



June 7, 2023

Steve Hiskett,
Owner
Hiskett and Sons, LLC. – Flattop Pit,
P.O. Box 5009,
Fallon, NV 89407

**RE: Notice of Alleged Air Quality Violation and Order Nos. 3041, 3042, and 3043
Class II Air Quality Operating Permit AP1442-3844 (FIN A2033)**

Dear Mr. Hiskett:

The Nevada Division of Environmental Protection (NDEP) alleges that Hiskett and Sons, LLC. (Hiskett) has violated one or more conditions of Class II Air Quality Operating Permit (AQOP) AP1442-3844.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to discuss potential enforcement actions 3041, 3042, and 3043 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. 3041, 3042, and 3043 is warranted.

The monitoring and recordkeeping violations alleged in NOAV Nos. 3041 and 3042 are minor violations pursuant to NAC 445B.281. The violations in the NOAVs are the first and second offense, respectively, of this type for Hiskett in the previous 60 months. The administrative fine for a first offense monitoring and recordkeeping violation is **\$250.00**. The administrative fine for a second offense monitoring and recordkeeping violation is **\$500.00**. The total administrative fine for the violations for Nos. 3041 and 3042 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. 3043 constitutes major violations. 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 **\$7,800** for NOAV No. 3043.

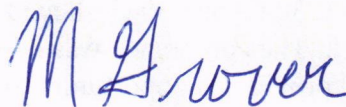
The date for the next SEC hearing for penalties has not yet been determined. It is possible that the SEC hearing will be conducted by teleconference. Before the hearing for the penalties, the

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. 3041, 3042, and 3043 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 and Order Nos. 3041, 3042, and 3043
SEC Appeal Form #3
How to Pay a NOAV or Field Citation

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP
Jennifer Schumacher, Chief, BAPC
Chad Myers, P.E., Compliance Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
Shannon Watson, Compliance Staff, BAPC
Nathan Rash, Enforcement Staff, BAQP

Certified Mail No.: 9489 0090 0027 6499 6795 25

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. 3041

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett and Sons, LLC.
Address: P.O. Box 5009, Fallon, NV 89407
Permit Number: AP1442-3844 **FIN:** A2033
Site of Alleged Violation: Flattop Pit, Churchill County, NV
Date of Observation: 12/20/2022 **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 and Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate an aggregate crushing and screening operation under the requirements of AQOP No. AP1442-3844, last issued by the Nevada Division of Environmental Protection (NDEP) on November 3, 2021.

On December 20, 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.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3041 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. 3041 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a minor 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

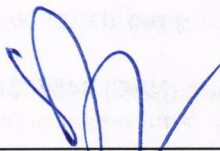
 To take corrective action: _____

 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

Certified Mail No.: 9489 0090 0027 6499 6795 25

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. 3042

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett and Sons, LLC.
Address: P.O. Box 5009, Fallon, NV 89407
Permit Number: AP1442-3844 **FIN:** A2033
Site of Alleged Violation: Flattop Pit, Churchill County, NV
Date of Observation: 12/20/2022 **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 and Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate an aggregate crushing and screening operation under the requirements of AQOP No. AP1442-3844, last issued by the Nevada Division of Environmental Protection (NDEP) on November 3, 2021.

On December 20, 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 5-6, 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 average hourly throughput in tons/hr., records do not include start and stop times, and records do not include the monthly inspection and maintenance log required by the permit.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3042 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. 3042 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a minor violation and it is Hiskett 's second 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: \$500.00

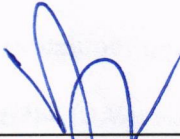
 To take corrective action: _____

 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

Certified Mail No.: 9489 0090 0027 6499 6795 25

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. 3043

Person(s) to Whom Served: Steve Hiskett, Owner
Company Name: Hiskett and Sons, LLC.
Address: P.O. Box 5009, Fallon, NV 89407
Permit Number: AP1442-3844 **FIN:** A2033
Site of Alleged Violation: Flattop Pit, Churchill County, NV
Date of Observation: 1/6/2023 **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:

Failure to Comply with Permitted Requirements: Exceedance of Permitted Hours of Operation.

Evidence:

Hiskett and Sons, LLC. (Hiskett) currently holds a Class II Air Quality Operating Permit (AQOP) to operate an aggregate crushing and screening operation under the requirements of AQOP No. AP1442-3844, last issued by the Nevada Division of Environmental Protection (NDEP) on November 3, 2021.

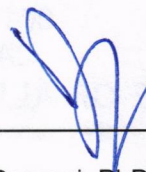
On January 6, 2023, the facility provided to BAPC Compliance Staff records of operation for the time period of January 1, 2022, through December 31, 2022. Upon review, BAPC Compliance staff determined that the hours of operation reported by the facility exceeded the permitted limit of 6.5 hours per day on multiple occasions spanning all twelve months for which records were checked. On thirteen of those occasions the facility exceeded 975 tons/per day.

On April 11, 2023, NDEP held an enforcement conference with Hiskett to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3043 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. 3043 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 **\$7,800** for NOAV No. 3043.

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

Certified Mail No.: 9489 0090 0027 6499 6795 25

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

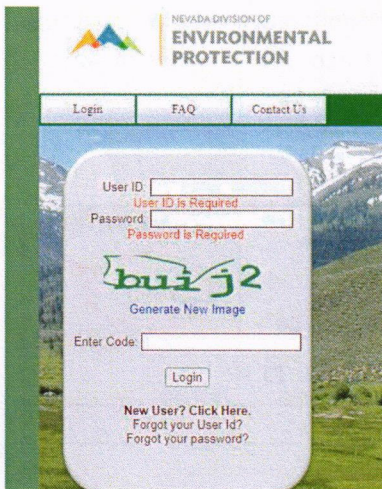
How to Electronically Pay a NOAV Citation or Administrative Fine from the Air Program with the Nevada Division of Environmental Protection

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**



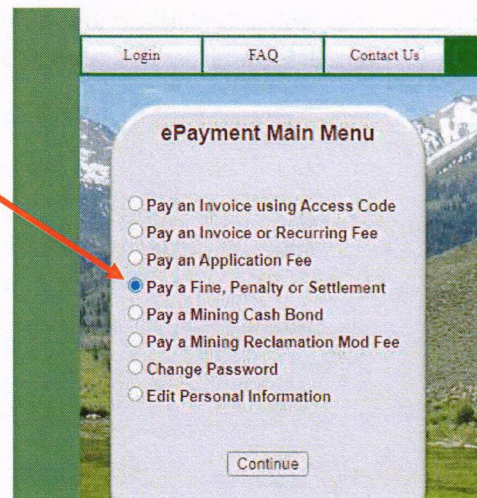
The new webpage will ask you to login into the Nevada Division of Environmental Protection EPay Portal (<https://epayments.ndep.nv.gov/>). If you don't have an account already, you can create it.



Once in, please select

Pay a Fine, Penalty or Settlement.

Click **Continue**

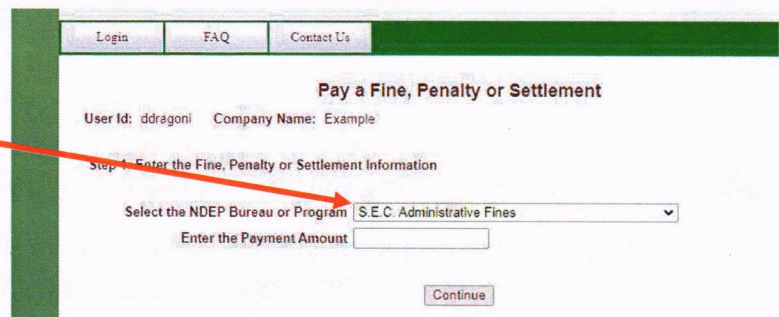


For the NDEP Bureau or Program, select

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	STATE Department of Conservation & Natural Resources Steve Jim Lawrence Greg Le	NOAV CITATION No. 7890
		NOTICE OF VIOLATION FOR CLASS II SOURCE
November 8, 2022	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	
Name Title Company Address	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