




Air Pollution Control Hearing Officer Annotated Docket

Clark County Building Department – Presentation Room
4701 West Russell Road, Las Vegas, NV

9:00 a.m. – January 17, 2019

Hearing Officer: Christine T. Smith

Air Quality Staff:  Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Jeffrey Robb, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

I. CALL TO ORDER 9:00 a.m.

II. NOTICES OF VIOLATION

A. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. **NEVADA SYSTEM OF HIGHER EDUCATION (Source ID: 634)**

NOV #9124 – For installing and operating two unpermitted emission units (EUs); for installing and operating an EU with a higher rating than permitted; for installing and operating cooling tower pumps with higher ratings than permitted; for exceeding annual hours of operation limitations for 12 EUs; for failing to conduct and maintain records of total dissolved solids of the cooling tower circulation water; for submitting the 1st 2016 semi-annual report to the Control Officer 43 days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; for submitting the 2nd 2016 semi-annual report to the Control Officer two days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; submitting the 1st 2017 semi-annual report to the Control Officer four days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; and for submitting the 2nd 2017 semi-annual report to the Control Officer 16 days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers, as identified by Senior Air Quality Specialist Camon Liddell and Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on April 23, 24 and 25, 2018 of the colleges, universities, and professional schools operation identified as the UNLV Campus at 4505 South Maryland Parkway, in Clark County, Nevada.

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NEVADA SYSTEM OF HIGHER EDUCATION *continued*

Violation(s) alleged:

Recommended Penalty: \$10,650.00

- Violation #1 – 2018 Permit Condition II-A-8
- Violation #2 – 2016 Permit Conditions IV-A-3-a and c
- Violation #3 – 2016 Permit Condition IV-C-7
2018 Permit Condition IV-C-7
2016 & 2018 Permit Condition IV-E-1-c
- Violation #4 – October 2015 Permit Condition II-C-7-b
October 2015 Permit Condition II-C-7-c
2016 & 2018 Permit Condition II-C-6-b
2016 & 2018 Permit Condition II-C-6-c

Continued from 11/8/18

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9124, WHICH INCLUDES AN \$8,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

2. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 15218)**

NOV #9165 – For failing to conduct subsequent vapor recovery system testing within three years of the previous successful testing, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Scott Rowsell on July 31, 2018 of the gasoline dispensing operation identified as Rebel Store #2190 at 9390 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition IV-D-4-b

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOVs #9165, 9176, 9178 AND 9180, WHICH INCLUDES A \$20,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

3. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 9882)**

NOV #9176 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating Emission Unit (EU): A01 with debris in the spill bucket and a broken cap, and operating without adapters designed to prevent overtightening and loosening during normal operation on EUs: A01 and A03, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on August 13, 2018 of the gasoline dispensing operation identified as Rebel Store #2180 at 4880 West Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – 2015 Permit Condition IV-D-4-b
Permit Table IV-D-1

Violation #2 – 2015 Permit Condition IV-B-1-b-iv
2015 Permit Condition IV-B-1-b-viii

SEE #2 ABOVE.

4. **REBEL LAND AND DEVELOPMENT, LLC (Source IDs: 9493, 9202, 16451, 9759, 9856, 9398, 9074, 9395, 9396, 9397, 9665, 9520, 9517, 9677, 9695, 9001, 9020, 9061, 9126, 9153, 9229, 9865, 9765, 15315, 9802, 9834, 15135, 9943, 9901, 15027, 9940, 15310, 16259, 9755, 9166, 9050, 16195, 9286)**

NOV #9178 – For failing to conduct and pass subsequent Phase I and, if required, Phase II vapor recovery system tests within three years of the previous tests, as identified by Air Quality Specialist Tim Fogarty during a complete review of the vapor recovery testing records of Rebel Land and Development, LLC as of August 10, 2018 of the gasoline dispensing operations identified as Rebel Stores #: 2049, 2121, 2135, 2137, 2138, 2139, 2141, 2142, 2143, 2144, 2152, 2153, 2156, 2157, 2158, 2159, 2160, 2161, 2166, 2167, 2168, 2169, 2173, 2176, 2177, 2179, 2182, 2183, 2185, 2187, 2188, 2189, 2191, 2192, 2194, 2195, 2198, and 3083 at multiple locations throughout the Las Vegas Valley in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$38,000.00

Violation #1 – Permit Condition IV-D-4-b

SEE #2 ABOVE.

5. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 9065)**

NOV #9180 – For failing to conduct and maintain records of daily inspections of the Phase II vapor recovery system; for failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating with liquid in the spill buckets of Emission Units (EUs): A02 and A03, failing to install Phase I vapor recovery equipment in accordance with the manufacturer's specifications by operating with a loose adapter on EU: A02, failing to install adapters designed to prevent the loosening or overtightening of fittings on EUs: A01, A02 and A03, failing to install Phase II vapor recovery equipment in accordance with the manufacturer's specifications by operating dispenser #17 with a loose spout tip, and failing to maintain Phase II vapor recovery equipment in good working order by operating dispenser #7 with a torn face plate seal, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on July 23, 2018 of the gasoline dispensing operation identified as Rebel Store #2162 at 7100 West Lake Mead Boulevard, in Clark County, Nevada.

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REBEL LAND AND DEVELOPMENT, LLC continued

Violation(s) alleged: Recommended Penalty: \$4,500.00
Violation #1 – 2015 Permit Conditions IV-C-4-a through i
2015 Permit Condition IV-E-2-a
Violation #2 – 2015 Permit Condition IV-D-4-b
Permit Table IV-D-1
Violation #3 – 2015 Permit Condition IV-B-1-b-iv
2015 Permit Condition IV-B-1-b-iii
2015 Permit Condition IV-B-1-b-viii
2015 Permit Condition IV-B-1-d-ii
2015 Permit Condition IV-B-1-d-iii

SEE #2 ABOVE.

6. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Part 70 Source ID: 16539)**
NOV #9149 – For exceeding the sulfur dioxide emission limitation; for exceeding the nitrogen oxide mass emission limitation; and for failing to demonstrate compliance with sulfur dioxide emission rate limitation during performance tests, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Mike Doyle on June 4, 2018 of the electrical services and other electrical power generation operation at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$30,000.00
Violation #1 – 2017 Part 70 Permit Condition III-B-1-c
2018 ATC Permit Condition IV-B-4
Violation #2 – 2017 Part 70 Permit Conditions III-B-1-b and c
2018 ATC Permit Conditions IV-B-3 and 4
Violation #3 – 2018 ATC Permit Condition IV-B-4

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$25,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

B. NON-CONTESTED CASES: The Hearing Officer may approve or disapprove Air Quality staff's proposed order levying the recommended penalty. If the proposed order is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. **7-ELEVEN, INC. (Source ID: 9821)**
NOV #9210 – For failing to operate the Phase I vapor recovery system in good working order, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on October 23, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #32225 at 405 East Silverado Ranch Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,000.00
Violation #1 – Permit Condition IV-B-1-b-iv

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00**

2. **7-ELEVEN, INC. (Source ID: 9780)**

NOV #9212 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system testing on or before the anniversary date of the previous tests, and for failing to conduct an initial vapor recovery system test within 180 days of startup of new equipment, or when the integrity of the vapor recovery system has been affected by a modification, as identified by Air Quality Specialist Tim Fogarty during an offsite partial compliance evaluation on October 31, 2018 of the gasoline dispensing operation known as 7-Eleven Store #32227 at 2914 West Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-D-4-b
Permit Condition IV-D-4-a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

3. **AMES CONSTRUCTION, INC. (DCOP #48230)**

NOV #9221 – For failing to apply control measures that resulted in plumes of fugitive dust that traveled more than 100 feet from the point of origin and crossed the property boundary, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on November 15, 2018 at the Garnet Interchange construction site at North Interstate 15 at US Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(b) and (c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. **ARIZONA PIPELINE COMPANY (DCOP #48745)**

NOV #9215 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Heath Richards during routine and follow-up inspections on October 31 and November 7, 2018 at the Vegas Jones PVC Staging Yard construction site at 5700 Vegas Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

5. **CENTURY COMMUNITIES OF NEVADA, LLC (DCOP #48768)**

NOV #9211 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart while performing an inspection during a Construction Notice period on November 8, 2018 at the Sedona construction site northwest of North 5th Street and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

6. **CIRCLE K STORES INC. (Source ID: 15907)**

NOV #9198 – For failing to conduct and maintain records onsite of daily Phase II vapor recovery system inspections; for failing to conduct and pass Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to operate the Phase II vapor recovery system in good working order, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on October 1, 2018 of the gasoline dispensing operation identified as Circle K Store #3370 at 425 West Centennial Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

- Violation #1 – Permit Condition IV-C-4-c
Permit Condition IV-C-4-d
Permit Condition IV-E-2-a
- Violation #2 – Permit Condition IV-D-4-b
- Violation #3 – Permit Condition IV-B-1-d-iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

- Violation #1 – Permit Condition IV-C-4-c - \$500.00**
Permit Condition IV-C-4-d
Permit Condition IV-E-2-a
- Violation #2 – Permit Condition IV-D-4-b - \$2,000.00**
- Violation #3 – Permit Condition IV-B-1-d-iii - \$1,000.00**

7. **D. R. HORTON, INC. (DCOP #47538)**

NOV #9204 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez during an inspection on October 8, 2018 at the Cordera Ranch construction site at 1867 Moonbow Falls Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

8. **D. R. HORTON, INC. (DCOP #48364)**

NOV #9207 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit that resulted in fugitive dust, as identified during a complaint investigation by Air Quality Specialist Cris Melo, on October 23, 2018 at the Mesa Verde construction site located near West Colton Avenue and Daniel Richard Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

9. **KB HOME LAS VEGAS, INC. (DCOP #48651)**

NOV #9193 – For failing to implement all control measures necessary to maintain soil stability on their site 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart during a complaint investigation on September 19, 2018, at the Autumn Winds construction site northwest of Edmond Street and Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

10. **KB HOME LAS VEGAS INC. (DCOP #48651)**

NOV #9202 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit, as identified during routine and follow-up inspections by Air Quality Specialist Ross Grover, on October 10 and 12, 2018 at the Autumn Winds construction site northwest of Edmond Street and Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

11. **KING COMMUNICATIONS LLC (DCOP #49882)**

NOV #9205 – For failing to fully apply control measures that resulted in plumes of fugitive dust that crossed the property boundary, as identified by Air Quality Specialist Cris Melo during routine patrol on October 17, 2018 at the LSV Centennial Village construction site northeast of Centennial Parkway and Losee Road (Parcel Number: 124-24-401-019), in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

12. **MIDJIT MARKET, INC. (Source ID: 16466)**

NOV #9194 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on October 4, 2018 of the gasoline dispensing operation identified as Green Valley Grocery #35 at 8390 North Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition IV-D-4-b
Permit Table IV-D-1

Recommended Penalty: \$2,000.00

THERE WAS A CLERICAL ERROR IN THE SPELLING OF THE SOURCE'S NAME IN THE NOV. THE CORRECT SPELLING IS MIDJIT MARKET, INC.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

13. OKLAND CONSTRUCTION COMPANY, INC. (DCOP #48646)

NOV #9191 – For allowing tracked out soil debris to accumulate on a paved surface resulting in plumes of fugitive dust; and for failing to maintain effective trackout prevention and failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on September 6, 2018 at the F35A Airfield Pavement construction site on Nellis Air Force Base, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 94.11.6 - \$2,000.00

Violation #2 – Section 94.9.2 - \$1,000.00

14. PARDEE HOMES OF NEVADA (DCOP #47791)

NOV #9222 – For allowing mud or dirt to be tracked out more than 50 feet in length from the site's exit onto a paved surface, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on November 19, 2018 at the Tule Springs Village 3 construction site near Deer Springs Way and Revere Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

15. PINNACLE HOMES, INC. (DCOP #47942)

NOV #9206 – For creating plumes of fugitive dust that exceeded the opacity standard, as identified during a routine inspection by Air Quality Specialist Heath Richards, on October 24, 2018 at the Elk Ridge II and III construction site at 9689 West Tropical Parkway, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.1

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

16. REBEL OIL COMPANY, INC. (Source ID: 129)

NOV #9189 – For constructing and operating an emission unit and control device, and adding a control device to an existing emission unit without first obtaining a revised minor source permit authorizing the construction and operation; for failing to monitor the number of gas wet trucks entering the facility; for failing to monitor the inlet and outlet volatile organic compound concentrations from the carbon adsorbers with a photo ionization detector; and for failing to conduct the initial performance tests on the carbon adsorbers within 180 days of startup, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on August 16, 20 and September 4, 2018 of the bulk petroleum station and terminal operation at 5054 North Sloan Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,500.00

- Violation #1 – 2015 Permit Condition II-A-9
- Violation #2 – 2017 Permit Condition IV-C-7
- Violation #3 – 2017 Permit Condition IV-C-9
- Violation #4 – 2017 Permit Condition IV-D-2-a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

- Violation #1 – 2015 Permit Condition II-A-9 - \$2,000.00**
- Violation #2 – 2017 Permit Condition IV-C-7 - \$500.00**
- Violation #3 – 2017 Permit Condition IV-C-9 - \$1,000.00**
- Violation #4 – 2017 Permit Condition IV-D-2-a - \$2,000.00**

17. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #49211)

NOV #9208 – For allowing mud or dirt to be tracked out more than 50 feet from the site's exit onto a paved road, as identified by Air Quality Specialist Elizabeth Rubio during a complaint investigation and follow-up inspection on October 12 and 15, 2018 at the Sierra Cliffs construction site southeast of West Cactus Avenue and El Camino Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

18. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48584)

NOV#9216 – For failing to fully implement control measures that resulted in plumes of fugitive dust that crossed the property boundary, as identified by Air Quality Specialist Cris Melo during a routine inspection on November 19, 2018 at the Breccia Bay construction site near Ann Road and Camino Al Norte, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

19. TARGET CONSTRUCTION, INC. (DCOP #40804)

NOV #9214 – For failing to fully implement control measures during a Construction Notice that resulted in plumes of fugitive dust that exceeded 100 feet in length from the point of origin, as identified by Air Quality Specialist Katrinka Byers while conducting a complaint investigation during a Construction Notice period on November 8, 2018 at the Planning Area 18 Access Road construction site south of Horizon Ridge Parkway on Viento Puntero Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

20. TERRIBLE HERBST, INC. (Source ID: 9500)

NOV #9192 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on September 21, 2018 of the gasoline dispensing operation identified as Terrible Herbst #174 at 1101 West Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-D-4-b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

21. TERRIBLE HERBST, INC. (Source ID: 9809)

NOV #9201 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on October 19, 2018 of the gasoline dispensing operation identified as Terrible Herbst #203 at 7301 West Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-D-4-b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

22. TITANIUM METALS CORPORATION (Part 70 Source ID: 19)

NOV #9213 – For discharging into the atmosphere, air contaminants in excess of an average of 20 percent opacity for a period of more than six consecutive minutes, as identified by Senior Air Quality Specialists Mike Doyle and Camon Liddell during a full compliance evaluation conducted on August 16, 2018 of the combined titanium sponge and ingot operations at the Titanium Metals Corporation Henderson Facility at 181 North Water Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$19,000.00

Violation #1 – Permit Condition III-B-2-c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$19,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **FRONTIER TOWN CONSTRUCTION, LLC (DCOP #49258)**

NOV #9209 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; and for failing to have the site superintendent successfully complete the Air Quality Dust Control Class, as identified by Senior Air Quality Specialist Anita Karr, and Air Quality Specialists Ross Grover and Elizabeth Rubio during inspections on September 7, 10 and 27, 2018 at the Duneville II construction site near Duneville Street and Viking Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$3,250.00

- Violation #1 – Section 94.9.2
- Violation #2 – Section 94.7.6.1

FRONTIER TOWN CONSTRUCTION, LLC IS CONTESTING BOTH THE VIOLATIONS AND THE RECOMMENDED PENALTY IN NOV #9209.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,250.00

- Violation #1 – Section 94.9.2 - \$3,000.00**
- Violation #2 – Section 94.7.6.1 - \$250.00**

2. **HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION (DCOP #48384)**

NOV #9219 – For failing to implement control measures to maintain soil stability at their site 24 hours a day, seven days a week, as identified by Air Quality Specialist Elizabeth Rubio during a routine inspection on November 16, 2018 at the Flamingo & Valley View Retail construction site at 3883 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,000.00

- Violation #1 – Section 94.9.2

HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION CASE TO MARCH 21, 2019.

3. **HAND CONSTRUCTION COMPANY (DCOP #49534)**

NOV #9203 – For failing to fully apply control measures resulting in plumes of fugitive dust that traveled more than 100 feet from the point of origin, as identified by Air Quality Specialist Cris Melo during a routine inspection on October 11, 2018 at the North 5th Street Apartments construction site at 140 East Rome Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. INTERMOUNTAIN CONSTRUCTION (DCOP #48877)

NOV #9199 – For failing to have the site superintendent successfully complete Dust Control Class; and for failing to install a DCOP Sign, as identified by Air Quality Specialist Cris Melo while performing several inspections between August 22 and November 27, 2018 at the Maverick Estates construction site at Braided Romel Court and Maggie Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,000.00
Violation #1 – Section 94.7.6.1
Violation #2 – Section 94.7.7.1

INTERMOUNTAIN CONSTRUCTION DID NOT CONTEST NOV #9199.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

Violation #1 – Section 94.7.6.1 - \$500.00

Violation #2 – Section 94.7.7.1 - \$500.00

5. LM CONSTRUCTION CO., LLC (DCOP #49120)

NOV #9195 – For failing to implement best available control measures necessary to maintain soil stability; and for failing to stabilize site soils resulting in plumes of fugitive dust that crossed the property boundary, as identified by Air Quality Specialists Mike Englehart and Ross Grover during routine and follow-up inspections on September 19, 24 and 26, 2018 at the Nevada State Industrial Park construction site at the southwest corner of Edmond Street and Diablo Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,000.00
Violation #1 – Section 94.9.2
Violation #2 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Section 94.9.2 - \$2,000.00

Violation #2 – Section 94.11.3(b) - \$2,000.00

6. MASTER BUILT CONSTRUCTION LLC (DCOP #48919)

NOV #9217 – For failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Cris Melo during a routine inspection on November 13, 2018 at the Siena-Holding Craig/Bruce construction site near North Bruce Street and East Craig Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,000.00
Violation #1 – Section 94.9.2

MASTER BUILT CONSTRUCTION LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

7. OS CONSTRUCTION SERVICES, INC. (DCOP #49071)

NOV #9220 – For allowing tracked out soil debris onto a paved surface that extended more than 50 feet in length and resulted in plumes of fugitive dust from vehicular traffic, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on November 30, 2018 at the Sunpoint Crossing construction site near Las Vegas Boulevard and Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. SHANE DEMIRJIAN (Parcels: 161-27-212-005 and 161-27-212-006)

NOV #9187 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities on parcels 161-27-212-005 and 161-27-212-006; and for failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on June 29 and follow-up inspections on July 2 and August 23, 2018 at the unpermitted parcels on Clark Street, southeast of Stephanie Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.4.1

Violation #2 – Section 94.9.2

Recommended Penalty: \$2,000.00

SHANE DEMIRJIAN REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED SHANE DEMIRJIAN CASE TO MARCH 21, 2019.

9. SWINERTON BUILDERS (DCOP #48472)

NOV #9190 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; for failing to fully apply control measures resulting in plumes of fugitive dust that traveled more than 100 feet from the point of origin; and for failing to fully apply control measures resulting in plumes of fugitive dust that crossed the property boundary, as identified by Air Quality Specialists Katrinka Byers, Andrew Kirk, Ross Grover, and Mike Englehart during routine and follow-up inspections on August 22, 25, 27 – 31, September 4 – 8, 10 – 15, 17 – 22, 24 – 28, and October 1 and 2, 2018 at the Techren Solar Facility construction site near Black Hills Drive and US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(b)

Violation #3 – Section 94.11.3(c)

Recommended Penalty: \$46,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$46,000.00

Violation #1 – Section 94.9.2 - \$16,000.00

Violation #2 – Section 94.11.3(b) - \$28,000.00

Violation #3 – Section 94.11.3(c) - \$2,000.00

10. TERRA CONTRACTING, INC. (DCOP #48032)

NOV #9185 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez during a complaint investigation on August 20, 2018 at the Dustin Walters construction site near Cougar Avenue and Giles pie Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

TERRA CONTRACTING, INC. CHANGED ITS PLEA TO CONTESTING THE VIOLATION IN ADDITION TO THE RECOMMENDED PENALTY IN NOV #9185.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

Stationary Sources Violations:

11. CAESARS ENTERTAINMENT OPERATING COMPANY, CAESARS CONSOLIDATED PROPERTIES (Part 70 Source ID: 257)

NOV #9196 – For adding additional cooling tower cells without obtaining an Authority to Construct Permit prior to installing additional cells; for failing to report intermittent compliance in the 2015, 2016 and 2017 annual compliance certification reports; for failing to perform 21 burner efficiency tests between 2016 and 2018, at least five months apart, but no more than seven months apart; and for failing to conduct and pass subsequent Phase I vapor recovery system tests within three years of the previous vapor recovery system tests, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on August 14, 16 and 17, 2018 of the hotel/casino and other facilities at various locations in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – October 2016 Permit Condition II-B-1

Violation #2 – 2013 Permit Condition II-D-5-c

March 2016 Permit, October 2016 Permit and
2017 Permit Condition II-D-6-c

Violation #3 – October 2016 Permit and 2017 Permit Condition III-E-5-c

Violation #4 – 2013 Permit Condition III-E-6-h-ii

March 2016 Permit, October 2016 Permit and
2017 Permit Condition III-E-6-f-ii

Recommended Penalty: \$18,250.00

CAESARS ENTERTAINMENT OPERATING COMPANY, CAESARS CONSOLIDATED PROPERTIES REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED CAESARS ENTERTAINMENT OPERATING COMPANY, CAESARS CONSOLIDATED PROPERTIES CASE TO MARCH 21, 2019.

12. CERTAINTEED GYPSUM MANUFACTURING, INC. (Part 70 Source ID: 4)

NOV #9197 – For failing to conduct an EPA Reference Method 9 opacity evaluation on baghouse stack emissions over 19 hours; for failing to conduct and maintain records of daily baghouse differential pressure readings; and for failing to conduct and maintain records of visual emissions checks, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on August 7, 2018 of the gypsum products manufacturing operation identified as CertainTeed Gypsum Manufacturing, Inc. at 13500 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,500.00

- Violation #1 – 2018 Permit Condition III-C-3-b
- Violation #2 – August 2016 Permit & 2018 Permit Condition III-C-8
August 2016 Permit & 2018 Permit Condition III-E-2-c
August 2016 Permit & 2018 Permit Condition III-C-15-b
- Violation #3 – August 2016 Permit & 2018 Permit Condition III-C-15-c
August 2016 Permit & 2018 Permit Condition III-E-2-e

CERTAINTEED GYPSUM MANUFACTURING, INC. CHANGED ITS PLEA TO NOT CONTESTING NOV #9197.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

- Violation #1 – 2018 Permit Condition III-C-3-b - \$2,000.00**
- Violation #2 – August 2016 Permit & 2018 Permit Condition III-C-8 - \$2,000.00**
August 2016 Permit & 2018 Permit Condition III-E-2-c
August 2016 Permit & 2018 Permit Condition III-C-15-b
- Violation #3 – August 2016 Permit & 2018 Permit Condition III-C-15-c - \$500.00**
August 2016 Permit & 2018 Permit Condition III-E-2-e

13. SERVICE ROCK PRODUCTS CORPORATION (SMSP Source ID: 15387)

NOV #9200 – For constructing and operating two emission units without first obtaining a revised permit authorizing the construction and operation; for failing to monitor and maintain records onsite of the stockpile area and vehicle miles traveled on haul roads; for failing to perform initial performance tests on three baghouses; for failing to conduct subsequent performance tests on the diesel-fired generator within 8,760 hours of operation or three years from the anniversary date of the previous successful performance tests, whichever came first; and for failing to provide prior written notice to the Control Officer seven days in advance of renting diesel-fired generators for onsite use, as identified by Senior Air Quality Specialist Scott Rowsell and Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on September 14, 2018 of the sand and gravel operation south of Sloan Road and east of Interstate 15 South, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,250.00

Violation #1 – 2017 Permit Condition II-A-8

Violation #2 – 2017 Permit Condition IV-C-9

2017 Permit Condition IV-E-1-f

2014 Permit Condition IV-E-2-c

2015 Permit & 2017 Permit Condition IV-E-2-b

Violation #3 – 2014 Permit, 2015 Permit & 2017 Permit Condition IV-D-2

Violation #4 – 2015 Permit Condition IV-D-3-b

2017 Permit Condition IV-D-4-b

Violation #5 – Section 12.1.6 (d)(2)

AIR QUALITY REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED SERVICE ROCK PRODUCTS CORPORATION CASE TO MARCH 21, 2019.

III. ADJOURNMENT

11:50 a.m.