division shall also be posted. The 24-hour phone number for complaints to the Air Quality Management Division is (775) 784-7200."



11) A log book of all dust control operations, containing all information as required by the Control Officer in the standard "WASHOE COUNTY DUST CONTROL LOG" must be maintained on a daily basis (copies of blank log sheets are available at the AQMD Office). Required information includes, but is not limited to, the number of OPERATING water trucks/pulls, the size of OPERATING water trucks/pulls (gallons capacity of each truck/pull), and the condition of the surface crust on disturbed areas. The operator shall record in the logbook all dust control efforts and the compliance level of the site with dust control requirements. The logbook shall be kept at the project site and made available to District representatives upon request.

12) Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). All disturbed areas must maintain a visible surface crust or other cover in compliance with Regulation 040.030, Section C.2.c. Compliance shall be determined using US Environmental Protection Agency Reference Method 22, with an observation period of not less than 5 minutes in any hour period. Copies of District Regulations, enforcement policies and USEPA Reference Testing Methods may be obtained by contacting the Air Quality Management Division at (775) 784-7200.

13) Failure to comply with all of the requirements of this Dust Control Permit shall be considered a citable 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 District Regulations.

14) A copy of the "Supplemental" Dust Control Plan received by the AQMD on 09/09/2020 and attached to this Dust Control Permit shall be maintained at the construction project and be made available to any sub-contractor or the AQMD upon request. All requirements found in the "Supplemental" Dust Control Plan must be adhered to for the duration of the project. Failure to implement the requirements of the "Supplemental" Dust Control Plan may be considered a violation of this Dust Control Permit.



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Health District Representative



McCarthy



DAVID MASON  
A  
MCCARTHY COMPANY

333 S. DEWANEY ST., SUITE 200  
MESA, AZ 85204  
520.424.5000  
www.davidmason.com

NO.	DATE	DESCRIPTION
1	07.23.20	ISSUE FOR PERMIT

PROJECT NO. 200114-01

DODGE FLATS  
SOLAR ENERGY CENTER

MOHAVE COUNTY, NEVADA

DRAWN BY: 07

CHECKED BY: 1W

DATE: 07.23.20

SCALE: 1"=200'



SHEET TITLE  
OVERALL PLAN

DRAWING NO.  
C-101

# DUST CONTROL PLAN DURING GRADING

Below shows the (3) phases the project will be graded in.

The first and third phase will start with the installation of the a construction entrance per detail 3/C-208 that includes a wash rack to minimize track out that will be made from the project site to Olinghouse's gravel road.

A chain link fence will be installed around entire project site for both erosion and security control.

When possible grading work will be knocking down current vegetation without destroying root ball.

Water pulls and trucks will be used prior, during and after all grading activities. A minimum of (4) 8,000 gallon water pulls will be utilized full time during grading activities. More water pulls can easily be brought to site and used if dust control has additional water needs.

Street Sweeping will be done as needed on paved State Route 447 for all trackout caused by the jobsite. The following companies can all accommodate services within 24 hours and daily or weekly times will be set up as needed.

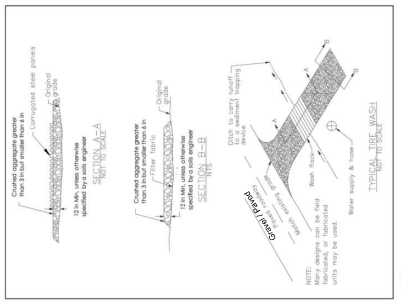
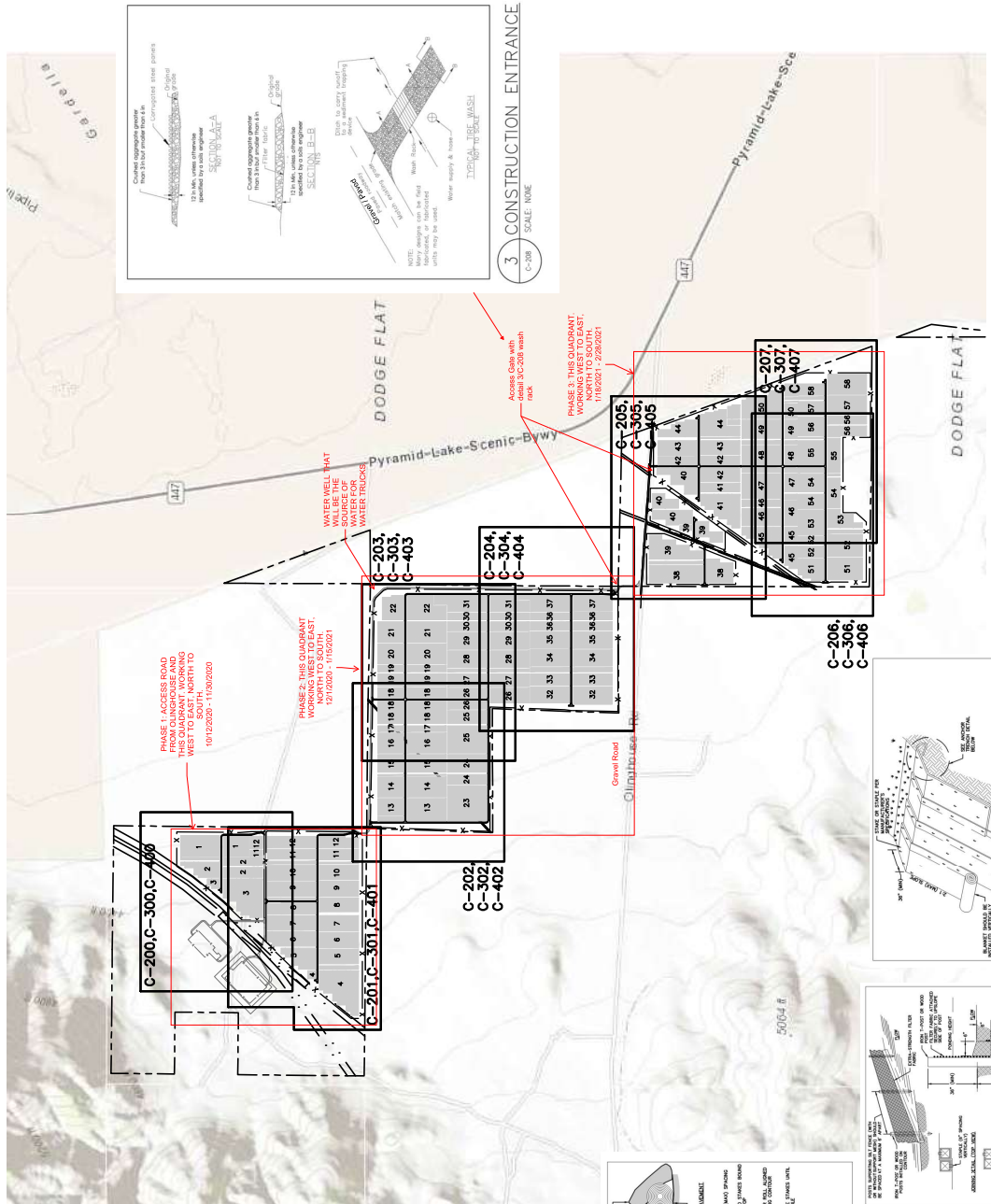
- EPS Street Sweeping Services - 775-220-6687
- Desert Commercial Sweeping - 775-690-2503
- Eastern Sierra Street Sweeping - 775-781-2946

After grading a quadrant, environmentally friendly soil binders that are bio-degradable and promotes vegetation will be used over the dirt areas and all traffic will be directed to remain on the roads so the soil binder is not disturbed.

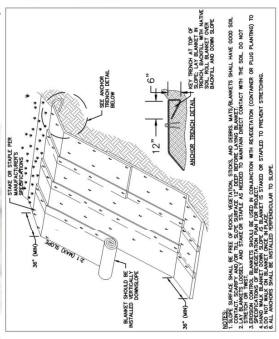
See below for (4) temporary dust control measures that will be taken during construction activities (details 6-9 / C-209).

For detailed Storm water Pollution Prevention Plan, Geometric Plan and Grading Plan, please see attached file "60% Civil Drawings for Reference Only, Permit Set Being Submitted at Future Date."

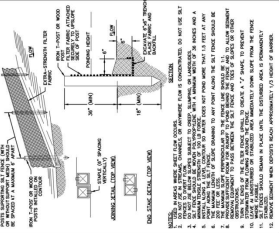
24-hour / 7 days a week security patrol will be onsite that will also be utilized to monitor dust conditions and report if additional preventative measures will be needed during non-work hours.



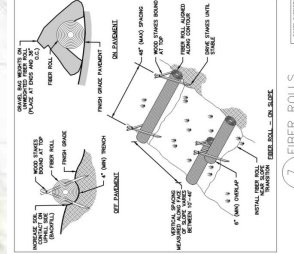
3 CONSTRUCTION ENTRANCE  
SCALE: NONE



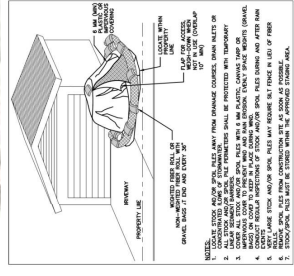
8 EROSION CONTROL BLANKET  
SCALE: NONE



7 FIBER ROLLS  
SCALE: NONE



6 STOCKPILE MANAGEMENT  
SCALE: NONE



9 SILT FENCE  
SCALE: NONE



GRAPHIC SCALE  
0 10 20 30  
1"=100'

ALL DRAWINGS SHALL BE CHECKED FOR PROPORT SCALE



NO.	DATE	DESCRIPTION
1	07/23/20	ISSUE FOR PERMIT
2	07/23/20	ISSUE FOR PERMIT
3	07/23/20	ISSUE FOR PERMIT

**DODGE FLATS SOLAR ENERGY CENTER**  
 INDIAN COUNTY, NEBRA  
 PROJECT NO. 200114-01

NO.	DATE	DESCRIPTION
1	07/23/20	ISSUE FOR PERMIT
2	07/23/20	ISSUE FOR PERMIT
3	07/23/20	ISSUE FOR PERMIT

SHEET TITLE  
**OVERALL PLAN**  
 DRAWING NO.  
**C-101**

# DUST CONTROL PLAN DURING PILE, TRACKER, & MODULE INSTALL

Below shows the (3) phases the project will be built in.  
 A chain link fence will be installed around entire project site for both erosion and security control.

Minimum of (3) 4000 gallon water trucks (with more trucks available if needed) will be used while the super train installs piles, trackers and modules throughout each quadrant starting with Block 1 and continuing numerically through block 58 (see blue flow arrow).

All final grading will have an erosion resistant aggregate as the top layer that is as erosion resistant (if not more resistant) than the existing soil stabilization type. Acceptable aggregate will be utilized over re-vegetation measures that may effect solar array output and performance. See 60% civil drawings for exact drawings.

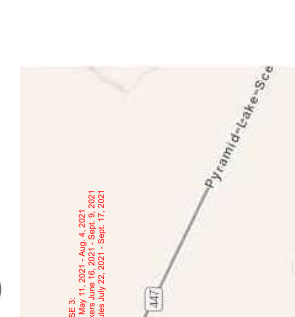
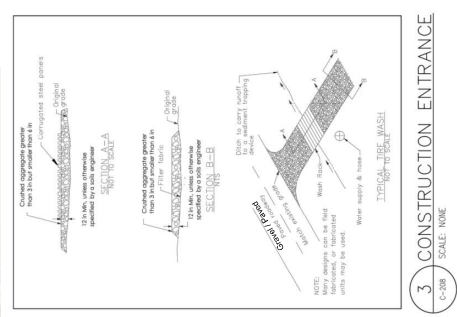
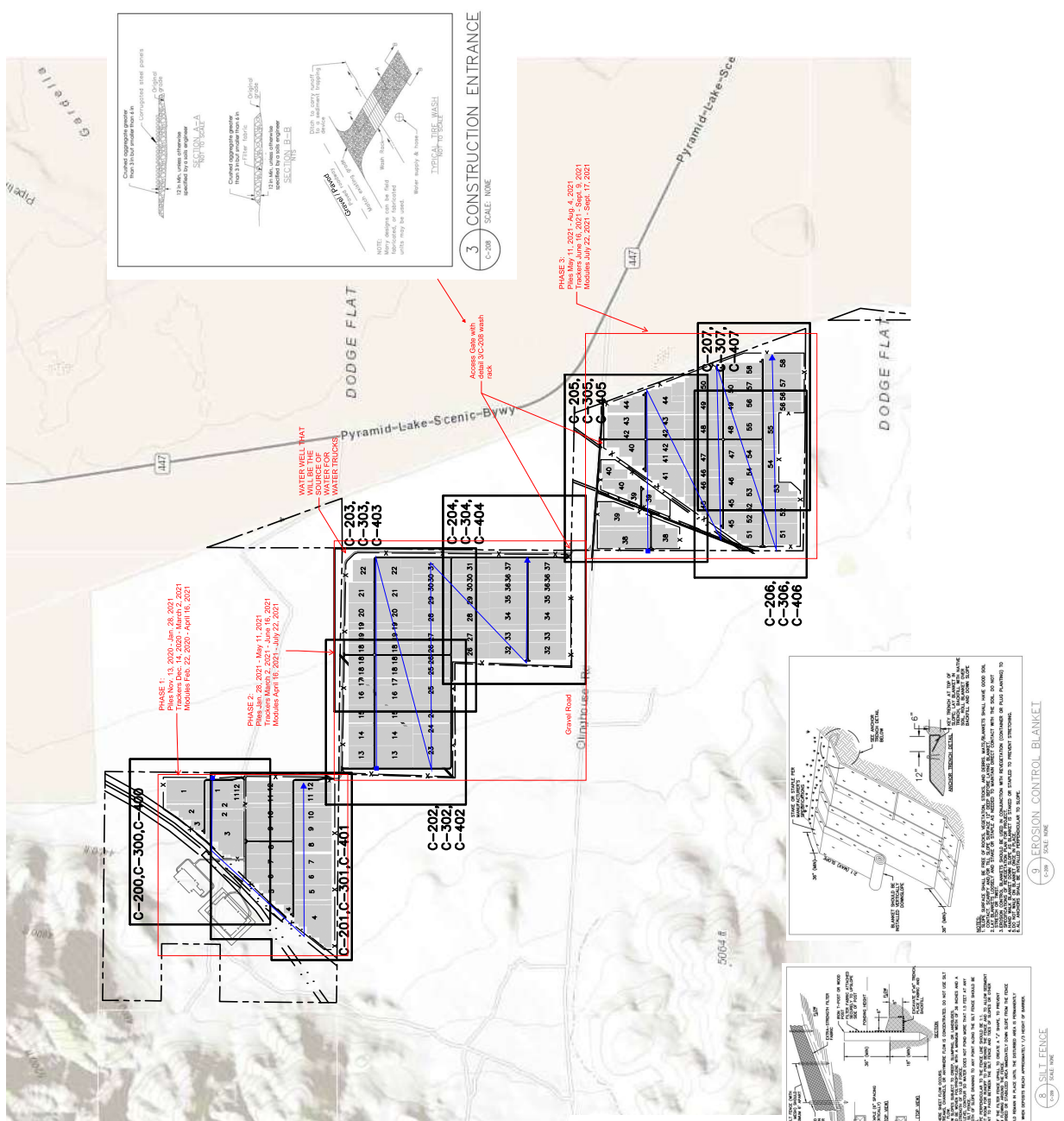
Street Sweeping will be done as needed on paved State Route 447 for all trackout caused by the jobsite. The following companies can all accommodate services within 24 hours and daily or weekly times will be set up as needed.  
 - EPS Street Sweeping Services - 775-220-6687  
 - Desert Commercial Sweeping - 775-690-2503  
 - Eastern Sierra Street Sweeping - 775-781-2946

After doing final testing in a quadrant, environmentally friendly soil binders that are bio-degradable and promotes vegetation will be used over the dirt areas and all traffic will be directed to remain on the roads so the soil binder is not disturbed.

See below for (4) temporary dust control measures that will be taken during construction activities (details 6-9 / C-209).

For detailed Storm water Pollution Prevention Plan, Geometric Plan and Grading Plan, please see attached file "60% Civil Drawings for Reference Only, Permit Set Being Submitted at Future Date."

24-hour / 7 days a week security patrol will be onsite that will also be utilized to monitor dust conditions and report if additional preventative measures will be needed during non-work hours.



1000' 0' 1000' 2000'  
 GRAPHIC SCALE  
 ALL DRAWINGS SHALL BE CHECKED FOR PROPER SCALE

1000' 0' 1000' 2000'  
 GRAPHIC SCALE  
 ALL DRAWINGS SHALL BE CHECKED FOR PROPER SCALE



Please see attached Revegetation, Stabilization and Erosion Control Plan

## 6 POST CONSTRUCTION MONITORING PLAN

Routine inspection and maintenance will need to be performed after the DFSEC has been constructed. The entire property will be inspected by DFSEC personnel at a minimum of twice per year for adverse erosion conditions and/or sediment build-up and also after any significant rainfall event. One inspection will occur in the September/October months to determine if any erosion from summer rains resulted. Any places found to have adverse erosion conditions and/or sediment build-up will be fixed by re-grading the area and stabilizing the soil. Areas within the solar fields will be inspected for erosion and be re-graded if necessary.

Support structures will be inspected for detrimental erosion. Erosion repair activities will be conducted as soon as practicable. The number of erosion repairs undertaken and the quantity of sediment relocated to repair the eroded areas in a given year depends on the frequency and extent of past maintenance activities, as well as weather and hydrologic conditions during recent years. If erosion persists in an area, rip-rap may be added or other appropriate BMPs will be considered for repair. Following that inspection and any repair activities, DFSEC personnel will take photo documentation that identifies post-storm conditions and measures that were taken in response to the storm event (i.e., re-grading the area and stabilizing the soil) and the photo documentation will be available for WCSD upon request.

Debris collection and blockage removal will be conducted on an as-needed basis. Trash or vegetation debris may also cause a blockage and require removal. Trash and associated debris removal is necessary to maintain design capacity of the wash crossing. Spoils, trash, or any debris will be removed off-site to an approved disposal facility.

A trash abatement program will also be established to ensure all trash on site will be kept in covered trash receptacles with lids that can be securely fastened. No dumpsters or trash cans will be left for any period of time without lids secured in place, except when trash is being deposited in the container. Workers will also be provided with environmental awareness training that includes an overview on the importance of trash abatement measures. No littering will be permitted on site, and all trash must be controlled until it is placed in a designed trash container. All trash on site will be collected in a central location in proximity to the substation. Refuse will be taken to a landfill on a regular basis.

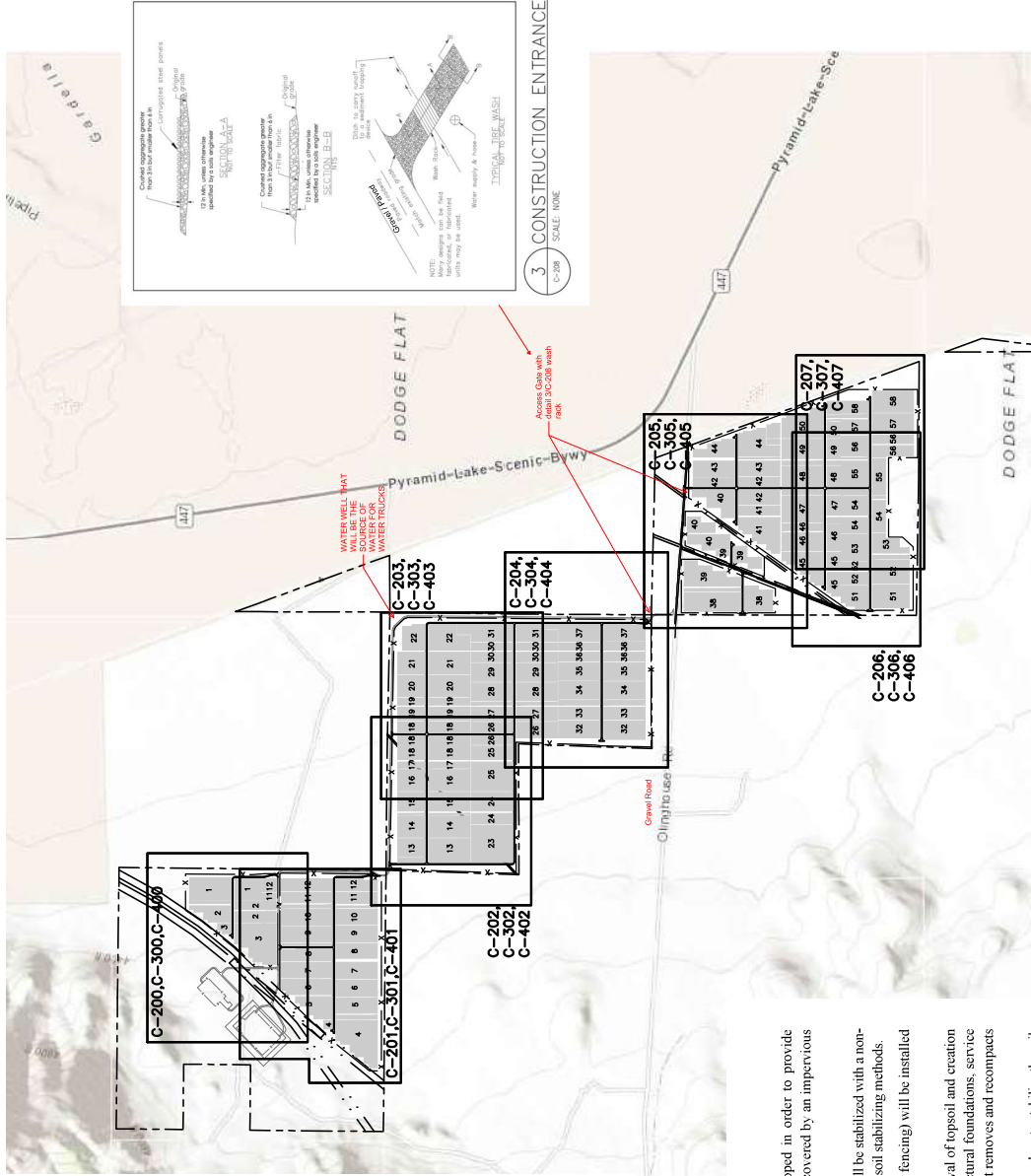
Drainage facilities will be inspected at a minimum of twice per year, in the spring and in the fall for accumulated sediment or for detrimental erosion. Sediment removal or erosion repair activities will be conducted within the wash crossing during periods of no runoff. The number of sediment removal or erosion repair projects undertaken and the quantity of sediment removed or added in a given year depends on the frequency and extent of past maintenance activities, as well as weather and hydrologic conditions during recent years. Sediment removal or erosion repair needs following wet winters with higher than usual runoff, upstream slope erosion, and sediment delivery to (and transport within) the wash crossing will likely be greater than maintenance requirements following an average or dry winter.

## 5 BEST MANAGEMENT PRACTICES

The following Best Management Practices (BMPs) have been developed in order to provide stabilization and erosion control for all disturbed areas that will not be covered by an impervious surface during project operations.

- **Soil Binder Application:** After active construction activities, soil will be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods.
- **Wind Breaks:** Wind breaks (such as chain-link perimeter security fencing) will be installed along the project perimeter.
- **Minimize Grading:** Grading will be minimized to limit the removal of topsoil and creation of loose soils. Only in areas where drainage improvements, structural foundations, service roads, and leveling of severe grades need to occur will grading that removes and recompacts the soil surface occur.
- **Retain Existing Vegetation:** Where feasible, plant roots will be left in place to stabilize the soil.
- **Road Stabilization:** All unpaved road areas used for construction will be treated with a dust suppressant or gravel to prevent excessive dust and erosion.
- **Minimize Speeds:** On-site vehicle speed will be limited to 10 miles per hour on unpaved areas. Vehicles may travel up to 25 miles per hour on stabilized unpaved roads (application of palliatives, gravel, etc. that reduces the erosion potential of the soil) as long as such speeds do not create visible dust emissions.

# DUST CONTROL PLAN AFTER SUBSTANTIAL COMPLETION AND DURING COMMERCIAL OPERATIONAL USE



GRAPHIC SCALE

1" = 200'

ALL DIMENSIONS SHALL BE GIVEN FOR HORIZONTAL SCALE

SHEET TITLE  
OVERALL PLAN

DRAWING NO.

C-101

DODGE FLATS  
SOLAR ENERGY CENTER  
INDIGO COUNTY, NEVADA  
PROJECT NO. 200714-01

NO. DATE DESCRIPTION

REVISIONS

1 07/23/20 ROAD SUBMITTAL

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## **Compliance Report**

Dodge Flats Solar

2505 State Route 447

Reno, NV 89510

On April 5, 2021 AQS Osborn responded to a complaint of dust at Dodge Flats Solar, located at 2505 State Route 447. The specialist arrived on site at approximately 1530 hours and observed fugitive dust from windy conditions and dust from equipment operations. The specialist recorded 11:01 minutes of video and conducted a Method 22, which documented an accumulated 9:35 minutes of visible dust. On site observations indicated inadequate water trucks for the amount of land open - two 8k and two 4k water trucks were observed, though there may have been additional trucks which were not visible to the specialist.

The specialist called Caleb Norton of McCarthy Builders to obtain Ryan Schatz of McCarthy Builders' phone number. The specialist soon received a phone call from Mr. Schatz, and she informed him that cessation of operations and continued watering of the site was required immediately. He said that they were currently shutting down operations. The specialist informed Mr. Schatz verbally that the incident on noncompliance had been documented and would be compiled into a case to be submitted to the AQMD enforcement group.

The specialist then left a message for the complainant to request additional information. Shortly afterwards, the specialist received a phone call back from the complainant, Carla, who stated that the dust has been an issue for several weeks and that it is very visible when commuting on the highway adjacent to the project site.

The specialist observed the site for approximately 45 minutes, which as how long it took for all equipment to shut down after seeking to the project manager. The specialist then received another call from Mr. Schatz, and she informed him that a dust mitigation plan would be required to be submitted and a follow up email would be sent to him to delineate the requirements of the plan in detail. He said that a plan would be submitted by the following day (4/6/2021).

The specialist then received a phone call from Tina Mudd of Granite construction, indicating that they had shut down operations and expressing concern that the suggestions they had discussed with McCarthy for controlling dust had gone unheeded.

The specialist emailed Ryan Schatz, Kenny Whisenhunt, Caleb Norton, and Justin Barnes of McCarthy requesting a formal mitigation plan, to include types/scopes of mitigation actions and timelines for achievement, be submitted by COB 4/7/2021; indicating that follow up inspection would be conducted; and informing them that the documented incident of noncompliance would be submitted to the AQMD enforcement panel for review.

On April 6, 2021 AQS Osborn received an email from Ryan Schatz briefly outlining the mitigation measures that McCarthy would be implementing and indicating that subcontractors Granite and

Aggregate would be submitting their own formalized plans. The specialist later received a phone call from Mr. Schatz indicating that a more in-depth mitigation plan would be submitted by COB 4/7/2021.

On April 7, 2021 AQS Osborn received an email from Ryan Schatz compiling final mitigation plans from McCarthy, Granite, and Aggregate indicating the following actions to be implemented:

- Addition of (1) 4k water truck and (1) 500-gallon water buffalo
- Application of Gorilla Snot to problem areas
- Grading to cease when water trucks are not present
- Implementation of Stop Work Program if dust cannot be controlled
- Physical exclusion of unnecessary vehicle travel access to problem areas

AQS Osborn responded with an email requesting that a map of the areas where Gorilla Snot was to be applied and a product data sheet be submitted. The specialist also indicated that additional follow up inspections would be conducted as necessary.

On April 13 AQS Osborn conducted a follow up inspection at Dodge Flats solar. The specialist arrived on site at approximately 1300 hours and observed windy and dusty conditions. All equipment was shut down and all water trucks were watering the site. The specialist spoke to Ryan Schatz via a phone call, and he indicated that the Gorilla Snot would arrive Friday and would be applied to approximately 20 acres. The use of additional tackifier was also discussed. The site was in compliance with the conditions of the DCP at the time of inspection and no further actions was taken.

On April 19, 2021 AQS Osborn received a phone call and email from Ryan Schatz confirming that Gorilla Snot had been applied and travel routes restricted on site, and a map of the application areas and travel routes was received via email. He also indicated that additional palliative was being ordered and would be applied shortly.

On April 29, 2021 AQS Osborn conducted a follow up inspection at Dodge Flats Solar at approximately 1300 hours. The specialist met with Ryan Schatz on site and toured the site. No issues were observed. Two 8k and three 2k trucks were observed actively watering. Grading was complete and only minimal trenching operations were active. All issues had been corrected, thus the complaint and inspection reports will be completed and closed. The specialist again stressed the importance of continued watering and shut down of operation if dust cannot be controlled due to windy conditions.

## **Photographs**

Dodge Flats Solar  
2505 State Route 447  
Taken on April 5, 2021  
NOV No. AQMV21-0037  
Complaint No. WCMP21-00347

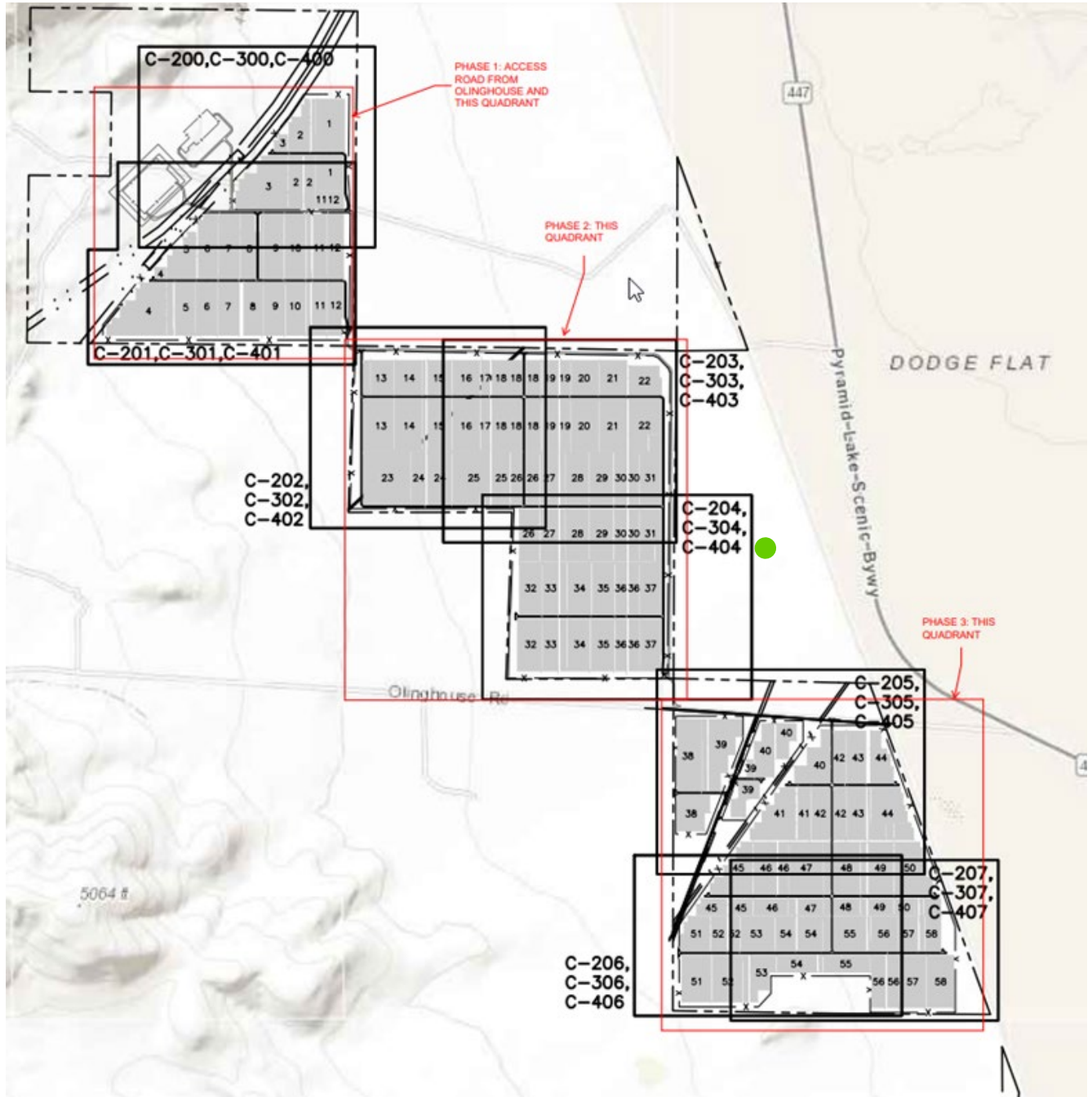


**Photograph 1**

**Date: 04/05/2021**

**Direction: N/A**

Photograph illustrating the observer's vantage point at the time of inspection. The green dot represents the observer's location and is overlaid onto a site map submitted in the original Dust Control Permit application.

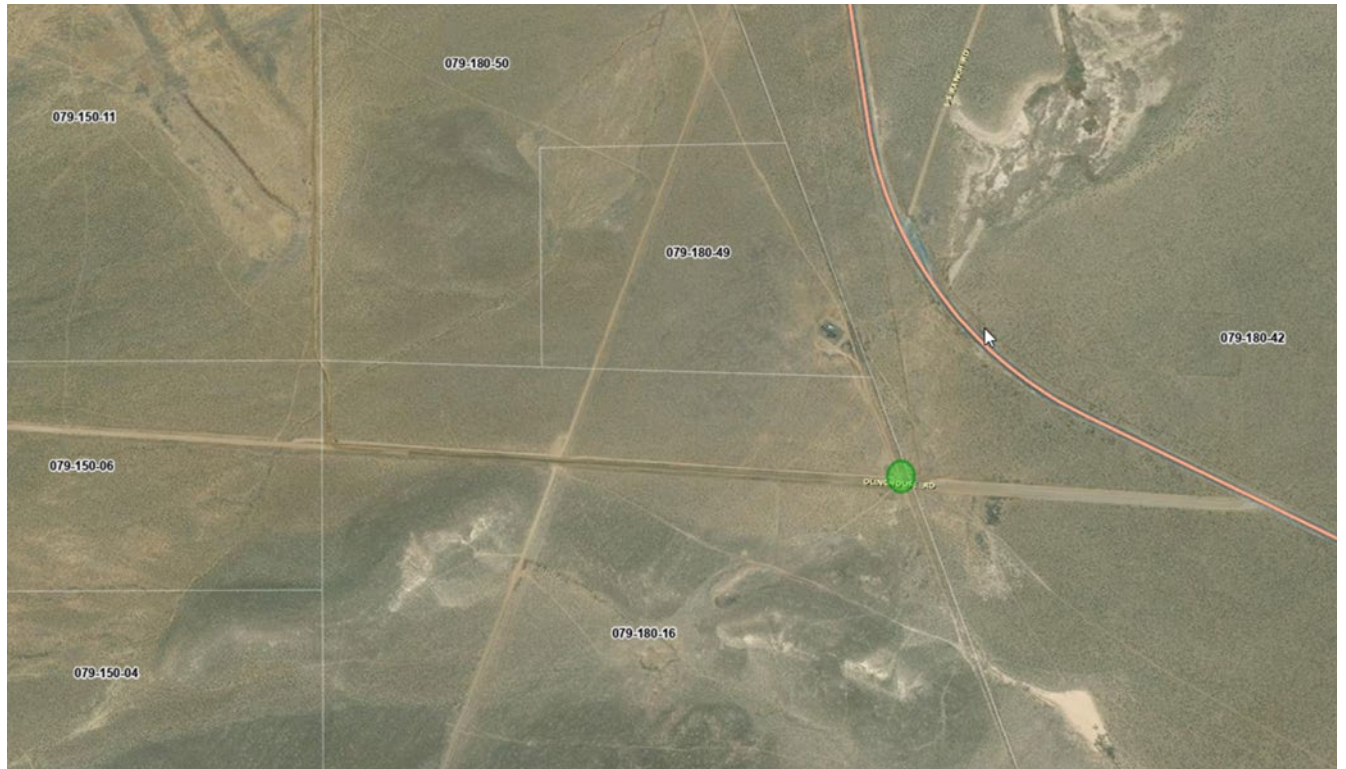


**Photograph 2**

**Date: 04/05/2021**

**Direction: N/A**

Photograph illustrating the observer's vantage point at the time of inspection. The green dot represents the observer's location and is overlaid onto a screen shot obtained in Washoe Regional Mapping System (WRMS).



**Photograph 3**

**Date: 04/05/2021**

**Direction: SW**

Image demonstrating fugitive dust being generated in by two front end loaders in Phase 3 of the Dodge Flat Solar project (refer to site map and observer location indicated in Photograph #1 and #2). No dust control measures were being used to mitigate fugitive dust from these pieces of equipment.



**Photograph 4**

**Date: 04/05/2021**

**Direction: West**

Image demonstrating fugitive dust originating in Phase 2 of the Dodge Flat Solar project (refer to site map and observer location indicated in Photograph #1 and #2). No dust control measures were being used to mitigate fugitive dust from this area.



**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**



- 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; and
  - 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) 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 **Subsection C**.
  - 1. The Control Officer 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 **Section 020.040** of these regulations.
- E. Nothing in this section prevents the Hearing Board or the Control Officer from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

**020.040**  
05/28/18)

**CIVIL FINES AND PENALTIES** (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,

- A. Except as provided in **Subsections B** and **C**, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in **Section 030.2175** of these regulations.
- B. Any person who commits a major violation of any section of these regulations, other than Sections **020.050** and **020.055**, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. 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. Any violation of Sections **040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080** or **050.001** of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.

D. The following fines shall be levied for minor violations of these regulations:

	<b>First Violation</b>	<b>Second Violation</b>
<b>Section 040.030</b> (Dust Control)		
A. Violation of Dust Permit Condition(s)	not more than 1000	not less than 1000 not more than 2000
B. Visual Emission Violation	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.035</b> (Open Fires)	not more than 500	not less than 500 not more than 1000
<b>Subsection A of Section 040.040</b> (Fire Training)	not more than 500	not less than 500 not more than 1000
<b>Section 040.050</b> (Incinerator Emission)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.051</b> (Certified Woodstoves)	not more than 500	not less than 500 not more than 1000
<b>Section 040.055</b> (Odors)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.080</b> (Gasoline Transfer)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.200</b> (Diesel Idling)	not more than 500	not less than 500 not more than 1000
<b>Section 050.001</b> (Emergency Episode)	not more than 1000	not less than 1000 not more than 2000

E. 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 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 Board 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 or District Health Department, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) 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.
- F. Unless the Board of Health bases its decision on the recommendations and/or findings of the Control Officer or the Hearing Board as set forth in **Paragraphs 1 and 2 of Subsection E**, the Board shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the Board pursuant to **Paragraph 3** of that subsection. 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 him. The Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the Board's specialized knowledge. All decisions of the Board of Health respecting administrative fines shall be in writing or notice of the Board's decision shall be forwarded to the aggrieved party at his last known mailing address.
- G. All fines shall be levied by formal action of the District Board of Health. The Control Officer may suspend, deny or revoke any or all permits of a person who has failed to pay any fine that has been levied by the District Board of Health.
- H. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the Board 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.
- I. 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.
- J. All monetary fines assessed pursuant to violations of **Sections 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.

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
040.005	Visible Emissions	1000	2500
040.030	Dust Control (fugitive)	1000	2000
040.035	Open Fires	500	1000
040.040	Fire Training	500	1000
040.050	Incinerator	1000	2000
040.051	Woodstoves	500	1000
040.055	Odors	1000	2000
040.080	Gasoline Transfer (maintenance)	1000	2000
040.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
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

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

Company Name McCarthy Building Companies  
Contact Name Kenny Whisenhunt  
Case Number 1308

I. Violation of Section 040.030 Section C. 3.

**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

5/28/2021  
\_\_\_\_\_  
Date



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

Company Name McCarthy Building Companies  
 Contact Name Kenny Whisenhunt  
 Case Number 1308  
 Violation Number AQMV21-0037

Violation of Section 040.030 Section C. 3.  
 Permit Condition Condition No.12 of Permit No. APCP20-0151

**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/Mo **1** = \$ **1,000.00**

**Comment:** 1 occurrence of violation was observed

**D. Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

**Comment:** No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 1,000.00 + Economic Benefit \$ 0.00 = \$ **1,000.00**

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

**III. Penalty Adjustment Consideration**

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

0%

**Comment:** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

**Comment:** Penalty by rule

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

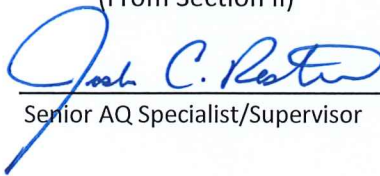
Penalty Adjustment:

\$ 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 - \$   

**Comment:** \_\_\_\_\_  
Adjusted Penalty:

\$ 1,000.00	+/-	\$ 0.00	=	\$ <span style="border: 1px solid black; background-color: yellow;">1,000.00</span>
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

  
Senior AQ Specialist/Supervisor

5/28/2021  
Date

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

**Appeal**

JUN 11 2021

WASHOE COUNTY  
HEALTH DIST.

**APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD**

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: McCarthy Building Companies

PHONE: 650-96694980

MAILING ADDRESS: 2580 St. Rose Parkway Suite 200

CITY: Henderson STATE: NV ZIP CODE: 89704

PHYSICAL ADDRESS: 1901 Olinghouse R.

CITY: Wadsworth STATE: NV ZIP CODE: 89442

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQMV21-0042 DATE RECEIVED: 6/4/2021

REGULATION INVOLVED: SECTION: 040.030 Section C.3- Dust Control

BASIS FOR APPEAL/VARIANCE: See Attached

Jeff Tharp

PRINT NAME



SIGNATURE

Project Manager

TITLE

6/11/2021

DATE

Revised 06-2020







6225 N 24th St, Suite 200, Phoenix, Arizona 85016  
P 480-449-4700 | F 480-449-4747  
mccarthy.com

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

RE: Permit # APCP20-0151  
Project: Dodge Flat Solar  
Notice of Violation AQMV21-0042

We appreciate the opportunity to appeal violations AQMV21-0037 & AQMV21-0042. McCarthy understands the importance of maintaining a compliant site and has been working diligently to stay in compliance. The above violations reference 040.030 Section C.3 – Dust Control Permit Requirements. This section allows for the Permit Operator (McCarthy) to take corrective actions if the Control Officer determines there is fugitive dust. Days with winds above 20mph are typically when we experience increased dust-generating activities. McCarthy monitors the winds and the dust to shut down if the winds are creating excessive dust. Attached, please see notifications that go out to the onsite supervision to cease activities when the winds increase. On notification days, April 5, 2021, and May 6, 2021, we did cease activities.

In addition to ceasing activities, McCarthy has increased its fleet of water trucks from 2 to 11 and added additional filling stations. This is a \$500,000 addition cost to McCarthy which was not originally anticipated. I only mention this to help show the extent of the efforts we will go to maintain compliance and our willingness to work with the Air Quality Management Division. We believe this is compliant with the allowed corrective actions in 040.030 Section C.3 – Dust Control Permit Requirements.

It is also worth mentioning the project conditions for those who may not be familiar with the site. We are located over a mile outside of the town of Wadsworth. The adjacent area is all open desert and typically when it is windy, like on the days of the violations, there is also dust being generated from the natural desert land, which can create a perception that the site is generating more dust than reality.

I hope this explanation of our sincere efforts and challenges will help in your consideration for annulling violations AQMV21-0037 & AQMV21-0042.

Respectfully,  
Kenny Whisenhunt  
Sr. Project Manager  
McCarthy Building Companies, Inc.



A McCarthy Holdings, Inc. company

ROC Arizona Contractors License Nos. A 080910, B-1 080911, Air Conditioning & Refrigeration License No. 138400, Plumbing License No. 251222,  
Nevada Contractors License Nos. AB 0066125, B 0011780, C-5 0069889, New Mexico Contractors License No. 019326

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

May 28, 2021

McCarthy Building Companies  
Attn: Kenney Whisenhunt  
2580 St Rose Pkwy., Suite 200  
Las Vegas, NV 89074

**RE: Notice of Violation AQMV21-0037 of Dust Control Permit APCP20-0151**

Dear Mr. Whisenhunt,

On April 5, 2021, the Air Quality Management Division (AQMD) of the Washoe County Health District identified an incident of noncompliance associated with Dust Control Permit APCP20-0151 located at the Dodge Flats Solar project site adjacent to S.R. 447. The attached Notice of Violation (NOV) No. AQMV21-0037 state the specifics of Case No. 1308.

**Based on the incidents of noncompliance, McCarthy Building Companies has violated the following Section of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations):**

- 040.030 Section C.3. – Dust Control Permit Requirements

Based on the available information associated with Case No. 1308, the AQMD has determined that formal issuance of NOV No. AQMV21-0037 is warranted.

The AQMD makes recommendations to the Washoe County District Board of Health (DBOH) as to what an appropriate penalty may be for a violation of the DBOH Regulations. The penalty is based on the Penalty Table and DBOH Regulations Section 020.040 Civil Fines and Penalties. NOV No. AQMV21-0037 was cited as a violation of Section 040.030 Section C.1. constituting a minor violation per Section 020.040 (C). Therefore, the AQMD is making a recommendation to the DBOH to uphold NOV No. AQMV21-0037 and administer a penalty by rule in the amount of \$1,000.00 to McCarthy Building Companies.

An appeal of NOV No. AQMV21-0037 may be requested per DBOH Regulation 020.0252 Hearing Board – Appeal Procedure. A copy of the Appeal Petition to the Air Pollution Control Hearing Board is enclosed. Appeal Petitions must be received within (10) days of receipt of this notice. Appeal Petitions may be submitted to:

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

Subject: Notice of Violation AQMV21-0037/McCarthy Building Companies  
Date: May 28, 2021  
Page 2 of 2

Failure to submit an appeal, using the supplied Appeal Petition Form available in Attachment 4, within the specified timeframe will be considered consent of NOV No AQMV21-0037 with the recommended penalty of \$1,000.00 to McCarthy Building Companies. The AQMD will then submit NOV No. AQMV21-0037 to the Washoe County District Board of Health for approval. The item will be placed as a consent agenda item with a recommendation for the assessment of an administrative fine of \$1000.00. McCarthy Building Companies will receive notice of the submittal to the Washoe County District Board of Health prior to the meeting where the item will be heard.

If you have any questions regarding the information contained in this letter or the attachments, please contact me at (775) 784-7202. If I am unavailable, please contact Francisco Vega at (775) 784-7211.

Sincerely,



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Washoe County Health District, Air Quality Management Division

Enclosed:

Attachment 1 - Notice of Violation (Final)

Attachment 2 - DBOH Regulations Section 020.040 Civil Fines and Penalties

Attachment 3 - Penalty Table

Attachment 4 - Appeal Petition Form

E-copy: AQMD Enforcement Group

Cert. Mail No. (Return Receipt Required) 9171 9690 0935 0218 6774 80

## Dodge Flar Solar Mass Text Wind & Dust Notifications

### Wind Alert

McCarthy Building Companies , Dodge Flats Foreman's

Sent 04/13/2021 15:03 CDT via   by Jason Faltinowski

Team, Winds are holding steady N 20 mph at this time. Please ensure we are securing lightweight materials, and evaluating activities where wind can be a hazard.

### Post Updates (0)

### Wind Alert

McCarthy Building Companies , Dodge Flats Foreman's

Sent 04/13/2021 15:21 CDT via   by Jason Faltinowski

McCarthy Leaders- Please ensure we are not driving equipment off the approved routes. If generating dust at this time, let's shut down as a precaution for now.

### Post Updates (0)



**Staff Report**  
**Board Meeting Date: July 13, 2021**

**TO:** Air Pollution Control Hearing Board

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0042 issued to McCarthy Building Companies, Inc., issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

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**SUMMARY**

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0042 be upheld and an administrative fine in the amount of \$2,000.00 be levied against McCarthy Building Companies, Inc. for failing to comply with the provisions of Dust Control Permit No. APCP20-0151 and allowing visible dust to be emitted into the air from any operations or disturbed areas of the project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1.). This action constitutes a minor violation of the Washoe County District Board of Health Regulations Governing Air Quality Management.

**BACKGROUND**

Please refer the attached NOV No. AQMV21-0042. This NOV contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

**RECOMMENDATION**

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV21-0042, associated with Case No. 1316, issued to McCarthy Building Companies, Inc., and levy an administrative fine in the amount of \$2,000.00.

**ALTERNATIVES**

Should the APCHB wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Air Pollution Control Hearing Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV21-0042.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV21-0042; and levy any fine in the range of \$0.00 to \$2,000.00 per day per violation.



**POSSIBLE MOTION(s)**

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

1. "Move to deny the appeal of NOV No. AQMV21-0042, associated with Case No. 1316 issued to McCarthy Building Companies, Inc., and levy an administrative fine in the amount of \$2,000.00."

or, should the APCHB wish to consider an alternative motion the possible motion(s) may be:

1. "Move to dismiss NOV No. AQMV21-0042, associated with Case No. 1316, issued McCarthy Building Companies, Inc.", or
2. "Move to uphold NOV No. AQMV21-0042, associated with Case No. 1316, and levy an administrative fine in the amount of \$0.00 to \$2,000.00 per day per violation to McCarthy Building Companies, Inc."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Francisco Vega P.E., MBA  
Director  
Washoe County Health District  
Air Quality Management Division

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

**Notice of Violation No.  
AQMV21-0042 and Supporting Documentation**

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

**NOTICE OF VIOLATION No. AQMV21-0042  
ISSUED TO  
McCarthy Building Companies  
Permit Number: APCP20-0151  
Date of Issuance: May 28, 2021  
Case No.: 1316**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that McCarthy Building Companies is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. 3. Dust Control Permit Requirements.

1. VIOLATION

- A. Failure to comply with the provisions of Dust Control Permit APCP20-0151. Specifically, permit condition No. 12: Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1).

2. BASIS OF VIOLATION

A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

**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 May 6, 2021, an Air Quality Specialist (AQS) responded to a complaint concerning fugitive dust from the Dodge Flats Solar project. At the time of the

response, the AQS conducted an EPA Reference Method 22 observation of the project site. The AQS documented 6 minutes of visible fugitive dust during a 6 minute observation. This exceeds the standard set in the Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C.1. and referenced in Condition No. 12 of Dust Control Permit APCP20-0151.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

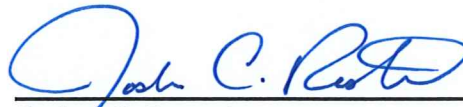
A. Appeal Procedure

McCarthy Building Companies is advised that within (10) working days of the receipt of this Notice of Violation, McCarthy Building Companies may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$2,000.00.

5/28/2021  
Date



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Air Quality Management Division  
Washoe County Health District





Washoe County Health District
Air Quality Management Division
P.O. Box 11130, Reno, NV 89520-0027
Office (775) 784-7200 Fax (775) 784-7225

CONSTRUCTION SITE INSPECTION FORM WCOMP 21-00492

Inspector: Brittney Osborn Date/Time: 5/6/2021 / 16:10
Permit No.: AFPCP 20-0151 Responsible Party: McCarthy Building Companies
Project Name: Dodge Flats Solar Location: 1900 Olinghouse Road

Weather: [x] Partly Cloudy [ ] Clear [ ] Cloudy [ ] Recent Rain Temp: 81° Wind/mph: 23 Direction: WSW
Site: [x] Active [ ] Inactive [ ] Project Complete Workers Present: [x] Yes [ ] No

- Activities Occurring: None
[ ] Clearing/Grubbing [ ] Backfilling [ ] Abrasive Blasting [ ] Clearing Forms [ ] Crushing/Screening
[ ] Cut & Fill [ ] Importing/Exporting [ ] Explosive Blasting [ ] General Construction [ ] Subgrade Prep
[ ] Trenching [ ] Stockpiling [ ] Demolition (mech) [ ] Landscaping [ ] Paving

EMISSIONS COMPLIANCE [ ] YES [x] NO

Fugitive Dust Emissions [x] Yes [ ] No If yes, source: Plume/Length: Opacity: %

Project Soils: Stable: [ ] Moist [ ] Gravel [ ] Palliative [ ] Crust [ ] Other:
Unstable: [x] Dry [x] Loose [x] Powdery
Interior Roads: [ ] None Stable: [ ] Paved [x] Type II [ ] Moist [ ] Dust Suppressant
Unstable: [ ] Dry [ ] Loose [ ] Powdery

Track-out: [ ] Yes [x] No Dust from vehicles: [ ] Yes [x] No If yes, [ ] Interior [ ] Access
Water Source: [ ] Hydrant [ ] Stand Tank [x] Reservoir [ ] None Observed [ ] Other:
Mitigation Equipment: [ ] Hose [ ] Pull(s) [x] Truck(s) [ ] None Observed [ ] Other:
Mitigation Equipment Ratio: [ ] Adequate [x] Inadequate
Track-out device present: [x] Yes, functional [ ] Yes, not functional [ ] No, needed [ ] No, not needed

ADMINISTRATIVE COMPLIANCE [ ] YES [x] NO

Acreage Permitted: 1079 Project Size: Equal to Greater than
Staging/Parking area(s) [ ] N/A [x] On-Site [ ] Off-Site, included in acreage [ ] Off-Site, not included in acreage
Stationary Source Permits: [x] No Equipment [ ] Screen [ ] Crusher [ ] Batch Plant Permit#
DCP Sign: [x] Yes [ ] No DCP On-Site: [x] Yes [ ] No [ ] Not verified Dust Logs: [x] Yes [x] No [ ] Not Verified
Spoke with: Ryan Schatz Title: Project Assistant Manager [x] in person [ ] phone
Signature: Date:

Actions Taken: [ ] None [ ] Verbal Warning Notice of Violation#:

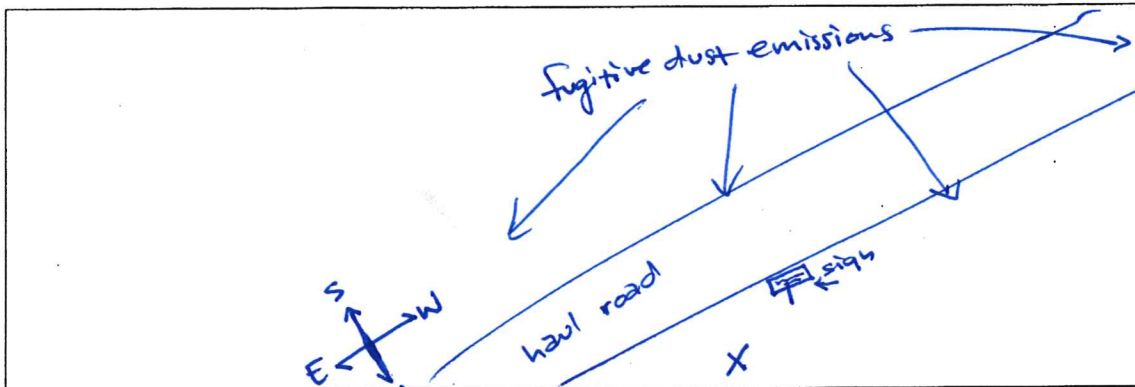
Inspection Notes: Fugitive dust observed across site from windy conditions - Method 22 conducted documented 6 minutes of visible dust in 6 minutes. No active dirt work. Observed 2 water trucks running (per Ryan Schatz, there are 4 on site). Dust logs not current (last entry 4/23/2021). Mr. Schatz will submit plan for dust mitigation by 5/10/2021.



FUGITIVE OR SMOKE EMISSION INSPECTION  
OUTDOOR LOCATION

Company <b>McCarthy Builders</b>	Observer <b>Brittney Osborn</b>
Location <b>1900 Olinghouse Road</b>	Affiliation <b>Washoe County AQMD</b>
Company Rep.	Date <b>5/6/2021</b>
Sky Conditions <b>Partly Cloudy</b>	Wind Direction <b>WSW</b>
Precipitation <b>NONE</b>	Wind Speed <b>23 mph</b>
Industry <b>CONSTRUCTION</b>	Process Unit

Sketch process unit: indicate observer position relative to source; indicate potential emission points and/or actual emission points.



OBSERVATIONS	Clock Time	Observation period duration, minutes:seconds	Accumulated emission time, minutes:seconds
Begin Observation	<u>16:10</u>	<u>6:00</u>	<u>6:00</u>
To complete this form, record the following:			
• the initial clock time			
• the total time of the observation (from SW1)			
• the total time of emissions (from SW2), and			
• the final clock time.			
For more details on recording this data and taking breaks, see #7 and #10 above.			
End Observation	<u>16:16</u>	<u>6:00</u>	<u>6:00</u>

Permit # APCP20-0151

**Dust Control Permit**

**Permit Issued To:**

McCarthy Building Companies  
c/o Kenney Whisenhunt  
2580 St Rose Pkwy, Ste 200  
Las Vegas, NV 89074

**Contractor Of Record:**

McCarthy Building Companies  
c/o Kenney Whisenhunt  
2580 St Rose Pkwy, Ste 200  
Las Vegas, NV 89074

**Project Name:**

DODGE FLATS SOLAR

**Location:**

2505 State Route 447

**Inspection Area:**

2

**Permit Issued:**

09/23/2020

**Project Type:**

Pollution Control

**Permit Expiration:**

03/23/2022

**Size of Project:**

1079

**# of water trucks:**

4

**Projected Start Date:**

10/16/2020

**“CONDITIONS OF OPERATION”**

1) The required number of water trucks will be assigned and available for operation 24 HOURS A DAY, 7 DAYS A WEEK for the purpose of water application for control of fugitive dust. If the required number cannot control fugitive dust emissions from equipment operations and/or gusty wind conditions, the applicant shall immediately provide additional water trucks. CESSATION OF OPERATIONS IS REQUIRED IF DUST CANNOT BE CONTROLLED DUE TO EQUIPMENT OPERATIONS AND/OR GUSTY WIND CONDITIONS. IF CESSATION OF OPERATIONS IS USED AS A DUST CONTROL MEASURE, CONTINUED WATERING OF THE PROJECT IS REQUIRED.

2) Dust emissions generated on any entrance or exit haul roads due to equipment operations or gusty wind conditions must be controlled 24 hours a day, 7 days a week, by the use of water application or an environmentally safe dust palliative (District Regulation 040.030, Section C. 2. a. and b.) Any palliative used must comply with state and local regulations and not provide a noxious odor or contaminate ground water.

- 3) All projects importing or exporting dirt, rock or other fill materials must comply with the work practice standards in District Regulation 040.030, Section C. 4., including load tarping, watering or Freeboard. Any soil tracked onto adjoining paved roadways will be promptly removed by wet broom or washing. Regular vacuum or wet sweeping will be performed at least daily, and more often if necessary or if ordered by the Control Officer due to a violation. Any materials tracked out or spilled which cause visible fugitive dust for a period of five (5) minutes in any hour period shall be cleaned up immediately.
- 4) Any soil or fill storage piles operated or maintained as a part of this construction lot will be covered or wetted down sufficiently to prevent wind blown dust. Dust emissions from screening operations will be controlled by the use of a water truck or other control measure that prevents fugitive dust.
- 5) The applicant shall implement additional dust control measures, such as extra water trucks, water cannons, re-vegetation, environmentally safe dust palliatives (which comply with all applicable regulations and do not emit a noxious odor and do not contaminate ground water), wind fencing, and/or cessation of operations should these measures fail to control fugitive dust emissions from this project.
- 6) Once final grade has been completed, and if no structures are being constructed, the owner/developer shall be required to establish a long-term stable surface. This shall include re-vegetation or covering the disturbed soil with rock or crushed asphalt products within 30 days of completion of final grade. The use of an approved palliative is an option, but must be approved by the AQMD prior to application.
- 7) The applicant shall provide a Material Safety Data Sheet (MSDS) and dilution ratio to AQMD staff for any dust palliative selected for use as a dust control measure at this site.
- 8) A copy of this dust control permit shall be maintained at the construction project site and available to any sub-contractor or AQMD inspector to review upon request.
- 9) ANY CHANGES MADE TO THE PROPOSED OPERATIONS, SCOPE OF WORK OR SURFACE DISTURBANCES UNDER THIS DUST CONTROL PERMIT shall be submitted to the Washoe County Health District, AQMD in writing and must receive approval from the Control Officer prior to implementation.
- 10) The owner or the general contractor shall erect an informational sign at the main entrance to the project site. The sign shall be a minimum of 4 ft. by 8 ft. in size, and shall be in place prior to initiation of disturbance of the ground surface. The sign lettering shall be at least 4 inches high and shall be bold and easily readable by the public. The sign shall remain in place for the life of the project. The sign shall include the following information, The name of the project, Identify the General Contractor, and the following statements "All operators at this site are required to control dust emissions from their operations. The General Contractor is required to oversee and control project wide dust emissions." and "For dust related problems coming from this site, or to make a dust complaint, call this phone number 24 hours per day, seven days per week: (775) 784-7200. A 24-hour phone number for both the Contractor/Developer and the Air Quality Management Division shall also be posted. The 24-hour phone number for complaints to the Air Quality Management Division is (775) 784-7200."

11) A log book of all dust control operations, containing all information as required by the Control Officer in the standard "WASHOE COUNTY DUST CONTROL LOG" must be maintained on a daily basis (copies of blank log sheets are available at the AQMD Office). Required information includes, but is not limited to, the number of OPERATING water trucks/pulls, the size of OPERATING water trucks/pulls (gallons capacity of each truck/pull), and the condition of the surface crust on disturbed areas. The operator shall record in the logbook all dust control efforts and the compliance level of the site with dust control requirements. The logbook shall be kept at the project site and made available to District representatives upon request.

12) Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). All disturbed areas must maintain a visible surface crust or other cover in compliance with Regulation 040.030, Section C.2.c. Compliance shall be determined using US Environmental Protection Agency Reference Method 22, with an observation period of not less than 5 minutes in any hour period. Copies of District Regulations, enforcement policies and USEPA Reference Testing Methods may be obtained by contacting the Air Quality Management Division at (775) 784-7200.

13) Failure to comply with all of the requirements of this Dust Control Permit shall be considered a citable 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 District Regulations.

14) A copy of the "Supplemental" Dust Control Plan received by the AQMD on 09/09/2020 and attached to this Dust Control Permit shall be maintained at the construction project and be made available to any sub-contractor or the AQMD upon request. All requirements found in the "Supplemental" Dust Control Plan must be adhered to for the duration of the project. Failure to implement the requirements of the "Supplemental" Dust Control Plan may be considered a violation of this Dust Control Permit.



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Health District Representative





McCarthy



DAVID MASON  
A  
MCCARTHY COMPANY

333 S. DEWANEY ST., SUITE 200  
MIDLAND, TEXAS 79701  
361-220-5000  
361-220-5001

NO.	DATE	DESCRIPTION
1	07.23.20	ISSUE FOR PERMIT
2	07.23.20	ISSUE FOR PERMIT
3	07.23.20	ISSUE FOR PERMIT

PROJECT NO. 200114-01

DODGE FLATS  
SOLAR ENERGY CENTER

INDIGO COUNTY, NEBKA

DRAWN BY: 07

CHECKED BY: 1W

DATE: 07.23.20

SCALE: 1"=200'



SHEET TITLE  
OVERALL PLAN

DRAWING NO.  
C-101

# DUST CONTROL PLAN DURING GRADING

Below shows the (3) phases the project will be graded in.

The first and third phase will start with the installation of the a construction entrance per detail 3/C-208 that includes a wash rack to minimize track out that will be made from the project site to Olinghouse's gravel road.

A chain link fence will be installed around entire project site for both erosion and security control.

When possible grading work will be knocking down current vegetation without destroying root ball.

Water pulls and trucks will be used prior, during and after all grading activities. A minimum of (4) 8,000 gallon water pulls will be utilized full time during grading activities. More water pulls can easily be brought to site and used if dust control has additional water needs.

Street Sweeping will be done as needed on paved State Route 447 for all trackout caused by the jobsite. The following companies can all accommodate services within 24 hours and daily or weekly times will be set up as needed.

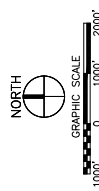
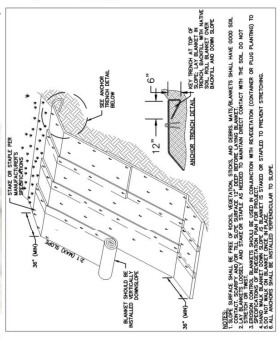
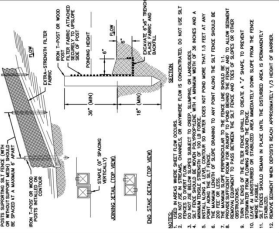
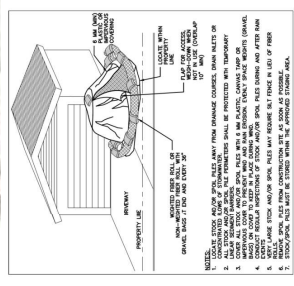
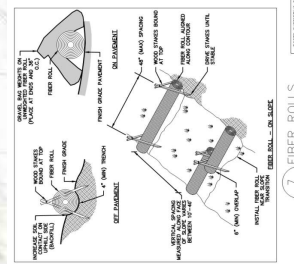
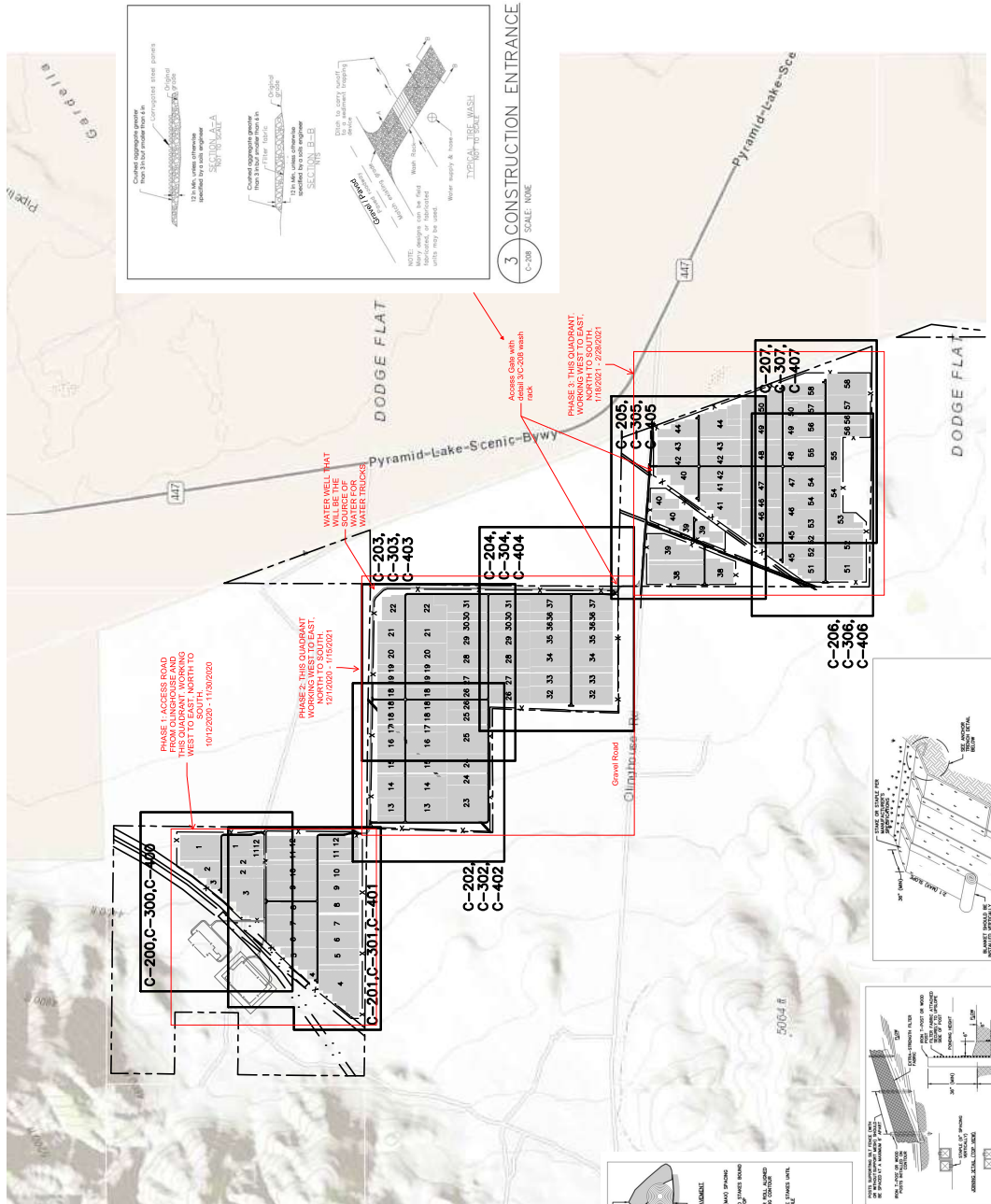
- EPS Street Sweeping Services - 775-220-6687
- Desert Commercial Sweeping - 775-690-2503
- Eastern Sierra Street Sweeping - 775-781-2946

After grading a quadrant, environmentally friendly soil binders that are bio-degradable and promotes vegetation will be used over the dirt areas and all traffic will be directed to remain on the roads so the soil binder is not disturbed.

See below for (4) temporary dust control measures that will be taken during construction activities (details 6-9 / C-209).

For detailed Storm water Pollution Prevention Plan, Geometric Plan and Grading Plan, please see attached file "60% Civil Drawings for Reference Only, Permit Set Being Submitted at Future Date."

24-hour / 7 days a week security patrol will be onsite that will also be utilized to monitor dust conditions and report if additional preventative measures will be needed during non-work hours.







NO.	DATE	DESCRIPTION
1	07.23.20	ISSUE FOR PERMIT
2	07.23.20	ISSUE FOR PERMIT
3	07.23.20	ISSUE FOR PERMIT

**DODGE FLATS SOLAR ENERGY CENTER**  
 INDIAN COUNTY, NEBRA  
 PROJECT NO. 200114-01

NO.	DATE	DESCRIPTION
1	07.23.20	ISSUE FOR PERMIT
2	07.23.20	ISSUE FOR PERMIT
3	07.23.20	ISSUE FOR PERMIT

SHEET TITLE  
**OVERALL PLAN**  
 DRAWING NO.  
**C-101**

# DUST CONTROL PLAN DURING PILE, TRACKER, & MODULE INSTALL

Below shows the (3) phases the project will be built in.  
 A chain link fence will be installed around entire project site for both erosion and security control.

Minimum of (3) 4000 gallon water trucks (with more trucks available if needed) will be used while the super train installs piles, trackers and modules throughout each quadrant starting with Block 1 and continuing numerically through block 58 (see blue flow arrow).

All final grading will have an erosion resistant aggregate as the top layer that is as erosion resistant (if not more resistant) than the existing soil stabilization type. Acceptable aggregate will be utilized over re-vegetation measures that may effect solar array output and performance. See 60% civil drawings for exact drawings.

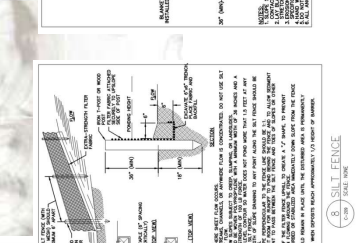
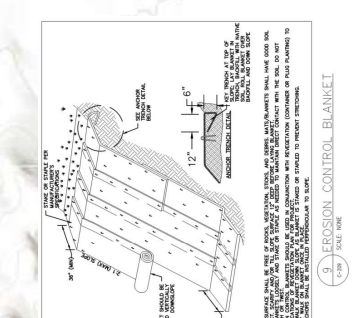
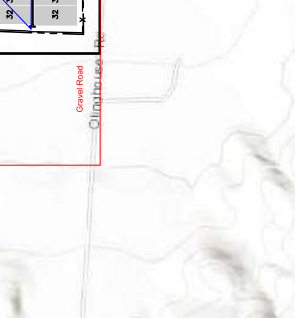
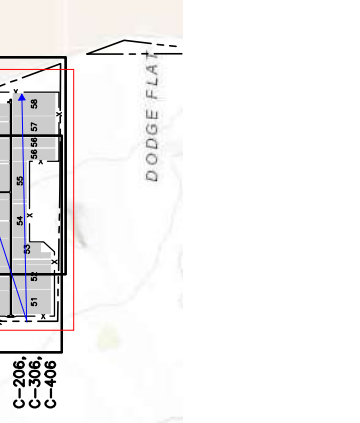
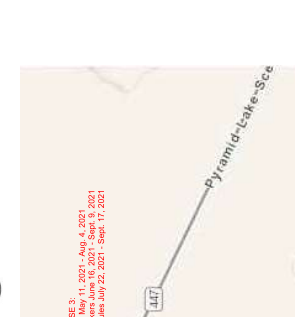
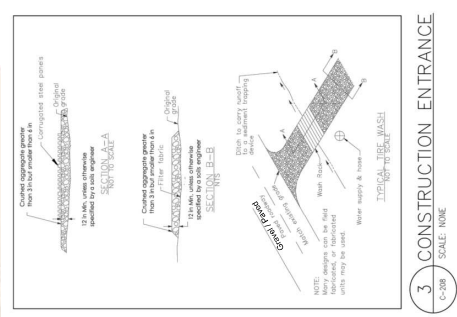
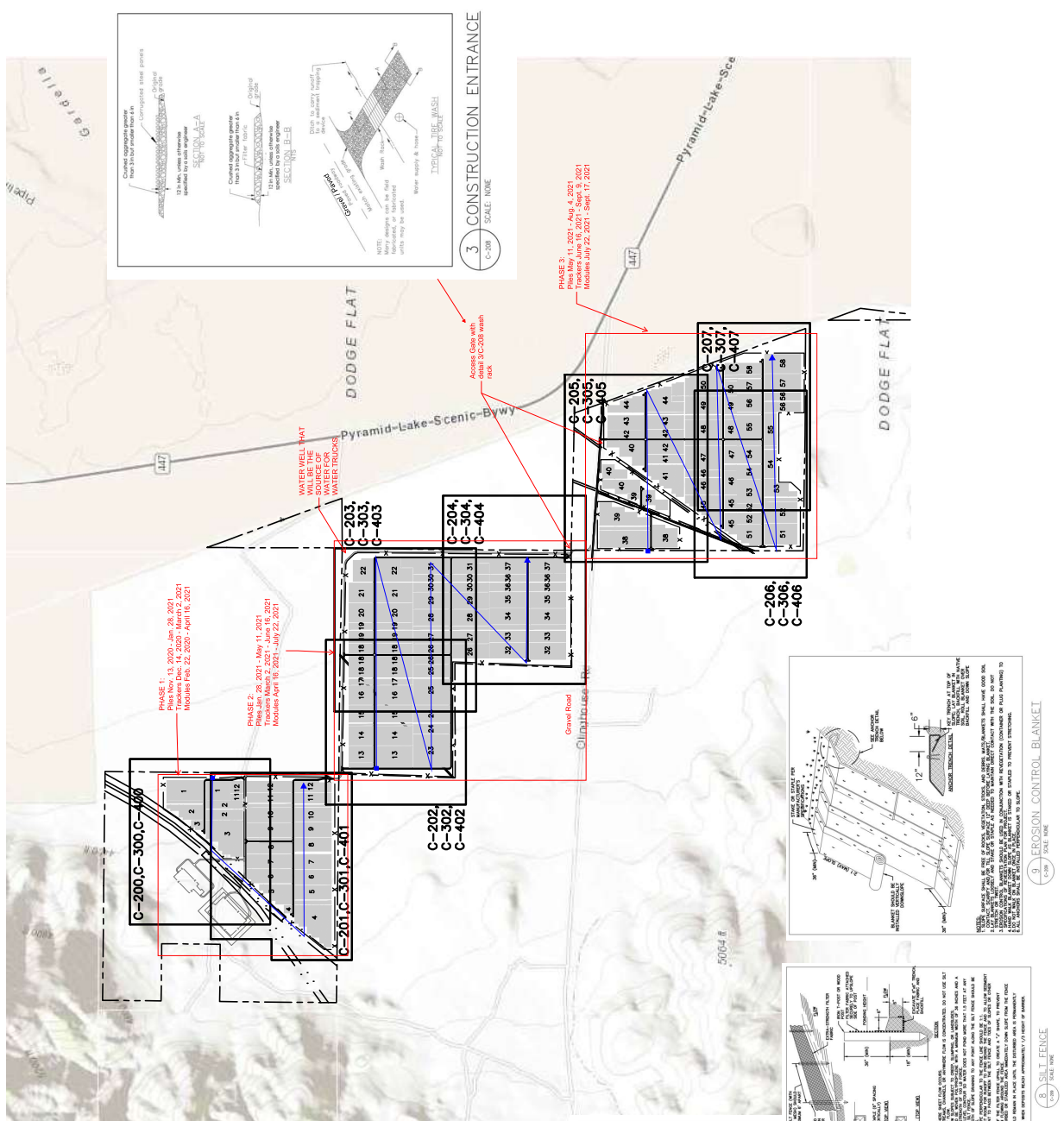
Street Sweeping will be done as needed on paved State Route 447 for all trackout caused by the jobsite. The following companies can all accommodate services within 24 hours and daily or weekly times will be set up as needed.  
 - EPS Street Sweeping Services - 775-220-6687  
 - Desert Commercial Sweeping - 775-690-2503  
 - Eastern Sierra Street Sweeping - 775-781-2946

After doing final testing in a quadrant, environmentally friendly soil binders that are bio-degradable and promotes vegetation will be used over the dirt areas and all traffic will be directed to remain on the roads so the soil binder is not disturbed.

See below for (4) temporary dust control measures that will be taken during construction activities (details 6-9 / C-209).

For detailed Storm water Pollution Prevention Plan, Geometric Plan and Grading Plan, please see attached file "60% Civil Drawings for Reference Only, Permit Set Being Submitted at Future Date."

24-hour / 7 days a week security patrol will be onsite that will also be utilized to monitor dust conditions and report if additional preventative measures will be needed during non-work hours.



GRAPHIC SCALE  
 1" = 200'  
 0 10 20 30 40 50 60 70 80 90 100  
 ALL DIMENSIONS SHALL BE CHECKED FOR PROPER SCALE

Please see attached Revegetation, Stabilization and Erosion Control Plan

## 6 POST CONSTRUCTION MONITORING PLAN

Routine inspection and maintenance will need to be performed after the DFSEC has been constructed. The entire property will be inspected by DFSEC personnel at a minimum of twice per year for adverse erosion conditions and/or sediment build-up and also after any significant rainfall event. One inspection will occur in the September/October months to determine if any erosion from summer rains resulted. Any places found to have adverse erosion conditions and/or sediment build-up will be fixed by re-grading the area and stabilizing the soil. Areas within the solar fields will be inspected for erosion and be re-graded if necessary.

Support structures will be inspected for detrimental erosion. Erosion repair activities will be conducted as soon as practicable. The number of erosion repairs undertaken and the quantity of sediment relocated to repair the eroded areas in a given year depends on the frequency and extent of past maintenance activities, as well as weather and hydrologic conditions during recent years. If erosion persists in an area, rip-rap may be added or other appropriate BMPs will be considered for repair. Following that inspection and any repair activities, DFSEC personnel will take photo documentation that identifies post-storm conditions and measures that were taken in response to the storm event (i.e., re-grading the area and stabilizing the soil) and the photo documentation will be available for WCSD upon request.

Debris collection and blockage removal will be conducted on an as-needed basis. Trash or vegetation debris may also cause a blockage and require removal. Trash and associated debris removal is necessary to maintain design capacity of the wash crossing. Spoils, trash, or any debris will be removed off-site to an approved disposal facility.

A trash abatement program will also be established to ensure all trash on site will be kept in covered trash receptacles with lids that can be securely fastened. No dumpsters or trash cans will be left for any period of time without lids secured in place, except when trash is being deposited in the container. Workers will also be provided with environmental awareness training that includes an overview on the importance of trash abatement measures. No littering will be permitted on site, and all trash must be controlled until it is placed in a designed trash container. All trash on site will be collected in a central location in proximity to the substation. Refuse will be taken to a landfill on a regular basis.

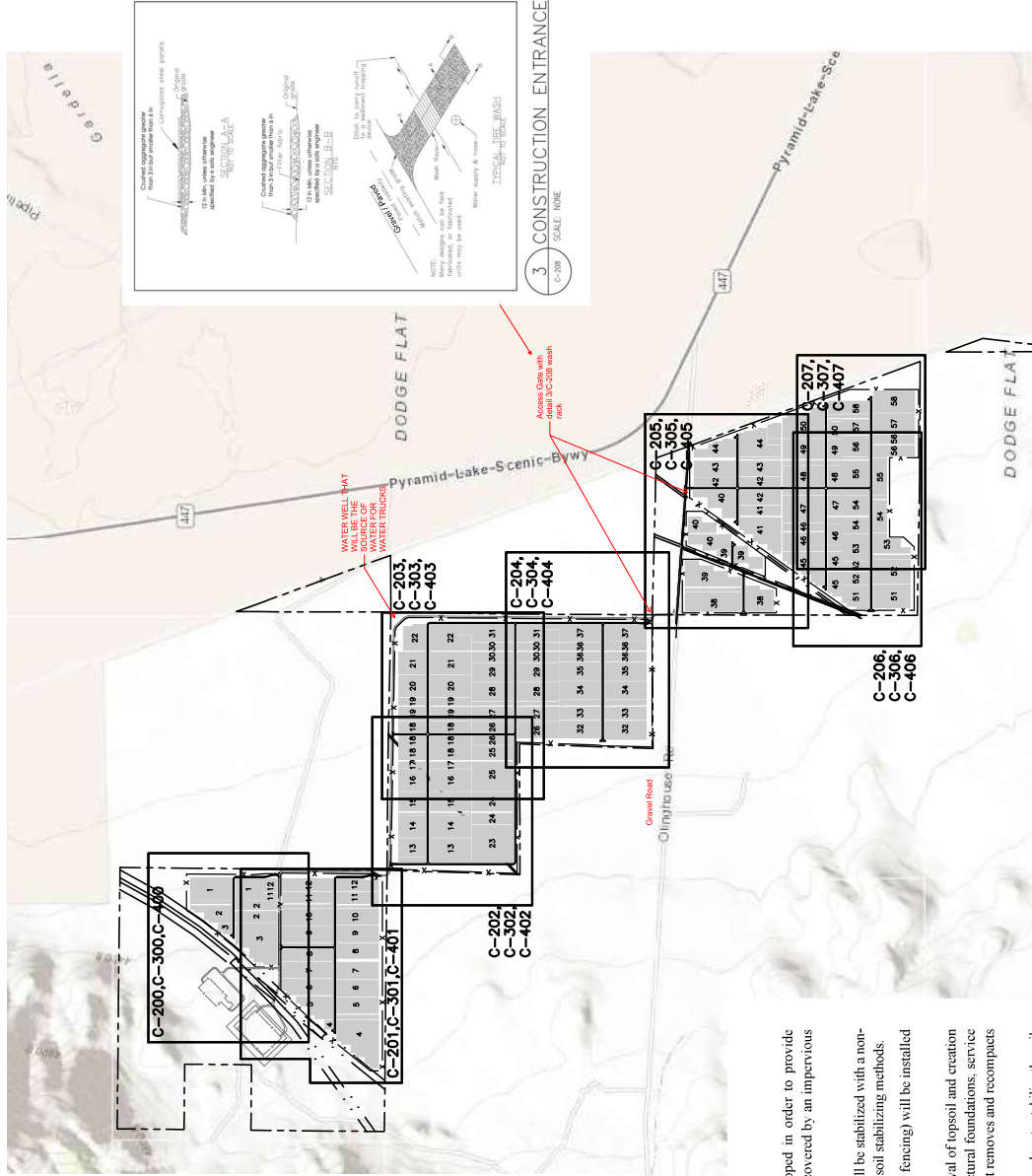
Drainage facilities will be inspected at a minimum of twice per year, in the spring and in the fall for accumulated sediment or for detrimental erosion. Sediment removal or erosion repair activities will be conducted within the wash crossing during periods of no runoff. The number of sediment removal or erosion repair projects undertaken and the quantity of sediment removed or added in a given year depends on the frequency and extent of past maintenance activities, as well as weather and hydrologic conditions during recent years. Sediment removal or erosion repair needs following wet winters with higher than usual runoff, upstream slope erosion, and sediment delivery to (and transport within) the wash crossing will likely be greater than maintenance requirements following an average or dry winter.

## 5 BEST MANAGEMENT PRACTICES

The following Best Management Practices (BMPs) have been developed in order to provide stabilization and erosion control for all disturbed areas that will not be covered by an impervious surface during project operations.

- **Soil Binder Application:** After active construction activities, soil will be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods.
- **Wind Breaks:** Wind breaks (such as chain-link perimeter security fencing) will be installed along the project perimeter.
- **Minimize Grading:** Grading will be minimized to limit the removal of topsoil and creation of loose soils. Only in areas where drainage improvements, structural foundations, service roads, and leveling of severe grades need to occur will grading that removes and recompacts the soil surface occur.
- **Retain Existing Vegetation:** Where feasible, plant roots will be left in place to stabilize the soil.
- **Road Stabilization:** All unpaved road areas used for construction will be treated with a dust suppressant or graveled to prevent excessive dust and erosion.
- **Minimize Speeds:** On-site vehicle speed will be limited to 10 miles per hour on unpaved areas. Vehicles may travel up to 25 miles per hour on stabilized unpaved roads (application of palliatives, gravel, etc. that reduces the erosion potential of the soil) as long as such speeds do not create visible dust emissions.

# DUST CONTROL PLAN AFTER SUBSTANTIAL COMPLETION AND DURING COMMERCIAL OPERATIONAL USE



GRAPHIC SCALE

1" = 1000'  
0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10" 2000'

ALL DIMENSIONS SHALL BE GIVEN FOR IMPERIAL SCALE

SHEET TITLE  
OVERALL PLAN

DRAWING NO.

C-101



McCarthy

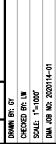


DAVID MASON  
A MCDERMOTT COMPANY  
333 S. EDWARDS ST., STE. 200  
DENVER, CO 80209  
303.733.5000

DODGE FLATS  
SOLAR ENERGY CENTER  
MOHAVE COUNTY, NEVADA  
PROJECT NO. 200714-01

NO. DATE DESCRIPTION  
1 07/23/20 DATE SUBMITTAL

DRAWN BY: JF  
CHECKED BY: LW  
DATE: 07/23/20  
FILE: 200714-01\_C-101\_OverallPlan



## Compliance Report

Dodge Flats Solar

2505 State Route 447

Reno, NV 89510

On May 6, 2021 AQS Osborn responded to a complaint of dust at Dodge Flats Solar, located at 2505 State Route 447. The specialist arrived on site at approximately 1610 hours and observed fugitive dust from windy conditions. The specialist recorded 6:00 minutes of video and conducted a Method 22, which documented an accumulated 6:00 minutes of visible dust. On site observations indicated inadequate water trucks for the amount of land open -two 4k water trucks were observed, though there may have been additional trucks which were not visible to the specialist.

The specialist then spoke to McCarthy Project Assistant Manager Ryan Schatz and Project Engineer Caleb Norton on site. The specialist communicated the need for either additional water trucks or soil stabilization products to control dust on the site and verbally informed Mr. Schatz that an incident of noncompliance had been documented and a case would be forwarded to the AQMD enforcement group. The specialist also informed Mr. Schatz that all future complaints that resulted in a confirmed incident of noncompliance would be documented and cases would be created. The specialist then requested to review the Dust Control Permit and logs and found that the Dust Logs were approximately 2 weeks out of date and had not been completed since April 23<sup>rd</sup>. The specialist informed Mr. Norton, who keeps the Dust Logs, that an additional incident of noncompliance would be added to the current case for failure to maintain daily dust logs. The specialist then requested that a mitigation plan for site dust control be submitted by Monday May 10, 2021.

On May 8, 2021 AQS Osborn received an email from Ryan Schatz explaining that they had a well pump fail on May 6<sup>th</sup> when the dust complaint had been received by AQMD. Additionally, the email outlined a plan for additional dust control measures as follows:

Currently on site:

1. McCarthy has 2-4,000 gallon water trucks, 3-2,000 gallon water trucks, and 1-500 gallon water buffalo
2. Aggregate has 3-8,000 gallon water trucks. They will be finishing up in the next few weeks
3. Granite – has 2-4,000 gallon water trucks. They will be finished next week

Action Plan:

1. McCarthy has ordered 5 additional 4,000 gallon water trucks
  - a. 3 will be on site Monday and 2 will be on site no later than Wednesday.
  - b. We will have all 5 operators here on Monday 5/10/2021 to begin as soon as possible.
2. We will have all 5 new water trucks working on the south side of the site where production is picking up (as indicated in the attached map)
3. We will have 1 water truck maintaining the main road and the main road only (as indicated in the attached map)
4. We will have 2 water trucks working behind the electricians in the North block (as indicated in the attached map)
5. We will have 2 water trucks working behind mechanical production in the central blocks (as indicated in the attached map)

6. All water trucks will also spray roads as they enter into the arrays to support the main water truck working solely on the main road
7. We are also adding one additional T-Stand to the pond and will be retro fitting the other T-stand to work for our 4,000 gallon water trucks (once Aggregate leaves)
  - a. Currently – the T-Stand at the pond is for the 8,000 gallon water trucks, due to the girth of the 8,000 gallon trucks
  - b. As stated above, this will give us three points of water access which will support the growing need of dust control
8. We will be applying 18 additional totes of Gorilla Snot on the southern side of the site (as indicated in the attached map)

The outlined plan included a map of Gorilla Snot application areas and a water truck plan.

On May 10, 2021 AQS Osborn received an email from Ryan Schatz documenting the repair of the well pump and additional mitigation measures as follows:

1. Saturday (5/8/2021) and Sunday (5/9/2021) we were able to fix the well pump (Below are pictures for proof).
2. 3-4,000 gallon water trucks will be on site today at 1:00 PM and 2-4,000 gallon water trucks will be here Wednesday. All of our new water truck drivers are currently on site.
3. Gorilla snot will arrive sometime this week (still waiting on an ETA from supplier for exact date).
4. An addition J-Stand will be set up today and will be ready for use tomorrow 5/11/2021.

On May 10, 2021 AQS Osborn responded to the emails regarding further mitigation plans. The specialist referred to the Supplemental Dust Control Plan that had been submitted to and accepted by AQMD as part of the original Dust Control Permit application. The specialist inquired about facets of the plan which did not appear to have been implemented in the course of the project and requested information on how McCarthy planned to achieve compliance with the conditions of the Dust Control Permit and Supplemental Dust Control Plan.

On May 12, 2021 AQS Osborn received an email from Ryan Schatz that outlined the intent of statements made in the “Supplemental Dust Control Plan” submitted by McCarthy Building Companies. The email clarified that the stabilization measures listed in the plan would not be applied until after construction had commenced. Mr. Schatz indicated that the Additional Gorilla Snot that had been acquired would be utilized in “areas that will not be disturbed for some time” as indicated by the map that was submitted. The primary form of dust control that will be utilized is the water trucks.

On May 17, 2021 AQS Osborn received a phone call from Ryan Schatz. He provided an update regarding the water trucks, the status of the pump that had been fixed, and verified that the Gorilla Snot had been received on site and they would be applying it this week. The specialist indicated that she would conduct a follow up inspection that week, time permitting.

On May 18, 2021 AQS Osborn called the complainant to provide a follow up and left a message.

On May 19, 2021 AQS Osborn conducted a follow up inspection at Dodge Flat. The specialist met with Ryan Schatz on site at approximately 1300 hours. It was 73 degrees out with SW winds of 23 mph. No dust issues were observed on site. There were 10 water trucks on site and the specialist observed the

additional stand tanks that had been installed at the pond to alleviate the bottleneck at loading. The Gorilla Snot will be applied on Saturday. The site was operating in compliance with the conditions of the Dust Control Permit at the time of inspection.



## **Photographs**

Dodge Flats Solar  
2505 State Route 447  
Taken on May 6, 2021  
NOV No. AQMV21-0042  
Complaint No. WCMP21-00492

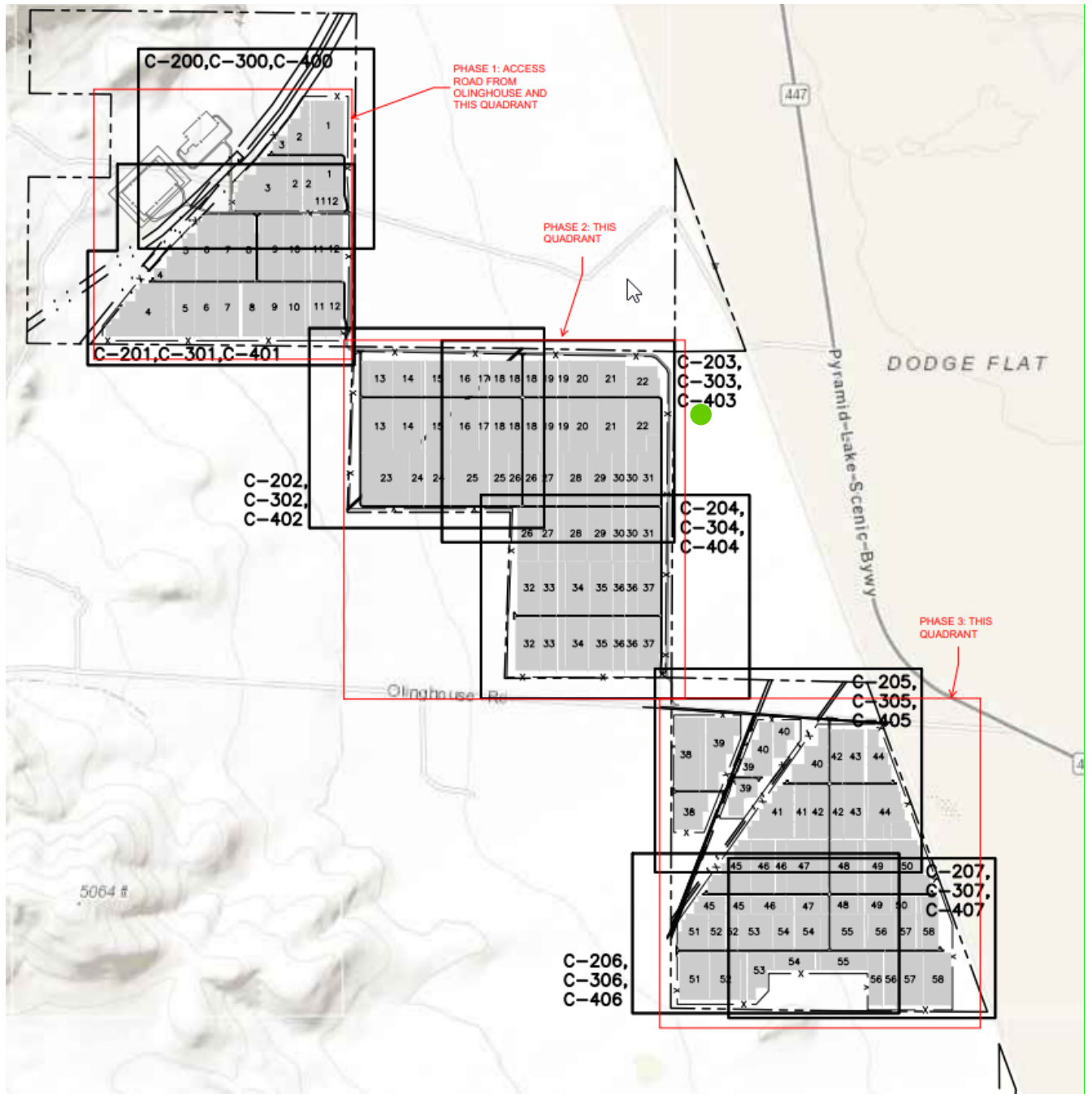


**Photograph 2**

**Date: 05/06/2021**

**Direction: N/A**

Photograph illustrating the observer's vantage point at the time of inspection. The green dot represents the observer's location and is overlaid onto a site map submitted in the original Dust Control Permit application.

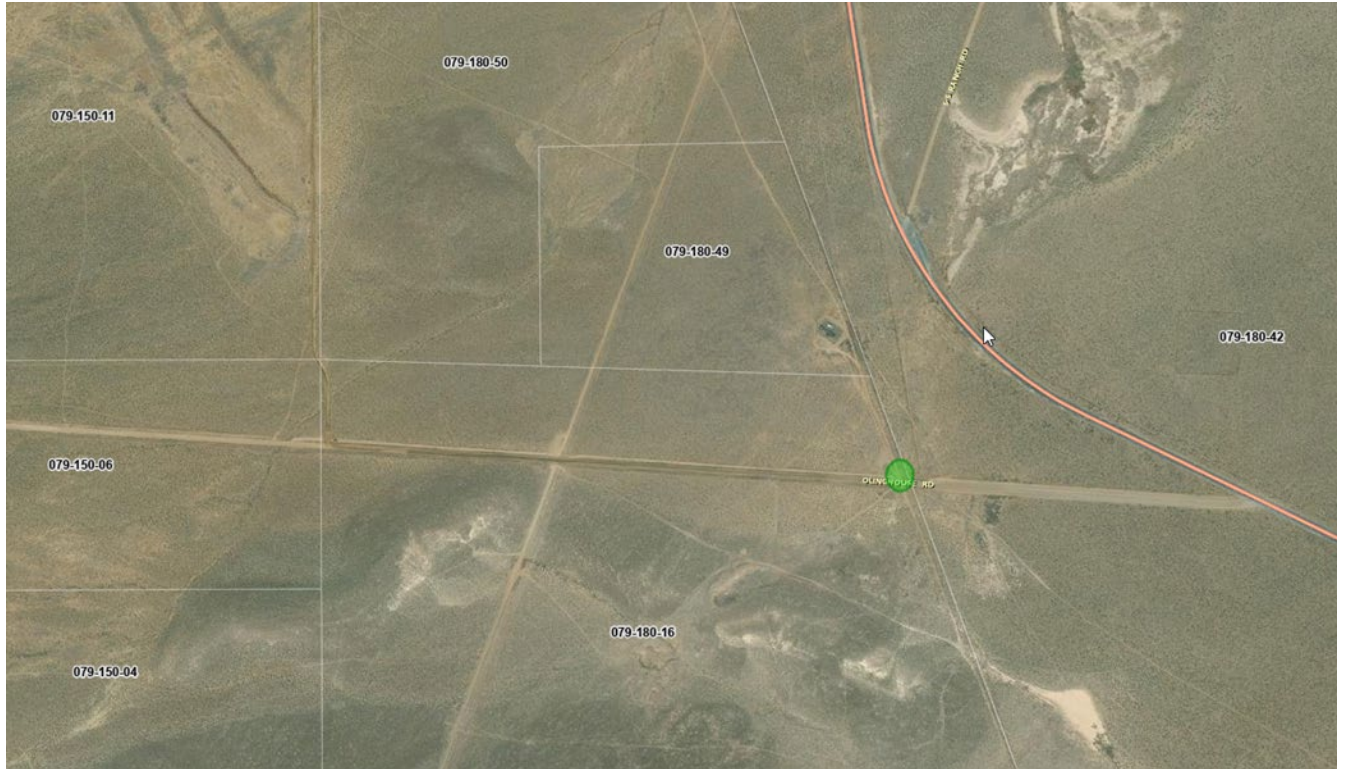


**Photograph 3**

**Date: 05/06/2021**

**Direction: N/A**

Photograph illustrating the observer's vantage point at the time of inspection. The green dot represents the observer's location and is overlaid onto a screen shot obtained in Washoe Regional Mapping System (WRMS).



**Photograph 4**

**Date: 05/06/2021**

**Direction: West**

Photograph illustrating fugitive dust originating from Phase 3 of the project (refer to site map and observer location indicated in Photograph #2 and #3).





**Photograph 5**

**Date: 05/06/2021**

**Direction: West**

Photograph illustrating fugitive dust originating from Phase 3 of the project (refer to site map and observer location indicated in Photograph #2 and #3).



**Photograph 6**

**Date: 05/06/2021**

**Direction: West**

Photograph illustrating fugitive dust originating from Phase 3 of the project (refer to site map and observer location indicated in Photograph #2 and #3).





**Photograph 7**

**Date: 05/06/2021**

**Direction: South**

Photograph illustrating fugitive dust originating from Phase 3 of the project (refer to site map and observer location indicated in Photograph #2 and #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**

- 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; and
  - 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) 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 **Subsection C**.
  - 1. The Control Officer 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 **Section 020.040** of these regulations.
- E. Nothing in this section prevents the Hearing Board or the Control Officer from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

**020.040**  
05/28/18)

**CIVIL FINES AND PENALTIES** (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,

- A. Except as provided in **Subsections B and C**, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in **Section 030.2175** of these regulations.
- B. Any person who commits a major violation of any section of these regulations, other than Sections **020.050 and 020.055**, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. 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. Any violation of Sections **040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080 or 050.001** of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.

D. The following fines shall be levied for minor violations of these regulations:

	<b>First Violation</b>	<b>Second Violation</b>
<b>Section 040.030</b> (Dust Control)		
A. Violation of Dust Permit Condition(s)	not more than 1000	not less than 1000 not more than 2000
B. Visual Emission Violation	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.035</b> (Open Fires)	not more than 500	not less than 500 not more than 1000
<b>Subsection A of Section 040.040</b> (Fire Training)	not more than 500	not less than 500 not more than 1000
<b>Section 040.050</b> (Incinerator Emission)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.051</b> (Certified Woodstoves)	not more than 500	not less than 500 not more than 1000
<b>Section 040.055</b> (Odors)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.080</b> (Gasoline Transfer)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.200</b> (Diesel Idling)	not more than 500	not less than 500 not more than 1000
<b>Section 050.001</b> (Emergency Episode)	not more than 1000	not less than 1000 not more than 2000

E. 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 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 Board 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 or District Health Department, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) 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.
- F. Unless the Board of Health bases its decision on the recommendations and/or findings of the Control Officer or the Hearing Board as set forth in **Paragraphs 1 and 2 of Subsection E**, the Board shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the Board pursuant to **Paragraph 3** of that subsection. 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 him. The Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the Board's specialized knowledge. All decisions of the Board of Health respecting administrative fines shall be in writing or notice of the Board's decision shall be forwarded to the aggrieved party at his last known mailing address.
- G. All fines shall be levied by formal action of the District Board of Health. The Control Officer may suspend, deny or revoke any or all permits of a person who has failed to pay any fine that has been levied by the District Board of Health.
- H. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the Board 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.
- I. 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.
- J. All monetary fines assessed pursuant to violations of **Sections 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.



## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation	1st Violation	2nd Violation
040.005 Visible Emissions	1000	2500
040.030 Dust Control (fugitive)	1000	2000
040.035 Open Fires	500	1000
040.040 Fire Training	500	1000
040.050 Incinerator	1000	2000
040.051 Woodstoves	500	1000
040.055 Odors	1000	2000
040.080 Gasoline Transfer (maintenance)	1000	2000
040.200 Diesel Idling	500	1000
050.001 Emergency Episode	1000	2000
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

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

Company Name McCarthy Building Companies  
Contact Name Kenney Whisenhunt  
Case Number 1316

I. Violation of Section 040.030 Section C.3. Dust Control Permit Requirements

**I. Recommended Penalty** = \$ 2000.00

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** = \$ 2,000.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/28/2021  
\_\_\_\_\_  
Date

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

Company Name McCarthy Building Companies  
 Contact Name Kenney Whisenhunt  
 Case Number 1316  
 Violation Number AQMV21-0041

Violation of Section 040.030 Section C.3. Dust Control Permit Requirements  
 Permit Condition Condition No.12 of Permit No. APCP20-0151

**I. Base Penalty as specified in the Penalty Table** = \$ **2,000.00**

**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 \$ 2,000.00 x Adjustment Factor 1 = \$ **2,000.00**

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

Adjusted Penalty \$ 2,000.00 x Number of Days/Weeks/Mo **1** = \$ **2,000.00**

**Comment:** 1 occurrence of the violation was observed

**D. Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

**Comment:** No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 2,000.00 + Economic Benefit \$ 0.00 = \$ **2,000.00**

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

**III. Penalty Adjustment Consideration**

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

0%

**Comment:** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

**Comment:** Penalty by rule

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

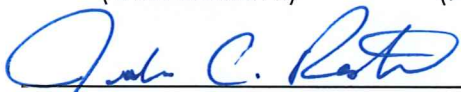
\$ 2,000.00	x	0%	= \$	0.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)		Total Adjustment Value

Additional Credit for Environmental Investment/Training	-	\$ 0.00
---	---	---------

**Comment:** \_\_\_\_\_

Adjusted Penalty:

\$ 2,000.00	+/-	\$ 0.00	=	\$ 2,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/28/2021  
\_\_\_\_\_  
Date

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

**Appeal**



JUN 11 2021

WASHOE COUNTY  
HEALTH DIST.

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

## APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: McCarthy Building Companies

PHONE: 650-9669-4980

MAILING ADDRESS: 2580 St. Rose Parkway Suite 200

CITY: Henderson STATE: NV ZIP CODE: 89704

PHYSICAL ADDRESS: 1901 Olinghouse R.

CITY: Wadsworth STATE: NV ZIP CODE: 89442

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQMV21-0037 DATE RECEIVED: 6/4/2021

REGULATION INVOLVED: SECTION: 040.030 Section C.3- Dust Control

BASIS FOR APPEAL/VARIANCE: See Attached

Jeff Tharp

PRINT NAME



SIGNATURE

Project Manager

TITLE

6/11/2021

DATE

Revised 06-2020





6225 N 24th St, Suite 200, Phoenix, Arizona 85016  
P 480-449-4700 | F 480-449-4747  
mccarthy.com

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

RE: Permit # APCP20-0151  
Project: Dodge Flat Solar  
Notice of Violation AQMV21-0042

We appreciate the opportunity to appeal violations AQMV21-0037 & AQMV21-0042. McCarthy understands the importance of maintaining a compliant site and has been working diligently to stay in compliance. The above violations reference 040.030 Section C.3 – Dust Control Permit Requirements. This section allows for the Permit Operator (McCarthy) to take corrective actions if the Control Officer determines there is fugitive dust. Days with winds above 20mph are typically when we experience increased dust-generating activities. McCarthy monitors the winds and the dust to shut down if the winds are creating excessive dust. Attached, please see notifications that go out to the onsite supervision to cease activities when the winds increase. On notification days, April 5, 2021, and May 6, 2021, we did cease activities.

In addition to ceasing activities, McCarthy has increased its fleet of water trucks from 2 to 11 and added additional filling stations. This is a \$500,000 addition cost to McCarthy which was not originally anticipated. I only mention this to help show the extent of the efforts we will go to maintain compliance and our willingness to work with the Air Quality Management Division. We believe this is compliant with the allowed corrective actions in 040.030 Section C.3 – Dust Control Permit Requirements.

It is also worth mentioning the project conditions for those who may not be familiar with the site. We are located over a mile outside of the town of Wadsworth. The adjacent area is all open desert and typically when it is windy, like on the days of the violations, there is also dust being generated from the natural desert land, which can create a perception that the site is generating more dust than reality.

I hope this explanation of our sincere efforts and challenges will help in your consideration for annulling violations AQMV21-0037 & AQMV21-0042.

Respectfully,  
Kenny Whisenhunt  
Sr. Project Manager  
McCarthy Building Companies, Inc.



A McCarthy Holdings, Inc. company

ROC Arizona Contractors License Nos. A-080910 B-1-080911 Air Conditioning & Refrigeration License No. 138400 Plumbing License No. 251222  
Nevada Contractors License Nos. AB-0066125 B-3011780 C-5-0069889 New Mexico Contractors License No. 019326

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

May 28, 2021

McCarthy Building Companies  
Attn: Kenney Whisenhunt  
2580 St Rose Pkwy., Suite 200  
Las Vegas, NV 89074

## **RE: Notice of Violation AQMV21-0042 of Dust Control Permit APCP20-0151**

Dear Mr. Whisenhunt,

On May 6, 2021, the Air Quality Management Division (AQMD) of the Washoe County Health District identified an incident of noncompliance associated with Dust Control Permit APCP20-0151 located at the Dodge Flats Solar project site adjacent to S.R. 447. The attached Notice of Violation (NOV) No. AQMV21-0042 state the specifics of Case No. 1316.

**Based on the incident of noncompliance, McCarthy Building Companies has violated the following Section of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations):**

- 040.030 Section C.3. – Dust Control Permit Requirements

Based on the available information associated with Case No. 1316 the AQMD has determined that formal issuance of NOV No. AQMV21-0042 is warranted.

The AQMD makes recommendations to the Washoe County District Board of Health (DBOH) as to what an appropriate penalty may be for a violation of the DBOH Regulations. The penalty is based on the Penalty Table and DBOH Regulations Section 020.040 Civil Fines and Penalties. NOV No. AQMV21-0042 was cited as a violation of Section 040.030 Section C.1. constituting a minor violation per Section 020.040 (C). Therefore, the AQMD is making a recommendation to the DBOH to uphold NOV No. AQMV21-0042 and administer a penalty by rule in the amount of \$2,000.00 to McCarthy Building Companies.

An appeal of NOV No. AQMV21-0042 may be requested per DBOH Regulation 020.0252 Hearing Board – Appeal Procedure. A copy of the Appeal Petition to the Air Pollution Control Hearing Board is enclosed. Appeal Petitions must be received within (10) days of receipt of this notice. Appeal Petitions may be submitted to:

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

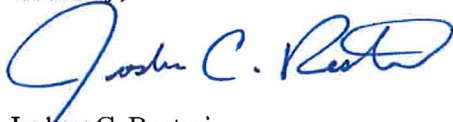


Subject: Notice of Violation AQMV21-0042/McCarthy Building Companies  
Date: May 28, 2021  
Page 2 of 2

Failure to submit an appeal, using the supplied Appeal Petition Form available in Attachment 4, within the specified timeframe will be considered consent of NOV No. AQMV21-0042 with the recommended penalty of \$2,000.00 to McCarthy Building Companies. The AQMD will then submit NOV No. AQMV21-0042 to the Washoe County District Board of Health for approval. The item will be placed as a consent agenda item with a recommendation for the assessment of an administrative fine of \$2,000.00. McCarthy Building Companies will receive notice of the submittal to the Washoe County District Board of Health prior to the meeting where the item will be heard.

If you have any questions regarding the information contained in this letter or the attachments, please contact me at (775) 784-7202. If I am unavailable, please contact Francisco Vega at (775) 784-7211.

Sincerely,



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Washoe County Health District, Air Quality Management Division

Enclosed:

Attachment 1 - Notice of Violation (Final)

Attachment 2 - DBOH Regulations Section 020.040 Civil Fines and Penalties

Attachment 3 - Penalty Table

Attachment 4 - Appeal Petition Form

E-copy: AQMD Enforcement Group

Cert. Mail No. (Return Receipt Required): 9171 9690 0935 0218 6779 92

## Dust Shutdown 05/06/2021

McCarthy Building Companies , Dodge Flats Foreman's

Sent 05/06/2021 16:52 CDT via  by Luis Beltran

Dodge Team, SHUTDOWN all operations due to wind and large clouds of dust.

### Post Updates (0)

## Shutdown Dust Operations 5/7/2021

McCarthy Building Companies , Dodge Flats Foreman's

Sent 05/07/2021 16:38 CDT via  by Luis Beltran

Dodge Team, shutdown all equipment with the potential to make dust due to high winds.

### Post Updates (0)



## Site Shutdow 5/7/2021

McCarthy Building Companies , Dodge Flats Foreman's

Sent 05/07/2021 16:50 CDT via   by **Luis Beltran**

Dodge Team, at this point the site is shutdown due to persistent high winds.

### Post Updates (0)

## Wind Alert

McCarthy Building Companies , Dodge Flats Foreman's

Sent 05/20/2021 12:21 CDT via   by **Jason Faltinowski**

Dodge Leadership, wind speeds are approaching/exceeding 20 mph. Please pay close attention to your tasks and make the best determination regarding activities.

### Post Updates (0)

## Site Shut Down

McCarthy Building Companies , Dodge Flats Foreman's

Sent 05/20/2021 15:06 CDT via   by Jason Faltinowski

Dodge Team, at this time please secure all trash. We are going to cease operations out of an abundance of caution due to the weather. Drive safely.

### Post Updates (0)

## Wind Advisory

McCarthy Building Companies , Dodge Flats Foreman's

Sent 06/07/2021 14:44 CDT via   by Jason Faltinowski

Dodge Team, We currently have winds blowing from the SSW at 18 mph with gusts in excess of 25. Please monitor your activities and make the best decision.

### Post Updates (0)

## High Wind Advisory

McCarthy Building Companies , Dodge Flats Foreman's

Sent 06/08/2021 14:58 CDT via  by Jason Faltinowski

Dodge Team, we are approaching winds of 20 mph. Currently @18 mph SSW with gusts @27 mph. Please monitor activities and make the best decision for your crews.

### Post Updates (0)

## Wind Advisory

McCarthy Building Companies , Dodge Flats Foreman's

Sent 06/09/2021 14:51 CDT via  by Jason Faltinowski

Dodge Team: The winds are due to pick up around the 3:00 pm hour with forecasted wind gusts in excess of 40 mph. Please ensure materials are secured in advance.

### Post Updates (0)

Environmental Protection Agency.

- d. Open Storage Piles: All open storage piles shall be stabilized by utilizing at least one of the following standards:
  - (1) Maintain a visible crust;
  - (2) Cover or tarp to prevent visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour;
  - (3) Adequate moisture to control fugitive dust or apply water to maintain a soil moisture content at a minimum of 12 percent, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method D1557-91 (1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70 percent of the optimum soil moisture content;
  - (4) Stabilize material in the stockpile using a palliative for compliance as described in **Sections E.1.b.(3).i and E.1.b.(3).ii** of this Rule;
  - (5) An alternate control measure approved in writing by the Control Officer and the U.S. Environmental Protection Agency.
- 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.
  - a. ELEMENTS OF A DUST CONTROL PERMIT: The Dust Control Permit shall describe all control measures to be implemented before, after, and while conducting any dust generating activity, including weekends, after work hours, and on holidays.
  - b. DUST CONTROL PERMIT REVISIONS:
    - (1) If the Control Officer determines that an approved Dust Control Permit has been followed, yet fugitive dust emissions from any given fugitive dust source still exceed the standards of Section C of this Rule, then the Control Officer shall issue a written notice to the owner and/or operator of such source explaining such determination. The owner and/or operator of such source shall make written revisions to the Dust Control Permit. These revisions shall be made in consultation with the Control Officer and be submitted within three working days of receipt of the Control Officer's written notice. The Control Officer, upon request, may extend such time period. During the time that such owner and/or operator is preparing revisions to the approved Dust

**Staff Report**  
**Board Meeting Date: July 13, 2021**

**TO:** Air Pollution Control Hearing Board

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0032 issued to Artisan Mystic Mountain, LLC, issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

---

**SUMMARY**

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0032 be upheld and an administrative fine in the amount of \$1,000.00 be levied against Artisan Mystic Mountain, LLC for failing to comply with the stabilization requirements for fugitive dust sources found in District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. (Standards) 2. (Stabilization Requirements for Fugitive Dust Sources) c. (Open Area and Vacant Lot or Disturbed Surface Area). This action constitutes a minor violation of the Washoe County District Board of Health Regulations Governing Air Quality Management.

**BACKGROUND**

Please refer the attached NOV No. AQMV21-0032. This NOV contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

**RECOMMENDATION**

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV21-0032, associated with Case No. 1269, issued to Artisan Mystic Mountain, LLC, and levy an administrative fine in the amount of \$1,000.00.

**ALTERNATIVES**

Should the APCHB wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Air Pollution Control Hearing Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV21-0032.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV21-0032; and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.



**POSSIBLE MOTION(s)**

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

1. "Move to deny the appeal of NOV No. AQMV21-0032, associated with Case No. 1269 issued to Artisan Mystic Mountain, LLC, and levy an administrative fine in the amount of \$1,000.00."

or, should the APCHB wish to consider an alternative motion the possible motion(s) may be:

1. "Move to dismiss NOV No. AQMV21-0032, associated with Case No. 1269, issued Artisan Mystic Mountain, LLC", or
2. "Move to uphold NOV No. AQMV21-0032, associated with Case No. 1269, and levy an administrative fine in the amount of \$0.00 to \$1,000.00 per day per violation to Artistic Mystic Mountain, LLC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Francisco Vega P.E., MBA  
Director  
Washoe County Health District  
Air Quality Management Division

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

**Notice of Violation No.  
AQMV21-0032 and Supporting Documentation**

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

**NOTICE OF VIOLATION No: AQMV21-0032  
ISSUED TO**

**Artisan Mystic Mountain, LLC  
Pebble Creek Estates Phase 1  
Permit No: APCP19-0198  
Date of Issuance: May 28, 2021  
Case No. 1269**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Artisan Mystic Mountain, LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. 2. c.

1. BASIS OF VIOLATION

A. Violation

Failure to comply with the stabilization requirements for fugitive dust sources found in District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C. (Standards) 2. (Stabilization Requirements for Fugitive Dust Sources) c. (Open Area and Vacant Lot or Disturbed Surface Area).

B. Regulatory Authority

The specific Stabilization Requirements for Fugitive Dust Sources found in the Washoe County District Board of Health Regulations Governing Air Quality Management Section C. 2. c. states:

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.

C. Facts to Constitute the Violation

On November 6, 2020 an Air Quality Specialist Trainee (AQST) responded to a dust complaint in Spanish Springs located on APN 538-010-12. When leaving the site of the complaint, the AQST arrived at the corner of Eagle Peak Drive and Pebble Creek Drive and noticed a significant amount of fugitive dust from the Artisan Mystic Mountain LLC Pebble Creek Estates Phase 1 project. The AQST then drove to the intersection of Willow Bluff Court and Diamond Stream Drive and observed wind-blown fugitive dust from unstable disturbed surface area on the southwest side of Diamond Stream Drive. The AQST recorded a video demonstrating the fugitive dust being generated from unstable stockpiles and surface area soil associated with a staging area on the undeveloped homesite.

2. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Artisan Mystic Mountain, LLC is advised that within (10) working days of the receipt of this Notice of Violation, Artisan Mystic Mountain, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

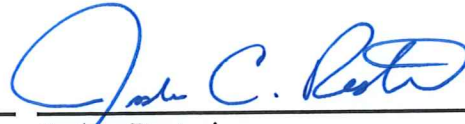
Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1,000.00.

Subject: Notice of Violation AQMV21-0032/Artisan Mystic Mountain, LLC  
Date: May 28, 2021  
Page 3 of 3

5/28/2021

Date



---

Joshua Restori  
Supervisor, Permitting and Compliance  
Air Quality Management Division  
Washoe County Health District



## Restori, Joshua

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**From:** DUST AQMD  
**Sent:** Thursday, November 5, 2020 11:42 AM  
**To:** Restori, Joshua  
**Subject:** !!! Windy and Dry Conditions :: November 5-6, 2020 !!!

Good morning Everyone,

The Air Quality Management Division of the Washoe County Health Department (AQMD) is sending this correspondence as a courtesy notification of the change in weather with an increase in winds starting this afternoon/evening, November 5, 2020, through the day on November 6, 2020. The AQMD is recommending the condition of all open land areas be assessed, so that any and all precautions necessary to control dust may be taken during this change in weather. On active construction sites, be sure to water **BEFORE, DURING and AFTER** construction activity to reduce and/or eliminate fugitive dust. **Dust Control is a 24 hour responsibility**, so be prepared to control dust during evening hours and over the weekend, even if your site is not typically active during this time. Cessation of operations is required if dust cannot be controlled due to equipment operations and/or gusty wind conditions. **If cessation of operations is used as a dust control measure, continued watering of the site is required to control dust.** Failure to practice dust control in compliance with a Dust Control Permit and/or District Board of Health Regulations may result in compliance and enforcement action.

**Please see a summary of the forecast below:**

November 5, 2020 – Winds will increase significantly **Thursday night into Friday morning with a quick burst of winds that may produce areas of blowing dust**, choppy lake conditions, as well as a brief period of fire weather concerns. Gusts up to 45 mph are possible for most areas, with up to 60 mph in wind prone spots, and up to 100 mph for exposed areas along the Sierra Crest.

**Washoe County has not received measurable precipitation since August 24, 2020 so areas of the County are extremely dry susceptible to blowing dust. It should be noted that precipitation is not anticipated until after the increase in winds, so do not rely on the forecasted precipitation as a form of dust control during this change in weather.**

### Special Weather Statement

Special Weather Statement  
National Weather Service RENO NV  
213 PM PST Wed Nov 4 2020

CAZ070>073-NVZ001>005-060000-  
Surprise Valley California-Lassen-Eastern Plumas-  
Eastern Sierra Counties-Greater Lake Tahoe Area-Mono County-

Mineral and Southern Lyon Counties-Greater Reno-Carson City-  
Minden Area-Western Nevada Basin and Range including Pyramid Lake-  
Northern Washoe County-  
Including the cities of Cedarville, Eagleville, Fort Bidwell,  
Portola, Susanville, Westwood, Sierraville, Loyalton,  
South Lake Tahoe, Tahoe City, Truckee, Markleeville, Bridgeport,  
Coleville, Lee Vining, Mammoth Lakes, Hawthorne, Yerington,  
Smith Valley, Mina, Schurz, Stateline, Glenbrook,  
Incline Village, Sparks, Verdi, Gardnerville, Virginia City,  
Fernley, Fallon, Lovelock, Silver Springs, Nixon, Imlay, Empire,  
and Gerlach  
213 PM PST Wed Nov 4 2020

...Big Changes in the Weather Pattern for This Weekend...

A strong cold front will push through the Sierra and western Nevada on Friday bringing gusty winds, much colder temperatures, and chances for rain and snow showers. This storm does appear to herald in a pattern that may possibly stick around through much of November with the potential for lingering cold temperatures and maybe even additional chances for rain and snow.

WINDS: Winds will increase significantly Thursday night into Friday morning with a quick burst of winds that may produce areas of blowing dust, choppy lake conditions, as well as a brief period of fire weather concerns. Gusts up to 45 mph are possible for most areas, with up to 60 mph in wind prone spots, and up to 100 mph for exposed areas along the Sierra Crest.

COLD: Afternoon temperatures will drop significantly from Friday to Saturday, with western Nevada and Sierra valleys in the 30s and 40s. Overnight lows will be well below freezing with a few single digit and sub zero readings possible in the colder Sierra valleys.

PRECIPITATION: A quick burst of rain and snow is likely behind the cold front Friday with a couple inches of snow possible above 6000 feet. While light snow showers are likely most of the weekend with little accumulation, a second burst of accumulating snow may occur Sunday morning. Sunday is currently the best shot at lower valley snowfall accumulations.

If you haven't put that winter travel kit in your car, then now is the time make it happen. It's that time of the year where conditions can rapidly change along the Sierra passes so being in tune with all the weather updates as well as Caltrans and NDOT will save you a lot of headaches.

Check back for additional updates!

**Joshua Restori**

Branch Chief | Air Quality Management Division | Washoe County Health District  
[jrestori@washoecounty.us](mailto:jrestori@washoecounty.us) | O: (775) 784-7202 | C: (775) 772-8881 | F: (775) 784-7225 |  
1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)



 Please consider the environment before printing this e-mail.

**Photographs**

Pebble Creek Estates Phase I

APCP19-0198

Pebble Creek Dr.

Sparks, NV 89441

*Taken 11-6-2020*



**Photograph 1**

**Date: 11-6-2020**

**Direction: Facing South-East**

Photograph demonstrates track-out and unstable soil associated with construction site staging area at a lot on the SW side of Diamond Stream Dr.





**Photograph 2**

**Date: 11-6-2020**

**Direction: Facing South-East**

Photograph demonstrates track-out and unstable soil associated with construction site staging area at a lot on the SW side of Diamond Stream Dr.



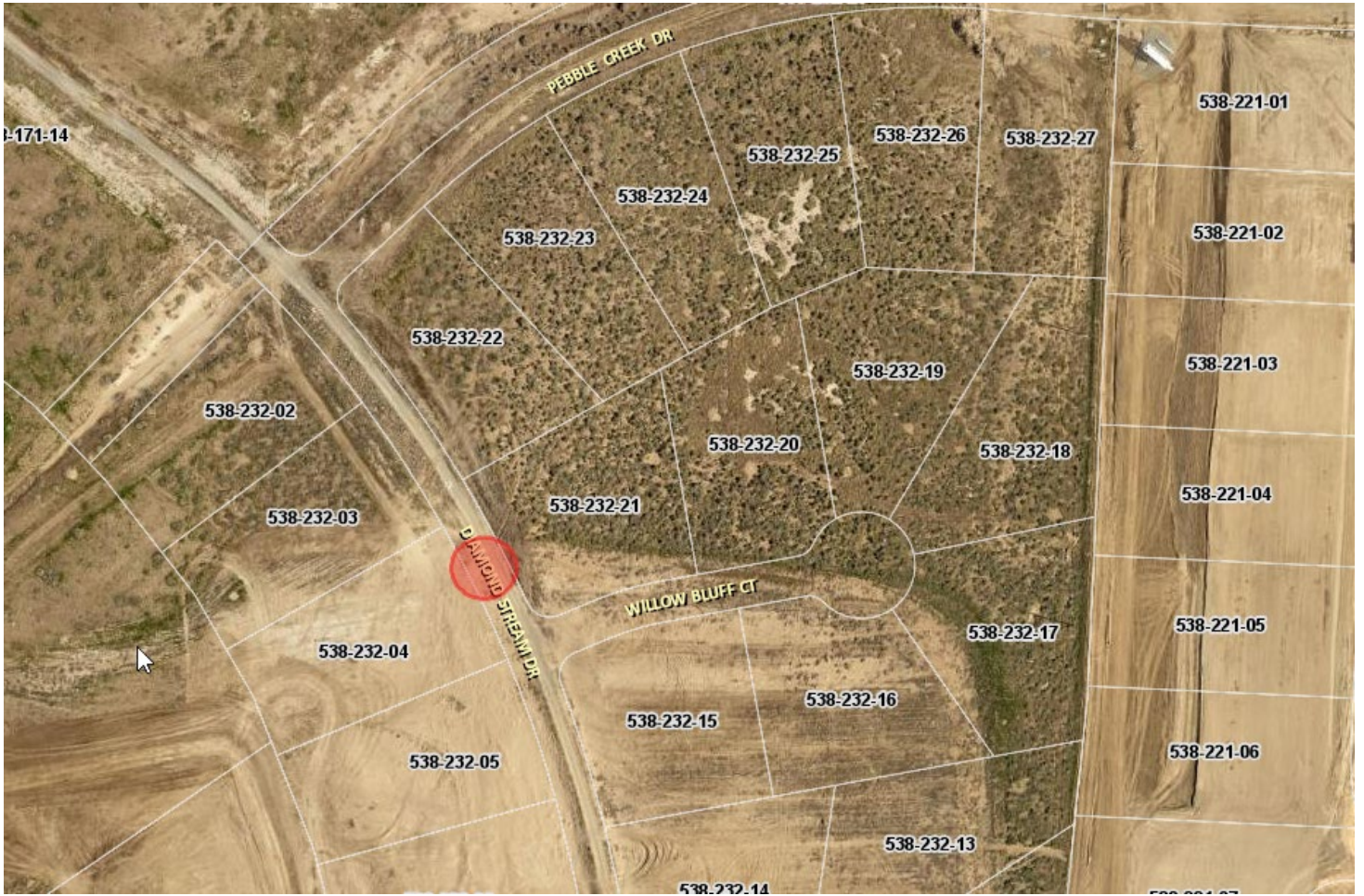


**Photograph 3**

**Date: 11-6-2020**

**Direction: Direct**

Photograph demonstrates observer position.



**Photograph 4**

**Date: 11-6-2020**

**Direction: Facing North-East**

Photograph demonstrates observer position





**Photograph 5**

**Date: 11-6-2020**

**Direction: Facing South**

Photograph demonstrates DCP sign



**Photograph 6**

**Date: 11-6-2020**

**Direction: Facing Southeast**

Screenshot of video of dust observed from the staging area at Diamond Stream and Willow Bluff Court



**Photograph 7**

**Date: 11-6-2020**

**Direction: Facing Southeast**

Screenshot of video of dust observed from the staging area at Diamond Stream and Willow Bluff Court





**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street, Bldg B Reno, Nevada 89512  
(775) 784-7200

Permit # APCP19-0198

**Dust Control Permit**

**Permit Issued To:**

Artisan Mystic Mountain LLC  
Jack Reynen  
10630 Mather Blvd  
Mather, CA 95655

**Project Name:**

PEBBLE CREEK ESTATES PHASE 1

**Location:**

0 Pebble Creek Dr

**Inspection Area:**

2

**Permit Issued:**

12/13/2019

**Permit Expiration:**

06/13/2021

**Project Type:**

Pollution Control

**Size of Project:**

22

**# of water trucks:**

2

**Project Start Date:**

12/13/2019

**“CONDITIONS OF OPERATION”**

1) The required number of water trucks will be assigned and available for operation 24 HOURS A DAY, 7 DAYS A WEEK for the purpose of water application for control of fugitive dust. If the required number cannot control fugitive dust emissions from equipment operations and/or gusty wind conditions, the applicant shall immediately provide additional water trucks. CESSATION OF OPERATIONS IS REQUIRED IF DUST CANNOT BE CONTROLLED DUE TO EQUIPMENT OPERATIONS AND/OR GUSTY WIND CONDITIONS. IF CESSATION OF OPERATIONS IS USED AS A DUST CONTROL MEASURE, CONTINUED WATERING OF THE PROJECT IS REQUIRED.

2) Dust emissions generated on any entrance or exit haul roads due to equipment operations or gusty wind conditions must be controlled 24 hours a day, 7 days a week, by the use of water application or an environmentally safe dust palliative (District Regulation 040.030, Section C. 2. a. and b.) Any palliative used must comply with state and local regulations and not provide a noxious odor or contaminate ground water.

3) All projects importing or exporting dirt, rock or other fill materials must comply with the work practice standards in District Regulation 040.030, Section C. 4., including load

tarping, watering or Freeboard. Any soil tracked onto adjoining paved roadways will be promptly removed by wet broom or washing. Regular vacuum or wet sweeping will be performed at least daily, and more often if necessary or if ordered by the Control Officer due to a violation. Any materials tracked out or spilled which cause visible fugitive dust for a period of five (5) minutes in any hour period shall be cleaned up immediately.

4) Any soil or fill storage piles operated or maintained as a part of this construction lot will be covered or wetted down sufficiently to prevent wind blown dust. Dust emissions from screening operations will be controlled by the use of a water truck or other control measure that prevents fugitive dust.

5) The applicant shall implement additional dust control measures, such as extra water trucks, water cannons, re-vegetation, environmentally safe dust palliatives (which comply with all applicable regulations and do not emit a noxious odor and do not contaminate ground water), wind fencing, and/or cessation of operations should these measures fail to control fugitive dust emissions from this project.

6) Once final grade has been completed, and if no structures are being constructed, the owner/developer shall be required to establish a long-term stable surface. This shall include re-vegetation or covering the disturbed soil with rock or crushed asphalt products within 30 days of completion of final grade. The use of an approved palliative is an option, but must be approved by the AQMD prior to application.

7) The applicant shall provide a Material Safety Data Sheet (MSDS) and dilution ratio to AQMD staff for any dust palliative selected for use as a dust control measure at this site.

8) A copy of this dust control permit shall be maintained at the construction project site and available to any sub-contractor or AQMD inspector to review upon request.

9) ANY CHANGES MADE TO THE PROPOSED OPERATIONS, SCOPE OF WORK OR SURFACE DISTURBANCES UNDER THIS DUST CONTROL PERMIT shall be submitted to the Washoe County Health District, AQMD in writing and must receive approval from the Control Officer prior to implementation.

10) The owner or the general contractor shall erect an informational sign at the main entrance to the project site. The sign shall be a minimum of 4 ft. by 8 ft. in size, and shall be in place prior to initiation of disturbance of the ground surface. The sign lettering shall be at least 4 inches high and shall be bold and easily readable by the public. The sign shall remain in place for the life of the project. The sign shall include the following information, The name of the project, Identify the General Contractor, and the following statements "All operators at this site are required to control dust emissions from their operations. The General Contractor is required to oversee and control project wide dust emissions." and "For dust related problems coming from this site, or to make a dust complaint, call this

**WASHOE COUNTY  
HEALTH DISTRICT**  
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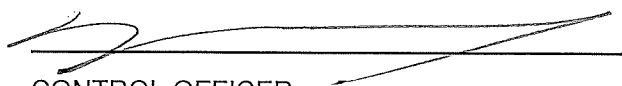
Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street, Bldg B Reno, Nevada 89512  
(775) 784-7200

phone number 24 hours per day, seven days per week: (775) 784-7200. A 24-hour phone number for both the Contractor/Developer and the Air Quality Management Division shall also be posted. The 24-hour phone number for complaints to the Air Quality Management Division is (775) 784-7200."

11) A log book of all dust control operations, containing all information as required by the Control Officer in the standard "WASHOE COUNTY DUST CONTROL LOG" must be maintained on a daily basis (copies of blank log sheets are available at the AQMD Office). Required information includes, but is not limited to, the number of OPERATING water trucks/pulls, the size of OPERATING water trucks/pulls (gallons capacity of each truck/pull), and the condition of the surface crust on disturbed areas. The operator shall record in the logbook all dust control efforts and the compliance level of the site with dust control requirements. The logbook shall be kept at the project site and made available to District representatives upon request.

12) Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). All disturbed areas must maintain a visible surface crust or other cover in compliance with Regulation 040.030, Section C.2.c. Compliance shall be determined using US Environmental Protection Agency Reference Method 22, with an observation period of not less than 5 minutes in any hour period. Copies of District Regulations, enforcement policies and USEPA Reference Testing Methods may be obtained by contacting the Air Quality Management Division at (775) 784-7200.

13) Failure to comply with all of the requirements of this Dust Control Permit shall be considered a citable 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 District Regulations.

  
CONTROL OFFICER

DEC 13 2019

To be filled in by AQ Staff	
Permit No.:	<u>19-0198</u>
Area:	<u>2</u>
Water Truck(s):	<u>2</u>
Hydro Basin:	Yes / <input checked="" type="radio"/> No

DUST CONTROL PERMIT APPLICATION

**FEE as of July 1, 2019: \$237.00 per acre – a one-time \$87.00 admin fee per permit**  
(Less than .5 acres round down; .5 and greater round up)

THE "APPLICANT" IS RESPONSIBLE FOR ALL DUST CONTROL **24 HOURS A DAY, SEVEN DAYS A WEEK**, including weekends and holidays, from commencement of project to completion.

The application must be signed by the Applicant or his Attorney in Fact. Fill in the application completely, attached with a site location, grading and/or phasing map(s) or it will be returned for completion.

- Name of Development: Pebble Creek Estates Phase 1
- Development Address: 0 pebble Creek Drive  
**Please Provide the Parcel #(s):** \_\_\_\_\_ (Required)
- Size of Project (disturbed acres): 22
- Type of Project (choose one):  
 Commercial       Municipal Projects       Utilities       New Road/Street/Highway  
 Road Rehab/Maintenance       Residential Sub/Multi-Family       Single Family Residence
- If there is an existing Dust Control Permit, list permit number: APCP18-0082

**NOTE - - The Dust Control Permit is valid for eighteen (18) months from the date of approval. If the project is not complete or has not commenced by the expiration date, the Applicant must submit a new application and site map to the Air Quality Management Division. Failure to do so will result in the permit expiring and may result in enforcement action.**

- APPLICANT -- Name and Current Address of Applicant:**  
Applicant: Artisan Mystic Mountain, LLC      Contact: Jack Reynen  
Address: 10630 Mather Blvd  
City: Mather      State: CA      Zip: 95655  
Phone Number: 775.355.0507      Email: jreynen@rbhomes.com
- Name and Address of General Contractor:**  
Owner: Artisan Communities      Contact: Douglas Egstrom  
Address: 9533 Gateway Dr.  
City: Reno      State: NV      Zip: 89521  
Phone Number: 775-355-0507      Email: degstrom@rbhomes.com

**Proposed Construction Dates – Per Phase: \*\*\* provide site location, grading and phasing maps \*\*\***

On-Site Grading/Excavation:      **Start:** 06/2018      **Complete:** 06/2018  
Building Construction:      **Start:** 07/2018      **Complete:** 12/2020



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8. Will fill material be required? Yes  yd<sup>3</sup> \_\_\_\_\_ No
9. Will there be an excess of native material as a result of excavation? Yes  yd<sup>3</sup> \_\_\_\_\_ No
10. Will there be any crushing/screening equipment used during construction?  
Yes  No  If yes, Stationary Source Permit #: \_\_\_\_\_
11. Amount of Material to be excavated (yd<sup>3</sup>): 73,000
12. Is there a soil analysis report available? Yes  No
14. On-Site soil type: sandy-clay
15. Method of dust control to be utilized (per-phase): \_\_\_\_\_

Water Truck(s) 2 (number of trucks)  
 Chemical Sealant \_\_\_\_\_ (type – attach MSDS Sheets)  
 Sprinklers/Water Cannons \_\_\_\_\_ (locations)  
 Compaction \_\_\_\_\_ (percent)  
 Enclosure \_\_\_\_\_ (fences, windbreaks)  
 Revegetation \_\_\_\_\_ (type – attach seeding schedule)  
 Will temporary irrigation be supplied? Yes  No   
 Water Source: \_\_\_\_\_  
 Speed Limits 5 Other \_\_\_\_\_

**NOTE - Permanent stabilization methods such as construction/landscaping, revegetation, chemical sealant/palliative, or other approved method(s) of dust suppression must occur "within 30 days of grading completion". Dust suppression must continue regardless of construction status.**

16. Method to control mud and soil being tracked onto adjacent paved roadways: \_\_\_\_\_  
 stabilize construction entrances \_\_\_\_\_
17. Frequency of daily street cleaning: daily as needed
18. Describe the methods (fences, barriers, etc.) to prevent unauthorized traffic on the construction site(s): \_\_\_\_\_  
 Fences at Entrances \_\_\_\_\_
19. Persons to be contacted, by cell phone, during **non-working hours** in case of dust problems:  
 Name & Phone no: Tom Ferrel 775-233-5310 Email: ferrel@rbhomes.com  
 Name & Phone no: Doug Egstrom 775-742-8202 Email: degstrom@rbhomes.com
20. The Applicant's signature or that of his/her Attorney in fact on this application shall constitute agreement by the Applicant to accept responsibility for meeting the "Conditions of Plan" (attached):

John E. Reynen  
 Applicant Signature  
 John E. Reynen  
 Print or type name  
 Artisan Mystic Mountain LLC  
 Company Name

12/13/19  
 Date  
Manager/Member  
 Title  
 916-966-3665  
 Phone Number

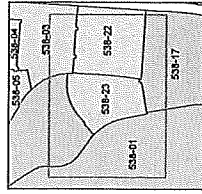
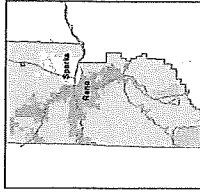
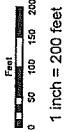
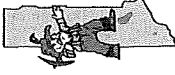
Revised 06/10/2019-KP



Assessor's Map Number

**538-23**

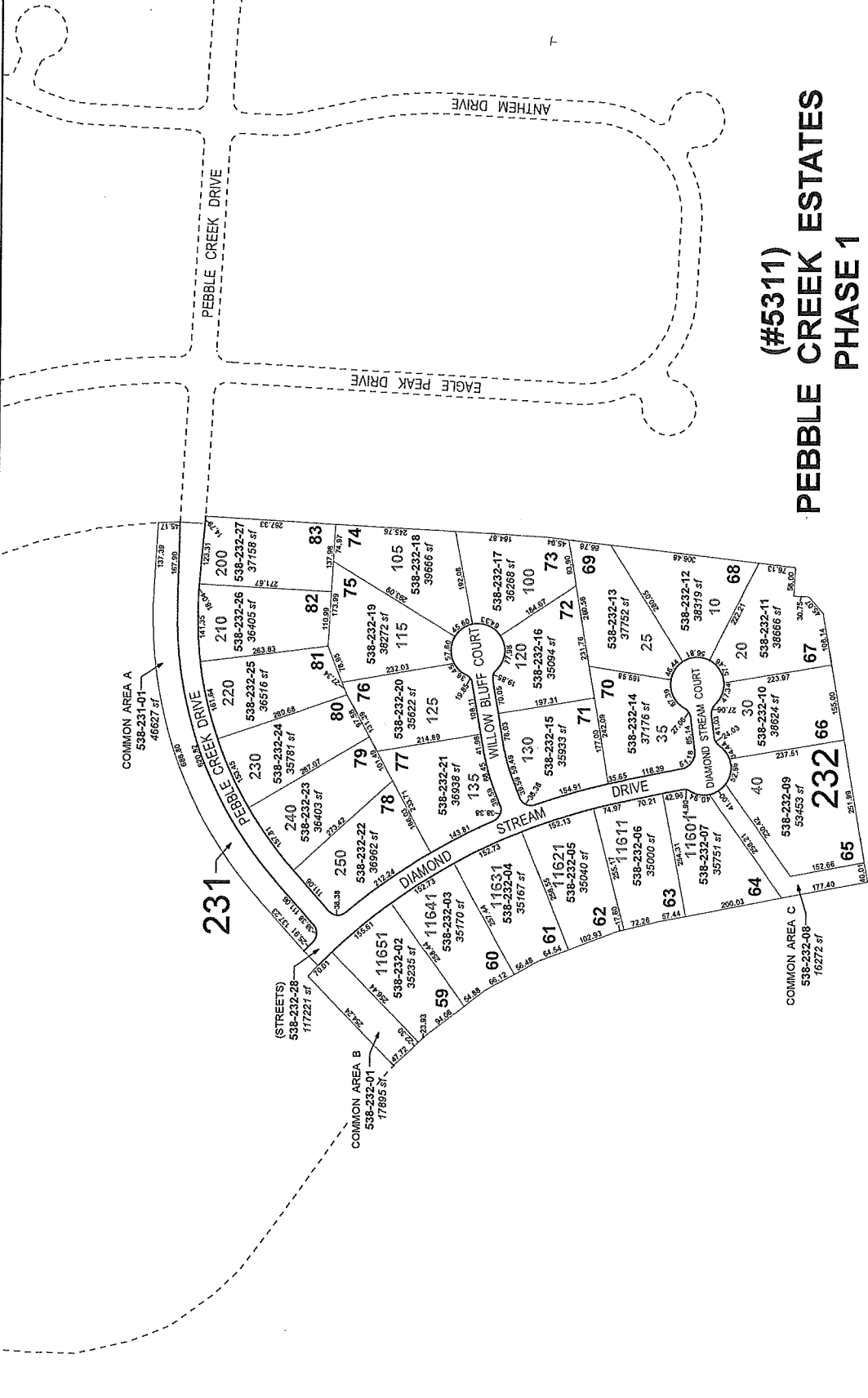
STATE OF NEVADA  
**WASHOE COUNTY**  
ASSESSOR'S OFFICE  
1001 East Main Street, Building D  
Reno, Nevada 89512  
(775) 338-2231



created by: SR 02/23/2019  
updated:

area previously shown on map(s):  
538-17

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and tax purposes only. It is not intended as a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data obtained hereon.



# PEBBLE CREEK ESTATES PHASE 1

PORTION OF SW<sup>1</sup>/<sub>4</sub> SECTION 11  
& SECTION 14, T21N - R20E

231

232

COMMON AREA A  
538-231-01  
46627 sf

COMMON AREA B  
538-232-01  
17895 sf

COMMON AREA C  
538-232-08  
16272 sf

231

232

COMMON AREA A  
538-231-01  
46627 sf

COMMON AREA B  
538-232-01  
17895 sf

COMMON AREA C  
538-232-08  
16272 sf

**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**

- 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; and
  - 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) 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 **Subsection C**.
  - 1. The Control Officer 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 **Section 020.040** of these regulations.
- E. Nothing in this section prevents the Hearing Board or the Control Officer from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

**020.040**  
05/28/18)

**CIVIL FINES AND PENALTIES** (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,

- A. Except as provided in **Subsections B** and **C**, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in **Section 030.2175** of these regulations.
- B. Any person who commits a major violation of any section of these regulations, other than Sections **020.050** and **020.055**, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. 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. Any violation of Sections **040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080** or **050.001** of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.



D. The following fines shall be levied for minor violations of these regulations:

	<b>First Violation</b>	<b>Second Violation</b>
<b>Section 040.030</b> (Dust Control)		
A. Violation of Dust Permit Condition(s)	not more than 1000	not less than 1000 not more than 2000
B. Visual Emission Violation	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.035</b> (Open Fires)	not more than 500	not less than 500 not more than 1000
<b>Subsection A of Section 040.040</b> (Fire Training)	not more than 500	not less than 500 not more than 1000
<b>Section 040.050</b> (Incinerator Emission)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.051</b> (Certified Woodstoves)	not more than 500	not less than 500 not more than 1000
<b>Section 040.055</b> (Odors)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.080</b> (Gasoline Transfer)	not more than 1000	not less than 1000 not more than 2000
<b>Section 040.200</b> (Diesel Idling)	not more than 500	not less than 500 not more than 1000
<b>Section 050.001</b> (Emergency Episode)	not more than 1000	not less than 1000 not more than 2000

E. 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 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 Board 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 or District Health Department, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) 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.
- F. Unless the Board of Health bases its decision on the recommendations and/or findings of the Control Officer or the Hearing Board as set forth in **Paragraphs 1 and 2 of Subsection E**, the Board shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the Board pursuant to **Paragraph 3** of that subsection. 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 him. The Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the Board's specialized knowledge. All decisions of the Board of Health respecting administrative fines shall be in writing or notice of the Board's decision shall be forwarded to the aggrieved party at his last known mailing address.
- G. All fines shall be levied by formal action of the District Board of Health. The Control Officer may suspend, deny or revoke any or all permits of a person who has failed to pay any fine that has been levied by the District Board of Health.
- H. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the Board 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.
- I. 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.
- J. All monetary fines assessed pursuant to violations of **Sections 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.

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation	1st Violation	2nd Violation
040.005 Visible Emissions	1000	2500
040.030 Dust Control (fugitive)	1000	2000
040.035 Open Fires	500	1000
040.040 Fire Training	500	1000
040.050 Incinerator	1000	2000
040.051 Woodstoves	500	1000
040.055 Odors	1000	2000
040.080 Gasoline Transfer (maintenance)	1000	2000
040.200 Diesel Idling	500	1000
050.001 Emergency Episode	1000	2000
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

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

Company Name Artisan Mystic Mountain, LLC  
Contact Name Jack Reynen  
Case Number 1269

I. Violation of Section 040.030 Section C. 2. c. Stabilization 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

5/28/2021  
Date

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

Company Name Artisan Mystic Mountain, LLC  
 Contact Name Jack Reynen  
 Case Number 1269  
 Violation Number AQMV21-0032

Violation of Section 040.030 Section C. 2. c. Stabilization Requirements  
 Permit Condition \_\_\_\_\_

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:** Particulate matter is a criteria pollutant

2. **Environmental/Public Health Risk** (Proximity to sensitive environment or group)

Negligible – 1x   Moderate – 1.5x   Significant – 2x      Adjustment Factor **1**

**Comment:** Environmental/public health risk is negligible.

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:** 1 occurrence of violation observed

D. **Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

**Comment:** No economic benefit was associated with this violation,

**Penalty Subtotal**

Adjusted Base Penalty \$ 1,000.00 + Economic Benefit \$ 0.00 = \$ **1,000.00**



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

**III. Penalty Adjustment Consideration**

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

0%

**Comment** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

**Comment:** Penalty by rule

**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 - \$   

**Comment:** \_\_\_\_\_

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

5/28/2021  
\_\_\_\_\_  
Date

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

**Appeal**

JUN 21 2021

WASHOE COUNTY HEALTH DIST.

WASHOE COUNTY HEALTH DISTRICT  
ENHANCING QUALITY OF LIFE

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: Artisan Mystic Mtn. LLC

PHONE: (916) 313-3009 Jack Reynen

MAILING ADDRESS: 10630 Mather Blvd.

CITY: Mather STATE: CA. ZIP CODE: 95655

PHYSICAL ADDRESS: (SAME)

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQM V21-0032 DATE RECEIVED: 06-03-2021

REGULATION INVOLVED: SECTION: 040.030 Section C.2.c

BASIS FOR APPEAL/VARIANCE: See Attached exhibits

John L. Reynen "JACK"  
PRINT NAME

Owner / Manager  
TITLE

[Signature]  
SIGNATURE

6-7-2021  
DATE

Revised 06-2020



We are appealing this fine because of special circumstances beyond our control on November 6, 2020.

The City of Sparks closed both local water fill stations in the area without ANY prior notice from 11/6/20 – 11/9/20 for maintenance. The fill stations are located at Sha-Neva Road (2.5 miles away) and La Posada & Pyramid (5.5 miles away). BOTH were closed as evidenced in the photos attached.

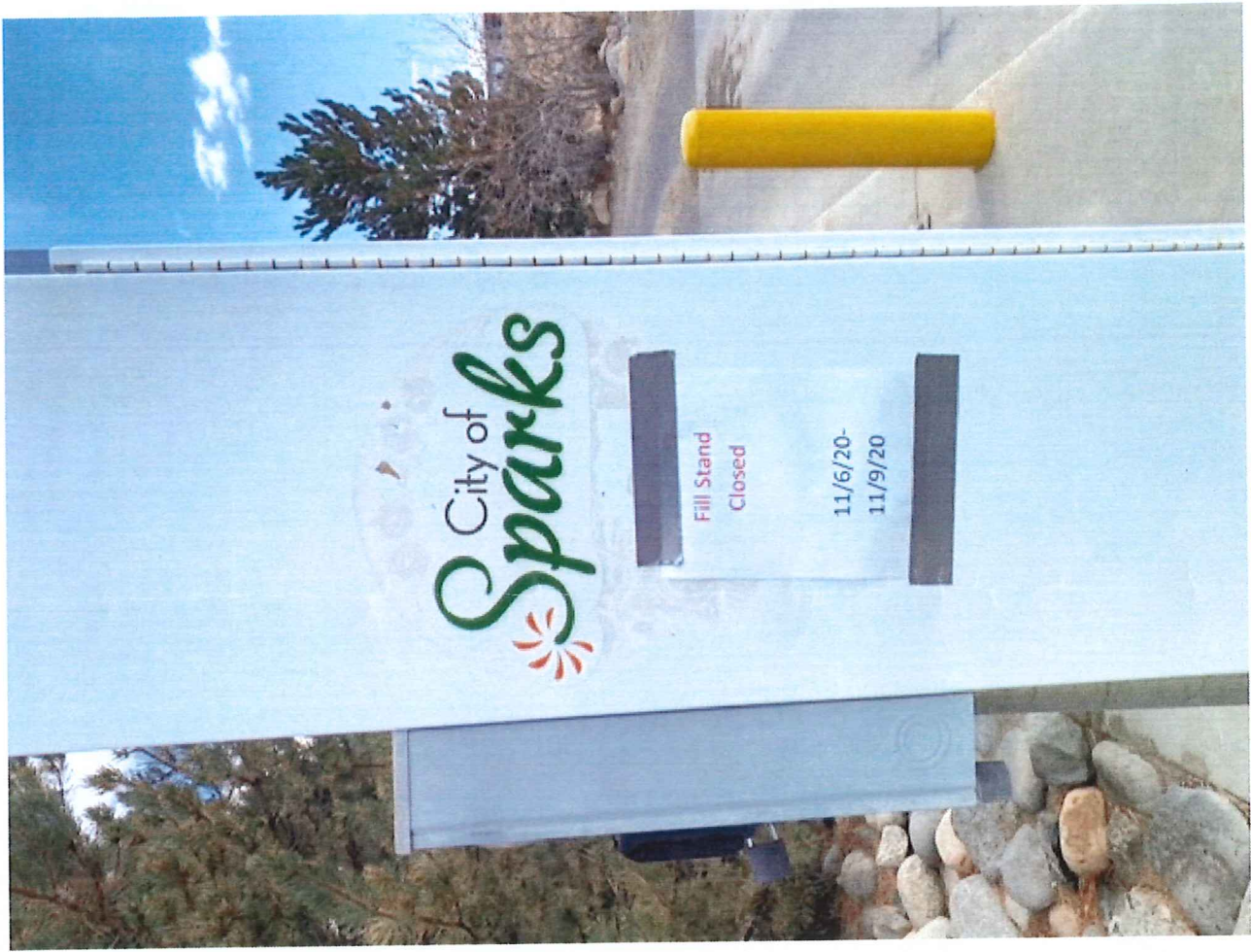
Ironically, even though Artisan Communities installed the fire hydrants in the Pebble Creek Estates Subdivision Phases 4, 5, 6 & 7, it is illegal to pull water off hydrants in the City of Sparks – doing so is subject to a \$10,000 fine. So that was clearly not an option.

With the fill stations closed there was nowhere we could legally access water that day once our water truck was emptied spraying what water we had in the truck. Had we had any indication that the fill stations would be closed we could have heavily saturated the area prior to the closure and filled the water truck tank to capacity. It might have also been possible to have arranged for a portable tank for filling the water truck.

Our employees noted (and took a video) that day showing that fugitive dust was blowing from the commercial property being developed adjacent to our property, and dust was also blowing from further away from the Sha-Neva pit and Bone Yard Flats. None of those are not our property. I also understand that Candace Brown may have also been there that day and would have observed that as well. Therefore, the visible dust was not just from our property.

The bottom line is we have always taken dust control seriously. At one-point Tom Ferrel even constructed a 6-foot-high cedar fence 1200 long to act as a wind break along unit 7. That fence was not required as a condition of development but was built as a recommendation from your staff.

Clearly, we had no control of the fill stations being closed on 11/06/2020 and received no prior notice. That circumstance was beyond our control. For those reasons we respectfully appeal this fine.







**From:** Doug Egstrom <[degstrom@rbhomes.com](mailto:degstrom@rbhomes.com)>  
**Sent:** Monday, November 09, 2020 1:07 PM  
**To:** Tiffani Creedon <[tcreedon@rbhomes.com](mailto:tcreedon@rbhomes.com)>  
**Subject:** FW: Pebble Creek Estates Phase I: Washoe County Air Quality Permit APCP19-0198

**From:** Brown, Candace R. <[CRBrown@washoecounty.us](mailto:CRBrown@washoecounty.us)>  
**Sent:** Monday, November 9, 2020 1:04 PM  
**To:** Doug Egstrom <[degstrom@rbhomes.com](mailto:degstrom@rbhomes.com)>  
**Subject:** FW: Pebble Creek Estates Phase I: Washoe County Air Quality Permit APCP19-0198

**Candace Brown**

Air Quality Specialist Trainee | Air Quality Management Division | Washoe County Health District  
[cbrown@washoecounty.us](mailto:cbrown@washoecounty.us) | O: (775) 784-7231 | C: (775) 233-5141 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE



**From:** Brown, Candace R.  
**Sent:** Monday, November 9, 2020 12:53 PM

To: [jreynen@rbhomes.com](mailto:jreynen@rbhomes.com)

Subject: Pebble Creek Estates Phase I: Washoe County Air Quality Permit APCP19-0198

Hello,

This email is to notify Artisan Mystic Mountain LLC that a case is being generated regarding an incident of non-compliance observed on Friday, November 6, 2020 at the Pebble Creek Phase I project located near Pebble Creek Dr.

During the high wind event, excessive fugitive dust was observed and documented. It has been determined with this documentation that the windblown fugitive dust exceeded the standard set forth by Condition 12 of Artisan Mystic Mountain's Permit to Operate (Permit APCP19-0198) which states: "*Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period.*"

Dust at the Pebble Creek Phase I project needs to be controlled to the standard set forth by the Permit to Operate at all times.

With recommendation from AQMD's Branch Chief, the case will be submitted to the AQMD Enforcement Panel. You may be contacted in the future to discuss details of the case and any action that may be associated.

If you have any questions, please feel free to contact me.

Regards,

**Candace Brown**

Air Quality Specialist Trainee | Air Quality Management Division | Washoe County Health District  
[crbrown@washoecounty.us](mailto:crbrown@washoecounty.us) | O: (775) 784-7231 | C: (775) 233-5141 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

WASHOE COUNTY  
HEALTH DISTRICT  
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