




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 21, 2018

Hearing Officer: Frank J. Cremen

Air Quality Staff:  Shibi Paul, Compliance and Enforcement Manager
Jeffrey Robb, Senior Air Quality Specialist
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.

There are no signed settlement agreements at this time.

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. ERICKSON INTERNATIONAL, LLC (Source ID: 16295)

NOV #9055 – For failing to submit the performance testing protocol not less than 45 or more than 90 days prior to testing; failing to conduct performance testing on required emission units on or before the 5-year anniversary of the previous tests; and failing to submit the performance testing report within 60 days following completion of the tests, as identified during a partial compliance evaluation conducted on November 17, 2017 of Erickson International, LLC's window film manufacturing and surface coating operation at 3135 Marco Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Permit Condition IV-D-7

Violation #2 – Permit Condition IV-D-6

Violation #3 – Permit Condition IV-D-8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Permit Condition IV-D-7 - \$500.00

Violation #2 – Permit Condition IV-D-6 - \$2,000.00

Violation #3 – Permit Condition IV-D-8 - \$500.00

2. **HAND CONSTRUCTION COMPANY (DCOP #45630)**

NOV #9057 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on September 14, 21, 28 and October 2, 2017 at the Boulder Pines Apartments construction site at 4315 & 4405 Boulder Highway, in Las Vegas, Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

3. **MBK GROUP, INC. (Source ID: 17214)**

NOV #9061 – For failure to submit the 2014, 2015 and 2016 annual reports before March 31 of the following year; failure to maintain inspection records onsite; failure to conduct performance testing within 3 years of previous successful test; and failure to maintain Phase I and Phase II vapor recovery equipment, as identified during a full compliance evaluation conducted on October 26, 2017 of the gasoline dispensing operation identified as MLK ARCO AM/PM station at 1570 West Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition II-C-5-a

Violation #2 – Permit Condition IV-C-3

Permit Condition IV-C-4

Permit Condition IV-E-5-a

Violation #3 – Permit Condition IV-D-5

Violation #4 – Permit Condition IV-B-1-b-iii

Permit Condition IV-B-1-d-iii

Recommended Penalty: \$4,750.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,750.00

Violation #1 – Permit Condition II-C-5-a - \$250.00

Violation #2 – Permit Condition IV-C-3 - \$500.00

Permit Condition IV-C-4

Permit Condition IV-E-5-a

Violation #3 – Permit Condition IV-D-5 - \$2,000.00

Violation #4 – Permit Condition IV-B-1-b-iii - \$2,000.00

Permit Condition IV-B-1-d-iii

4. **MEADOW VALLEY CONTRACTORS, INC. DBA ACC SOUTHWEST (DCOP #47695)**

NOV#9049 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during a routine inspection on October 17, 2017 at the Central Freeway Channel at Cheyenne Project construction site located along I-15 South at East Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

5. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #47412)**
NOV#9056 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during a routine inspection on November 7, 2017 at the Diamante West construction site at Cheyenne Avenue and Clayton Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,000.00

6. **SPEEDEE MART, INC. (Source ID: 17817)**
NOV #9065 – For failing to conduct initial performance testing within 180 days of startup, as identified during a partial compliance evaluation conducted on January 11, 2018 of the gasoline dispensing operation identified as Speedee Mart #123 at 390 East Silverado Ranch Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-D-4-a

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00

C. CONTESTED CASES

Asbestos, Construction, and Vacant Land Violations:

1. **AIMS BUILDING SERVICES LLC (DCOP #48313)**
NOV #9072 – For failure to maintain site soils in a stabilized condition 24 hours a day, 7 days a week, and failure to implement control measures which resulted in fugitive dust from construction activities that crossed the property line as identified during routine and follow-up inspections on December 12 and 21, 2017 at the Gas Station Arville and Blue Diamond construction site at Arville Street and Blue Diamond Road SW, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3

AIMS BUILDING SERVICES LLC CHANGED ITS PLEA AND AGREED NOT TO CONTEST NOV #9072.

FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,000.00
Violation #1 – Section 94.9.2 - \$2,000.00
Violation #2 – Section 94.11.3 - \$2,000.00

2. **DC BUILDING GROUP, LLC (DCOP #47369)**

NOV #9066 – For failure to maintain site soils in a stabilized condition 24 hours a day, seven days a week; and failure to implement control measures which resulted in fugitive dust from construction activities that crossed the property line, as identified during inspections on November 2 and 16, 2017 at the Ala Charter School construction site at Ann Road and Donna Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3

DC BUILDING GROUP, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 94.9.2 - \$1,000.00

Violation #2 – Section 94.11.3 - \$2,000.00

Stationary Sources Violations:

3. **GILES PROPERTIES, LLC (Source ID: 9088)**

NOV #9067 – For failure to maintain daily inspection records onsite and failure to maintain Phase I & II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted on December 26, 2017 of the gasoline dispensing operation identified as Get N Go Giles, located at 2816 West Craig Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Permit Condition II-D-2

Violation #2 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – Permit Condition II-D-2 - \$250.00

Violation #2 – Permit Condition IV-B-1-b-iv - \$2,000.00
Permit Condition IV-B-1-d-iii

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

NOV #9006 – For failure to vent emissions from the HSI crusher and/or the cone crusher into the control device; for failure to maintain and operate Baghouse #1 to effectively control particulate matter; for failure to adequately water the unpaved haul road resulting in visible fugitive emissions; failure to implement control measures when handling gypsum material causing the release of dust plumes in excess of 100 yards in length; for handling gypsum material in a manner allowing controllable particulate matter to become airborne; for failure to maintain a certified opacity reader onsite; for failure to submit testing protocols for Baghouse #1 and Baghouse #2 at least 45 days prior to the anticipated testing dates; for failure to maintain records onsite and failure to allow the Control Officer access to copy records of all observations, readings, inspections, maintenance and repairs of the baghouses; for exceeding the particulate matter emission limits for Baghouse #1; for failure to timely conduct initial performance testing on 24 emission units; for exceeding the operational limitations by operating on Sundays and in excess of 16 hours on weekdays and of 10 hours on Saturdays; for failure to perform required daily differential pressure, visual emissions and monthly interior inspections for both Baghouses #1 and #2; for failure to perform and record the twice-daily EPA Method 22 observations; for failure to hire a third party to conduct monthly moisture testing to demonstrate compliance with the minimum moisture control; for failure to submit records requested by the Control Officer in a Section 4 Letter, as determined through multiple compliance evaluations conducted between May and June, 2017 of the gypsum manufacturing and processing facility identified as Blue Diamond Hill Gypsum at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$253,200.00

- Violation #1 – Permit Condition IV-B-5
- Violation #2 – Permit Condition IV-B-6
- Violation #3 – Permit Condition IV-B-23
Permit Condition IV-B-24
- Violation #4 – Permit Condition IV-B-16
- Violation #5 – Section 41.1.2
- Violation #6 – Permit Condition V-A-5
- Violation #7 – Permit Condition V-B-7
- Violation #8 – Permit Condition V-C-4(a, j, l)
Permit Condition II-C-6(a)
- Violation #9 – Order 2(a)
40 CFR §60.672
Permit Condition IV-A-2(d, e)
Permit Condition IV-B-8
- Violation #10 – Permit Condition V-B-3
- Violation #11 – Permit Condition IV-A-3(a, b)
- Violation #12 – Permit Condition V-A-17, 18, 20
- Violation #13 – Order 2(f)
Permit Condition V-A-1, 2
- Violation #14 – Permit Condition V-A-22
- Violation #15 – Section 4.4
Permit Condition II-C-7
Permit Condition II-D-6

**Continued from 1/17/18*

GYPSUM RESOURCES, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO MAY 16, 2018.

5. **HOT SPOT NEVADA PROPERTY, LLC (Source ID: 17212)**

NOV #9060 – For failure to conduct and maintain copies of inspections on the Phase I & Phase II vapor recovery equipment on site; failure to submit the performance test report within 60 days of completion of the tests; and failure to maintain Phase I and Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted on December 12, 2017 of the gasoline dispensing operation identified as Hot Spot Nevada Property at 4708 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

- Violation #1 – Permit Condition IV-C-3
Permit Condition IV-C-4
Permit Condition IV-E-2-a
- Violation #2 – Permit Condition IV-D-6
- Violation #3 – Permit Condition IV-B-1-b-iii
Permit Condition IV-B-1-d-iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

- Violation #1 – Permit Condition IV-C-3 - \$500.00**
Permit Condition IV-C-4
Permit Condition IV-E-2-a
- Violation #2 – Permit Condition IV-D-6 - \$500.00**
- Violation #3 – Permit Condition IV-B-1-b-iii - \$2,000.00**
Permit Condition IV-B-1-d-iii

6. **KA MANAGEMENT VEGAS, INC. (Source ID: 9133)**

NOV #9062 – For failure to maintain Phase I and Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted on December 12, 2017 of the gasoline dispensing operation identified as South Decatur Arco at 1625 South Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii

KA MANAGEMENT VEGAS, INC. DID NOT CONTEST NOV #9062.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

7. **LHOIST NORTH AMERICA OF ARIZONA, INC. (Source ID: 3)**

NOV #9064 – For failing to identify the late submittal of two 72-hour excess emission reports and an omitted 72-hour excess emission report in the annual compliance certification; failing to submit two 72-hour excess emission reports before the deadline and one omitted 72-hour excess emission report; exceeding the visible emission standard three times on Kiln 4; exceeding the visible emission standard ten times for Kilns 1, 2 and 3; allowing fugitive dust emissions for units not elsewhere classified; failing to maintain all bi-weekly visual inspections for each of the operating baghouses; failing to maintain all monthly inspection records for each of the operating baghouses to record differential pressure, fan seals and external structure; failing to maintain all bi-weekly visual inspections for each of the operating binvents; failure to maintain monthly 1-minute visible emission checks; failure to conduct cylinder gas audit tests before September 30, 2015; failure to conduct performance testing before the 5-year anniversary of previous successful tests; failure to maintain records of all bi-weekly visual inspections for each of the operating binvents; failure to maintain records of monthly 1-minute visible emission checks; and failure to submit two 72-hour excess emission reports before the deadline and omitted one 72-hour excess emission report and failed to submit a timely production report within 30 days of the end of the reporting period, as identified during a full compliance evaluation conducted on September 19, 2017 of the Lhoist North America of Arizona, Inc.’s operation at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$25,700.00

- Violation #1 – 2016 Permit condition II-D-6-c
- Violation #2 – 2015 Permit condition II-D-7-b
- Violation #3 – 2015 & 2016 Permit condition III-B-1-e
- Violation #4 – 2015 & 2016 Permit condition III-B-1-f
- Violation #5 – 2015 Permit condition III-B-3-k
- Violation #6 – 2015 & 2016 Permit condition III-C-1
- Violation #7 – 2015 & 2016 Permit condition III-C-2
- Violation #8 – 2015 & 2016 Permit condition III-C-7
- Violation #9 – 2015 Permit condition III-C-12-a
- Violation #10 – 2015 Permit condition III-C-24
- Violation #11 – 2016 Permit condition III-D-2
- Violation #12 – 2015 & 2016 Permit condition III-E-1-f
2015 & 2016 Permit condition III-E-2-h
2015 & 2016 Permit condition III-E-2-i
- Violation #13 – 2015 Permit III-E-3
- Violation #14 – 2015 Permit condition III-F-6
2015 Permit condition III-F-9

LHOIST NORTH AMERICA OF ARIZONA, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED LHOIST NORTH AMERICA OF ARIZONA, INC.’S CASE TO MAY 16, 2018.

8. **MR. K'S LV LLC (Source ID: 17312)**

NOV #9070 – For failure to submit the annual emission inventory for 2014; for submitting annual emission inventories for 2015 and 2016 after the deadlines; for failure to maintain gasoline throughput records on site; for failure to conduct vapor recovery system performance testing before the three year deadline from the previous successful tests; for failure to maintain spill buckets free of liquid; and for failure to maintain Phase II vapor recovery equipment in good working order as identified during a full compliance evaluation conducted on January 18, 2018 of the gasoline dispensing operation identified as Arco AM/PM #83316 at 3701 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Permit Condition II-C-3

Permit Condition II-D-2

Violation #2 – Permit Condition IV-D-4-b

Violation #3 – Permit Condition IV-B-1-b-iii

Violation #4 – Permit Condition IV-B-1-d-ii

Permit Condition IV-B-1-d-iii

MR. K'S LV LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED MR. K'S LV LLC'S CASE TO MAY 16, 2018.

9. **NELLIS AIR FORCE BASE (Part 70 Source ID: 114)**

NOV #9043 – For maintaining open containers holding solvent-containing cloth and paper; for failure to conduct inspections on spray booths on days they operated; for exceeding the total dissolved solids limitations for cooling towers; installing and operating four aircraft arrestor engines, one emergency generator, and one fire pump without obtaining an Authority to Construct prior to installing and operating the emission units and for installing and/or operating diesel fired light stands without obtaining a Permit modification authorizing and installation and operation; for failure of the Static Pressure Phase I vapor recovery performance test; for failure to maintain accurate records for date, duration of operation and type of fuel consumed for each of the internal combustion engines and aircraft arrestors; for failure to implement control measures on an unpaved parking lot; applying a spray coating outside of a spray booth; for failure to follow maintenance procedures on nineteen 40 CFR 63 Subpart ZZZZ engines, and operating one engine upon failing an oil test; and for failure to report intermittent compliance in the 2015 and 2016 annual compliance certifications, as identified during a full compliance evaluation conducted during multiple site inspections in the month of July 2017 of the military installation known as Nellis Air Force Base at 4430 Grison Avenue, Suite 101, in Clark County, Nevada.

**Continued on the next page.*

NELLIS AIR FORCE BASE continued

Violation(s) alleged:

Recommended Penalty: \$24,250.00

- Violation #1 – 2015 Permit Condition X-B-3-f
2015 & 2016 Permit Condition X-B-3-k
- Violation #2 – 2015 Permit Condition X-B-3-l
- Violation #3 – 2015 & 2016 Permit Condition XI-B-2-a
- Violation #4 – 2015 & 2016 Permit Condition II-B-1
2017 Permit Condition II-B-1
- Violation #5 – 2016 Permit Condition III-B-3-c-ii-16
2016 Permit Condition III-D-2
40 CFR §63.11120(a)(2)
- Violation #6 – 2016 Permit Condition V-E-1
- Violation #7 – NSR ATC/OP 114, Modification 46, Revision 1
2015 & 2016 Permit Condition VIII-B-3-b
- Violation #8 – NSR ATC/OP 114, Modification 46, Revision 1
2017 Permit Condition X-B-3-d
- Violation #9 – 2015 Permit Condition V-B-3-d-i through iv
2016 Permit Condition V-B-3-e-i through iv
- Violation #10 – 2015 & 2016 Permit Condition II-D-6-c

**Continued from 1/17/18*

NELLIS AIR FORCE BASE REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED NELLIS AIR FORCE BASE'S CASE TO MAY 16, 2018.

10. TERRIBLE HERBST, INC. (Source ID: 9494)

NOV #9059 – For failing to conduct Pressure/Vacuum Vent valve performance testing within three years of previous test, as identified during a full compliance evaluation conducted on December 7, 2017 of the gasoline dispensing operation identified as Terrible Herbst Store #171 at 6065 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition IV-D-4-b

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00**

11. TERRIBLE HERBST, INC. (Source ID: 9428)

NOV #9077 – For failure to maintain inspection records prior to November 17, 2017 onsite; and for failure to maintain Phase I and Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted on February 8, 2018 of the gasoline dispensing operation identified as Terrible Herbst #163 at 306 North Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Permit Condition II-D-2
- Violation #2 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii

TERRIBLE HERBST, INC. DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Permit Condition II-D-2 - \$500.00**
- Violation #2 – Permit Condition IV-B-1-b-iv - \$2,000.00**
Permit Condition IV-B-1-d-iii

12. WELLS CARGO, INC. (Source ID: 12)

NOV #9069 – For failing to complete construction of the odor control system no later than December 1, 2017; and for allowing the discharge of such quantities of air contaminants from the Wells Cargo, Inc. facility to cause excessive odors constituting a nuisance, as identified during complaint investigations and partial compliance evaluations conducted on November 27, December 4 and 20, 2017 of their hot mix asphalt operation at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$88,000.00

- Violation #1 – 2017 Permit Condition IV-B-25
2017 Permit Condition IV-B-26
Modified Hearing Officer’s Order
- Violation #2 – 2016 Permit Condition IV-B-32
2017 Permit Condition IV-B-39
Section 43.1

WELLS CARGO, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED WELLS CARGO, INC.’S CASE TO MAY 16, 2018.

III. ADJOURNMENT

10:06 a.m.