



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – November 20, 2013

Hearing Officer: Sandra Reed Bottino

Staff: Gary Miller, Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor

A handwritten signature in black ink, appearing to be "G. Miller", written over the printed name of Gary Miller.

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. SETTLEMENT

1. LAS VEGAS PAVING CORPORATION (DCP #40460)

NOV #8447 – For allowing visible emissions of particulate matter to exceed 50 percent opacity; for allowing mud or dirt to be tracked out onto a paved road exceeding 50 feet from the point of origin; and for failing to have a Dust Monitor present at all times during a routine site inspection on July 2, 2013 at the Northern Beltway, Tenaya to Decatur construction site, located at Jones Boulevard and the Northern 215 Beltway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.1
Subsection 94.11.6
Subsection 94.7.5.3

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT FOR LAS VEGAS PAVING CORPORATION, WHICH INCLUDES A \$2,000 PENALTY.

2. **NEVADA DEPARTMENT OF CORRECTIONS (Source: 1516)**

NOV #8429 – For exceeding emission limitations specified in Authority to Construct/Operating Permit, on February 26 and 27, 2013 identified during the review of performance test results for the High Desert State Prison, located at 22010 Cold Creek Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.2.10.2
Subsection 55.5(b)

HEARING OFFICER APPROVED PROPOSED SETTLEMENT, WHICH INCLUDES A \$4,000 PENALTY THAT IS SUSPENDED. IF NEVADA DEPARTMENT OF CORRECTIONS COMPLIES WITH THE TERMS AND CONDITIONS OF THE AGREEMENT FOR A PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE BY THE PARTIES (04/01/15), THE SUSPENDED AMOUNT WILL BE WAIVED.

B. 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. **AMERICAN WEST DEVELOPMENT (DCP #42394)**

NOV #8453 – For conducting construction activities in areas not included in a valid Dust Control Permit, and for allowing superintendents and foremen to work on site without having completed the required Air Quality Dust Control Class, identified during site inspections on August 9 and 13, 2013 at the Warm Springs & Jones construction site, located at the northwest corner of Warm Springs Road and Jones Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Subsection 94.7.6.1
Violation #1 – Subsection 94.4.1
Violation #2 – Subsection 94.7.6.1
Violation #3 – Subsection 94.4.1

Recommended Penalty: \$1,750

Permittee submitted a list of company officials required to attend Dust Class.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750

- Violation #1 – Subsection 94.4.1 - \$500**
- Violation #2 – Subsection 94.7.6.1 - \$250**
- Violation #3 – Subsection 94.4.1 - \$1,000**

2. **AMERICAN WEST DEVELOPMENT (DCP #41372)**

NOV #8458 – For conducting construction activities in areas not included in a valid Dust Control Permit, identified during a site inspection on August 14, 2013 at the Napa Ridge 5 construction site, located near the southeast corner of Rainbow Boulevard and Wigwam Avenue, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Violation #1 – Subsection 94.4.1

Recommended Penalty: \$1,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

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

3. **AMERICAN WEST DEVELOPMENT (DCP #23738)**

NOV #8459 – For conducting construction activities in areas not included in a valid Dust Control Permit, identified during a site inspection on August 14, 2013 at the Sonata Units 2 & 4 construction site, located at West Shelbourne Avenue and Torrey Pines Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Violation #1 – Subsection 94.4.1

Recommended Penalty: \$1,500

Permittee directed to submit plan for managing projects directed towards preventing working outside permitted boundaries.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500

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

Permittee submitted plan which will be incorporated into Hearing Officer Order.

4. **AMERICAN WEST DEVELOPMENT (DCP #40031)**

NOV#8463 – For conducting construction activities in areas not included in a valid Dust Control Permit, identified during a site inspection on August 27, 2013 at the Highlands Ranch Unit 6 construction site, located at the southeast corner of Silverado Ranch Boulevard and Lindell Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Violation #1 – Subsection 94.4.1

Recommended Penalty: \$2,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000

Violation #1 – Subsection 94.4.1 - \$2,000

5. **AMERICAN WEST DEVELOPMENT (DCP #29160)**

NOV#8464 – For conducting construction activities in areas not included in a valid Dust Control Permit, identified during a site inspection on August 27, 2013 at the Highlands Ranch Units 1-3 construction site, located near the southwest corner of Silverado Ranch Boulevard and Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Violation #1 – Subsection 94.4.1

Recommended Penalty: \$2,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000

Violation #1 – Subsection 94.4.1 - \$2,000

6. **HARMONY HOMES, LLC (DCP #39595)**

NOV #8442 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for failing to install a Dust Control Permit sign that is visible to the public, identified during a complaint investigation on June 20, 2013 at the Bella Fiore construction site, located northwest of Lake Las Vegas and Lake Mead Parkways, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.7.7.1

Recommended Penalty: \$3,250

Violation #1 – Subsection 94.9.1
Violation #2 – Subsection 94.7.7.1
Violation #3 – Subsection 94.7.7.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,250

Violation #1 – Subsection 94.9.1 - \$2,000
Violation #2 – Subsection 94.7.7.1 - \$500
Violation #3 – Subsection 94.7.7.1 - \$750

7. **RICHMOND AMERICAN HOMES OF NEVADA (DCP #41891)**

NOV #8441 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and 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 routing site inspection during a Construction Notice on June 24, 2013 at the Quail Run construction site, located at 3705 Vincelli Avenue, 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 - \$2,000
Violation #2 – Subsection 94.11.6 - \$0 (Mitigating Factor with no emissions from the trackout)

8. WILLIAM LYON HOMES (DCP #41439)

NOV #8443 – For allowing mud or dirt to be tracked out onto a paved road extending greater than 50 feet from the point of origin; and for failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a routine inspection on June 25, 2013, and follow-up inspection on June 26, 2013 at the Mesa Canyon construction site, located at the southwest corner of Tropical Parkway and Jones Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.6
Subsection 94.9.1

Recommended Penalty: \$12,000

Violation #1 – Subsection 94.11.6

Violation #2 – Subsection 94.11.6

Violation #3 - Subsection 94.9.1

Violation #4 – Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,000

Violation #1 – Subsection 94.11.6 - \$4,000

Violation #2 – Subsection 94.11.6 - \$4,000

Violation #3 - Subsection 94.9.1 - \$2,000

Violation #4 – Subsection 94.9.1 - \$2,000

C. CONTESTED NOTICES OF VIOLATIONS

1. UNITED BROTHERS HOSPITALITY GROUP, LLC (Source: 17181)

NOV #8460 – For conducting an initial performance test more than eight months beyond the test date required by the operating permit, and more than three months beyond the test date required by 40CFR63, identified during a full compliance evaluation for the period of July 3, 2012 through August 28, 2013 at the Arco AM PM Store #83293 (Source #17181), located at 7282 South Fort Apache Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.4.1(d)
40 CFR 63.7(a)(2)

Recommended Penalty: \$2,000

Violation #1 – Subsection 12.1.4.1(d) and 40 CFR 63.7(a)(2)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000

Violation #1 – Subsection 12.1.4.1(d) and 40 CFR 63.7(a)(2) - \$2,000

D. ACTION REQUIRED

1. **BROADHERST INVESTMENT TRUST, II (DCP #41576)**

NOV #8438 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint investigation on May 7, 2013 at the Lot Clean Up/6131 North Hollywood Boulevard construction site, located at 6131 North Hollywood Boulevard, 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: \$500

Violation #1 – Subsection 94.9.1 - \$500

2. **ROCK N ROLL CONSTRUCTION (DCP #42357)**

NOV#8444 – 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 June 27, 2013 at the Shetakis Wholesale Warehouse Addition construction site, located at 3824 Civic Center Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.6
Violation #1 – Subsection 94.11.6

Recommended Penalty: \$2,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

Violation #1 – Subsection 94.11.6 - \$1,000

3. **NATIONAL CONSTRUCTION PROVIDERS (DCP #41899)**

NOV#8449 – 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 June 27, 2013 at the Mixed Income Senior Apartments construction site, located at 8158 Giles Street, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.6
Violation #1 – Subsection 94.11.6

Recommended Penalty: \$2,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500

Violation #1 – Subsection 94.11.6 - \$1,500

4. CONSTRUCTION GROUP INTERNATIONAL (Project Number: 130206)

NOV #8448 – For not ensuring regulated asbestos-containing material (RACM) was adequately wet down until collected and contained, or treated for disposal; and for not adequately wrapping RACM in leak-tight containers while wet, identified during a routine site inspection and follow-up visits on May 28, and June 5 and 7, 2013 of the Buildings 3, 4, 7, 8, and 9 within the Desert Procyon Industrial facility, located at the northwest corner of Procyon Street and Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged: 40 CFR 61.145(c)(6)
40 CFR 61.150(a)(1)(iii)
Violation #1 – 40 CFR 61.145(c)(6)
Violation #2 - 40 CFR 61.150(a)(1)(iii)

Recommended Penalty: \$8,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000

Violation #1 – 40 CFR 61.145(c)(6) - \$2,000

Violation #2 - 40 CFR 61.150(a)(1)(iii) - \$2,000

III. ADJOURNMENT

11:13 a.m.