



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 18, 2021

Hearing Officer: Lona Webb

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Ross Grover, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

A handwritten signature in blue ink, appearing to be "SP", located to the right of the Air Quality Staff list.

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).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is required.

In order to limit the size of the meeting, each case on the contested portion of the docket has been assigned a time to be heard.

I. CALL TO ORDER 9:03 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. 2441 HIGHLAND DRIVE, LLC AND ELLIOT ZORENSKY, INDIVIDUALLY (Project #202003)

NOV #9490 – 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 Materials (RACM) from 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 (NESHAP) asbestos regulations and the means of complying with them; for allowing visible emissions and failing to seal all Asbestos-Containing Waste Materials in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified by Air Quality Specialist Whitney Francis during an inspection while on routine patrol on August 6, 2020 at a commercial building located at 2411 Highland Drive, in Clark County, Nevada.

2441 HIGHLAND DRIVE, LLC AND ELLIOT ZORENSKY, INDIVIDUALLY continued

Violation(s) alleged: Recommended Penalty: \$8,750.00
Violation #1 – Section 13.1, 40 CFR 61 Subpart M, §61.145(a)
Violation #2 – Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(1)
Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(3)(i)
Violation #3 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(1)
Violation #4 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(6)(i)
Violation #5 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(8)
Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a) and §61.150(a)(1)(iii)
Violation #7 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv)

Continued from 1/21/2021

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9490, WHICH INCLUDED AN \$8,750.00 SETTLEMENT AMOUNT THAT WAS PAID IN FULL ON MARCH 15, 2021.

2. POLY-WEST, INC. (Source ID: 15534)

NOV #9498 – 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 Scott Rowsell during a nuisance odor complaint investigation on October 22, 2020 of Poly-West, Inc.’s minor stationary source consisting of a plastic bag manufacturing operation at 251 Conestoga Way, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,250.00
Violation #1 – Permit condition 2.2.14

Continued from 1/21/2021

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT AND EXHIBIT 1 FOR NOVS #9498 AND 9503, WHICH INCLUDED A \$5,832.50 SETTLEMENT AMOUNT TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

3. **POLY-WEST, INC. (Source ID: 15534)**

NOV #9503 – For operating the Facility with an unpermitted activity throughout the Full Compliance Evaluation Period; for allowing actual VOC emissions to exceed the Potential To Emit (PTE) from 2019 Permit Table 3-1 during calendar year 2019 and 2020 Permit Table 3-1 during calendar year 2020; and for allowing actual VOC emissions to exceed the Emission Unit PTE from 2019 Permit and 2020 Permit Table 3-2 during calendar years 2019 and 2020, as identified by Senior Air Quality Specialist Camon Liddell during an onsite Full Compliance Evaluation on November 4, 2020 at Poly-West, Inc.'s minor stationary source consisting of a plastic bag manufacturing operation located at 251 Conestoga Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$22,080.00

Violation #1 – 2014 Permit condition II.A.9
2018 Permit condition 5.1.8
2019 Permit condition 5.1.9
2020 Permit condition 5.1.10

Violation #2 – 2019 Permit and 2020 Permit condition 3.2.1

Violation #3 – 2019 Permit and 2020 Permit condition 3.2.2

Continued from 1/21/2021

SEE #2 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. **GEORGIA-PACIFIC GYPSUM LLC (Part 70, Source ID: 593)**

NOV #9516 – For exceeding the permit limitation for PM₁₀ on baghouse, BH-01, as identified by Senior Air Quality Specialist Jeff Robb during an offsite Partial Compliance Evaluation on January 11, 2021 of the performance test results report for Georgia-Pacific Gypsum LLC's major stationary source consisting of a gypsum wallboard and plaster manufacturing operation located at 11401 US Highway 91, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,040.00

Violation #1 – 2019 Permit condition III.B.1.g

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,040.00

2. **JEAN VENTURES, LLC (Source ID: 9545)**

NOV #9517 – For failing to conduct and maintain records of Phase II vapor recovery system inspections; for failing to conduct and pass initial vapor recovery system tests within 180 days of startup of the vapor recovery equipment on the east and west gasoline dispensing operations; for failing to submit vapor recovery system test results report within 60 days of the date of the tests; and for failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, and initial vapor recovery system tests after decommissioning of the Phase II vapor recovery system and within 180 days of the issuance of the January 2020 Permit 9545, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite Full Compliance Evaluation on December 31, 2020 of the Jean Ventures, LLC gasoline dispensing operation known as Terrible’s Roadhouse located at 22625 State Highway 161 and Terrible’s #701 located at 1 Main Street, in Jean, Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$26,185.00
Violation #1 – 2018 Permit 17938 conditions IV.C.4(a, c, d, g and h)
2018 Permit 17938 condition IV.E.2.a
October 2020 Permit conditions 4.1.9(a through d, f and g)
October 2020 Permit condition 4.3.1.e
Violation #2 – 2018 Permit 17938 condition IV.D.4.a
Violation #3 – 2018 Permit 17938 condition IV.D.6
Violation #4 – January 2020 Permit 9545 condition 4.2.4.c
January 2020 Permit 9545 Table 4-1
January 2020 Permit 9545 condition 4.2.4.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$26,185.00

Violation #1 – 2018 Permit 17938 conditions IV.C.4(a, c, d, g and h)	- \$6,960.00
2018 Permit 17938 condition IV.E.2.a	
October 2020 Permit conditions 4.1.9(a through d, f and g)	
October 2020 Permit condition 4.3.1.e	
Violation #2 – 2018 Permit 17938 condition IV.D.4.a	- \$14,960.00
Violation #3 – 2018 Permit 17938 condition IV.D.6	- \$1,145.00
Violation #4 – January 2020 Permit 9545 condition 4.2.4.c	- \$3,120.00
January 2020 Permit 9545 Table 4-1	
January 2020 Permit 9545 condition 4.2.4.b	

3. **NEVADA SPEEDWAY, LLC (Source ID: 9752)**

NOV #9514 – For failing to conduct and maintain monthly records of visual emission checks; for failing to conduct and maintain records of operation for continuous-duty, diesel fired generators (Emission Units (EUs): A03 through A06)), emergency diesel-fired generators (EUs: A07, A07, and A15), and the diesel-fired fire pump (EU: A09); for failing to conduct and maintain records of maintenance for the continuous-duty, diesel-fired generators (EUs: A03 through A06) for the 2019 and 2020 calendar years; and 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 Senior Air Quality Specialist Scott Rowsell during an onsite Full Compliance Evaluation covering the time period of March 10, 2018 through December 10, 2020, at Nevada Speedway, LLC’s motor racing operation that hosts various types of public racing events known as Las Vegas Motor Speedway located at 7000 North Las Vegas Boulevard, in Clark County, Nevada.

**Continued on the next page.*

NEVADA SPEEDWAY, LLC continued

Violation(s) alleged: Recommended Penalty: \$9,730.00
Violation #1 – 2014 Permit condition IV.C.1
2014 Permit condition IV.E.1.a
2019 Permit condition 4.1.1
2019 Permit condition 4.3.1.a
Violation #2 – 2014 Permit condition IV.C.5
2014 Permit conditions IV.E.2.c and d
2019 Permit condition 4.1.5
2019 Permit conditions 4.3.1.1 through n
Violation #3 – 2019 Permit conditions 2.2.7.a through c
Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6655(e)(3)
Violation #4 – 2014 Permit condition IV.D.4.b
2014 Permit Table IV-D-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$9,730.00

Violation #1 – 2014 Permit condition IV.C.1	- \$1,330.00
2014 Permit condition IV.E.1.a	
2019 Permit condition 4.1.1	
2019 Permit condition 4.3.1.a	
Violation #2 – 2014 Permit condition IV.C.5	- \$1,000.00
2014 Permit conditions IV.E.2.c and d	
2019 Permit condition 4.1.5	
2019 Permit conditions 4.3.1.1 through n	
Violation #3 – 2019 Permit conditions 2.2.7.a through c	- \$1,000.00
Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6655(e)(3)	
Violation #4 – 2014 Permit condition IV.D.4.b	- \$6,400.00
2014 Permit Table IV-D-1	

4. OLTMANS CONSTRUCTION COMPANY (DCOP #53122)

NOV #9513 – For allowing tracked out soil to extend greater than 50 feet in length onto East Larson Lane, as identified by Air Quality Specialist Heath Richards while performing a routine inspection during a Construction Notice period on November 18, 2020 at the Haas Automation Phase I Buildings 1-3, Henderson construction project located at 2055 Via Inspirada, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,500.00
Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

5. **PIER CONSTRUCTION & DEVELOPMENT, LLC (DCOP #51620)**

NOV #9520 – For failing to implement Best Available Control Measures necessary to maintain dust control while performing sawing/cutting activities, as identified by Air Quality Specialist Allan Gutierrez during a routine inspection on January 30, 2021 at The Centennial construction project located on the southeast corner of Rome Boulevard and Goldfield Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

6. **RAFAEL CONSTRUCTION, INC. (DCOP #52475)**

NOV #9518 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Tony Pathyil and Air Quality Supervisor David Dean during a routine inspection on January 13, 2021 at the Buffalo and Russell Neighborhood Park On-Site Improvements construction project located on the southwest corner of Buffalo Drive and Diablo Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,750.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

7. **ROSENDIN ELECTRIC, INC. (DCOP #51662)**

NOV #9519 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart, Senior Air Quality Specialist Andrew Kirk, and Air Quality Specialist Heath Richards during routine and follow-up inspections on December 10, 17, 28, 29, 2020, and January 6, 14, and 21, 2021 at the Techren 5 construction project located 15103 95 South Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$12,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,500.00

8. **SEDONA RANCH INVESTMENT PARTNERS LLC (DCOP #49383)**

NOV #9512 – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on November 10, 2020 at the Sedona Ranch Investment, LLC construction project located on the northeast corner of North 5th Street and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #52588)**

NOV #9521 – For constructing soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings, as identified by Air Quality Specialist Katrinka Byers and Air Quality Specialist Carlton Monroe during routine and follow-up inspections on January 23, 28, and 29, 2021 at the Project Foghorn construction project located on the southwest corner of Tonopah Avenue and Woodard Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,750.00

Violation #1 – Section 94.8.4

MARTIN-HARRIS CONSTRUCTION, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED MARTIN-HARRIS CONSTRUCTION, LLC'S CASE TO MAY 20, 2021.

III. ADJOURNMENT 9:09 a.m.