

STATE OF NEVADA

Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

May 16, 2013

Mitch Crockett
Vice President
Crockett Enterprises, Inc.
1101 Sawmill Road
Gardnerville, Nevada 89410

Re: Notice of Alleged Air Quality Violation and Order No. 2437
Class II Air Quality Operating Permit AP1629-3333 (FIN A1633)

Dear Mr. Crockett:

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Crockett Enterprises, Inc. (Crockett) has violated conditions of Nevada Administrative Code (NAC) 445B.275.

NAC 445B.275 Violations: Acts constituting; notice states in part, that: "1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

- (a) Failure to apply for and obtain an operating permit.

The attached Notice of Alleged Air Quality Violation and Order (NOAV) No. 2437 alleges that Crockett failed to apply for and obtain an operating permit prior to commencing construction activities at 1062 Riverview Drive, Gardnerville, Nevada in Douglas County.

As was discussed during the conference held on April 10, 2013, the NDEP-BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for major air quality violations. The NDEP will be recommending a penalty of \$950.00 to the SEC. The penalty recommendation is based on the use of the Administrative Penalty Table for Non-Emissions Air Quality Violations and adjusted by the Penalty Matrix.

An appeal of NOAV No. 2437 may be requested pursuant to **Nevada Revised Statutes (NRS) 445B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 445B.340**. Appeals are processed through John Walker, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mr. Walker can be reached at 775-687-



Crockett Enterprises, Inc.

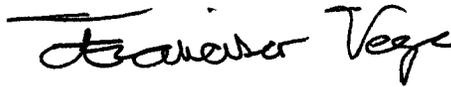
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9308, or by fax at 775-687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions regarding the alleged violations please call Ryan Fahey at (775) 687-9546, if he is unavailable please contact me at (775) 687-9343.

Sincerely,



Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

FV/rf

Enc. 1. Notice of Alleged Air Quality Violation and Order No. 2437
2. SEC Appeal Form #3

cc (w/enc. 1): John Walker, SEC
Douglas County Board of Commissioners
Francisco Vega, NDEP
FIN A1633 (Certified Copy)

E-Copy: Rob Bamford, NDEP
Jeff Denison, NDEP

Certified Mail No.: 9171 9690 0935 0011 8704 77

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2437

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Mr. Mitch Crockett, Vice President

Company Name: Crockett Enterprises, Inc.

Address: 1101 Sawmill Road, Gardnerville, Nevada, 89410

Permit Number: AP1629-3333 **FIN:** A1633

Site of Alleged Violation: 1062 Riverview Drive, Gardnerville, Douglas County, Nevada

Date of Observation: 3/21/2013 **Arrival:** 10:00 AM **Departure:** 10:15 AM

Ambient Temperature: 46 °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: 0 - 2 mph **Wind Direction:** West

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(a) Failure to apply for and obtain an operating permit.

It is alleged that the following act or practice constitutes the violation:

Failed to obtain a Surface Area Disturbance permit prior to clearing approximately nine acres for construction purposes.

Evidence:

Crockett Enterprises, Inc. (Crockett) operates an excavation company in Gardnerville, Douglas County, Nevada under Class II Air Quality Operating Permit AP1629-3333 issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on April 4, 2013. This permit was issued after the alleged violations took place.

On March 20, 2013 the NDEP received a complaint from the general public regarding fugitive dust emanating from property located at 1062 Riverview Drive in Gardnerville. On March 21, 2013 an inspector from the NDEP-BAPC conducted a site inspection of the property. The NDEP-BAPC inspector found a large parcel approximately nine acres located at 1062 Riverview Drive in Gardnerville that had been cleared of all vegetation and graded out in preparation for construction activities. Further investigation found that Crockett did not obtain a SAD permit prior to beginning the construction activities. Crockett was contacted on March 21, 2013 and notified of the NDEP-BAPC findings and advised of the requirements to obtain a SAD permit prior to clearing property larger than five acres. On March 22, 2013 Crockett submitted an application to the NDEP-BAPC to obtain a SAD permit for the construction activities at 1062 Riverview Drive in Gardnerville. Crockett was issued the SAD permit by the NDEP-BAPC on April 4, 2013.

On April 10, 2013 the NDEP-BAPC and Crockett held an enforcement conference to determine whether the issuance of Notice of Alleged Air Quality Violation and Order (NOAV) No. 2437 was or was not warranted. Crockett claimed that they were not aware of the SAD permit requirements and thought that all required State of Nevada permits had been obtained prior to beginning the construction activities. Crockett started clearing activities at the site in January 2012 with the majority of the clearing being completed sometime between September and November 2012.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2437

Evidence (cont.):

In accordance with NAC 445B.281 Violations: Classification; administrative fines, the alleged failure to apply for and obtain a valid air operating permit constitutes a major violation. Notice of Alleged Air Quality Violation and Order (NOAV) represents Crockett's first air quality violations in the past 60 months.

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: _____ \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ This notice is a warning.

Signature Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: (775) 687-9343 Date: May 16, 2013

FV/rf
Certified Mail No.: 9171 9690 0935 0011 8704 77

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

FORM 3: FORM FOR REQUESTING AN APPEAL HEARING
(Provide attachments as needed)

1. Name, address, telephone number, and signature of appellant:

Name: _____

Physical Address: _____

E-mail Address: _____

Telephone Number: _____

Signature: _____

Representative capacity (if applicable): _____

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Date of Request: _____.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701