



December 13, 2021

Casey Jones
Owner
JCR Development, LLC
1006 Aultman St.
Ely, Nevada 89301

RE: Notice of Alleged Air Quality Violation and Order Nos. 2875 and 2876

Dear Mr. Jones:

The Nevada Division of Environmental Protection (NDEP) alleges that JCR Development, LLC (JCR) has violated one or more regulatory requirements.

On September 7, 2021, NDEP held an enforcement conference with JCR to discuss the violations alleged in Notice of Alleged Violation (NOAV) Nos. 2875 and 2876. The conference was held to clarify the circumstances of the alleged violation, provide an opportunity for JCR to provide evidence demonstrating that the alleged violations did not occur, or efforts made to mitigate the violation.

Based on the information provided during the enforcement conference, NDEP has determined that issuance of NOAV Nos. 2875 and 2876 is warranted and that issuance of Order Nos. 2875 and 2876 is warranted.

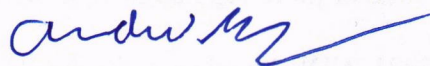
NOAV No. 2876 constitutes a minor violation. The violation stated in NOAV No. 2876 is a fugitive dust violation and is JCR's first fugitive dust offense within the previous 60 months. The administrative fine for a first offense fugitive dust violation is \$500.00 Pursuant to NAC 445B.283, the fines for minor violations must be submitted within 10 days of notice of the fines. The fines are payable by cashier's checks, certified checks, money orders or personal check. The check must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 2875 constitutes a major violation, For major violations, NDEP makes penalty recommendations to the Nevada State Environmental Commission (SEC), but the SEC assesses the penalties. NDEP will be recommending a penalty of \$6,800 for NOAV No 2875. The date for the next SEC hearing is expected to be held in February 2022, however a specific date and time has not yet been established. It is possible that the SEC hearing will be conducted by teleconference due to the COVID-19 emergency. Before the hearing for the penalty, the SEC will notify you of the final date and time of the hearing and provide information about how you can participate if you choose to do so.

Appeals of NOAV Nos. 2875 and 2876 and Order Nos. 2875 and 2876 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within ten (10) days of receipt of this notice, pursuant to **NRS 445B.340 Appeals to Commission: Notice of appeal**. A copy of SEC Appeal Form #3 is enclosed and can also be found on the SEC website at: <https://sec.nv.gov/participate/forms-and-documents/>. Appeals are processed through Sheryl Fontaine, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Ms. Fontaine can be reached at (775) 687-9374, or by email at sfontaine@ndep.nv.gov. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions regarding the NOAVs or the recommended penalties, please contact me at (775) 687-9499 or by email at atucker@ndep.nv.gov.

Sincerely,



Andrew Tucker
Enforcement Supervisor
Bureau of Air Quality Planning

DD/ajt/dd

enc.: Notices of Alleged Air Quality Violation and Orders Nos. 2875 and 2876 and Order Nos. 2875 and 2876

cc (w/enc.): Sheryl Fontaine, SEC
FIN A1101 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP
Jennifer Schumacher, Chief, BAPC
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
David Dragon, Enforcement Staff, BAQP
Jens Christiansen, Compliance Staff, BAPC
Kristen Burke, Administrative Assistant, NDEP
Loren Borst, Administrative Assistant, NDEP
Jessica Higday, Administrative Assistant, NDEP

Certified Mail No.: 9171 9690 0935 0239 7989 66

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY PLANNING
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249
NOTICE OF ALLEGED AIR QUALITY VIOLATION NO. 2875

Person(s) to Whom Served: Casey Jones, Owner
Company Name: JCR Development, LLC
Address: 1006 Aultman St, Ely, Nevada 89301
Permit Number: Not Applicable **FIN:** A1101
Site of Alleged Violation: Approximately 0.9 miles south of the intersection of Highway 93 and Industrial Way in Ely, Nevada
Date of Observation: 7/21/2021 **Time:** 10:15 am

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

Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice.

1. Failure to comply with any requirement of NAC 445B.001 to 445B.3689, 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:

Operating a crushing and screening facility without first obtaining an Air Quality Operating Permit.

Evidence:

NDEP Staff arrived at the JCR Development, LLC (JCR) facility on July 21, 2021 after observing fugitive emissions originating from the facility located approximately 0.9 miles south of the intersection of Highway 93 and Industrial Way in Ely, Nevada. After inspecting the facility, NDEP staff determined that the facility was operating a separate crushing and screening plant consisting of 14 emission units that were not operating under an AQOP as shown in Table 1.

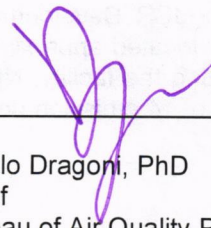
Table 1: Equipment operated without a permit by JCR Development, LLC

Loader transfer to Feeder 1
Feeder 1 transfer to Conveyor C1
Screen S-1 and Associated Transfers (IN from Conveyor C1, OUT to Conveyor C2 and Conveyor C3)
Conveyor C2 transfer to Stockpile
Conveyor C3 transfer to Stockpile
Loader transfer to Feeder 2
Feeder 2 transfer to Conveyor C4
Conveyor C4 transfer to Conveyor C5
Screen S-2 and Associated Transfers (IN from Conveyor C5, OUT to Conveyor C6, Conveyor C7, Conveyor C8, Conveyor C9, and Conveyor C10)
Conveyor C6 transfer to Stockpile
Conveyor C7 transfer to Stockpile
Conveyor C8 transfer to Stockpile
Conveyor C9 transfer to Stockpile
Conveyor C10 transfer to Stockpile

On September 7, 2021, NDEP held an enforcement conference with JCR to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2875 was or was not warranted. During the enforcement conference JCR was unable to show cause why NOAV No. 2875 should not be issued, NDEP has subsequently determined that formal issuance of NOAV No. 2875 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and it is JCR's first air quality violation within the last 60 months.

Signature _____



Issued by: Danilo Dragoni, PhD
 Chief
 Bureau of Air Quality Planning

Phone: 775-687-9340 **Date:** December 13, 2021

DD/dad/ajt

Certified Mail No.: 9171 9690 0935 0252 9924 71

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY PLANNING
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249
NOTICE OF ALLEGED AIR QUALITY VIOLATION NO. 2876

Person(s) to Whom Served: Casey Jones, Owner
Company Name: JCR Development, LLC
Address: 1006 Aultman St, Ely, Nevada 89301
Permit Number: Not Applicable **FIN:** A1101
Site of Alleged Violation: Approximately 0.9 miles south of the intersection of Highway 93 and Industrial Way in Ely, Nevada
Date of Observation: 7/21/2021 **Time:** 10:15 am

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

Nevada Administrative Code (NAC) 445B.22037 Emissions of particulate matter: Fugitive dust.

1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.
2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction and revegetation.

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

Failure to control the emission of fugitive dust as required by the Nevada Administrative Code 445B.22037.

Evidence:

NDEP Staff arrived at the JCR Development, LLC (JCR) facility on July 21, 2021, after observing fugitive emissions originating from the facility. NDEP staff inspected the facility and noted that the crushing and screening plant was operating without emission controls. The plant was equipped with water sprays at the transfer points, but the water sprays were not operating, resulting in fugitive emissions.

On September 7, 2021, NDEP held an enforcement conference with JCR to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2876 was or was not warranted. During the enforcement conference JCR was unable to show cause why NOAV No. 2876 should not be issued, NDEP has subsequently determined that formal issuance of NOAV No. 2876 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a minor violation and it is JCR's first air quality violation within the last 60 months.

ORDER

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

To pay the following administrative fine in accordance with NAC 445B.281: \$500.00

To take corrective action: _____

To appear for an enforcement conference in person at: 901 S. Stewart St. Suite 4001, Carson City, Nevada, 89701, or by video conference or phone.

Date: _____ Time: _____

To conduct a Supplemental Environmental Project specified by NDEP

This notice is a warning.

Signature _____

Issued by: Danilo Dragoni, PhD
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: 12/13/2021

DD/dd/at

Certified Mail No.: 9171 9690 0935 0252 9924 71

Form #3
Request an Appeal Hearing
Revised 6-2012



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**

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: _____.

Supporting Documents



After signing and submitting this form (below), attach the permit or notice of alleged violation that you are appealing directly to your email message. Include other supporting documents as needed.

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