



April 24, 2024

Matt Mannens
Environmental Compliance Engineer
Q & D Construction, LLC
1050 South 21st Street
Sparks, Nevada 89431

**RE: Notice of Alleged Air Quality Violation 3080 Amended - Class II Air Quality
Operating Permit (AQOP) AP1442-4253 (FIN A2198)**

Dear Matt Mannens:

The Nevada Division of Environmental Protection (Division) alleges Q&D Construction, LLC (Q&D) has violated one or more conditions of their Class II Air Quality Operating Permit (AQOP) AP1442-4253.

Previously, on April 16, 2024, Notice of Alleged Air Quality Violation (NOAV) and Order Nos. 3079, 3080, 3081, 3085, and 3086 were issued. On April 23, 2024, the Division received additional information from Q&D leading to an amendment of NOAV No. 3080. NOAV Nos. 3079, 3081, 3085, and 3086 are still accurate as previously issued.

Based on the information provided during the enforcement conference, the Division has determined that the issuance of Notice of Alleged Air Quality Violation (NOAV) 3080 Amended is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 3080 constitutes a major violation. For major violations not issued as Warnings, the Division makes penalty recommendations to the Nevada State Environmental Commission (Commission), and the Commission assesses the penalties. Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the Commission, the division has calculated a recommended penalty of **\$30,000.00** for NOAV No. 3080.

The date for the next Commission hearing for penalties has been set for June 18, 2024 at 9:00 AM. Before the hearing for the penalties, the Commission will notify you of the final date and time of the hearing and provide information about how you can participate if you want.

Appeal of the amended NOAV No. 3080 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and Commission administrative rules. A copy of the Commission's 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 the Commission's Appeal Form #3 is enclosed and can also be found on the Commission's website at: <https://sec.nv.gov/participate/forms-and-documents/>. Appeals are processed through Sheryl Fontaine, the Executive Secretary for the Commission, 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 Commission.

If you have any questions regarding the NOAV or the fine, please contact me at (775) 687-9392 or by email at m.grover@ndep.nv.gov.

Sincerely,



Michelle Grover,
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

enc.: Notice of Alleged Air Quality Violation (NOAV) No. 3080 Amended
SEC Appeal Form #3

E-Copy: Jennifer Carr, P.E., Administrator, NDEP
Danilo Dragoni, Ph.D., Deputy Administrator, NDEP
Jeff Kinder, P.E., Deputy Administrator, NDEP
Jennifer Schumacher, Chief, BAPC
Andrew Tucker, Chief, BAQP
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC
Chad Myers, P.E., Compliance Supervisor, BAPC
Jens Christiansen, P.E., Compliance Staff, BAPC
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
Nathan Rash, Enforcement Staff, BAQP
Thomas Stephens, Enforcement Staff, BAQP

Certified Mail No.: 9489 0090 0027 6499 2237 73

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. 3080 Amended

Person(s) to Whom Served: Matt Mannens, Environmental Compliance Engineer
Company Name: Q & D Construction, LLC
Address: 1050 South 21st Street, Sparks, NV 89431
Permit Number: AP1442-4253 **FIN:** A2198
Site of Alleged Violation: Maggie Creek Ranch Pit near Elko, NV
Date of Observation: August 1, 2023

It is alleged that the following regulation was violated by the person named in this notice:
Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

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:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

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

Failure to modify existing permit to include additional emission units that were not listed in the original Air Quality Operating Permit.

Evidence:

Q & D Construction, Inc. (Q & D) currently holds a Class II Air Quality Operating Permit (AQOP) to operate an aggregate crushing screening, HMA plant, under the requirements of AP1442-4253, last issued by the Nevada Division of Environmental Protection (Division) on March 21, 2024.

Division staff conducted an on-site inspection of the facility on August 1, 2023. During the inspection, Division staff found unpermitted equipment in operation.

On October 16, 2023, the Division held an enforcement conference with Q&D to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3080 was or was not warranted. During the enforcement conference, Q & D did supply evidence after the enforcement conference that some of the unpermitted equipment was temporary and in use for less than a year. However, an asphalt plant screen (1) and one (1) blower motor were not permitted. The Division has subsequently determined that issuance of NOAV No. 3080 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the Nevada State Environmental Commission, the Division has calculated a recommended penalty of \$30,000.00 for NOAV No. 3080.

NOAV NO. 3080 Amended

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and Q&D has had no previous air quality violation within the last 60 months.

Signature  _____

Issued by: Andrew Tucker
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: Apr 24, 2024

AT/MG/ts

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