



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Brian Sandoval, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

October 3, 2018

Richard Joy
President
Joy Engineering
1584 Wolf Meadows Lane
Portola, California 96122

**RE: Notice of Alleged Air Quality Violation and Order No. 2643
Class II General Air Quality Operating Permit AP1442-2259.03 COLA #2550
(FIN A0769)**

Dear Mr. Joy:

The Nevada Division of Environmental Protection - Bureau of Air Pollution Control (BAPC) alleges that Joy Engineering (Joy) has violated conditions of Class II General Air Quality Operating Permit No. AP1442-2259.03 (Operating Permit).

The attached Notice of Alleged Air Quality Violation (NOAV) and Order No. 2643 alleges that Joy has failed to operate a stationary source in accordance with any condition of their Operating Permit. For specific information regarding the alleged violation, please refer to the attached NOAV No. 2643.

On September 21, 2018 the BAQP held an enforcement conference with Joy to determine whether issuance of NOAV and Order No. 2643 was or was not warranted. Based on the information provided by Joy, the BAQP has determined that formal issuance of NOAV No. 2643 is warranted.

As was discussed during the enforcement conference, the BAQP makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for each air quality violation. The BAQP will be recommending a penalty of **\$2,900.00**, for NOAV No. 2643 based on use of the Administrative Penalty Matrix for air quality violations. The open to public SEC hearing will be held at the Nevada Legislative Building, Room 2135, located at 401 South Carson Street on **December 12, 2018 at 9:30am**.

An appeal of NOAV No. 2643 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**. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mrs. King can be reached at (775) 687-9374, or by fax at (775) 687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

Joy Engineering Inc.
October 3, 2018
Page 2 of 2

If you have any questions regarding the alleged violation or the enforcement conference, please contact Andrew Tucker by phone at (775) 687-9499, or by email at atucker@ndep.nv.gov. If he is unavailable, please contact me by phone at (775) 687-9335, or by email at rwhited@ndep.nv.gov.

Sincerely,



Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

REW/ajt

enc.: 1.) Notice of Alleged Air Quality Violation and Order No. 2643
2.) SEC Appeal Form #3

cc (w/enc.): Valerie King, SEC
Storey County Board of Commissioners
FIN A0769 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D, Chief, BAQP
Lisa Kremer, P.E., Chief, BAPC
Ryan Clark, Permitting Supervisor, BAPC
Nathan Carrasco, BAPC
Andrew Tucker, Enforcement Staff, BAQP

Certified Mail No.: 9171 9690 0935 0040 4668 49

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2643

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Richard Joy, President

Company Name: Joy Engineering

Address: 1584 Wolf Meadows Lane, Portola, California 96122

Permit Number: AP1442-2259.03 **FIN:** A0769

Site of Alleged Violation: USA Parkway, Clark, Storey County, NV

Date of Observation: 4/5/2018 **Time:** 10:00am

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:

Operating emission units without an operating permit.

Evidence:

Joy Engineering (Joy) currently holds a Class II General Air Quality Operating Permit for Temporary Sources (Operating Permit). Joy was issued a Class II Change of Location Approval (COLA) #2550 to operate a crushing and screening plant under the requirements of Class II General Air Quality Operating Permit No. AP1442-2259.03 issued by the Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) on March 31, 2017.

On April 5, 2018, the BAPC conducted an inspection of Joy and found that Joy was operating without an Operating Permit. Joy's Operating Permit had expired on March 31, 2018. The Nevada Division of Environmental Protection – Bureau of Air Quality Planning (BAQP) was contacted by Joy's consulting company McGinley and Associates to inform the BAQP that Joy had been operating but shut down as soon as they were informed that their Operating Permit has expired.

The Operating Permit requires Joy to cease operations 12 months after the issuance date of the COLA.

On April 13, 2018 the BAQP held an Enforcement Conference to determine whether issuance of Notices of Alleged Air Quality Violation and Order (NOAV) No. 2643 was or was not warranted. During the Enforcement Conference Joy asked if they could get a Compliance Order to continue to operate for 10 more days to finish the project that they were working on. The Enforcement Conference for NOAV No. 2643 was suspended and rescheduled for a later date.

On April 17, 2018 the BAPC issued Compliance Order 2018-12. Joy was to cease operations on May 1, 2018.

Evidence Continued:

On September 21, 2018 the BAQP held another enforcement conference with Joy to determine whether issuance of Notices of Alleged Air Quality Violation and Order (NOAV) No. 2643 was or was not warranted. Based on the information provided by Joy, the BAQP has determined that formal issuance of NOAV No. 2643 is warranted.

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

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

To take corrective action: Ensure all equipment is properly permitted prior to operation.

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ To conduct a Supplemental Environmental Project specified by the BAPC

_____ This notice is a warning.

To pay the penalty amount assessed by the State Environmental Commission.

Signature 

Issued by: Robert Whited
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

Phone: 775-687-9335 Date: October 3, 2018

REW/ajt

Certified Mail No.: 9171 9690 0935 0040 4668 49

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order 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. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.