



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

STATE OF NEVADA  
Department of Conservation & Natural Resources

Steve Sisolak, Governor  
Bradley Crowell, Director  
Greg Lovato, Administrator

March 21, 2022

Chris Jagers  
Area Manager  
Robertson's Ready Mix  
151 Cassia Way  
Henderson, NV 89014

**RE: Notice of Alleged Air Quality Violation Nos. 2895  
Class II Air Quality Operating Permit AP3273-3982 (FIN A0121)**

Dear Mr. Jagers:

The Nevada Division of Environmental Protection (NDEP) alleges that Robertson's Ready Mix (RRM) has violated one or more conditions of Class II Air Quality Operating Permit (AQOP) AP3273-3982.

On January 6, 2022, NDEP held an enforcement conference with RRM to discuss potential enforcement actions alleged in the Letter of Alleged Findings (LOAF) previously sent to RRM. The conference was held to clarify the circumstances of the potential enforcement actions and provide an opportunity for RRM to provide evidence demonstrating that violations did not occur or that efforts were made to mitigate the violations.

Based on the information provided during the enforcement conference, NDEP has determined that issuance of **Notice of Alleged Violation (NOAV) No. 2895 is warranted. NOAV No. 2894 is being dismissed.**

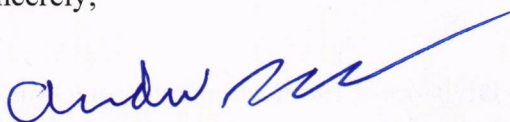
In accordance with **NAC 445B.281 Violations: Classification; administrative fines, NOAV No. 2895 constitutes a major violation.** For major violations, NDEP makes penalty recommendations to the Nevada State Environmental Commission (SEC), and the SEC assesses the penalties. Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the SEC, NDEP has calculated a recommended penalty of **\$7,200** for NOAV No. 2895.

The date for the next SEC hearing for penalties has not yet been determined. It is possible that the SEC hearing will be conducted by teleconference due to the COVID-19 emergency. Before the hearing for the penalties, the SEC will notify you of the final date and time of the hearing and provide information about how you can participate if you want.

An appeal of NOAV No. 2895 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](mailto: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 NOAV, please contact me at (775) 687-9499 or by email at [atucker@ndep.nv.gov](mailto:atucker@ndep.nv.gov).

Sincerely,



Andrew Tucker  
Supervisor, Enforcement Branch  
Bureau of Air Quality Planning

AT/kri

enc.: 1. Notice of Alleged Air Quality Violation No. 2895  
2. SEC Form #3

cc (w/enc.): Sheryl Fontaine, SEC  
FIN A0121 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP  
Jennifer Schumacher, Chief, BAPC  
Chad Myers, P.E., Compliance Supervisor, BAPC  
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC  
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC  
Tanya Soleta, P.E., Permitting Supervisor, BAPC  
Kalin Ingstad, Enforcement Staff, BAQP

Certified Mail No.: 9171 9690 0935 0253 7288 95



---

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. 2895**

---

**Person(s) to Whom Served:** Chris Jagers, Area Manager  
**Company Name:** Robertson's Ready Mix  
**Address:** 151 Cassia Way, Henderson, NV 89014  
**Permit Number:** AP3273-3982 **FIN:** A0121  
**Site of Alleged Violation:** 2091 Christine Way, Pahrump, NV 89048  
**Date of Observation:** Multiple dates **Time:** N/A

**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:*

*(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:**

Records show throughput exceedances for System Nos. 4 and 5.

**Evidence:**

Robertson's Ready Mix (RRM) currently holds a Class II Air Quality Operating Permit (AQOP) to operate at Pahrump Concrete Batch Plant under the requirements of AQOP No. AP3273-3982, issued by the Nevada Division of Environmental Protection (NDEP) on October 29, 2019.

NDEP requested records from the facility from May 12, 2020 through February 28, 2021. The submitted records showed that System Nos. 2, 4, and 5 exceeded the permitted throughput limits on various dates. On January 6, 2022, NDEP held an enforcement conference with RRM to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2895 was or was not warranted. After the enforcement conference, RRM submitted additional information explaining that the exceedance for System No. 2 was due to a calculation error; however, RRM did not provide any evidence that the exceedances for System Nos. 4 and 5 did not occur. NDEP has subsequently determined that formal issuance of NOAV No. 2895 is warranted. A summary of the exceedances is provided in Table 1.

Table 1:

System	Date of Exceedance
System No. 4	5/6/2020
	6/13/2020
	7/3/2020
	7/31/2020
	8/13/2020
	8/24/2020
	9/18/2020
	9/26/2020
	10/17/2020
System No. 5	5/11/2020
	5/14/2020
	2/4/2021

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and it is RRM'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: March 21, 2022

DD/kri

Certified Mail No.: 9171 9690 0935 0253 7288 95

## Revised 6-2012

NEVADA  
STATE ENVIRONMENTAL  
COMMISSION

**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