



July 13, 2023

Shawn Healy
Production Manager
Trex Company, Inc.
1800 E. Newlands Drive,
Fernley, NV 89408

**RE: Notice of Alleged Air Quality Violation and Order No. 3049
Class II Air Quality Operating Permit AP3089-0848.04 (FIN A0516)**

Dear Mr. Healy:

The Nevada Division of Environmental Protection (NDEP) alleges that Trex Company, Inc. (Trex) has violated one or more conditions of Class II Air Quality Operating Permit AP3089-0848.04.

On April 20, 2023, NDEP held an enforcement conference with Trex to discuss potential enforcement actions presented in the Letter of Alleged Findings (LOAF) previously sent to Trex. The conference was held to clarify the circumstances of the potential enforcement actions and provide an opportunity for Trex 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 No. 3049 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAV No. 3049 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, and from actions taken by Trex since the unpermitted equipment was discovered, NDEP has calculated a recommended penalty of **\$42,000** for NOAV No. 3049.

The date for the next SEC hearing for penalties has been tentatively set for September 7, 2023. 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.

Appeal of NOAV No. 3049 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 NOAV or the fine, please contact me at (775) 687-9392 or by email at m.grover@ndep.nv.gov.

Sincerely,



[Michelle Grover \(Jul 13, 2023 14:03 PDT\)](#)

Michelle Grover
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

MG/nr

enc.: Notice of Alleged Air Quality Violation No. 3049
SEC Appeal Form #3

E-Copy: Danilo Dragoni, Ph.D, Deputy Administrator, NDEP
Jennifer Schumacher, Chief, BAPC
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC
Chad Myers, P.E., Compliance Supervisor, BAPC
Nick Greer, Compliance Staff, BAPC
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
Michelle Grover, Enforcement Supervisor, BAQP
Nathan Rash, Enforcement Staff, BAQP
Loren Borst, Admin Assistant, NDEP
Sheryl Fontaine, Chief, BAS

Certified Mail No.: 9489 0090 0027 6499 6855 57

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. 3049

Person(s) to Whom Served: Shawn Healy, Production Manager
Company Name: Trex Company, Inc.
Address: 1800 E. Newlands Drive, Fernley, NV 89408
Permit Number: AP3089-0848.04 **FIN:** A0516
Site of Alleged Violation: Trex Company, Inc. production facility, Fernley, NV
Date of Observation: March 2, 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:

- (a) Failure to apply for and obtain an operating permit;
[...]*

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

Construction or Installation of Process Equipment meeting the definition of an Emission Unit under NAC 445B.059 without first obtaining and Operating Permit.

Evidence:

Trex Company, Inc. (Trex) currently holds a Class II Air Quality Operating Permit (AQOP) to operate a building materials production facility located in Lyon County, NV. Trex was last issued AQOP No. AP3089-0848 by the Nevada Division of Environmental Protection (NDEP) on April 14, 2021.

On March 2, 2023, BAPC Compliance Staff observed and documented suspected unpermitted equipment operating at the Facility location. Upon returning to the office, inspectors confirmed that this equipment is unpermitted.

On 3/7/2023, BAPC Compliance Staff spoke over the phone with Shawn Healy - Production Manager. Mr. Healy stated that the facility has been operating the unpermitted equipment since August 2022.

On April 20, 2023, NDEP held an enforcement conference with Trex to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 3049 was or was not warranted. During the enforcement conference, Trex did not supply any evidence that the alleged violation did not occur. NDEP has subsequently determined that formal issuance of NOAV No. 3049 is warranted. During the enforcement conference, Trex did not supply any evidence that the alleged violation did not occur.

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 **\$42,000** for NOAV No. 3049.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and Trex has no previously issued air quality violations within the last 60 months.

Signature  _____

Issued by: Danilo Dragoni, Ph.D.
Deputy Administrator
Nevada Division of Environmental Protection

Phone: 775-687-9373 **Date:** July 13, 2023

DD/MG/nr

Certified Mail No.: 9489 0090 0027 6499 6855 57

Trex Final NOAV

Final Audit Report

2023-07-13

Created:	2023-07-13
By:	Michelle Grover (m.grover@ndep.nv.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAG6_akb4ncNF8Vs2MhQnQM-rHhyH5b_NS

"Trex Final NOAV" History

-  Document created by Michelle Grover (m.grover@ndep.nv.gov)
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-  Document e-signed by Michelle Grover (m.grover@ndep.nv.gov)
Signature Date: 2023-07-13 - 9:03:29 PM GMT - Time Source: server
-  Document emailed to Danilo Dragoni (ddragoni@ndep.nv.gov) for signature
2023-07-13 - 9:03:30 PM GMT
-  Email viewed by Danilo Dragoni (ddragoni@ndep.nv.gov)
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-  Document e-signed by Danilo Dragoni (ddragoni@ndep.nv.gov)
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-  Agreement completed.
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