



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 7, 2019

Hearing Officer: Christine T. Smith

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
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. AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Source ID: 372)

NOV #9307 – For not taking reasonable precautions and operating with excessive fugitive dust emissions that extended more than 150 yards from Emission Units: A045 and A046a; and for allowing controllable particulate matter to become airborne throughout the facility grounds, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Construction Notice period on June 7, 2019 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,500.00

Violation #1 – Permit condition III.C.10

Permit condition III.C.11

Violation #2 – Permit condition III.C.10

Section 41.1.2

Continued from 9/19/2019

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOVS #9307 AND 9312, WHICH INCLUDES A \$5,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

2. **AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Source ID: 372)**

NOV #9312 – For allowing controllable particulate matter to become airborne throughout the facility, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Dust Advisory period on June 20, 2019 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Permit condition III.C.10
Section 41.1.2

Continued from 9/19/2019

SEE #1 ABOVE.

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. **CN LICENSECO I, INC. (Source ID: 17744)**

NOV #9358 – For allowing the discharge of such quantities of air contaminants from the facility to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Jeff Robb during a complaint investigation on September 13, 2019 at the CN Licenseco I, Inc. facility located at 3950 North Bruce Street, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

Violation #1 – 2019 Permit condition 2.2.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

2. **D. R. HORTON, INC. (DCOP # 50354)**

NOV #9345 – For causing a fugitive dust plume that exceeded 50% opacity as measured using the Instantaneous Method, as identified by Air Quality Specialist Cris Melo during complaint investigation on August 19, 2019 at the La Madre Jones construction project located at 5075 North Jones Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

3. **GREYSTONE NEVADA, LLC (DCOP #50631)**

NOV #9337 – For causing fugitive dust that exceeded 50% opacity as measured using the Instantaneous Method, as identified by Air Quality Specialist Cris Melo during a complaint investigation on August 6, 2019 at the Valley Vista 5.1 construction project located at the southwest corner of Elkhorn Road and Aviary Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.1

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

4. **GREYSTONE NEVADA, LLC (DCOP #50201)**

NOV #9355 – For failing to implement Best Available Control measures resulting in a fugitive dust plume to cross the property line, as identified by Air Quality Specialist Cris Melo while performing a routine inspection during a Dust Advisory period on September 28, 2019 at the Sedona Ranch construction project located on the southwest corner of El Campo Grande Avenue and Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

5. **GYPSUM RESOURCES, LLC (Part 70 Source ID: 17286)**

NOV #9339 – For allowing fugitive dust from the unpaved BLM haul road to become airborne without taking reasonable precautions; for operating Emission Units: A01 and A05 without effectively controlling and venting particulate matter to the baghouse; and for conducting truck loading activities with a front-end loader that allowed controllable particulate matter to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialists Scott Rowsell, Camon Liddell, Jeff Robb, and Air Quality Specialist II Pat Ringgenberg during complaint investigations conducted on August 16, 19, 20 and 21, 2019 of the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

***Continued to the next page.**

GYPSUM RESOURCES, LLC continued

Violation(s) alleged:

Recommended Penalty: \$60,000.00

- Violation #1 – Part 70 Permit condition III.B.3.23
Part 70 Permit condition III.B.3.29
- Violation #2 – Part 70 Permit condition III.B.3.6
Part 70 Permit condition III.B.3.7
Part 70 Permit condition III.B.3.10
- Violation #3 – Part 70 Permit condition III.B.3.29

GYPSUM RESOURCES, LLC CHANGED ITS PLEA TO CONTESTING ONLY THE RECOMMEND PENALTY IN NOV #9339.

THIS CASE WAS MOVED TO THE END OF THE DOCKET TO BE HEARD.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$60,000.00

- Violation #1 – Part 70 Permit condition III.B.3.23 - \$40,000.00**
Part 70 Permit condition III.B.3.29
- Violation #2 – Part 70 Permit condition III.B.3.6 - \$10,000.00**
Part 70 Permit condition III.B.3.7
Part 70 Permit condition III.B.3.10
- Violation #3 – Part 70 Permit condition III.B.3.29 - \$10,000.00**

6. KB HOME LAS VEGAS INC. (DCOP #48830)

NOV#9338 – For allowing mud or dirt to be tracked out onto a paved road where the mud or dirt extended 50 feet or more, as identified by Air Quality Specialist Ross Grover during an inspection on August 8, 2019 at the Inspirada POD 7-2 construction project located at Via Centro and Via Inspirada, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

7. MIDJIT MARKET, INC. (Source ID: 9179)

NOV #9340 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on August 20, 2019 of the gasoline dispensing operation known as Green Valley Grocery #46 located at 234 Arroyo Grande Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,720.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,720.00

8. **PN II, INC. (DCOP #50691)**

NOV #9342 – For causing a fugitive dust plume that exceeded 50% opacity as measured using the Instantaneous Method, as identified by Senior Air Quality Specialist Andrew Kirk during an inspection on August 27, 2019 at the Binion 80 construction project located on the northwest corner of East Centennial Parkway and Losee Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

9. **PRECISION AGGREGATE PRODUCTS, LLC (Source ID: 15694)**

NOV #9341 – For operating an Emission Unit subject to the requirements of 40 CFR Part 63, Subpart ZZZZ and failing to demonstrate compliance on or before the 40 CFR Part 63, Subpart ZZZZ compliance date of May 3, 2013, as identified by Air Quality Specialist Tim Fogarty and Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation conducted on July 23, 2019 of their construction sand and gravel, and ready-mix concrete manufacturing operation located at the BLM Community Pit in Mesquite, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,280.00

Violation #1 – Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6595(a)(1)

Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6612(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,280.00

10. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Source ID: 16539)**

NOV #9352 – For exceeding the SO₂ lb/MMBtu emission limitation on Emission Units: A01 and A02 during a performance test, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation conducted on July 16, 2019 of the Electrical Services operation known as Apex Regional Landfill located at 13550 US Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$22,720.00

Violation #1 – 2017 Permit condition IV.B.1.c

2017 Permit Table III-B-3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$22,720.00

11. ROCHE CONSTRUCTORS, INC. (DCOP #50719)

NOV #9359 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway; and for failing to fully implement Best Available Control measures resulting in a fugitive dust plume to extend over 100 feet in length horizontally from the point of origin, as identified by Air Quality Specialist Carlton Monroe while performing a complaint investigation during a Construction Notice period on September 10, 2019 at the Edwards Elementary School Replacement construction project located at 4551 East Diamond Head Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

Violation #1 – Section 94.11.6 - \$1,500.00

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

12. SIERRA READY MIX LIMITED LIABILITY COMPANY (Source ID: 15791)

NOV #9335 – For allowing controllable particulate matter, originating from Emission Units: A08, A25, A27, A28, to become airborne and extend more than 250 yards from the point of origin, as identified by Senior Air Quality Specialists Scott Rowsell and Dawn Leaper during a partial compliance evaluation conducted on August 5, 2019 of the dry/wet aggregate plant operation located 4.7 miles South of Prison Road near Jean, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – 2018 Permit condition IV.B.1

2018 Permit condition IV.B.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

13. SIERRA READY MIX LIMITED LIABILITY COMPANY (Source ID: 15791)

NOV #9349 – For discharging fugitive dust from front-end loader operations in the gravel pit that traveled in excess of 100 yards from the point of origin; and for allowing controllable particulate matter from conveyors and stackers to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol on September 12, 2019 at the Sierra Ready Mix facility located approximately 4.7 miles south of Prison Road near Jean, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,000.00

Violation #1 – 2018 Permit condition IV.B.8

Violation #2 – 2018 Permit condition IV.B.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

Violation #1 – 2018 Permit condition IV.B.8 - \$3,000.00

Violation #2 – 2018 Permit condition IV.B.1 - \$2,000.00

14. SLETTEN CONSTRUCTION OF NEVADA, INC. (DCOP #50109)

NOV#9343 – For allowing tracked out mud or dirt to extend greater than 50 feet in length and greater than ¼ inch in depth onto a paved road; and for failing to maintain a trackout control device in an effective condition at all access points where paved and unpaved access intersect, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation and follow-up inspections on August 9 and 10, 2019 at the SECTA construction project located at 5710 Mountain Vista Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Section 94.11.6 - \$1,250.00

Violation #2 – Section 94.9.2 - \$2,750.00

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

NOV#9346 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Elizabeth Rubio during an inspection on August 6, 2019 at the Planning Area 18 Access Road construction project located south of Horizon Ridge Parkway on Viento Puntero Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(b)

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

16. TERRIBLE HERBST, INC. (Source ID: 9322)

NOV #9344 – For failing to conduct and pass initial Phase I vapor recovery system tests within 180 days of the issuance of the 2017 Permit, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on August 29, 2019 of the gasoline dispensing operation known as Terrible's #136 located at 3710 South Nellis Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – 2017 Permit condition IV.B.3

2017 Permit condition IV.D.4.c

Recommended Penalty: \$5,700.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,700.00

17. TERRIBLE HERBST, INC. (Source ID: 9484)

NOV #9347 – For removing the Phase II vapor recovery system without a permit revision authorizing such modification; for failing to submit the vapor recovery system testing results within 60 days after successful completion of the tests; and for operating Emission Unit: A01 with a broken and loose fill side adaptor cap, and a loose fill side adaptor, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on August 29, 2019 of the gasoline dispensing operation known as Terrible Herbst #170 located at 599 West Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,233.00

- Violation #1 – Permit condition II.A.9
Permit condition IV.B.1.d
- Violation #2 – Permit condition IV.D.6
- Violation #3 – Permit condition IV.B.1.b.iv

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,233.00

- Violation #1 – Permit condition II.A.9 - \$1,420.00**
Permit condition IV.B.1.d
- Violation #2 – Permit condition IV.D.6 - \$1,813.00**
- Violation #3 – Permit condition IV.B.1.b.iv - \$1,000.00**

18. TERRIBLE HERBST, INC. (Source ID:9495)

NOV #9348 – For removing the Phase II vapor recovery system without a permit revision authorizing such modification; and for failing to conduct vapor recovery system tests within 180 days of modifying the facility by removing the Phase II vapor recovery system, as identified by Air Quality Specialist Pat Ringgenberg during a partial compliance evaluation conducted on September 5, 2019 of the gasoline dispensing operation known as Terrible Herbst #165 located at 1785 East Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,120.00

- Violation #1 – Permit condition II.A.9
- Violation #2 – Permit condition IV.D.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,120.00

- Violation #1 – Permit condition II.A.9 - \$3,120.00**
- Violation #2 – Permit condition IV.D.4.a - \$1,000.00**

19. TERRIBLE HERBST, INC. (Source ID: 9482)

NOV #9354 – For removing the Phase II vapor recovery system without a permit revision authorizing such modification; and for failing to conduct vapor recovery system tests within 180 days of modifying the facility by removing the Phase II vapor recovery system, as identified by Air Quality Specialist Pat Ringgenberg during a partial compliance evaluation conducted on October 2, 2019 of the gasoline dispensing operation known as Terrible Herbst #162 located at 6650 West Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,670.00

Violation #1 – Permit condition II.A.9

Violation #2 – Permit condition IV.D.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,670.00

Violation #1 – Permit condition II.A.9 - \$3,410.00

Violation #2 – Permit condition IV.D.4.a - \$1,260.00

20. THE FISHEL COMPANY (DCOP #50676)

NOV #9361 – 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 Allan Gutierrez while performing an inspection during the Dust Advisory period on September 28, 2019 at the Sahara Staging Area - Temporary project located at 8007 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

21. TRADE WEST CONSTRUCTION, INC. (DCOP #51070)

NOV #9356 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Carlton Monroe during an inspection on September 5, 2019 at the Town Wash Sediment Fill Area construction project located at 625 Canyon Crest Boulevard, in Mesquite, 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

22. **WESTERN STATES CONTRACTING, INC. (DCOP #48860)**

NOV #9365 – For failing to fully implement Best Available Control Measures resulting in fugitive dust plumes to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Katrinka Byers while performing a complaint investigation during a Dust Advisory period on September 16, 2019 and a follow-up inspection during a Construction Notice period on September 19, 2019 at the Bella Vista construction project located south of Horizon Ridge Parkway and east of Viento Puntero Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **ALSTON CONSTRUCTION COMPANY, INC. (DCOP #50454)**

NOV #9366 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Katrinka Byers during an inspection on September 25, 2019 at the Project Hope construction project located at 12300 Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

2. **DOUMANI DEVELOPMENT, LLC (DCOP #50747)**

NOV #9363 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Cris Melo during a complaint investigation on August 7, 2019 at the Doumani Entrance and Exit Site construction project located on the northwest corner of Lamb Boulevard and Tropical Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.11.6

DOUMANI DEVELOPMENT, LLC CHANGED ITS PLEA TO NOT CONTESTING NOV #9363.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

3. **GILLETT CONSTRUCTION, LLC (DCOP #51015)**

NOV #9364 – For failing to fully implement Best Available Control measures resulting in a fugitive dust plume to cross the property line, as identified by Air Quality Specialist Ross Grover while performing an inspection during a Dust Advisory period on September 28, 2019 at the Pyle South Clear & Grub construction project located on the southwest corner of Pyle Avenue and Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11. 3(c)

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

4. **THE HOWARD HUGHES COMPANY, LLC (DCOP #48454)**

NOV #9350 – For causing a fugitive dust plume that exceeded 50% opacity as measured using the Instantaneous Method, as identified by Air Quality Specialist Heath Richards during an inspection on August 27, 2019 at the Summerlin 3665 Zone Reservoir Inlet Outlet Pipeline & Reservoir construction project located north of Far Hills Avenue and Sky Vista Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.1

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Stationary Sources Violations:

5. **BOYD GAMING CORPORATION (Source ID: 16102)**

NOV #9328 – For failing to conduct and maintain records onsite for four burner efficiency tests during 2017, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on July 11, 2019 of the casino and hotel operation known as Aliante Casino and Hotel located at 7300 Aliante Parkway, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – 2017 Permit condition IV.C.6
2017 Permit condition IV.E.1.f

Recommended Penalty: \$4,000.00

Continued from 9/19/2019

AIR QUALITY AMENDED NOV #9328 EXCLUDING FAILURE TO CONDUCT THE FOUR BURNER EFFICIENCY TESTS FROM VIOLATION #1 2017 PERMIT CONDITION IV.C.6 REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$2,000.00.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

Recess at 10:40 a.m.

Resumed at 10:50 a.m.

6. **GYP SUM RESOURCES, LLC (Part 70 Source ID: 17286)**

NOV #9321 – For allowing fugitive dust emissions from the unpaved BLM haul road without taking reasonable precautions, as identified by Senior Air Quality Specialists Scott Rowsell and Camon Liddell during a complaint investigation conducted on July 8, 2019 of the gypsum mining and processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

Violation #1 – Part 70 Permit condition III.B.3.23
Part 70 Permit condition III.B.3.29

Continued from 9/19/2019

THIS CASE WAS MOVED TO THE END OF THE DOCKET TO BE HEARD.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

7. **GYP SUM RESOURCES, LLC (Part 70 Source ID: 17286)**

NOV #9324 – For operating the processing equipment Emission Units: A01 (vibrating grizzly feeder), A05 (HSI crusher), and A10 (surge bin) with damaged ductwork that was disconnected from the emission hoods that direct particulate matter to the associated control devices (CDs: D01 and D02); and for allowing fugitive dust emissions from the unpaved BLM haul road to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialist Scott Rowsell and Air Quality Specialist Syed Hyder during a partial compliance evaluation and follow-up inspection conducted on June 25 and 26, 2019 of the gypsum mining and processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$15,500.00

Violation #1 – Part 70 Permit condition III.B.3.6
Part 70 Permit condition III.B.3.7
Part 70 Permit condition III.B.3.10
Violation #2 – Part 70 Permit condition III.B.3.23
Part 70 Permit condition III.B.3.29

Continued from 9/19/19

THIS CASE WAS MOVED TO THE END OF THE DOCKET TO BE HEARD.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$15,500.00

Violation #1 – Part 70 Permit condition III.B.3.6 - \$10,000.00
Part 70 Permit condition III.B.3.7
Part 70 Permit condition III.B.3.10
Violation #2 – Part 70 Permit condition III.B.3.23 - \$5,500.00
Part 70 Permit condition III.B.3.29

8. **REBEL OIL COMPANY, INCORPORATED (Source ID: 15983)**

NOV #9362 – For failing to route emissions to the vapor recovery system during unloading of ethanol from railroad tank cars to the 30,000 underground storage tank; for operating Emission Unit (EU): A01 without connections to the vapor recovery system; for constructing and operating four racing gasoline storage tanks without a permit authorizing construction and operation; for failing to route emissions of racing gasoline to the vapor recovery system during loading of tanker trucks and failing to operate emissions control devices for individual EUs; for failing to maintain monthly visual emissions check records for January, February, April, May, June and July 2019 to demonstrate that visual emissions checks were conducted; for failing to maintain fire pump testing records for January, February, April, May, June and July 2019; failing to submit the 2017 annual report on or before March 31, 2018, and failing to submit the 2018 annual report on or before March 31, 2019; and for failing to report throughput and emissions from EUs: A01, A05 and B01, and reporting incorrect emissions for EUs that operated without the required control equipment, as identified by Air Quality Specialist II Syed Hyder during a partial compliance evaluation conducted on August 21, 2019 of the petroleum bulk station and terminal operation of Rebel Oil Company, Inc. located at 5095 East El Campo Grande Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$30,465.00

- Violation #1 – 2017 Permit conditions IV.B.6 and IV.B.9
2017 Permit table IV-B-1
February 2019 Permit condition 2.2.3
- Violation #2 – 2017 Permit condition IV.B.5
- Violation #3 – 2017 Permit condition II.A.8
- Violation #4 – 2017 Permit conditions IV.B.6 and IV.B.9
2017 Permit table IV-B-1
February 2019 Permit condition 2.2.2 for Loading Racks
- Violation #5 – February 2019 Permit condition 4.1.1
2017 Permit condition IV.C.1
- Violation #6 – February 2019 Permit condition 4.3.1.e
July 2019 Permit condition 4.3.1.h
- Violation #7 – 2017 Permit condition II.C.5.a.ii
- Violation #8 – 2017 Permit condition II.C.5.b.iii

REBEL OIL COMPANY, INCORPORATED REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED REBEL OIL COMPANY, INCORPORATED'S CASE TO JANUARY 16, 2020.

Asbestos Violations:

9. **4693 E FLAMINGO LLC (Project #191072)**

NOV #9351 – For failing to thoroughly inspect the facility for the presence of asbestos, prior to conducting renovation activities, as identified during an inspection by Air Quality Specialist Kevin Adoor on September 9, 2019 at a facility owned and/or operated by 4693 E Flamingo, LLC, located at 4693 East Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,950.00

Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,950.00

III. ADJOURNMENT 12:45 p.m.