



June 7, 2023

Steve Hiskett,
Owner
Hiskett & Sons, LLC.
P.O. BOX 5009,
Fallon, NV 89407

**RE: Notice of Alleged Air Quality Violation and Order Nos. 3038, 3039, and 3040
Class II Air Quality Operating Permit AP3273-3931 (FIN A0903)**

Dear Mr. Hiskett:

The Nevada Division of Environmental Protection (NDEP) alleges that Hiskett & Sons, LLC. (Hiskett) has violated one or more conditions of Class II Air Quality Operating Permit (AQOP) AP3273-3931.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to discuss potential enforcement actions 3038, 3039, and 3040 alleged in the Letter of Alleged Findings (LOAF) previously sent to Hiskett. The conference was held to clarify the circumstances of the potential enforcement actions and provide an opportunity for Hiskett to provide evidence demonstrating that violations did not occur or that efforts were made to mitigate the violation.

Based on the information provided during the enforcement conference, NDEP has determined that issuance of NOAV Nos. 3038, 3039, and 3040 is warranted.

The Monitoring, Recordkeeping, and/or Reporting violations alleged, in NOAV Nos. 3038 and 3039 are minor violations pursuant to NAC 445B.281. The violations in these NOAVs are the first and second offenses (respectively) of this violation type for Hiskett in the previous 60 months. The administrative fine for a first offense Monitoring, Recordkeeping, and/or Reporting violation is **\$250.00**. The administrative fine for a second offense Monitoring, Recordkeeping, and/or Reporting violation is **\$500.00**. The total administrative fines for the violations for Nos. 3038 and 3039 is **\$750.00**. 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.

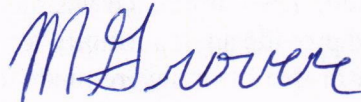
In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 3040 constitutes a major violation. For major violations, NDEP makes penalty recommendations to the Nevada State Environmental Commission (SEC), and the SEC assesses the penalties. Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the SEC, NDEP has calculated a recommended penalty of **\$1,800** for NOAV No. 3040.

The date for the next SEC hearing for penalties has not yet been determined. 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.

Appeals of NOAV Nos. 3038, 3039, and 3040 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 fines, please contact Michelle Grover at (775) 687-9392 or by email at m.grover@ndep.nv.gov.

Sincerely,



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

MG/nr

enc.: Notice of Alleged Air Quality Violation Nos. 3038, 3039, and 3040.
SEC Appeal Form #3
How to Pay a NOAV

E-Copy: Danilo Dragoni, Ph.D, Deputy Administrator, NDEP
Jennifer Schumacher, Chief, BAPC
Michelle Grover, Enforcement Supervisor, BAQP
Chad Myers, P.E., Compliance Supervisor, BAPC
Shannon Watson, Compliance Staff, BAPC
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
Nathan Rash, Enforcement Staff, BAQP

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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. 3038

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett & Sons, LLC.
Address: P.O. BOX 5009, Fallon, NV 89407
Permit Number: AP3273-3931 **FIN:** A0903
Site of Alleged Violation: 2120 South Allen Road, Fallon, NV 89406
Date of Observation: 12/8/2022 **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:

[...]
(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit;

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

Failure to Conduct or Record Required Observations of Visible Emissions

Evidence:

Hiskett & Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a concrete batch plant under the requirements of AQOP No. AP3273-3931, last issued by the Nevada Division of Environmental Protection (NDEP) on March 19, 2019.

On December 8, 2022, BAPC Compliance Staff conducted a full, on-site inspection of the facility. During this inspection it was noted that the facility could not produce any record of Visible Emissions Observations having been conducted, as required by the operating permit, for the following Systems:

System 04 - Cement Silo (South)
System 05 - Fly Ash Silo (South)
System 06 - Truck Loading (South)
System 09 - Wash Screen (North)
System 13 - Weigh Hopper (North)
System 15 - Cement Silo (North)

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3038 was or was not warranted. During the enforcement conference, Hiskett did not supply any evidence that the alleged violation did not occur. NDEP has subsequently determined that formal issuance of NOAV No. 3038 is warranted.

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


 X To pay the following administrative fine in accordance with NAC 445B.281: \$250.00

 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
Deputy Administrator,
Nevada Division of Environmental Protection,

Phone: 775-687-9340 Date: June 7, 2023

DD/MG/nr

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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. 3039

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett & Sons, LLC.
Address: P.O. BOX 5009, Fallon, NV 89407
Permit Number: AP3273-3931 **FIN:** A0903
Site of Alleged Violation: 2120 South Allen Road, Fallon, NV 89406
Date of Observation: 12/8/2022 **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:

[...]

(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit;

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

Failure to Maintain Records in Accordance with Permit Requirements.

Evidence:

Hiskett & Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a concrete batch plant under the requirements of AQOP No. AP3273-3931, last issued by the Nevada Division of Environmental Protection (NDEP) on March 19, 2019.

On December 8, 2022, BAPC Compliance Staff conducted a full, on-site inspection of the facility. During this inspection it was noted that the facility could not produce records satisfying the monitoring and recordkeeping requirements contained in the permit for all systems.

The facility was given until January 6, 2023 to provide the BAPC with records for the time period of January 1, 2022 through December 31, 2022. The records were provided to the BAPC on January 6, 2023, but they did not satisfy the permitted recordkeeping requirements for any system.

The noted issues include, but are not limited to, the fact that records are not separated by system, records do not include daily throughput, records do not include daily hours of operations, records do not include average hourly throughput in tons/hr., and records do not include yearly throughput, or yearly hours of operations.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3039 was or was not warranted. During the enforcement conference, Hiskett did not supply any evidence that the alleged violation did not occur. NDEP has subsequently determined that formal issuance of NOAV No. 3039 is warranted.

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

This Notice of Alleged Violation becomes final and the violations stand unless appealed within ten (10) days of this notice. The person named in this Notice 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.

ORDER

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

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

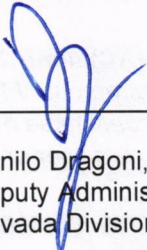
 To take corrective action: _____

 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
Deputy Administrator,
Nevada Division of Environmental Protection,

Phone: 775-687-9340 Date: June 7, 2023

DD/MG/nr

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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. 3040

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett & Sons, LLC.
Address: P.O. BOX 5009, Fallon, NV 89407
Permit Number: AP3273-3931 **FIN:** A0903
Site of Alleged Violation: 2120 South Allen Road, Fallon, NV 89406
Date of Observation: 7/18/2022 **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:

Exceedance of permitted throughput limits.

Evidence:

Hiskett & Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a concrete batch plant under the requirements of AQOP No. AP3273-3931, last issued by the Nevada Division of Environmental Protection (NDEP) on March 19, 2019.

On July 18, 2022, the facility submitted an Annual Emissions Reporting Form to the BAQP for calendar year 2021. Within this report, the facility lists an annual throughput for System 01 exceeding the permitted throughput limit¹ and, by implication, the emission limits for this system.

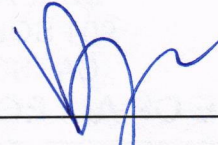
On March 9, 2023, the facility submitted an Annual Emissions Reporting Form to the BAQP for calendar year 2022. Within this report, the facility lists an annual throughput for Systems 01 and 06 exceeding the permitted throughput limit and, by implication, their emission limits for these systems.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3040 was or was not warranted. During the enforcement conference, Hiskett did not supply any evidence that the alleged violation did not occur. NDEP has subsequently determined that formal issuance of NOAV No. 3040 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet, as established with the State Environmental Commission, NDEP has calculated a recommended penalty of **\$1,800** for NOAV No. 3040.

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

Signature _____



Issued by: Danilo Dragoni, PhD,
Deputy Administrator,
Nevada Division of Environmental Protection

Phone: 775-687-9340 **Date:** June 7, 2023

DD/MG/nr

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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

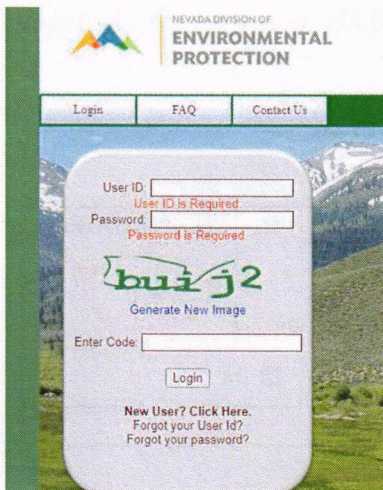
How to Electronically Pay a NOAV Citation or Administrative Fine from the Air Program with the Nevada Division of Environmental Protection

If you have received a Final Notice of Alleged Violation (NOAV) Citation, or a Final Notice of Alleged Violation that requires the payment of an **Administrative Fine**, you can easily make the payment on-line.

The quickest way is to go to www.sec.nv.gov and click **MAKE A PAYMENT**



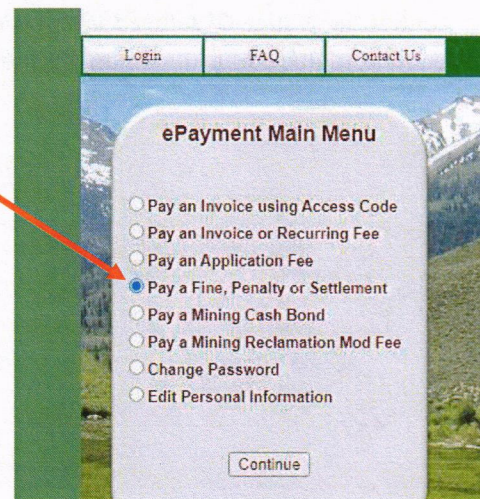
The new webpage will ask you to login into the Nevada Division of Environmental Protection EPay Portal (<https://epayments.ndep.nv.gov/>). If you don't have an account already, you can create it.



Once in, please select

Pay a Fine, Penalty or Settlement.

Click **Continue**

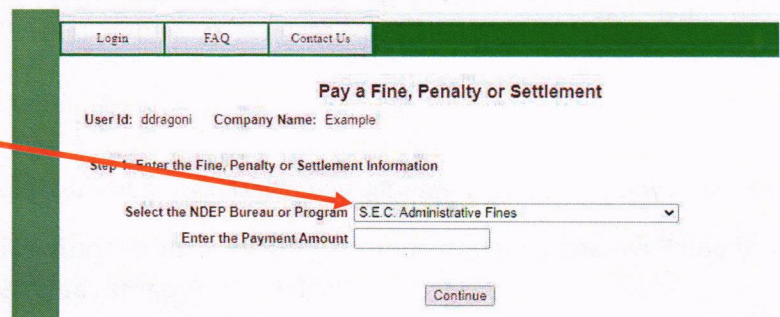


For the **NDEP Bureau or Program**, select

S.E.C. Administrative Fines

from the dropdown list. Enter the amount of the fine and click Continue. You can find the amount for the fine in the NOAV Citation or in the Notice of Alleged Violation.

When ready, click **Continue**



The next screen asks you to verify or update the Contact Information. Please, be sure that the information is correct.

Click **Save & Continue**

In the following screen, you need to enter the information for the payment. You can either choose **echeck** or **credit card** (a 2.5% service fee will be added for the credit card payment)

If you selected **echeck**, please add the **NOAV number** or **NOAV Citation number** from your notice in the **Memo** field.

If you selected **credit card**, you will not have the option to add the **NOAV number** or **NOAV Citation number**.

Payment Method: * echeck (Free) credit card (2.5% service fee)

Enter Bank Account Information

Account Information	Routing Number Help	Account Number Help
Example Example Carson City NV 89701		Date 01/03/2023
Pay To The Order Of	Division of Environmental Protection	\$10.00
Den 00/100		
Your Bank Details		
Memo	Sign	
:	:	
Routing Number Help	Account Number Help	

The **NOAV number** is either the **Notice Of Alleged Violation Number** (for a Notice of Administrative Fine) or the **NOAV Citation number** (for a Citation). It's a four-digit number and can be usually found at the top of the first page of your violation notice.

 NEVADA DIVISION OF ENVIRONMENTAL PROTECTION Department of Conservation & Natural Resources November 8, 2022	STATE OF NEVADA DIVISION OF ENVIRONMENTAL PROTECTION AIR POLLUTION CONTROL NOTICE OF VIOLATION FOR CLASS II SOURCE	NOAV CITATION No. 7890
	Name _____ Title _____ Company _____ Address _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM Class II Facility: _____ Permit _____

RE: **Notice of Administrative Fine for Alleged Air Quality Violation and Order No. 7890**

From here, you can continue entering your checking/credit card information and submit the final payment

If you have any question about paying an Administrative Fines or a NOAV Citation, please contact the NDEP's Air Program at (775) 687-9349