



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Jennifer L. Carr, *Administrator*

August 5, 2024

Jon Maxwell
Owner/General Manager
Knox Excavating
1165 Sawmill Road, Unit A
Gardnerville, NV 89410

RE: Notification of Issuance of the Class II Change of Location Approval #2986, FIN A2341, AP1442-4374.05, Air Case 11223 – Knox Excavating

Dear Mr. Maxwell:

The Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) has reviewed the application submitted by Knox Excavating on May 5, 2022 for the above-referenced operating permit under legal authority from Nevada Revised Statutes (NRS) 445B.100 through 445B.640, inclusive, and pursuant to regulations in Nevada Administrative Code (NAC) 445B.001 through 445B.3689, inclusive. I hereby issue the Change of Location Approval (COLA) with appropriate restrictions. Enclosed is your copy of the COLA.

Additionally, enclosed is a copy of a report entitled “Class II Change of Location Approval (COLA) Actual Start of Operations Reporting Form” that is required to be completed and submitted to the BAPC Compliance and Enforcement Branch **within 15 days of initial startup** of the equipment for which the COLA has been issued, as well as a report entitled “Class II Change of Location Approval (COLA) Completion of Operations Reporting Form” required to be completed and submitted to the BAPC Compliance and Enforcement Branch **within 30 days of completion of the project** for which the COLA has been issued. Verification of compliance of the applicable opacity standard is required for each emission unit at each new location as stated in General Permit Section V (A) and COLA Section I (F). Submittal of verification is due not later than 15 days after initial startup.

In accordance with NRS 445B.340 and NAC 445B.890, you may appeal the Department’s issuance of the operating permit within 10 days after you receive the operating permit. Appeals may be filed with the State Environmental Commission located at 901 S. Stewart Street, Carson City, Nevada 89701. For questions regarding appeals, call (775) 687-9374. Please review the COLA and ensure you understand all conditions, restrictions, monitoring, recordkeeping, and other requirements. If you have any questions, contact Tanya Soleta at (775) 687-9540 or tsoleta@ndep.nv.gov.

Sincerely,

Ashley Taylor, P.E.
Supervisor, Permitting Branch
Bureau of Air Pollution Control

AT/ta
Enclosure: COLA #2986; Start of Operations Reporting Form; Completion of Operations Reporting Form
Certified Mail No. 9489 0090 0027 6498 7546 67



Bureau of Air Pollution Control

901 SOUTH STEWART STREET, SUITE 4001

CARSON CITY, NEVADA 89701-5249

p: 775-687-9349 • www.ndep.nv.gov/bapc

Facility ID No. A2341

Permit No. AP1442-4374.05

**CLASS II GENERAL AIR QUALITY OPERATING PERMIT FOR
TEMPORARY CONSTRUCTION SOURCES CHANGE OF LOCATION
APPROVAL #2986**

Issued to: KNOX EXCAVATING

Mailing Address: 1165 SAWMILL ROAD, UNIT A, GARDNERVILLE, NV 89410

Driving Directions: TAKE US-395 S TO STATE ROUTE 209/JOHNSON LANE AND CONTINUE FOR APPROXIMATELY 4 MILES TO THE JOHNSON LANE OHV AREA. KEEP RIGHT TO STAY ON JOHNSON LANE AND CONTINUE FOR APPROXIMATELY 1.2 MILES. CONTINUE ONTO SUNRISE PASS ROAD AND DRIVE FOR 0.8 MILES. THE FACILITY WILL BE ON THE LEFT.

General Facility Location:

SECTION 6, T 13 N, R 21 E, MDB&M
HA 105 - CARSON VALLEY / DOUGLAS COUNTY
NORTH 4,322,351 M, EAST 286,508 M, UTM ZONE 11 , NAD 83

Section I. Specific Operating Conditions

- A. The owner or operator is granted approval to operate the emission units specified in Table 1, at the location specified above, as submitted in the Change of Location Approval Request For Temporary Sources.
- B. The maximum throughput specified in Table 1 for each emission unit shall not be exceeded at any time during operation under this Change of Location Approval (COLA).
- C. The maximum daily hours of operation specified in Table 1 for each emission unit shall not be exceeded at any time during operation under this COLA.
- D. The emission limits specified in Table 1 for each emission unit shall not be exceeded at any time during operation under this COLA.
- E. The air pollution control equipment specified in Table 1 for each emission unit shall be utilized at all times when the emission units are in operation under this COLA.
- F. Initial Opacity Compliance Demonstration (NAC 445B.22017, NAC 445B.252)(*Federally Enforceable SIP Requirement*)
(40 CFR Part 60)
Under the authority of NAC 445B.22017, NAC 445B.252, and 40 CFR Part 60, the holder of the operating permit shall conduct an Initial Opacity Compliance Demonstration for all emission units at every change of location that is approved by the Director within 15 days of startup of each emission unit as described below:
 - 1. For all emission units, Method 9 in Appendix A of 40 CFR Part 60 shall be used to determine opacity. The minimum total time of observations shall be six minutes (24 consecutive observations recorded at 15 second intervals), unless otherwise specified by an applicable subpart.
- G. Monitoring and Recordkeeping (NAC 445B.346)(*Federally Enforceable SIP Requirement*)
Under the authority of NAC 445B.346, the holder of the operating permit, upon the actual date of startup of the emission units specified in Table 1 shall:
 - 1. Monitoring
 - (a) Monitor the throughput, in tons, on a daily basis.
 - (b) Monitor the hours of operation for on a daily basis.



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Section I. Specific Operating Conditions (continued)

G. Monitoring and Recordkeeping (NAC 445B.346)(*Federally Enforceable SIP Requirement*) (continued)

Under the authority of NAC 445B.346, the holder of the operating permit, upon the actual date of startup of the emission units specified in Table 1 shall (continued):

2. Recordkeeping

The required monitoring established in this section, shall be maintained in a contemporaneous log containing, at a minimum, the following recordkeeping:

- (a) The calendar date of the required monitoring.
- (b) The total daily throughput in tons, for the corresponding date.
- (c) The total daily hours of operation for the corresponding date.
- (d) The corresponding average hourly throughput rate in tons per hour. The average hourly throughput rate shall be determined from the total daily throughput and the total daily hours of operation.

H. Reporting (NAC 445B.250 and NAC 445B.315(3)(h))(*Federally Enforceable SIP Requirement*)

Under the authority of NAC 445B.250 and NAC 445B.315(3)(h), the holder of the operating permit shall provide the Director, in writing, the following reports:

1. A report of the actual date of initial startup for all emission units, postmarked not more than 15 days after such date, on the form provided by the Director. Failure to provide the required initial startup report(s) shall result in disapproval of future change of location requests until the report(s) are received, and may subject the holder of the operating permit to a Notice of Alleged Violation in accordance with NAC 445B.275.
2. A report of the Initial Opacity Compliance Demonstration for all emission units as required in **Section V.A.**, postmarked not more than 15 days after completion of the Initial Opacity Compliance Demonstration. Failure to provide the required Initial Opacity Compliance Demonstration report(s) shall result in disapproval of future change of location requests until the report(s) are received, and may subject the holder of the operating permit to a Notice of Alleged Violation in accordance with NAC 445B.275.
3. A report of the actual production and hours of operation within 30 days of the completion of the job, on the form provided by the Director. The report(s) shall be compiled based on each approved location. Failure to provide the required production report(s) shall result in disapproval of future change of location requests until the report(s) are received, and may subject the holder of the operating permit to a Notice of Alleged Violation in accordance with NAC 445B.275.



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Section I. Specific Operating Conditions (continued)

TABLE 1 – Operating and Emission Limits

Knox Excavating, Air Case 11223, AP1442-4374.04, A2341, COLA 2986

Source #	Source Description	Material Process Rate		Operating Hours	Emissions Control Technology	Calculated PM Emissions		Calculated PM ₁₀ Emissions		Calculated PM _{2.5} Emissions		Applicable 40 CFR Part 60	Opacity Limit
		tons/hr	tons/job			lbs/day	tons/job	lbs/day	tons/job	lbs/day	tons/job		
System 1													
PF1.001	Triple Deck Screen and Associated Transfers (IN-Loader, OUT-Screen Conveyors 1, 2, 3, and 4)	600	3,494,400	16	water sprays	21.120	3.844	7.104	1.293	0.480	0.087	n/a	20%
PF1.002	Screen Conveyor 1 transfer to Stockpile	600	3,494,400	17	water sprays	1.428	0.245	0.469	0.080	0.133	0.023	n/a	20%
PF1.003	Screen Conveyor 2 transfer to Stockpile	600	3,494,400	18	water sprays	1.512	0.245	0.497	0.080	0.140	0.023	n/a	20%
PF1.004	Screen Conveyor 3 transfer to Stockpile	600	3,494,400	19	water sprays	1.596	0.245	0.524	0.080	0.148	0.023	n/a	20%
PF1.005	Screen Conveyor 4 transfer to Stockpile	600	3,494,400	20	water sprays	1.680	0.245	0.552	0.080	0.156	0.023	n/a	20%
PF1.006	Material transfer to Stacker Conveyor 1	600	3,494,400	21	water sprays	1.764	0.245	0.580	0.080	0.164	0.023	n/a	20%
PF1.007	Stacker Conveyor 1 transfer to Stacker Conveyor 2	600	3,494,400	22	water sprays	1.848	0.245	0.607	0.080	0.172	0.023	n/a	20%
PF1.008	Stacker Conveyor 2 transfer to Radial Stacker	600	3,494,400	23	water sprays	1.932	0.245	0.635	0.080	0.179	0.023	n/a	20%
PF1.009	Radial Stacker transfer to Stockpile	600	3,494,400	24	water sprays	2.016	0.245	0.662	0.080	0.187	0.023	n/a	20%

Systems Emission Limits (lb/day)

Pollutant	PM	PM ₁₀	PM _{2.5}
System 1	34.9	11.6	1.8
Calculated Emissions	34.9	11.6	1.8
General Limit	64.6	23.1	3.3
Result	MEETS	MEETS	MEETS

*****End of Specific Operating Conditions*****



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Section II. General Provisions

- A. Visible emissions: Maximum opacity; determination and monitoring of opacity (NAC 445B.22017)(*Federally Enforceable SIP Requirement*)
1. Except as otherwise provided in this section and NAC 445B.2202, no owner or operator may cause or permit the discharge into the atmosphere from any emission unit which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods:
 - a. If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
 - b. If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. § 60.13(h).
 2. The provisions of this section and NAC 445B.2202 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.
- B. Visible emissions: Exceptions for stationary sources (NAC 445B.2202)(*Federally Enforceable SIP Requirement*)
- The provisions of NAC 445B.22017 do not apply to:
1. Smoke from the open burning described in NAC 445B.22067;
 2. Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if the facility has written approval of the Commission;
 3. Emissions from an incinerator as set forth in NAC 445B.2207; or
 4. Emissions of stationary diesel-powered engines during warm-up for not longer than 15 minutes to achieve operating temperatures.
- C. Emissions of particulate matter: Fugitive dust (NAC 445B.22037)(*Federally Enforceable SIP Requirement*)
1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.
 2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction and revegetation.
 3. Except as otherwise provided in subsection 4, no person may disturb or cover 5 acres or more of land or its topsoil until the person has obtained an operating permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.
 4. The provisions of subsections 2 and 3 do not apply to:
 - a. Agricultural activities occurring on agricultural land; or
 - b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.
- D. Odors (NAC 445B.22087)(*State Only Requirement*)
1. No person may discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.
 2. The Director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.
 3. The Director shall deem the odor to be a violation if he or she is able to make two odor measurements within a period of 1 hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.



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Section II. General Provisions (continued)

- E. Prohibited Conduct: Concealment of emissions (NAC 445B.225)(*Federally Enforceable SIP Requirement*)
1. No person may install, construct or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.
- F. Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure (NAC 445B.227)(*Federally Enforceable SIP Requirement*)
- Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, [NAC adopted as of October 2016 includes NAC 445B.001 to 445B.390, inclusive], no person may:
1. Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of the permit is installed and operating.
 2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of the permit.
- G. Excess emissions: Scheduled maintenance, testing or repairs; notification of Director; malfunction, upset, start-up, shutdown or human error (NAC 445B.232)(*State Only Requirement*)
1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.390, inclusive, must be approved in advance by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation.
 2. Each owner or operator shall notify the Director of the proposed time and expected duration at least 30 days before any scheduled maintenance or testing which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.390, inclusive. The scheduled maintenance or testing must not be conducted unless the scheduled maintenance or testing is approved pursuant to subsection 1.
 3. Each owner or operator shall notify the Director of the proposed time and expected duration at least 24 hours before any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.390, inclusive. The scheduled repairs must not be conducted unless the scheduled repairs are approved pursuant to subsection 1.
 4. Each owner or operator shall notify the Director of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of that equipment.
 5. Each owner or operator shall provide the Director, within 15 days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to enable the Director to determine the seriousness of the excess emissions. The information must include at least the following:
 - a. The identity of the stack or other point of emission, or both, where the excess emissions occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the equipment for controlling air pollution, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
 6. Each owner or operator shall ensure that any notification or related information submitted to the Director pursuant to this section is provided in a format specified by the Director.



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Section II. General Provisions (continued)

H. Prohibited acts; penalty; establishment of violation; request for prosecution (NRS 445B.470)(*State Only Requirement*)

1. A person shall not knowingly:
 - a. Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information;
 - b. Fail to pay any fee;
 - c. Falsify any material statement, representation or certification in any notice or report; or
 - d. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.
2. Any person who violates any provision of subsection 1 shall be punished by a fine of not more than \$10,000 for each day of the violation.
3. The burden of proof and degree of knowledge required to establish a violation of subsection 1 are the same as those required by 42 U.S.C. § 7413(c), as that section existed on October 1, 1993.
4. If, in the judgment of the Director of the Department or the Director's designee, any person is engaged in any act or practice which constitutes a criminal offense pursuant to NRS 445B.100 to 445B.640, inclusive, the Director of the Department or the designee may request that the Attorney General or the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.
5. If, in the judgment of the control officer of a local air pollution control board, any person is engaged in such an act or practice, the control officer may request that the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.

I. Violations: Acts constituting; notice (NAC 445B.275)(*Federally Enforceable SIP Requirement*)

1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, [NAC adopted as of October 2016 includes NAC 445B.001 to 445B.390, 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;
 - b. Failure to construct a stationary source in accordance with the application for an operating permit as approved by the Director;
 - c. Failure to construct or operate a stationary source in accordance with any condition of an operating permit;
 - d. Commencing construction or modification of a stationary source without applying for and receiving an operating permit or a modification of an operating permit as required by NAC 445B.001 to 445B.3497, inclusive, [NAC adopted as of October 2016 includes NAC 445B.001 to 445B.3477, inclusive], or a mercury operating permit to construct as required by NAC 445B.3611 to 445B.3689, inclusive;
 - e. Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit; or
 - f. Failure to pay fees as required by NAC 445B.327 or 445B.3689.
2. The written notice must specify the provision of NAC 445B.001 to 445B.3791, inclusive, [NAC adopted as of October 2016 includes NAC 445B.001 to 445B.390, inclusive], the condition of the operating permit or the applicable requirement that is being violated.
3. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person.



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Section II. General Provisions (continued)

J. Posting

1. Permittee shall install a sign constructed and labeled with materials capable of withstanding the strong winds, intense sunlight, and other conditions characteristic of Nevada's outdoors. The sign must be erected along the major street bordering the property, or at the main entrance to the site, within 50 feet of the border of the property. The sign must be clearly legible from the road and not be obstructed by signs, vehicles, vegetation, or any materials. The sign shall be replaced or repaired should it become damaged or difficult to read.
2. A sign that meets the following criteria will generally meet the requirements of subsection 1:
 - a. Grade A/C plywood 3/4" thick, a minimum of 4 feet by 4 feet in dimension;
 - b. Two 4"x 4" posts with the base of the sign a minimum of 2 feet above ground level;
 - c. A minimum of two (2) carriage bolts for each post to secure the plywood sign to the posts.
3. The front of the sign must be labeled with dark lettering on a contrasting background. The sign shall clearly identify the name of the project, the name of the person (permittee, operator, or contractor) responsible for dust control, and provide the telephone number of the person responsible for dust control (valid during daylight hours, seven days a week), the project's street address (or physical location), and the air quality operating permit number. The sign must remain posted for the life of the permit. A sign labeled in block letters or numerals at least 4" high, in lines spaced 3" apart, in accordance with the following layout will generally meet the requirements of this section:

Project Name
Name of person responsible for dust control
In case of dust complaints, please call: (Your Number) -OR- Nevada Division Of Environmental Protection: (775) 687-9349
Project street address
BAPC Permit AP1442-4374.05 COLA #2986

******End of General Provisions******



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Section III. Amendments

This COLA issued under Class II General Air Quality Operating Permit AP1442-4374.05:

1. Is non-transferable and supersedes all other COLAs issued for this location. (NAC 445B.287(3)) (*Federally Enforceable SIP Requirement*)
2. Will be posted conspicuously at or near the stationary source. (NAC 445B.318(5)) (*Federally Enforceable SIP Requirement*)
3. Will expire twelve (12) months from the date of original issuance, or when operational limitations are reached, whichever occurs first. (NAC 445B.315) (*Federally Enforceable SIP Requirement*)
4. Upon completion of the project approved under this COLA, Permittee may not operate at this location for a period of at least 90 days. (NAC 445B.305) (*Federally Enforceable SIP Requirement*)
5. Any party aggrieved by the Department's decision to issue this COLA may appeal to the State Environmental Commission (SEC) within ten days after the date of notice of the Department's action. (NRS 445B.3477(9)) (*Federally Enforceable SIP Requirement*)

THIS PERMIT EXPIRES ON: August 5, 2025

Signature: _____

Issued by: Ashley Taylor, P.E.
Supervisor, Permitting Branch
Bureau of Air Pollution Control

Phone: (775) 687-9330

Date: August 5, 2024