




Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. – November 16, 2023

Hearing Officer: Lona Webb
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager 
Anna Sutowska, Air Quality Supervisor
Satyra George, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

The Presentation Room is accessible to individuals with disabilities. With 24-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 9:01 a.m.

II. NOTICES OF VIOLATION

A. 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. (Minor Source Permit, Source ID: 18018)

NOV #9911 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of daily Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Michael Murphy during an on-site full compliance evaluation on September 6, 2023, of the gasoline dispensing operation known as 7 Eleven #38584 located at 4945 Blue Diamond Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,965.00
Violation #1 – Permit conditions 4.1.3(a through g) Permit condition 4.3.2.b
Violation #2 – Permit conditions 4.1.4(a through d, f and g) Permit condition 4.3.2.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,965.00

Violation #1 – Permit conditions 4.1.3(a through g) - \$1,755.00
Permit condition 4.3.2.b
Violation #2 – Permit conditions 4.1.4(a through d, f and g) - \$4,210.00
Permit condition 4.3.2.b

2. **BURKE CONSTRUCTION GROUP, INC. (DCOP #54955)**

NOV #9913 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Satyra George while performing follow-up inspections on September 11 and 12, 2023, at The Place @ Raiders Way construction project, located 3610 Sunridge Heights Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

3. **ENVY CONSTRUCTION LLC (DCOP #56417)**

NOV #9928 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Damon Lindsay during a complaint investigation on October 20, 2023, at the Gigawatt Custom Home construction project, located at 6350 Meisenheimer Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

4. **GL BUILDER INC (Project #232006)**

NOV #9915 – For failing to thoroughly inspect the facility for the presence of asbestos-containing materials prior to conducting demolition or renovation activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Material (RACM) and demolition at the facility; for failing to remove all RACM from the facility prior to demolition or renovation; for failing to adequately wet all removed RACM; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for allowing visible emissions and failing to seal all Asbestos-Containing Waste Material in leak tight containers while wet; and for failing to deposit asbestos-containing waste material at an approved asbestos landfill, as identified by Air Quality Specialist II Whitney Francis during an investigation on August 28, 2023 at a commercial building located at 220 East Mesquite Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,550.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)

Section 13.1, 40 CFR §61.145(b)(3)(i)

Violation #3 –Section 13.1, 40 CFR §61.145(c)(1)

Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)

Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)

Violation #6 – Section 13.1, 40 CFR §61.150(a)

Section 13.1, 40 CFR §61.150(a)(1)(iii)

Violation #7 – Section 13.1, 40 CFR §61.150(b)(1)

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,550.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)	- \$700.00
Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)	- \$700.00
Section 13.1, 40 CFR §61.145(b)(3)(i)	
Violation #3 –Section 13.1, 40 CFR §61.145(c)(1)	- \$700.00
Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)	- \$700.00
Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)	- \$350.00
Violation #6 – Section 13.1, 40 CFR §61.150(a)	- \$700.00
Section 13.1, 40 CFR §61.150(a)(1)(iii)	
Violation #7 – Section 13.1, 40 CFR §61.150(b)(1)	- \$700.00

5. GREYSTONE NEVADA, LLC (DCOP #51641)

NOV #9927 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Richard Wyse and Noel Crandall during a complaint investigation on October 13, 2023, and a follow-up inspection on October 17, 2023, at the Hollywood/Alto construction project, located northeast of the intersection at Hollywood Boulevard and Alto Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,625.00

Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,625.00

6. JEAN VENTURES, LLC (Minor Source Permit, Source ID: 9545)

NOV #9910 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous passing tests, as identified by Senior Air Quality Specialist Camon Liddell during an on-site full compliance evaluation on August 21, 2023 of the hotel/casino operation known as Terrible’s Roadhouse Casino and Hotel located at 1 Main Street, a gasoline dispensing facility known as Terrible’s #701 located at 1 Main Street, and a gasoline dispensing facility known as Terrible’s Roadhouse GDO located at 22625 Highway 161, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,030.00

Violation #1 – Permit condition 4.2.1
Permit condition 4.2.4.b
Permit Table 4-1
Permit condition 4.2.5
Permit condition 4.2.8.b
Permit Table 4-2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,030.00

7. **PADRES LAND 2017, LLC (Project number #57317)**

NOV #9933 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Canduella Rowsell and Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing a complaint investigation on October 19, 2023, and follow-up inspections on October 20, 21, 23, and 24, 2023, at the Stratosphere Lot Cleanup construction project (Parcel #162-04-813-051 and 162-04-813-052), located at 2214 and 2216 Fairfield Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

8. **QUARRY 187, LLC (Synthetic Minor Source Permit, Source ID: 83)**

NOV #9925 – For installing a new portable screening plant without first obtaining a minor source permit from the Control Officer; for failing to provide at least seven days written notice to the Air Quality Control Officer prior to the like-kind replacement of the Cedar Rapids cone crusher, Emission Unit (EU): A58, with the Superior cone crusher; and for failing to conduct Method 9 performance testing on the integrated portable crushing and screening plant, EU: A59, as identified by Air Quality Specialist Pat Ringgenberg during an on-site full compliance evaluation on September 26, 2023 of the crushing and screening plant located 2 miles south of the intersection of US 93 and US 95, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,250.00

Violation #1 – October 2021 Permit condition 5.1.10

Violation #2 – Section 12.1.6(d)(2)

Violation #3 – June 2021 Permit condition 4.2.2.a

October 2021 Permit condition 4.2.2.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

Violation #1 – October 2021 Permit condition 5.1.10 - \$3,000.00

Violation #2 – Section 12.1.6(d)(2) - \$750.00

Violation #3 – June 2021 Permit condition 4.2.2.a - \$1,500.00

October 2021 Permit condition 4.2.2.a

9. **TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 17894)**

NOV #9917 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful test, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on September 20, 2023 of gasoline dispensing operation known as Terrible Herbst #331 located at 3235 South Rainbow Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,280.00

Violation #1 – Permit condition 4.2.4.b

Permit Table 4-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,280.00

10. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 9644)

NOV #9918 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful tests, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on September 22, 2023 of the gasoline dispensing operation known as Terrible Herbst #176 located at 810 West Mesquite Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,540.00

Violation #1 – Permit condition 4.2.4.b
Permit Table 4-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,540.00

11. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 9730)

NOV #9919 – For failing to conduct and maintain records of Phase I vapor recovery system inspections, as identified by Air Quality Specialist Joshua Frye and Senior Air Quality Specialist Camon Liddell during an on-site full compliance evaluation on October 10, 2023 of the gasoline dispensing operation known as Terrible Herbst #264 located at 4910 South Maryland Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$870.00

Violation #1 – Permit condition 4.1.3(a through h)
Permit condition 4.3.2.a
Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$870.00

12. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 18031)

NOV #9920 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful tests, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on September 29, 2023 of the gasoline dispensing operation known as Terrible Herbst #410 located at 780 East Pyle Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,460.00

Violation #1 – Permit condition 4.2.4.b
Permit Table 4-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,460.00

13. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 18025)

NOV #9921 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful tests, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on October 3, 2023 of the gasoline dispensing operation known as Terrible’s #382 located at 3399 South Durango Drive, Suite 101, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,430.00

Violation #1 – Permit condition 4.2.4.b
Permit Table 4-1

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,430.00**

14. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 18027)

NOV #9922 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful tests, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on October 4, 2023 of the gasoline dispensing operation known as Terrible’s #377 located at 4701 West Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,450.00

Violation #1 – Permit condition 4.2.4.b
Permit Table 4-1

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,450.00**

15. TERRIBLE HERBST, INC. (Minor Source Permit, Source ID: 17896)

NOV #9923 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous passing tests, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on October 18, 2023 of the gasoline dispensing operation known as Terrible Herbst #342 located at 9475 West Desert Inn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,530.00

Violation #1 – Permit condition 4.2.4.b
Permit Table 4-1

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,530.00**

16. TOUCHSTONE INDEPENDENCE LLC (DCOP #54714)

NOV #9929 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart while performing a routine inspection on October 11, 2023, and a follow-up inspection on October 13, 2023, at the Independence construction project, located on East Desert Inn Road, east of Cabana Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

17. WERDCO BC, INC. (Synthetic Minor Source Permit, Source ID: 17984)

NOV #9916 – For allowing controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell while performing routine patrol during a Construction Notice period on September 30, 2023 of the sand and gravel operation at the I54 Plant currently located near the intersection of West Water Well Drill Road and Garza Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – October 2022 Permit condition 2.2.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

18. WG CONSTRUCTORS, LLC (Project #231056)

NOV #9912 – For failing to thoroughly inspect the facility for the presence of Asbestos-Containing Materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on September 1, 2023, when he observed a 40 cubic yard dumpster at the Center at Spring Mountain located at 3811 Spring Mountain Road, Las Vegas, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,200.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,200.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962)

NOV #9907 – For failing to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11, and 17, 2023 at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Sections 94.5(n)(1) and (2)
Section 94.13(b)

ASSURED DEVELOPMENT, INC. REQUESTED A CONTINUANCE OF NOV #9907.

HEARING OFFICER CONTINUED ASSURED DEVELOPMENT, INC.'S CASE TO JANUARY 18, 2024.

2. OS CONSTRUCTION SERVICES, INC. (DCOP #55762)

NOV #9930 – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface, including gutters and sidewalks, as identified by Air Quality Specialist Nahulu Kahananui during routine inspections on October 9 and 16, 2023, at the North Park Living (Scott Robinson) construction project, located at 4145 Scott Robinson Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 94.14(d)

OS CONSTRUCTION SERVICES, INC. DID NOT CONTEST NOV #9930.

NOV #9930 WAS MOVED TO THE NON-CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

3. **PARKWAY C&A, LP D/B/A PARKWAY CONSTRUCTION (DCOP #56772)**

NOV #9926 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to exceed 50% opacity using the Instantaneous Method, as identified by Air Quality Specialists Nahulu Kahananui and Richard Wyse during a complaint investigation on October 5, 2023, and a follow-up inspection on October 6, 2023, at the PS CRAIG construction project, located at 3850 West Craig Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,562.50

Violation #1 – Sections 94.13(a) and (b)

Violation #2 – Section 94.14(a)(2)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,062.50

Violation #1 – Sections 94.13(a) and (b) - \$1,562.50

Violation #2 – Section 94.14(a)(2) - \$2,500.00

Asbestos Violations:

4. **AAYLS LLC AND ANGEL RODRIGUEZ, INDIVIDUALLY (Project #231035)**

NOV #9899 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Material (RACM) at the Facility; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to seal all Asbestos-Containing Waste Material in leak tight containers while wet; for failing to label waste containers with warning labels; for failing to maintain asbestos waste shipment records; for failing to deposit asbestos-containing waste material at an approved asbestos landfill; and for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on May 25, 2023, and follow-up inspections on May 26 and 30, and June 20, and July 5, 2023 at a commercial building located at 1221 North Decatur Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$33,500.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)

Section 13.1, 40 CFR §61.145(b)(3)(i)

Violation #3 – Section 13.1, 40 CFR §61.145(c)(1)

Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)

Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)

Violation #6 – Section 13.1, 40 CFR §61.150(a)

Section 13.1, 40 CFR §61.150(a)(1)(iii)

Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)

Violation #8 – Section 13.1, 40 CFR §61.150(d)(1)

Violation #9 – Section 13.1, 40 CFR §61.150(b)(1)

Violation #10 – Section 4.1(d)(1)

Continued from 9/21/2023


****Continued on the next page.***

AAYLS LLC AND ANGEL RODRIGUEZ, INDIVIDUALLY continued

AIR QUALITY REQUESTED A CONTINUANCE OF NOV #9899.

**HEARING OFFICER CONTINUED AAYLS LLC AND ANGEL RODRIGUEZ'S CASE TO
JANUARY 18, 2024.**

III. ADJOURNMENT 9:24 a.m.

Signature: 
Shibi Paul (Nov 20, 2023 14:22 PST)

Email: SPaul@ClarkCountyNV.gov