

**Staff Report**  
**Board Meeting Date: April 12, 2023**

**DATE:** March 29, 2023

**TO:** Air Pollution Control Hearing Board

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.gov](mailto:fvega@washoecounty.gov)

**SUBJECT:** Recommendation of Staff to Uphold Notice of Violation No. AQMV23-0005, issued on February 24, 2023 for failure to comply with the provisions of Permit to Operate No. AAIR16-0722, with an associated administrative fine of \$10,000.00 issued to Rilite Aggregate Company, by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

**SUMMARY**

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV23-0005 be **upheld** and a fine in the amount of **\$10,000.00** be levied against Rilite Aggregate Company for failure comply with the provisions of Permit to Operate No. AAIR16-0722, specifically Condition of Operation No 6. Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C.1. This action is a violation of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 (Dust Control) Section C. (Standards) Subsection 1. (Visible Emissions Prohibition). This action is being considered a **major violation** pursuant to 020.040 C. as the violation has occurred on more than two (2) occasions during a period of twelve (12) consecutive months, therefore this third (3<sup>rd</sup>) event constitutes a major violation.

**District Health Strategic Priorities supported by this item:**

- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

**PREVIOUS ACTION**

Please refer to the enforcement history in the supporting documentation attached to this Staff Report.

**BACKGROUND**

Please refer to the attached NOV No. AQMV23-0005 and supporting documentation. These documents contain the facts associated with the incident of noncompliance supporting the issuance of the NOV and the administrative penalty.

**FISCAL IMPACT**

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation and associated fine. All fine money collected is forwarded to the Washoe County School District to be used for environmentally focused projects for the benefit of the students.

### **RECOMMENDATION**

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV23-0005, associated with Case No. 1416, issued to Rilite Aggregate Company, and levy an administrative fine in the amount of \$10,000.00.

### **ALTERNATIVE**

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No. AQMV23-0005; or
2. The Board may determine to uphold Notice of Violation No. AQMV23-0005 and levy any fine in the range of \$0.00 to \$10,000.00 per day per violation.

### **POSSIBLE MOTION(S)**

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to deny the appeal of NOV No. AQMV23-0005, associated with Case No. 1416 issued to Rilite Aggregate Company and levy an administrative fine in the amount of \$10,000.00."

Or, should the Board wish to consider an alternative motion, the possible motion may be:

1. "Move to dismiss NOV No. AQMV23-0005, associated with Case No. 1416 issued to Rilite Aggregate Company", or
2. "Move to uphold NOV No. AQMV23-0005, associated with Case No. 1416, and levy an administrative fine in the amount of (*range of \$0.00 to \$10,000.00*) per day per violation to Rilite Aggregate Company"

**ATTACHMENT TO THE STAFF REPORT  
AIR POLLUTION CONTROL HEARING BOARD**

**Notice of Violation No.  
AQMV23-0005 and Supporting Documentation**

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

**NOTICE OF VIOLATION No: AQMV23-0005  
ISSUED TO**

**Rilite Aggregate Company  
Location: 9208 Western Skies Drive, Reno, NV 89511  
Permit Number: AAIR16-0722  
Date of Issuance: February 24, 2023  
Case No.: 1416**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Rilite Aggregate Company (Rilite) is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C.1. **VISIBLE EMISSIONS PROHIBITION.**

1. VIOLATION

- A. Failure to comply with the provisions of Permit to Operate No. AAIR16-0722. Specifically, Condition of Operation No. 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C.1.

2. BASIS OF VIOLATION

A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C.1.: **VISIBLE EMISSIONS PROHIBITION:** The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.

B. Facts to Constitute the Violation

On August 16, 2022, an Air Quality Specialist Trainee (AQST) observed fugitive dust emissions at the Rilite mine site. Emissions were observed from aggregate crushing and screening equipment, and related mobile equipment operations.

The AQST then documented 8 minutes 8 seconds of visible fugitive dust during a 13-minute observation period which exceeded the visible fugitive dust emissions standard of more than 5 minutes of visible fugitive dust in any hour.

The AQST then met with the manager of Rilite to discuss the fugitive dust emissions. During this discussion, it was determined that the materials being processed in the crusher and screen were dry and this was the cause of the visible fugitive dust standard exceedance.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

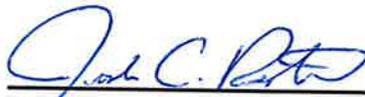
A. Appeal Procedure

Rilite is advised that within (10) working days of the receipt of this Notice of Violation, Rilite may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$10,000.00.

2/24/2023  
Date



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Air Quality Management Division  
Washoe County Health District

Washoe County Health District  
Air Quality Management  
Compliance History and Decision Notes

Case Number: 1416  
Date: 9/2/2022

Initials: JJJ

- Rilite Aggregate failed to control dust emissions in compliance with 040.030 and Permit to Operate AAIR16-0722. Specifically, the Permit to Operate indicates:

*Condition of Operation No. 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).*

- Regulatory authority comes from the District Board of Health Regulations Governing Air Quality Management 040.030 Section C.1.

*VISIBLE EMISSIONS PROHIBITION: The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.*

- Enforcement actions taken over the past 5 years are summarized below. Please see the specific cases if additional information is required.

- [Case No. 1207](#)

- Date of Incident of Noncompliance (ION): 9/27/18
- Violation of 030.2175 - Operations Contrary to Permit.
  - Permit Condition No 3: Fogging water sprays must be applied to any potential emission point when the plant is in operation.
- Result: Field NOV issued on 9/27/18. Negotiated settlement meeting on 10/4/2018. Fine of \$1,750.00. Upheld by DBOH on 12/13/18.

- [Case No. 1217](#)

- Date of ION: 9/16/19
- Violation of 030.2175 - Operations Contrary to Permit.
  - Permit Condition No 7: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030 Section C(1).
- Result: Field NOV issued on 9/19/19. Negotiated settlement meeting on 10/1/2019. Fine of \$3,380.00. Upheld by DBOH on 10/24/19.

- [Case No. 1251](#)
  - Date of ION: 5/28/20
  - Violation of 040.030 Section C.1. VISIBLE EMISSIONS PROHIBITION
    - Permit Condition No 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
  - Result: Supplemental Environmental Project (combined with Case No. 1251, Case No. 1270, and Case No. 1289). Upheld by DBOH on 05/27/2021.
  
- [Case No. 1270](#)
  - Date of ION: 11/6/20
  - Violation of 040.030 Section C.1. VISIBLE EMISSIONS PROHIBITION
    - Permit Condition No 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
  - Result: Supplemental Environmental Project (combined with Case No. 1251, Case No. 1270, and Case No. 1289). Upheld by DBOH on 05/27/2021.
  
- [Case No. 1289](#)
  - Date of ION: 2/21/21
  - Violation of 040.030 Section C.1. VISIBLE EMISSIONS PROHIBITION
    - Permit Condition No 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
  - Result: Supplemental Environmental Project (combined with Case No. 1251, Case No. 1270, and Case No. 1289). Upheld by DBOH on 05/27/2021.
  
- [Case No. 1400](#)
  - Date of ION: 7/12/22
  - Violation of 040.030 Section C.1. VISIBLE EMISSIONS PROHIBITION
    - Permit Condition No 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
  - Result: AQMD Issued Penalty by Rule delivered on 8/23/2022. Fine of \$1000.00. Upheld by DBOH on 10/27/2022.
  
- [Case No. 1401](#)
  - Date of ION: 7/25/22
  - Violation of 040.030 Section C.1. VISIBLE EMISSIONS PROHIBITION
    - Permit Condition No 6: Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).

- Result: AQMD Issued Penalty by Rule delivered on 8/23/2022. Fine of \$2000.00. Upheld by DBOH on 10/27/2022.
- Civil Fines and Penalties are determined by the Washoe County District Board of Health Regulations Governing Air Quality Management and the penalty table approved by the District Board of Health:

*020.040 CIVIL FINES AND PENALTIES (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,05/28/18)*

  - A. Except as provided in Subsections B and C, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in Section 030.2175 of these regulations.*
  - B. Any person who commits a major violation of any section of these regulations, other than Sections 020.050 and 020.055, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. Each day of violation constitutes a separate offense. The District Board of Health may establish a compliance schedule as a part of any civil finding either in lieu of, or in addition to, monetary penalties. Any fines assessed may be held in abeyance pending fulfillment of any compliance schedule.*
  - C. Any violation of Sections 040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080 or 050.001 of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.*
- **As this is the 3rd visible emissions violation of 040.030 in less than 12 months at Rilite Aggregate Co., this is a Major Violation (violation of permit condition). Pursuant to 020.040 (C), this violation warrants a base penalty of \$2,500 based on the DBOH approved penalty table.**

## **Compliance Report**

Rilite Aggregate  
9208 Western Skies  
Reno, NV 89521

On August 16<sup>th</sup>, 2022 AQST Rennie observed fugitive dust emissions at the Rilite Aggregate Mine. The specialist observed an excavator moving materials into a crusher. The specialist began a Method 22 observation at 1045. During the Method 22, the specialist observed fugitive dust emissions from 2 excavators moving materials into a screen and into a crusher. A loader was also observed moving material that was releasing fugitive dust. A water truck was observed on site watering the main roadway. During the observation period some material for one of the excavators does get wet but the other material at the other excavator did not. The specialist observed 8:08 (minutes:seconds) of fugitive dust emissions. The specialist ended the Method 22 observation at 1058. The sky was cloudy with some intermittent light rain. The wind was 2 mph NE.

AQST Rennie met with Joe Vietti at Rilite to discuss emissions. The specialist talked about the emissions and the use of Method 22. Mr. Vietti said that some materials being processed were dry and that they are going to evaluate some of the mine's processes. On August 16<sup>th</sup>, 2022 AQST Rennie issued an Incident of Noncompliance to Rilite Aggregate.

On August 23<sup>rd</sup>, 2022 AQMD SPC Restori, SAQS Jeppson, and AQST Rennie met with Rilite owner Chris Benna and the mine manager Joe Vietti to discuss permit conditions and the Methods 9 and 22 for observing fugitive dust.

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

AIR QUALITY MANAGEMENT DIVISION

# HEALTH PERMIT TO OPERATE

Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.



Public Health  
Prevent. Promote. Protect.

**Permit #:** AAIR16-0722

**Permit Expiration Date:** 03/31/2023

**Permit Issued To:**

Rilite Aggregate Co.  
9208 Western Skies Drive  
Reno, NV 89511

**Mailing Address:**

Rilite Aggregate Co.  
c/o Plant Manager  
3025 Mill Street  
Reno, NV 89502

**Permit Description:**

AGGREGATE CRUSHING AND SCREENING PLANT - (1) Nordberg Hammermill Crusher, (1) Canica Vertical Shaft Impactor, (1) JCI Screen, (1) Cedar Rapids Screen, and Associated Conveyors. Plant is on Pole Power

DIESEL OPERATED AGGREGATE CRUSHING AND SCREENING PLANT - (1) Terex Finlay crusher, (1) Powerscreen Warrior 1800, (1) 3 deck Screen, (1) TRIO Screen 6 x 20, (1) TRIO Radial Stacker 36" x 80', (1) Powerscreen 750 w/ 56 kW CAT C3.4 Diesel Engine, (1) Superior Radial Stacker 36" x 100' w/ Elliot 45 kW Generator, and Associated Conveyors, (1) Superior Radial Stacker 36" x 100", (1) Cobratrack 1300 Crusher and (4) Superior Radial Stackers 36" x 60" or equivalent. Power Generation: (1) 1350 kW CAT XQ350 trailer mounted generator, (1) 125kW Onan Diesel Engine Generator and (1) 350 kW CAT 4ZR Diesel Engine.

**ANNUAL REPORTING REQUIREMENTS**

Per Condition H of this Permit to Operate, the annual throughput/consumption figures for the previous calendar year must be submitted in writing to the AQMD no later than 2/15/2023. The information requested may be submitted by email to [AQMDpermitting@washoecounty.gov](mailto:AQMDpermitting@washoecounty.gov)



**AGGREGATE CRUSHING AND SCREENING PLANT - Pole Power Circuit**

Provide a report or spreadsheet that summarizes the production activities for the permitted aggregate plant.

- Provide Plant Diagram demonstrating equipment configuration for previous calendar year. If submitting more than one diagram, please list time period of operation for each diagram.
- Total Tons of Material Processed
- Identify each Crusher and Screen and the amount of material processed through each.
- Identify each Conveyors or Stacker and amount of material processed through each

**AGGREGATE CRUSHING AND SCREENING PLANT - Diesel Engine Circuit**

Provide a report or spreadsheet that summarizes the production activities for the permitted aggregate plant.

- Provide Plant Diagram demonstrating equipment configuration for previous calendar year. If submitting more than one diagram, please list time period of operation for each diagram.
- Total Tons of Material Processed
- Identify each Crusher and Screen and the amount of material processed through each.
- Identify each Conveyors or Stacker and amount of material processed through each

**Power Generation**

- Size Rating, Tier Value, Make, and Model for each Diesel Engine or Generator
- Total Actual Hours of Equipment Operation using a Diesel Engine or Generator
- Gallons of Diesel used for the Diesel Engine Generator

Pursuant to the Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.218 Demonstration of Compliance, failure to provide the information required by Condition H of this Permit to Operate may constitute a violation of the conditions of the Permit to Operate, where the affected source may be subject to a citation under the regulations, suspension of their Permit to Operate or both.

**“THE CONDITIONS OF OPERATION LISTED ON THIS PERMIT SUPERCEDE ALL PREVIOUS PERMIT  
CONDITIONS”**

**“CONDITIONS OF OPERATION”**

**Standard Conditions of Operation**

- A. This permit becomes void upon any change of ownership or address or any alteration of permitted equipment.
- B. A person who has been granted a Permit to Operate shall display the permit in a room or office on the premises which is readily accessible to air pollution control personnel for inspection or examination, and reasonably close to the equipment or other contrivance which is the subject of the permit.
- C. Any modification of the equipment other than normal repair an maintenance will require a new permit.



- D. Any records of operation which affect the potential of the source to emit air pollutants, such as fuel or products consumed, products produced, hours of operation, chemicals or supplies used in source operation, must be maintained for a period of at least 5 years and made available to the Control Officer upon request.
- E. All upset or breakdown conditions resulting in increased emissions or air pollutants shall be reported in compliance with District regulations, Section 020.075 and 020.076.
- F. The Control Officer will be provided access to the facility to inspect operations and equipment covered under this permit whenever necessary to determine compliance with this permit and any other air pollution limitations specified in District regulations.
- G. The operator will not discharge or cause the discharge of odorous emissions which result in confirmed violations of District Regulations Governing Air Quality Management, specifically Section 040.055. Upon confirmation of a violation of the odor regulation, the operator must submit a plan to reduce the odorous emissions within 30 days of Notice by the Control Officer.
- H. The annual throughput/consumption figures or calculated emissions, with supporting documentation, for the preceding 12 month period for the facility must be submitted, in writing, to the AQMD no later than the 20th of the month, approximately 6 weeks prior to the expiration date of the permit.

**Failure to comply with the conditions of this permit may result in citations or permit revocation.**

District Health Officer



### Permitted Processes and Equipment

**Process Type:** Mineral Processing - Pre 2008, Subpart 000

**Equipment:** (1) Nordberg Hammermill Crusher, (1) Canica Vertical Shaft Impactor, (1) JCI Screen, (1) Cedar Rapids Screen, and Associated Conveyors.

**Control Device:** Wet Suppression

### Mineral Processing - Pre 2008, Subpart 000 Conditions of Operation:

1. All operations must comply with federal New Source Performance Standards (NSPS) for Non-Metallic Mineral Processing Plants – 40 CFR part 60 Subpart 000.
2. The fugitive emissions, from any crushers at which a capture system is not used, must not exceed 15% opacity – 40 CFR part 60 Subpart 000, Table 3.
3. The fugitive emissions from any transfer point, grinding mill, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading or any other affected part of the facility must not exceed 10% opacity – 40 CFR part 60 Subpart 000, Table 3.
4. The operator must demonstrate compliance with opacity limits using Method 9 of appendix A upon initial construction and any time the circuit is modified or reconstructed – 40 CFR 60 subpart 000, §60.675.
5. The operator must control fugitive dust emissions from this project.
6. Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
7. Fugitive dust emissions at the facility must be controlled at all times including the pit area and on the haul roads during operation by use of water truck, sprinklers, or other reasonable methods – AQMD 040.030, Section C(2).
8. Open storage piles must remain stabilized in such a manner to remain in compliance with – AQMD 040.030, Section C, 2(d).
9. Any soil tracked onto adjoining paved roadways will be promptly removed – AQMD 040.030, Section (4)(b).
10. All haul trucks shall be covered with a suitable closure or bulk materials must contain enough moisture and/or dust suppressant or loaded such that freeboard is not less than 6 inches in order to prevent fugitive dust emissions during transport – AQMD 040.030, Section C, (4)(a).
11. Only AQMD approved material maybe processed at this facility.
12. The permittee must revegetate all mined areas in compliance with their mining plan as approved by Washoe County. All mining areas shall be re-vegetated upon completion of mining in that portion of the mining area. The revegetation shall be accomplished with a BLM approved natural seed mixture.



13. During all reclamation activities (re-grading slopes, application of topsoil, etc.), fugitive dust emissions must be controlled by use of water truck, sprinklers or other reasonable methods.

**Wet Suppression Conditions of Operation:**

1. Water sprays must be installed, operated and maintained in accordance with manufacturer's specifications.
2. Fogging water sprays, or equivalent pollution control method such as upstream moisture, must be applied to any potential emission point (i.e. screens, conveyer drop points, etc.) when the plant is in operation in order to comply with opacity standard per the conditions of this Permit to Operate.
3. Spray nozzles must be inspected periodically throughout the month and corrective action taken as expediently as is practical. All inspections must be recorded and include the date of inspection and any corrective action taken.

**Process Type:** Mineral Processing - Nonmetallic Subpart OOO

**Equipment:** (1) Terex Finlay crusher, (1) Powerscreen Warrior 1800, (1) 3 deck Screen, (1) TRIO Screen 6 x 20, (1) TRIO Radial Stacker 36" x 80', (1) Powerscreen 750, (1) Superior Radial Stacker 36" x 100', and Associated Conveyors

**Control Device:** Wet Suppression

**Mineral Processing - Nonmetallic Subpart OOO Conditions of Operation:**

1. All operations must comply with federal New Source Performance Standards (NSPS) for Non-Metallic Mineral Processing Plants – 40 CFR part 60 Subpart OOO.
2. The fugitive emissions, from any crushers at which a capture system is not used, must not exceed 12% opacity – 40 CFR part 60 Subpart OOO, Table 3.
3. The fugitive emissions from any transfer point, grinding mill, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading or any other affected part of the facility must not exceed 7% opacity – 40 CFR part 60 Subpart OOO, Table 3.
4. The operator must demonstrate compliance with opacity limits using Method 9 of appendix A upon initial construction and any time the circuit is modified or reconstructed – 40 CFR 60 subpart OOO, §60.675.
5. The operator must control fugitive dust emissions from this project.
6. Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
7. Fugitive dust emissions at the facility must be controlled at all times including the pit area and on the haul roads during operation by use of water truck, sprinklers, or other reasonable methods – AQMD 040.030, Section C(2).
8. Open storage piles must remain stabilized in such a manner to remain in compliance with – AQMD 040.030, Section C, 2(d).
9. Any soil tracked onto adjoining paved roadways will be promptly removed – AQMD 040.030, Section (4)(b).



10. All haul trucks shall be covered with a suitable closure or bulk materials must contain enough moisture and/or dust suppressant or loaded such that freeboard is not less than 6 inches in order to prevent fugitive dust emissions during transport – AQMD 040.030, Section C, (4)(a).
11. Only AQMD approved material maybe processed at this facility.
12. The permittee must revegetate all mined areas in compliance with their mining plan as approved by Washoe County. All mining areas shall be re-vegetated upon completion of mining in that portion of the mining area. The revegetation shall be accomplished with a BLM approved natural seed mixture.
13. During all reclamation activities (re-grading slopes, application of topsoil, etc.), fugitive dust emissions must be controlled by use of water truck, sprinklers or other reasonable methods.

**Wet Suppression Conditions of Operation:**

1. Water sprays must be installed, operated and maintained in accordance with manufacturer's specifications.
2. Fogging water sprays, or equivalent pollution control method such as upstream moisture, must be applied to any potential emission point (i.e. screens, conveyer drop points, etc.) when the plant is in operation in order to comply with opacity standard per the conditions of this Permit to Operate.
3. Spray nozzles must be inspected periodically throughout the month and corrective action taken as expediently as is practical. All inspections must be recorded and include the date of inspection and any corrective action taken.

**Process Type:** Mineral Processing - Nonmetallic Subpart OOO

**Equipment:** (1) Superior Radial Stacker 36" x 100", (1) Cobratrack 1300 Crusher and (4) Superior Radial Stackers 36" x 60" or equivalent.

**Control Device:** Wet Suppression

**Mineral Processing - Nonmetallic Subpart OOO Conditions of Operation:**

1. All operations must comply with federal New Source Performance Standards (NSPS) for Non-Metallic Mineral Processing Plants – 40 CFR part 60 Subpart OOO.
2. The fugitive emissions, from any crushers at which a capture system is not used, must not exceed 12% opacity – 40 CFR part 60 Subpart OOO, Table 3.
3. The fugitive emissions from any transfer point, grinding mill, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading or any other affected part of the facility must not exceed 7% opacity – 40 CFR part 60 Subpart OOO, Table 3.
4. The operator must demonstrate compliance with opacity limits using Method 9 of appendix A upon initial construction and any time the circuit is modified or reconstructed – 40 CFR 60 subpart OOO, §60.675.
5. The operator must control fugitive dust emissions from this project.



6. Visible fugitive dust emissions must not exceed a period or periods accumulating more than 5 minutes in any hour – AQMD 040.030, Section C(1).
7. Fugitive dust emissions at the facility must be controlled at all times including the pit area and on the haul roads during operation by use of water truck, sprinklers, or other reasonable methods – AQMD 040.030, Section C(2).
8. Open storage piles must remain stabilized in such a manner to remain in compliance with – AQMD 040.030, Section C, 2(d).
9. Any soil tracked onto adjoining paved roadways will be promptly removed – AQMD 040.030, Section (4)(b).
10. All haul trucks shall be covered with a suitable closure or bulk materials must contain enough moisture and/or dust suppressant or loaded such that freeboard is not less than 6 inches in order to prevent fugitive dust emissions during transport – AQMD 040.030, Section C, (4)(a).
11. Only AQMD approved material maybe processed at this facility.
12. The permittee must revegetate all mined areas in compliance with their mining plan as approved by Washoe County. All mining areas shall be re-vegetated upon completion of mining in that portion of the mining area. The revegetation shall be accomplished with a BLM approved natural seed mixture.
13. During all reclamation activities (re-grading slopes, application of topsoil, etc.), fugitive dust emissions must be controlled by use of water truck, sprinklers or other reasonable methods.

**Wet Suppression Conditions of Operation:**

1. Water sprays must be installed, operated and maintained in accordance with manufacturer's specifications.
2. Fogging water sprays, or equivalent pollution control method such as upstream moisture, must be applied to any potential emission point (i.e. screens, conveyer drop points, etc.) when the plant is in operation in order to comply with opacity standard per the conditions of this Permit to Operate.
3. Spray nozzles must be inspected periodically throughout the month and corrective action taken as expediently as is practical. All inspections must be recorded and include the date of inspection and any corrective action taken.

**Process Type:** Non-Emergency Diesel Engines (IIII) w/o Controls

**Equipment:** (1) 56 kW CAT C3.4 Diesel Engine, (1) Elliot 45 kW Generator, (1) 125 kW Onan Diesel Engine, (1) 1350 kW CAT XQ350 trailer mounted generator

**Control Device:** Mfg Required Maintenance

**Non-Emergency Diesel Engines (IIII) w/o Controls Conditions of Operation:**

1. All operations of the engine must comply with 40 CFR Part 60, Subpart IIII -New Source Performance Standards for Stationary Compression Ignition (CI) Internal Combustion Engines.



2. An operation and maintenance manual for the CI internal combustion engine must be kept onsite and made available for review by the AQMD upon request.
3. The CI internal combustion engine shall be maintained and operated according to the manufacturer's originally configured specifications. The operator must notify AQMD of any alterations or modifications of the CI internal combustion engine.
4. The CI internal combustion engine must use Ultra Low Sulfur Diesel (ULSD) with maximum 15 ppm sulfur content per 40 CFR 80.510(b).
5. The owner or operator of CI internal combustion engines equipped with pollution control equipment must install, configure, operate, and maintain the engine and pollution control device(s) according to the manufacturer's emission-related written instructions.
6. The owner or operator shall maintain the following monthly records in a log for at least 36 months from the date of entry. Log entries shall be retained on site and made available to AQMD upon request. a) Hours of operation of the CI internal combustion engine, b) Diesel fuel consumed by the CI internal combustion engine, c) Type of fuel consumed by the CI internal combustion engine, d) Records reflecting manufacture's required maintenance and inspection of the CI internal combustion engine, e) Hours of operation for emission testing (if required).
7. Visible emissions from the facility must not exceed 20% opacity (Ringelmann #1) for more than three minutes in any one hour – AQMD 040.005.
8. The CI internal combustion engines must be equipped with an operational non-resettable hour meter.

**Process Type:** Non-Emergency Diesel Engines (ZZZZ)

**Equipment:** (1) 350 kW CAT 4ZR Diesel Engine

**Control Device:** Mfg Required Maintenance

**Non-Emergency Diesel Engines (ZZZZ) Conditions of Operation:**

1. All operations of the engine must comply with 40 CFR Part 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE).
2. An operation and maintenance manual for the compression ignition (CI) RICE must be kept onsite and made available for review by the AQMD upon request.
3. The CI RICE shall be maintained and operated according to the manufacturer's originally configured specifications. The operator must notify AQMD of any alterations or modifications of the CI RICE.
4. The CI RICE must use Ultra Low Sulfur Diesel (ULSD) with maximum 15 ppm sulfur content per 40 CFR 80.510(b).



5. The owner or operator of CI RICE equipped with pollution control equipment must install, configure, operate, and maintain the engine and pollution control device(s) according to the manufacturer's emission-related written instructions.
6. The owner or operator of a CI RICE equipped with a diesel particulate filter to comply with the emissions standards must install a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.
7. The owner or operator shall maintain the following monthly records in a log for at least 36 months from the date of entry. Log entries shall be retained on site and made available to AQMD upon request. a) Hours of operation of the CI RICE, b) Diesel fuel consumed by the CI RICE, c) Type of fuel consumed by the CI RICE, d) Records reflecting manufacturer's required maintenance and inspection of the CI RICE, e) Hours of operation for emission testing (if required).
8. Visible emissions from the facility must not exceed 20% opacity (Ringelmann #1) for more than three minutes in any one hour – AQMD 040.005.
9. The CI RICE must be equipped with an operational non-resettable hour meter.
10. The engine emissions must not exceed 10 pounds per day of any pollutant without performing a BACT analysis.

**Operating Parameters and Limits**

**Source Process Type:** Not Applicable

**Insignificant Sources**

Not Applicable

**Additional Address Covered Under This Permit**

Not Applicable

## **Photographs**

Rilite Aggregate Company  
9208 Western Skies Drive  
Reno, NV 89511  
Taken on August 16, 2022  
NOV Pending

**Photograph 1**

**Date: August 16, 2022**

**Direction: East**

Screen capture from video of crushing and screening operations where visible fugitive dust was observed from the screening operation.

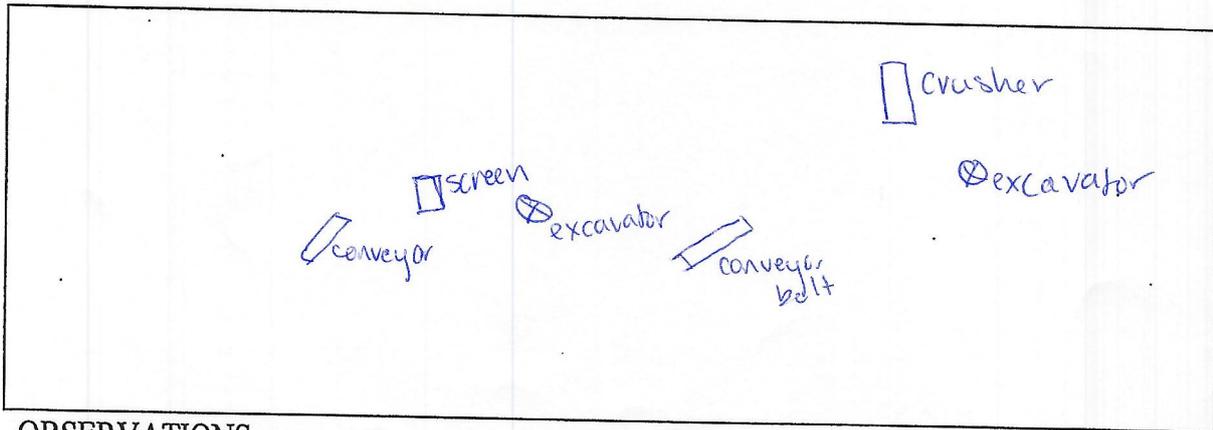


# **EPA Method 22 Evaluation**

**FUGITIVE OR SMOKE EMISSION INSPECTION  
OUTDOOR LOCATION**

Company <u>Elite Aggregate</u> Location <u>Western Shores, Reno, NV</u> Company Rep. <u>Joe Vietti</u>	Observer <u>M. Bunze</u> Affiliation <u>WCHD AEMD</u> Date <u>8-16</u>
Sky Conditions <u>Cloudy</u> Precipitation <u>Intermittent</u>	Wind Direction <u>NE</u> Wind Speed <u>2</u>
Industry <u>Mining</u>	Process Unit <u>Mining - Crusher, excavator</u>

Sketch process unit: indicate observer position relative to source; indicate potential emission points and/or actual emission points.



**OBSERVATIONS**

	Clock Time	Observation period duration, minutes:seconds	Accumulated emission time, minutes:seconds
Begin Observation	<u>10:45</u>	<u>1:41.43</u>	<u>1:41.43</u>
To complete this form, record the following:	<u>10:47</u>	<u>35.72</u>	<u>2:17.15</u>
• the initial clock time	<u>10:48</u>	<u>16.35</u>	<u>2:33.50</u>
• the total time of the observation (from SW1)	<u>10:49</u>	<u>41.03</u>	<u><del>2:58.15</del> 3:14.53</u>
• the total time of emissions (from SW2), and	<u>10:50</u>	<u>26.58</u>	<u>3:41.03</u>
• the final clock time.	<u>10:51</u>	<u>43.91</u>	<u>4:24.94</u>
For more details on recording this data and taking breaks, see #7 and #10 above.	<u>10:52</u>	<u>3:04.47</u>	<u>7:29.41</u>
	<u>10:55</u>	<u>38.85</u>	<u>8:08.26</u>
End Observation	<u>10:58</u>		

**ATTACHMENT TO THE STAFF REPORT  
AIR POLLUTION CONTROL HEARING BOARD**

**Washoe County District Board of Health Regulations  
020.040 Civil Fines and Penalties and Administrative  
Fine Assessment**

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation	1st Violation	2nd Violation
040.005	Visible Emissions	1000
040.030	Dust Control (fugitive)	1000
040.035	Open Fires	500
040.040	Fire Training	500
040.050	Incinerator	1000
040.051	Woodstoves	500
040.055	Odors	1000
040.080	Gasoline Transfer (maintenance)	1000
040.200	Diesel Idling	500
050.001	Emergency Episode	1000
040.030	Construction Without a Dust Control Permit	
	Project Size – Less than 10 acres	\$ 500 + \$50 per acre
	Project Size – 10 acres or more	\$1,000 + \$50 per acre

#### II. Major Violations - Section 020.040

Regulation	Violation	Source Category	
		Minimum	Maximum
030.000	Construction/Operating without Permit (per major process system or unit/day)	5000	10000
030.1402	Failure to Comply with Stop Work Order	10,000/day	10,000/day
030.2175	Operation Contrary to Permit Conditions (per day or event)	2500	10000
030.235	Failure to Conduct Source Test or Report (per Reporting Period for Each Unit)	2500	5000
	All other Major Violations (per day or event)	5000	10000

#### III. Major Violations - Section 030.107 Asbestos

A. Asbestos Sampling & Notification	\$ 2,000 - \$10,000
B. Asbestos Control Work Practices (per day or event)	\$ 2,000 - \$10,000
C. Asbestos Containment & Abatement (per day or event)	\$ 5,000 - \$10,000

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Rilite Aggregate Company  
Contact Name Chris Benna  
Case Number 1416

I. Violation of Section 040.030 Section C.1. - Visible Emissions Prohibition

**I. Recommended Penalty** = \$ 10000.00

II. Violation of Section 0

**II. Recommended Penalty** = \$ 0.00

III. Violation of Section 0

**III. Recommended Penalty** = \$ 0.00

IV. Violation of Section 0

**IV. Recommended Penalty** = \$ 0.00

V. Violation of Section 0

**V. Recommended Penalty** = \$ 0.00

**Total Recommended Penalty** = \$ 10,000.00

  
Senior AQ Specialist/Supervisor

2/24/2023  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Rilite Aggregate Company  
 Contact Name Chris Benna  
 Case Number 1416  
 Violation Number AQMV23-0005

Violation of Section 040.030 Section C.1. - Visible Emissions Prohibition  
 Permit Condition Condition of Operation No. 6

**I. Base Penalty as specified in the Penalty Table** = \$ **2,500.00**

**II. Severity of Violation**

**A. Public Health Impact**

**1. Toxicity of Release** (For Emissions Exceedances)

Unable to Quantify - 1x      Criteria Pollutant - 1x      Hazardous Air Pollutant - 2x  
 Adjustment Factor **1**

**Comment:** Criteria Pollutant

**2. Environmental/Public Health Risk** (Proximity to sensitive environment or group)

Negligible - 1x   Moderate - 1.5x   Significant - 2x      Adjustment Factor **1.0**

**Comment:** Negligible

Total Adjustment Factors (1 x 2) = **1**

**B. Adjusted Base Penalty**

Base Penalty \$ 2,500.00 x Adjustment Factor 1 = \$ **2,500.00**

**C. Number of Days/Weeks/Months or Units in Violation**

Adjusted Penalty \$ 2,500.00 x Number of Days/Weeks/Mo **1** = \$ **2,500.00**

**Comment:** One day of noncompliance

**D. Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

**Comment:** None

**Penalty Subtotal**

Adjusted Base Penalty \$ 2,500.00 + Economic Benefit \$ 0.00 = \$ **2,500.00**

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

**III. Penalty Adjustment Consideration**

**A. Mitigating Factors** (0 +/- 25%)

0%

Comment None

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 300%

Similar Violation < 3 years (200%)

+

Similar Violation > 3 years (150%)

+

Previous Unrelated Violations < 5years

5% x 0, # of previous violations

+ 0%

Comment: N/A

**Total Penalty Adjustment Factors** – Sum of A & B

300%

**IV. Recommended Penalty**

Penalty Adjustment:

\$ 2,500.00 x 300%  
Penalty Subtotal Total Adjustment Factors  
(From Section II) (From Section III)

= \$ 7,500.00  
Total Adjustment Value

Additional Credit for Environmental Investment/Training

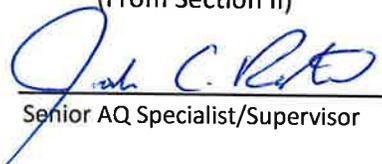
- \$

Comment: \_\_\_\_\_

Adjusted Penalty:

\$ 2,500.00 +/- \$ 7,500.00 =  
Penalty Subtotal Total Adjustment Value  
(From Section II) (From Section III + Credit)

= \$ 10,000.00  
Recommended Penalty

  
Senior AQ Specialist/Supervisor

2/24/2023  
Date

**ATTACHMENT TO THE STAFF REPORT  
AIR POLLUTION CONTROL HEARING BOARD**

**Appeal**

MAR 10 2023

WASHOE COUNTY HEALTH DIST.

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

Return to: Washoe County Health District
Air Quality Management Division
1001 East Ninth Street B171
Reno, Nevada 89512
(775) 784-7200

www.OurCleanAir.com

PETITIONER: R.I.T.E Aggregate
PHONE: 775 329-8842 EMAIL: CDB 4000@AOL.COM
MAILING ADDRESS: 3025 W. 11 ST
CITY: Reno STATE: NV ZIP CODE: 89502
PHYSICAL ADDRESS: 9208 Western Skies Dr.
CITY: Reno STATE: NV ZIP CODE: 89512
EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES [ ] NO [ ]
APPEAL OF ORDER [ ]
APPEAL OF VIOLATION [x]
VIOLATION NUMBER: AQMD 23-0005 DATE RECEIVED:
REGULATION INVOLVED: SECTION: 040.030 Section C.1.

BASIS FOR APPEAL/VARIANCE: Method 9 versus Method 22 inspection.

Christopher D. Benna
NAME OF RESPONSIBLE OFFICIAL
Presidents
TITLE

[Signature]
SIGNATURE OF RESPONSIBLE OFFICIAL
3/6/2023
DATE

Revised 02/2023

