





Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – March 13, 2013

Hearing Officer: Lori Wohletz

Staff:

 Gary Miller, Compliance and Enforcement Manager
 Michael Uhl, Principle Air Quality Specialist

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. STATION GVR ACQUISITION, LLC

NOV #8377 – For installing and operating a 1.2 MMBtu/hr water heater and three 1.99 MMBtu/hr RBI boilers without an approved Minor Source Permit; for failure to perform semi-annual burner efficiency tests on two Unilux boilers [Emission Units (EUs) A01 and A02] two times each year; for completing subsequent performance testing for EUs A01 and A02 more than 23 months beyond the required test date; for failing to record daily hours of operation for two Cummins emergency diesel generators EUs B01 and B02; and for failing to calculate and report total emissions for emergency generator EU B02 during calendar year 2009 at the Green Valley Ranch Resort Spa & Casino by Station GVR Acquisition, LLC, Source: 1501, located at 2300 Paseo Verde Parkway, in Clark County, Nevada.

STATION GVR ACQUISITION, LLC continued

Violation(s) alleged: Subsection 12.1.1.1
Subsection 12.8.1
Subsection 49.4.2
Subsection 49.5.3

Recommended Penalty: \$14,500

Violation #1 - Permit Condition II-9
Violation #2 - Permit Condition IV-E-2
Violation #3 - Permit Condition IV-F-5
Violation #4 - Permit Condition IV-G-3-b
Violation #5 - Permit Condition IV-H-2-c

HEARING OFFICER CONSIDERS STATION GVR ACQUISITION, LLC TO BE IN COMPLIANCE.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$14,500

B. ACTION REQUIRED

1. CERTAINTEED GYPSUM MANUFACTURING, INC.

NOV #8369 - For failing to verify and log daily pressure differential readings for two baghouses; [Emission Units (EUs) BH21 and BH22]; for failing to conduct visual inspections of baghouse interiors for air leaks for nine of 24 baghouses; for conducting subsequent performance testing more than two months beyond the required test date; and for exceeding the short-term emission limit of 0.022 gr/dscf during a performance test of a baghouse (EU BH01), identified during a full compliance evaluation conducted from July 15, 2010 through June 19, 2012 of the CertainTeed Gypsum Manufacturing, Inc. gypsum product manufacturing facility, Source: 4, located at 13500 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.5.2.6(d)
Violation #1 - Permit Condition III-C-7
Violation #2 - Permit Condition III-C-8
Violation #3 - Permit Condition III-D-2
Violation #4 - Permit Condition III-B-1-c

Recommended Penalty: \$16,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$14,000

Violation #1 - Permit Condition III-C-7 - \$2,000
Violation #2 - Permit Condition III-C-8 - \$4,000
Violation #3 - Permit Condition III-D-2 - \$4,000
Violation #4 - Permit Condition III-B-1-c - \$4,000

2. **HOLLY ENERGY PARTNERS D/B/A UNEV PIPELINE, LLC**
NOV #8368 (Amended) – For exceeding emission limitations of 2.4 mg/L specified for a Jordan Technologies Vapor Recovery Unit listed as Emission Unit A10 in the Authority To Construct permit, identified during the review of performance test results submitted to Air Quality by Holly Energy Partners d/b/a UNEV Pipeline, LLC on July 17, 2012, for a Petroleum Products Mixing/Transfer Station, Source: 16157, located near the intersection of I-15 and U.S. Highway 93 in the Apex Valley, in Clark County, Nevada. The Amended NOV contained a compliance plan that describes a timeline as to when the facility would be in compliance with applicable permit condition.

Violation(s) alleged: Subsection 12.8.1
Subsection 12.8.1.2
Violation #1 - Permit Condition IV-A-2-b

Recommended Penalty: \$4,000

FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,500

3. **GRANITE PETROLEUM, INC.**
NOV #8374 – For failing to implement Best Available Control Measures and allowing soils along a haul route within the site to become unstable and conducive to the formation of fugitive dust by either mechanical disturbance, or wind erosion; and for failing to have the onsite construction supervisor/foreman and water truck driver complete the required Dust Control Class, identified during a complaint response inspection on September 20, 2012 at the Cathedral Rock Picnic Area Reconstruction Project by Granite Petroleum, Inc., located approximately 40 miles northwest of Las Vegas on Mt. Charleston, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.7.6.1
Subsection 94.7.6.2

Recommended Penalty: \$1,250

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,250

4. **R & O CONSTRUCTION COMPANY**
NOV #8375 – For failing to implement Best Available Control Measures during a Dust Advisory and allowing extensive areas within the site 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 extend more than 100 feet, horizontally or vertically, from the point of origin and crossing a property line. The alleged violations were identified during a site inspection on November 8, 2012 at the Dollar General – MLK construction site of R&O Construction Company, located near the southwest corner of Lake Mead and Martin Luther King Boulevards, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.11.3

Recommended Penalty: \$3,000

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,500
Subsection 94.9.1 - \$500
Subsection 94.11.3 - \$1,000

5. **KMI ZEOLITE, INC.**

NOV #8378 – For failing to conduct daily visual emissions checks of emission units while they are in operation; for failing to take immediate action to correct causes of fugitive/stack emissions that appear to exceed opacity limits; for failing to monitor the pressure drop across each baghouse cell; for failure to maintain onsite records of visible emissions, baghouse pressure differential readings and control device inspections, maintenance or repairs; and for causing a nuisance on December 11, 2012 at the KMI Zeolite, Inc. processing facility, Source: 680, located in Sandy Valley, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.4.1(d)
Subsection 40

Recommended Penalty: \$14,000

- Violation #1 - Permit Condition IV-C-7
- Violation #2 - Permit Condition IV-C-3-a
- Violation #3 - Permit Condition IV-C-5
- Violation #4 - Permit Condition IV-E-1
- Violation #5 - Permit Condition IV-B-4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,500

- Violation #1 - Permit Condition IV-C-7 - \$2,500**
- Violation #2 - Permit Condition IV-C-3-a - \$2,500**
- Violation #3 - Permit Condition IV-C-5 - \$2,500**
- Violation #4 - Permit Condition IV-E-1 - \$1,500**
- Violation #5 - Permit Condition IV-B-4 - \$2,500**

6. **VALLEY AUTOMALL OWNER'S ASSOCIATION**

NOV #8379 - For failing to maintain the drybreak on the vapor recovery pipe of the premium unleaded gasoline storage tank in a vapor tight condition; for failing to maintain all Phase II vapor recovery equipment to be leak free, vapor tight and in good working order; and for failing to submit annual gasoline throughput reports for calendar years 2009 and 2011, identified during a full compliance evaluation on October 24, 2012 at the Valley Automall Owner's Association gasoline dispensing operation, Source: 9049, located at 300 Automall Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1
Violation #1 - Permit Condition V-B-4
Violation #2 - Permit Condition V-C-3
Violation #3 - Permit Condition IX-B

Recommended Penalty: \$3,500

VALLEY AUTOMALL OWNER'S ASSOCIATION DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500

RECESS 11:02 a.m.

RESUME 11:07 a.m.

7. SOUTHERN NEVADA DIRT SOLUTIONS COMPANY

NOV #8380 - For failing to implement Best Available Control Measures, and allowing a dust plume to cross a property line during a Construction Notice, as documented during a routine inspection on January 10, 2013 at the Runvee Parcel 3 construction site, located at the northwest corner of Lamb Boulevard and I-15, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3

Recommended Penalty: \$4,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000

8. WILLIAM LYON HOMES COMPANY

NOV #8376 – For failing to implement Best Available Control Measures; and for allowing a dust plume to extend more than 100 yards, horizontally or vertically, from the point of origin during a Dust Advisory, identified during a routine inspection on November 8, 2012 at the Serenity Ridge construction site of William Lyon Homes Company, located southwest of Ann Road and Grand Canyon Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.11.2

Recommended Penalty: \$4,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000

Subsections 94.9.1 and 94.11.2 - \$3,000

III. ADJOURNMENT

11:25 a.m.