



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 22, 2014

Hearing Officer: Lori Wohletz

Staff:

[Handwritten initials] Gary Miller, Compliance and Enforcement Manager
[Handwritten initials] Lea Kain, Air Quality Supervisor

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter may be made available; phone 676-1500, TDD 676-1834, or Relay Nevada toll-free (800) 326-6868 TTY/TDD.

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

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT: The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

1. CASHMAN EQUIPMENT COMPANY (Source: 16344)

NOV #8462 – For exceeding the permit limitation on the consumption of Volatile Organic Compounds and Hazardous Air Pollutants and thus the emission limitations specified in Authority to Construct/Operating Permit (Source: 16344), identified during a full compliance evaluation conducted on August 21, 2013 at the Cashman Equipment Company, located at 3300 St. Rose Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1

Recommended Penalty: \$3,000

Subsection 12.1.6.3

Violation #1 – Subsections 12.8.1 & 12.1.6.3

Permit Condition IV-A-3-a

Permit Condition IV-A-2-b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000

Violation #1 – Subsections 12.8.1 & 12.1.6.3 - \$3,000

Permit Condition IV-A-3-a

Permit Condition IV-A-2-b

2. GREYSTONE NEVADA LLC (DCP #42205)

NOV #8450 – For failing to employ Best Available Control Measures and allowing soils to become dry, and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for exceeding the visual emissions limitations while attempting to clean trackout, identified during a complaint investigation on June 28, 2013, and follow-up inspections on July 2 and 5, 2013 at the Eagle Ranch construction site, located at Centennial Parkway and Torrey Pines Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.11.1

Recommended Penalty: \$8,000

- Violation #1 – Subsection 94.9.1
- Violation #2 – Subsection 94.9.1
- Violation #3 – Subsection 94.11.1
- Violation #4 – Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,000

- Violation #1 – Subsection 94.9.1 - \$1,000**
- Violation #2 – Subsection 94.9.1 - \$2,000**
- Violation #3 – Subsection 94.11.1 - \$2,000**
- Violation #4 – Subsection 94.9.1 - \$3,000**

3. LAS VEGAS LAND CONTRACTING, LLC DBA DUNHILL HOMES (DCP #40387)

NOV #8465 – For failing to employ Best Available Control Measures and allowing soils to become dry, and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion identified during a routine inspection on September 18, 2013 at the Rhodes Ranch Parcel 20 Unit 2 construction site, located at the southeast corner of Hidden Mountain Way and Augusta Course Avenue, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Violation #1 - Subsection 94.9.1

Recommended Penalty: \$1,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

- Violation #1 - Subsection 94.9.1 - \$1,000**

4. RICE CONSTRUCTION (DCP #42681)

NOV #8452 – For conducting construction activities prior to obtaining a valid Dust Control Permit; for allowing a foreman to work on site without having completed the required Air Quality Dust Control Class; and for allowing a water truck driver to work on site without having completed the required Air Quality Dust Control Class, identified during a routine site inspection on August 6, 2013 at the NV Energy proj trench & conduit installation N 5th Carey to Cheyenne construction site, located along North 5th Street and Losee Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Subsection 94.7.6.1
Subsection 94.7.6.2

Recommended Penalty: \$1,000

- Violation #1 - Subsection 94.4.1
- Violation #2 - Subsection 94.7.6.1
- Violation #3 - Subsection 94.7.6.2

RICE CONSTRUCTION continued

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

Violation #1 - Subsection 94.4.1 - \$500

Violation #2 - Subsection 94.7.6.1 - \$250

Violation #3 - Subsection 94.7.6.2 - \$250

B. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION

Asbestos, Construction, & Vacant Land NOV's:

1. APCO CONSTRUCTION (DCP #42073)

NOV #8451 – For failing to employ Best Available Control Measures and allowing soils to become dry, and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint investigation on June 28, 2013 at the Craig Ranch Regional Park – Phase 2 construction site, located at 628 West Craig Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1

Recommended Penalty: \$1,000

Violation #1 - Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

Violation #1 – Subsection 94.9.1 - \$1,000

2. APCO CONSTRUCTION (DCP #42073)

NOV #8457 – For conducting construction activities in areas not included in a valid Dust Control Permit, identified during site inspections on August 7, 9, 13, 26 and September 23, 2013 at the Craig Ranch Regional Park – Phase 2 construction site, located at 628 West Craig Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1

Recommended Penalty: \$8,500

Violations #1 through 6 – Subsection 94.4.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,000

Violation #1 - Subsection 94.4.1 - \$1,000

Violation #2 - Subsection 94.4.1 - \$1,500

Violation #3 - Subsection 94.4.1 - \$1,500

Violation #4 - Subsection 94.4.1 - \$1,500

Violation #5 - Subsection 94.4.1 - \$1,500

Violation #6 - Subsection 94.4.1 – not in violation

3. BEAZER HOMES (DCP #42411)

NOV #8467 – For failing to employ Best Available Control Measures and allowing soils to become dry, and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for fugitive dust emissions from wind blowing over dry, powdery soils, and from vehicular traffic over dry soils whereby a dust plume was visible and extended for more than 100 feet from the point of origin identified during a routine inspection on September 17, 2013, at the Dorado Skies Runvee Hobart construction site of Beazer Homes, located at the southwest corner of Lamb Boulevard and Tropical Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Violation #1 - Subsection 94.9.1
Violation #2 – Subsection 94.11.3

Recommended Penalty: \$6,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000

Violation #1 - Subsection 94.9.1 - \$2,000
Violation #2 – Subsection 94.11.3 - \$2,000

4. HAFEN I, LLC (DCP #42908)

NOV #8468 – For failure to obtain a Dust Control Permit prior to engaging in a construction activity; for failing to implement Best Available Control Measures for the purpose of dust control by allowing soil to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for allowing a dust plume to cross the property line, extending more than 100 feet, horizontally or vertically from the point of origin, identified during a Dust Advisory and site inspections on September 25, October 1 and 2, 2013 at the Hafen Site, located at 8945 Bronco Street, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Subsection 94.9.1
Subsection 94.11.3

Recommended Penalty: \$6,500

Violation #1 - Subsection 94.4.1
Violation #2 - Subsection 94.9.1
Violation #3 - Subsection 94.11.3
Violation #4 - Subsection 94.4.1
Violation #5 - Subsection 94.4.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500

Violation #1 - Subsection 94.4.1 - \$500
Violation #2 - Subsection 94.9.1 - \$1,000
Violation #3 - Subsection 94.11.3 - \$2,000
Violation #4 - Subsection 94.4.1 - \$500
Violation #5 - Subsection 94.4.1 - \$500

HEARING OFFICER ORDERED HAFEN I, LLC TO ADDRESS THE DUST CONTROL PERMIT MATTERS WITHIN SEVEN DAYS OF SIGNED ORDER AND SHALL ALSO ADDRESS RELATED MATTERS PERTAINING TO OBTAINING PERMITS REQUIRED BY OTHER COUNTY AGENCIES ACCORDINGLY.

5. PARDEE HOMES OF NEVADA (DCP #41914)

NOV #8455 – For failing to employ Best Available Control Measures and allowing soils to become dry, and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for allowing mud or dirt to be tracked out onto a paved road extending greater than 50 feet from the point of origin, identified during a complaint investigation on August 13, 2013 at the Eldorado RCL 23 construction site, located southwest of Ann Road and Camino Al Norte, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.11.6

Recommended Penalty: \$2,000

Violation #1 - Subsection 94.9.1
Violation #2 - Subsection 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000

Violation #1 - Subsection 94.9.1 - \$1,000
Violation #2 - Subsection 94.11.6 - \$1,000

6. PARDEE HOMES OF NEVADA (DCP #42016)

NOV #8466 – For allowing mud or dirt to be tracked out onto a paved road exceeding 50 feet from the point of origin, identified during routine compliance inspections on September 12, 13, 18 and 20, 2013 at the Eldorado RCL 25 Ph I & II construction site, located at the southeast corner of Deer Springs Way and Gliding Eagle Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.6
Violations #1 through 4 - Subsection 94.11.6

Recommended Penalty: \$7,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000

Violation #1 - Subsection 94.11.6 - \$1,000
Violation #2 - Subsection 94.11.6 - \$1,000
Violation #3 - Subsection 94.11.6 - \$1,000
Violation #4 - Subsection 94.11.6 - \$2,000

RECESS: 11:03 a.m.

Stationary Sources NOVs:

7. BIG DADDY'S OIL, LLC (Source: 9096)

NOV #8454 – For failing to install Phase I and Phase II vapor recovery equipment in accordance with the manufacturer's specifications and the current CARB EO G-70-125 series; for failing to maintain all Phase II vapory recovery equipment in a leak free, vapor tight good working order; and for conducting a vapor recovery system test more than four months beyond the required test date, identified during a full compliance evaluation conducted on July 18, 2013 at the Flamingo AM PM #82153 Gasoline Dispensing Operation (Source: 9096), located at 209 East Flamingo Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1
Subsection 52.4(a)(1)
Subsection 52.5(a)(1)
Violation #1 – Subsections 12.8.1 & 52.4(a)(1)
Permit Condition IV-B-2-f
Violation #2 – Subsections 12.8.1 & 52.4(a)(1)
Permit Condition IV-B-2-g
Violation #3 – Subsections 12.8.1 & 52.5(a)(1)
Permit Condition IV-F-3-a
Permit Condition IV-F-1-b
Violation #4 – Subsections 12.8.1 & 52.4(a)(1)
Permit Condition IV-B-1-d

Recommended Penalty: \$8,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000

Violation #1 – Subsections 12.8.1 & 52.4(a)(1) - \$1,000
Permit Condition IV-B-2-f
Violation #2 – Subsections 12.8.1 & 52.4(a)(1) - \$1,000
Permit Condition IV-B-2-g
Violation #3 – Subsections 12.8.1 & 52.5(a)(1) - \$1,000
Permit Condition IV-F-3-a
Permit Condition IV-F-1-b
Violation #4 – Subsections 12.8.1 & 52.4(a)(1) - \$1,000
Permit Condition IV-B-1-d

8. CITY EXPRESS #5, LLC (Source: 17219)

NOV #8471 – For failing to install Phase I and Phase II vapor recovery equipment in accordance with the manufacturer's specifications and the current CARB EO G-70-125 series; for failing to maintain all Phase II vapory recovery equipment in a leak free, vapor tight good working order; and for conducting an initial vapor recovery test more than eleven months beyond the required test date in the Minor Source Permit, and more than six months beyond the test date required by 40 CFR 63; and for failing to record daily inspections of the Phase I and Phase II vapor recovery equipment, identified during a full compliance evaluation conducted on August 27, 2013 at the City Express Gasoline Dispensing Operation (Source #17219), located at 3820 East Craig Road, in Clark County, Nevada.

CITY EXPRESS #5, LLC (continued)

Violation(s) alleged: Subsection 12.1.4.1(d) Recommended Penalty: \$2,500
40 CFR 63.7(a)(2)
Violation #1 – Subsection 12.1.4.1(d) & 40 CFR 63.7(a)(2)
Permit Condition IV-D-4-a
Violation #2 – Subsection 12.1.4.1(d)
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-5

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500

Violation #1 – Subsection 12.1.4.1(d) & 40 CFR 63.7(a)(2) - \$2,000
Permit Condition IV-D-4-a
Violation #2 – Subsection 12.1.4.1(d) - \$500
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-5

9. MIDJIT MARKET INCORPORATED (Source: 17097)

NOV #8456– For operating a Gasoline Dispensing Operation without a minor source permit after submitting a Minor Source Permit application, but prior to issuance of the permit; for failing to conduct an initial vapor recovery test within 30 days after issuance of the permit; and for failing to record daily inspections of the Phase I and Phase II vapor recovery equipment, identified during a full compliance evaluation conducted September 19 through August 2, 2013 at the Green Valley Grocery Gasoline Dispensing Operation (Source: 17097), located at 902 South Boulder Highway in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1 Recommended Penalty: \$5,500
Subsection 12.1.4.1(d)
Violation #1 – Subsection 12.1.3.1
Violation #2 – Subsection 12.1.4.1(d)
Permit Condition IV-D-4-a
Violation #3 – Subsection 12.1.4.1(d)
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-5

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500

Violation #1 – Subsection 12.1.3.1 - \$3,000
Violation #2 – Subsection 12.1.4.1(d) - \$2,000
Permit Condition IV-D-4-a
Violation #3 – Subsection 12.1.4.1(d) - \$500
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-5

10. PILOT TRAVEL CENTERS, LLC (Source: 9084)

NOV #8470 – For exceeding the maximum amount of throughput allowed per year, and emission limitations specified in the Authority to Construct/Operating Permit; for failure to inspect Phase I and Phase II vapor recovery equipment, and maintain and provide accurate equipment inspection records and logs daily, as identified during a full compliance evaluation conducted on August 7, 2013 at the Pilot Travel Center #341 (Source: 9084), located at 3812 East Craig Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1
Subsection 12.1.6.3
Subsection 12.1.4.1(d)
Violation #1 – Subsections 12.8.1 & 12.1.6.3
Permit Condition III-A-2
Permit Condition II-B
Violation #2 – Subsection 12.1.4.1(d)
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-2

Recommended Penalty: \$7,000

THERE WAS A CLERICAL ERROR IN THE SECOND SENTENCE. THE CORRECT SENTENCE SHOULD HAVE BEEN FOR FAILURE TO INSPECT PHASE I AND PHASE II VAPOR RECOVERY EQUIPMENT, AND MAINTAIN AND PROVIDE ACCURATE EQUIPMENT INSPECTION RECORDS AND LOGS DAILY.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,000

Violation #1 – Subsections 12.8.1 & 12.1.6.3 - \$6,000
Permit Condition III-A-2
Permit Condition II-B
Violation #2 – Subsection 12.1.4.1(d) - \$1,000
Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-2

11. QUICK STOP FOOD MART (Source: 9115)

NOV #8473– For failing to conduct an annual vapor recovery system test for three annual periods since 2010; for failing to record daily inspections of Phase I and Phase II vapor recovery equipment from April 7, 2010 through September 25, 2013; and for failing to maintain all Phase I vapory recovery equipment in a leak free, vapor tight good working order, identified during a full compliance evaluation conducted on September 25, 2013 at the Quick Stop Food Mart Authority to Construct/Operating Permit (Source: 9115), located at 2083 East Freemont Street, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1
Subsection 52.4(a)(1)
Subsection 52.5(a)(1)
Subsection 52.6(a)(1)
Subsection 52.7(b)(1)(vii)
Recommended Penalty: \$4,000

Violation #1 – Subsections 12.8.1 & 52.5(a)(1)
Permit Condition IV-F-3-a
Permit Condition IV-F-1-b

Violation #2 - Subsections 12.8.1, 52.6(a)(1) & 52.7(b)(1)(vii)
Permit Condition IV-E-1
Permit Condition IV-E-2
Permit Condition IV-G-4

Violation #3 – Subsections 12.8.1 & 52.4(a)(1)
Permit Condition IV-B-1-e

FOUND IN VIOLATION.

THE HEARING OFFICER SUSPENDED THE PENALTY OF \$4,000 AND ORDERED QUICK STOP FOOD MART TO MEET WITH THE SMALL BUSINESS ASSISTANCE PROGRAM WITHIN 90 DAYS OF SIGNED ORDER AND SUBMIT THE NECESSARY APPLICATION TO DAQ TO DETERMINE IF THE EMISSIONS FROM QUICK STOP FOOD MART IS BELOW THE REPORTING THRESHOLD AND THEREFORE, NOT SUBJECT TO THE PERMITTING REGULATIONS. IF QUICK STOP FOOD MART MEETS THIS REQUIREMENT, THE SUSPENDED AMOUNT WILL BE WAIVED.

QUICK STOP FOOD MART IS ALSO EXPECTED TO COMPLETE ANNUAL INSPECTIONS, AND TESTING EVERY THREE YEARS ON TIME IN ACCORDANCE WITH 40 CFR PART 63, SUBPART CCCCCC.

III. ADJOURNMENT

12:45 p.m.