



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Steve Sisolak, *Governor*
Jim Lawrence, *Acting Director*
Greg Lovato, *Administrator*

July 23, 2025

Jared Kupcak
Vice President of Operations
Nevada Cement Company – Fernley Plant
1290 West Main Street
Fernley, NV 89408

**RE: Notice of Alleged Air Quality Violation 3152 & 3191
Class I Air Quality Operating Permit AP3241-0387 (FIN A0030)**

Dear Jared Kupcak:

The Nevada Division of Environmental Protection (Division) alleges that Nevada Cement Company – Fernley Plant (NCC) has violated one or more conditions of Class I Air Quality Operating Permit (AQOP) AP3241-0387 last issued on June 3, 2025.

On November 21, 2024, the Division held an enforcement conference with NCC to discuss potential enforcement actions alleged in the Letter of Alleged Findings previously sent to NCC. The conference was held to clarify the circumstances of the potential enforcement actions and provide an opportunity for NCC 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, the Division has determined that the issuance of NOAVs 3152 and 3191 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, NOAVs 3152 and 3191 constitute major violations. For major violations, 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 **\$7,000** for NOAV 3152 and **\$60,000** for NOAV 3191.

The date for the next Commission hearing for penalties has not been set. 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.

Appeals of NOAV 3152 and 3191 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and Commission administrative rules. 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 NOAVs or the fines, please contact me at (775) 687-9392 or by email at m.grover@ndep.nv.gov.

Sincerely,



Michelle Grover (Jul 22, 2025 16:08 PDT)

Michelle Grover
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

MG/sm

enc.: Notice of Alleged Air Quality Violation 3152 and 3191
Appeal Form #3

E-Copy: Danilo Dragoni, Ph.D., Deputy Administrator, NDEP
Jeff Kinder, P.E., Deputy Administrator, NDEP
Andrew Tucker, Chief, BAQP
Jennifer Schumacher, Chief, BAPC
Gregg Rosenberg, P.E., Compliance Supervisor, BAPC
Jaimie Mara, P.E., Permitting Supervisor, BAPC
Keith Combs, Compliance Staff, BAPC
Nathan Rash, Enforcement Staff, BAQP
Jared Kupcak, Vice President of Operations, NCC
Joseph Marnini, Eagle Materials

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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. 3152

Person(s) to Whom Served: Jared Kupcak, Vice President of Operations
Company Name: Nevada Cement Company – Fernley Plant
Address: 1290 West Main Street, Fernley, NV 89408
Permit Number: AP3241-0387 **FIN:** A0030
Site of Alleged Violation: 1290 West Main Street, Fernley, NV 89408
Dates of Observation: 8/14/2023, 10/3/2023

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 Maintain Process or Air Pollution Control Equipment

Evidence:

Nevada Cement Company – Fernley Plant (NCC) currently holds a Class I Air Quality Operating Permit (AQOP) to operate a cement plant under the requirements of AQOP No. AP3241-0387, last issued by the Nevada Division of Environmental Protection (Division) on March 28, 2025.

On August 14, 2023, compliance staff conducted a full, on-site inspection of the facility. During this inspection, compliance staff discovered three systems were leaking material and having insufficient air pollution control capture. On October 3, 2023, the BAPC compliance staff were on-site observing a stack test and discovered four systems were leaking material and having insufficient air pollution control capture some of which were the same systems seen leaking on August 14th. See Table 1 on the next page for more information.

On November 21, 2024, the Division held an enforcement conference with NCC to determine whether the issuance of Notice of Alleged Air Quality Violation (NOAV) 3152 was or was not warranted. During the enforcement conference, NCC did not supply any evidence that the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV 3152 is warranted.

Based on the factors considered in the penalty matrix and penalty calculation worksheet as established with the State Environmental Commission, the Division calculated a recommended penalty of \$7,000 for NOAV 3152.

Table 1 – Failure to Maintain Process or Air Pollution Control Equipment

Item	System Name	System/Emission Unit	Date(s)	Description	Required Control Equipment
1	Raw Material Storage	S05D.PF1.035-PF1.036	8/14/2023, 10/3/2023	Emissions were observed to be coming out from the building enclosure. Building enclosure was noted to have several holes and not sealed properly.	Building Enclosure
2	Raw Material Storage	S05E.PF1.037-PF1.041	8/14/2023, 10/3/2023	Emissions were observed to be coming out from the building enclosure.	Building Enclosure
3	Cement Bulk Loading	S21.S2.086-S2.093B	10/3/2023	Emissions were observed to be leaking from two flanges on the air slides used to transfer material. Additionally, S2.089B, during initial loading of a cement truck, there was a major cloud of cement dust followed by a continuous leak of material for the remainder of the unloading process.	Baghouse (DC 618) with 100% capture
4	Rail Unloading/Transfer	S25(b).S2.104-S2.105	10/3/2023	Emissions were observed from a loose connection to the railcar during rail unloading. Emissions reached nearly 100% opacity and lasted roughly 30 minutes.	Baghouse (DC 611) with 100% capture
5	Finish Mill Feed Storage Tank and Handling	S28(a).S2.107	8/14/2023	Emissions were observed leaking from a hole in the pneumatic loading system. There was a mound of material collected from the leak.	Bin vent [Baghouse (DC 2238-3)] with 100% capture

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

Signature  _____

Issued by: Andrew Tucker
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 **Date:** Jul 23, 2025

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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. 3191

Person(s) to Whom Served: Jared Kupcak, Vice President of Operations
Company Name: Nevada Cement Company – Fernley Plant
Address: 1290 West Main Street, Fernley, NV 89408
Permit Number: AP3241-0387 **FIN:** A0030
Site of Alleged Violation: 1290 West Main Street, Fernley, NV 89408
Date of Observation: 8/14/2023

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:

[...]

(b) Failure to construct a stationary source in accordance with the application for an operating permit as approved by the Director;

[...]

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

Failure to Install Required Air Pollution Control Equipment

Evidence:

Nevada Cement Company – Fernley Plant (NCC) currently holds a Class I Air Quality Operating Permit (AQOP) to operate a cement plant under the requirements of AQOP No. AP3241-0387, last issued by the Nevada Division of Environmental Protection (Division) on March 28, 2025.

On August 14, 2023, compliance staff conducted a full, on-site inspection of the facility. During this inspection, compliance staff discovered that the foam dust suppression system was uninstalled from System 05, emission units PF1.002 and PF1.003. Class I AQOP AP3241-0387.02 requires the foam dust suppression system to be installed on System 05, emission units PF1.002 and PF1.003, as Air Pollution Control Equipment. There is some evidence suggesting that the sprays were removed before the inspection. The facility installed a new spray system on System 05, emission units PF1.002 and PF1.003, on August 29, 2023. The Division is pursuing penalties for the 12 days of missing controls for the days the system operated from the inspection on August 14, 2023, to August 29, 2023, when the controls were reinstalled.

On November 21, 2024, the Division held an enforcement conference with NCC to determine whether the issuance of Notice of Alleged Air Quality Violation (NOAV) 3191 was or was not warranted. During the enforcement conference, NCC did not supply any evidence that the alleged violation did not occur. The Division has subsequently determined that formal issuance of NOAV 3191 is warranted.

Based on the factors considered in the penalty matrix and penalty calculations worksheet as established with the State Environmental Commission, the Division calculated a recommended penalty of \$60,000 for NOAV 3191.

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

Signature  _____

Issued by: Andrew Tucker
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 **Date:** Jul 23, 2025

AT/MG/sm

Certified Mail No.: 9489 0090 0027 6598 1404 38







230814_A0030_Final NOAV Package

Final Audit Report

2025-07-23

Created:	2025-07-22
By:	Michelle Grover (m.grover@ndep.nv.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAmdzsGUCPDRbuGibki4lnb5ylD7cMIExM

"230814_A0030_Final NOAV Package" History

-  Document created by Michelle Grover (m.grover@ndep.nv.gov)
2025-07-22 - 11:08:09 PM GMT
-  Document emailed to Michelle Grover (m.grover@ndep.nv.gov) for signature
2025-07-22 - 11:08:13 PM GMT
-  Document emailed to Andrew Tucker (atucker@ndep.nv.gov) for signature
2025-07-22 - 11:08:13 PM GMT
-  Email viewed by Andrew Tucker (atucker@ndep.nv.gov)
2025-07-22 - 11:08:19 PM GMT
-  Email viewed by Michelle Grover (m.grover@ndep.nv.gov)
2025-07-22 - 11:08:22 PM GMT
-  Document e-signed by Michelle Grover (m.grover@ndep.nv.gov)
Signature Date: 2025-07-22 - 11:08:53 PM GMT - Time Source: server
-  Document e-signed by Andrew Tucker (atucker@ndep.nv.gov)
Signature Date: 2025-07-23 - 2:02:06 PM GMT - Time Source: server
-  Agreement completed.
2025-07-23 - 2:02:06 PM GMT