




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, 2019

Hearing Officer: Francine Seiden Bagim

Air Quality Staff:  Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
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.

1. CAESARS ENTERTAINMENT OPERATING COMPANY, CAESARS CONSOLIDATED PROPERTIES (Part 70 Source ID: 257)

NOV #9196 – For adding additional cooling tower cells without obtaining an Authority to Construct Permit prior to installing additional cells; for failing to report intermittent compliance in the 2015, 2016 and 2017 annual compliance certification reports; for failing to perform 21 burner efficiency tests between 2016 and 2018, at least five months apart, but no more than seven months apart; and for failing to conduct and pass subsequent Phase I vapor recovery system tests within three years of the previous vapor recovery system tests, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on August 14, 16 and 17, 2018 of the hotel/casino and other facilities at various locations in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$18,250.00
Violation #1 – October 2016 Permit Condition II.B.1	
Violation #2 – 2013 Permit Condition II.D.5.c	
March 2016 Permit, October 2016 Permit and	
2017 Permit Condition II.D.6.c	
Violation #3 – October 2016 Permit and 2017 Permit Condition III.E.5.c	
Violation #4 – 2013 Permit Condition III.E.6.h.ii	
March 2016 Permit, October 2016 Permit and	
2017 Permit Condition III.E.6.f.ii	

**Continued from 1/17/19*

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HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9196, WHICH INCLUDES A \$9,125.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

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. **CHVU, LLC (DCOP #49077)**

NOV #9240 – For failing to fully implement control measures that resulted in plumes of fugitive dust that travelled more than 100 feet from the point of origin, as identified during a routine inspection by Air Quality Specialist Katrinka Byers, on January 22, 2019 at the PA72C Unit 1 construction site near the intersection of Dragon Peak Drive and Sleeping Dragon Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(b)

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

2. **JENSEN ENTERPRISES, INC. (Source ID: 583)**

NOV #9241 – For failure to operate the baghouse and/or operate the baghouse with a functional magnehelic gauge; failure to monitor and maintain records of manufacturer specifications or a standard operating procedure to establish a normal operating pressure range; failure to monitor and maintain records onsite of daily pressure drop checks for nine baghouses; failure to monitor and maintain records of monthly visual inspections of the interior of nine baghouses; and failure to monitor and maintain records onsite of daily visual emissions checks of the Facility and daily visual emissions checks of nine baghouses, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on February 5, 2019 of the concrete manufacturing operation identified as Jensen Precast at 3853 Losee Road, in Clark County, Nevada.

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JENSEN ENTERPRISES, INC. continued

Violation(s) alleged: Recommended Penalty: \$3,500.00
Violation #1 – 2017 Permit Conditions IV.B.3 and 6
Violation #2 – 2017 Permit Condition IV.B.4
2017 Permit Conditions IV.C.8 and 10
2017 Permit Condition IV.E.1.f
2017 Permit Condition IV.E.1.d
2012 Permit Condition IV.C.10
2012 Permit Condition IV.D.5.d for Record Keeping
Violation #3 – 2012 Permit Condition IV.C.11
2017 Permit Condition IV.C.9
2012 Permit Condition IV.D.4.c for Record Keeping
2017 Permit Condition IV.E.1.e
Violation #4 – 2012 Permit and 2017 Permit Condition IV.C.1
2012 Permit Condition IV.D.4.a for Record Keeping
2017 Permit Condition IV.E.1.a
2012 Permit Condition IV.C.13
2017 Permit Condition IV.C.11

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – 2017 Permit Conditions IV.B.3 and 6 - \$2,000.00
Violation #2 – 2017 Permit Condition IV.B.4 - \$500.00
2017 Permit Conditions IV.C.8 and 10
2017 Permit Condition IV.E.1.f
2017 Permit Condition IV.E.1.d
2012 Permit Condition IV.C.10
2012 Permit Condition IV.D.5.d for Record Keeping
Violation #3 – 2012 Permit Condition IV.C.11 - \$500.00
2017 Permit Condition IV.C.9
2012 Permit Condition IV.D.4.c for Record Keeping
2017 Permit Condition IV.E.1.e
Violation #4 – 2012 Permit and 2017 Permit Condition IV.C.1 - \$500.00
2012 Permit Condition IV.D.4.a for Record Keeping
2017 Permit Condition IV.E.1.a
2012 Permit Condition IV.C.13
2017 Permit Condition IV.C.11

3. **MAVERIK, INC. (Source ID: 9917)**

NOV #9234 – For failure to conduct and maintain records onsite of all required Phase I vapor recovery system inspections; and failure to conduct and pass vapor recovery system tests within three years of previous successful tests, as identified by Air Quality Specialist Pat Ringgenberg during a full compliance evaluation conducted on December 19, 2018 of the gasoline dispensing operation identified as Maverik Store #267 at 230 North Moapa Valley Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Permit Conditions IV.C.3.a through g
Permit Condition IV.E.2.a
- Violation #2 – Permit Condition IV.D.4.b
Permit Table IV.D.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Permit Conditions IV.C.3.a through g - \$500.00**
Permit Condition IV.E.2.a
- Violation #2 – Permit Condition IV.D.4.b - \$2,000.00**
Permit Table IV.D.1

4. **MIDJIT MARKET, INC. (Source ID: 9498)**

NOV #9229 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on January 2, 2019 of the gasoline dispensing operation known as Green Valley Grocery #43 at 901 West Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – 2017 Permit Condition IV.D.4.b
2018 Permit Condition 4.2.4.c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

5. **MIDJIT MARKET, INC. (Source ID:9212)**

NOV #9232 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on January 16, 2019 of the gasoline dispensing operation identified as Green Valley Grocery #56 at 4171 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

6. **MORTENSON-MCCARTHY LAS VEGAS STADIUM, A JOINT VENTURE (DCOP #48024)**

NOV #9238 – For failing to fully implement control measures that resulted in plumes of fugitive dust to cross the property boundary, and failing to maintain a Dust Monitor onsite at all times when construction activities occur, as identified during a routine inspection by Air Quality Specialist Ross Grover, on December 31, 2018 at the Las Vegas Stadium construction site at 3333 Al Davis Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Violation #2 – Section 94.7.5.3

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – Section 94.11.3(c) - \$2,000.00

Violation #2 – Section 94.7.5.3 - \$500.00

7. **MURPHY OIL USA, INC. (Source ID: 17821)**

NOV #9243 – For exceeding the annual gasoline product throughput during 2018, as identified by Air Quality Specialist Josh Kelley during an offsite partial compliance evaluation conducted on February 11, 2019 of the gasoline dispensing operation identified as Murphy Express at 6009 West Craig Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition IV.A.3.a

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. **PARDEE HOMES OF NEVADA (DCOP #46816)**

NOV #9226 – For failing to implement control measures as approved in their Dust Mitigation Plan on their site during sawing/cutting construction activities, as identified by Air Quality Specialist Katrinka Byers during a routine inspection on December 8, 2018 at the Summerlin F&G construction site near West Sunset Road and South Hualapai Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,250.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

9. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48856)**

NOV #9225 – For allowing tracked out soil debris to extend greater than 50 feet onto a paved roadway, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on December 7, 2018 at the Summit Knoll/Summit Peak construction site southwest of East Centennial Parkway and North Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$1,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

10. R&O CONSTRUCTION COMPANY (DCOP #49631)

NOV #9224 – For failing to fully implement control measures resulting in plumes of wind-blown fugitive dust to cross the property boundary, as identified by Air Quality Specialist Ross Grover during a routine inspection on December 12, 2018 at the Maverik #451 Las Vegas construction site at 6135 West Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

11. SERVICE ROCK PRODUCTS CORPORATION (SMSP Source ID: 15387)

Amended NOV #9200 – For failing to monitor and maintain records onsite of the stockpile area and vehicle miles traveled on haul roads; failing to perform subsequent performance tests on two baghouses; failing to conduct subsequent performance tests on the diesel-fired generator's engine within 8,760 hours of operation or three years from the anniversary date of the previous successful performance tests, whichever came first; and failing to provide seven days prior written notice to the Control Officer of renting diesel-fired generators for onsite use, as identified by Senior Air Quality Specialist Scott Rowsell and Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on September 14, 2018 of the sand and gravel operation located south of Sloan Road and east of Interstate 15 South, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,250.00

Violation #1 – 2017 Permit Condition IV.C.9

2017 Permit Condition IV.E.1.f

2014 Permit Condition IV.E.2.c

2015 Permit and 2017 Permit Condition IV.E.2.b

Violation #2 – 2014 Permit, 2015 Permit and 2017 Permit Condition IV.D.3.a for Mineral Processing

Violation #3 – 2015 Permit Condition IV.D.3.b for Engines

2017 Permit Condition IV.D.4.b

Violation #4 – Section 12.1.6 (d)(2), as amended 3/18/14

**Continued from 1/17/19*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,250.00

Violation #1 – 2017 Permit Condition IV.C.9

- \$500.00

2017 Permit Condition IV.E.1.f

2014 Permit Condition IV.E.2.c

2015 Permit and 2017 Permit Condition IV.E.2.b

Violation #2 – 2014 Permit, 2015 Permit and

- \$4,000.00

2017 Permit Condition IV.D.3.a for Mineral Processing

Violation #3 – 2015 Permit Condition IV.D.3.b for Engines

- \$2,000.00

2017 Permit Condition IV.D.4.b

Violation #4 – Section 12.1.6 (d)(2), as amended 3/18/14

- \$750.00

12. TERRIBLE HERBST, INC. (Source ID: 9676)

NOV #9247 – For failure to maintain Phase I vapor recovery equipment in accordance with manufacturer’s specifications and certification requirements by operating Emission Unit: A03 with a loose fill adapter, and failure to maintain Phase II vapor recovery equipment in good working order by operating gasoline dispensers with torn hoses, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on February 8, 2019 of the gasoline dispensing operation identified as Terrible Herbst #169 at 7780 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

13. THE DENNIS GROUP, INC. (DCOP #49971)

NOV #9237 – For failing to maintain soil stability on all disturbed soils 24 hours a day, seven days a week, and allowing tracked out soil debris onto a paved roadway resulting in fugitive dust, as identified by Air Quality Specialist Cris B. Melo during a complaint investigation on January 14, 2019 at the NV Greenhouse Conversion construction site at 3950 North Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

- Violation #1 – Section 94.9.2
- Violation #2 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

- Violation #1 – Section 94.9.2 - \$1,000.00**
- Violation #2 – Section 94.11.6 - \$2,000.00**

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

NOV #9242 – For exceeding the operational consecutive 12-month limitation for the Hot Mix Asphalt Plant – Asphalt Concrete; failing to conduct and maintain records of monthly baghouse and binvent inspections; failing to conduct initial performance tests on Emission Unit: AG75 within 180 days of installation; failing to conduct initial performance tests on Emission Units: HM102 and LM9B within 180 days of installation, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on January 28, 30 and 31, 2019 of the aggregate processing and hot mix asphalt operation identified as Wells Cargo, Inc. at 7770 West Spring Mountain Road, in Clark County, Nevada.

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

Violation(s) alleged: Recommended Penalty: \$2,000.00

Violation #1 – 2016 Permit Condition IV.A.3.a
2016 Permit Table IV-A-5

Violation #2 – 2015 Permit and 2016 Permit Condition IV.C.9
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.C.11
2015 Permit and 2016 Permit Condition IV.E.1.b
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.E.1.c

Violation #3 – December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.D.1
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Conditions IV.D.2.a and b

Violation #4 – December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.D.3
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Conditions IV.D.4.a and b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

Violation #1 – 2016 Permit Condition IV.A.3.a - \$500.00
2016 Permit Table IV-A-5

Violation #2 – 2015 Permit and 2016 Permit Condition IV.C.9 - \$500.00
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.C.11
2015 Permit and 2016 Permit Condition IV.E.1.b
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Condition IV.E.1.c

Violation #3 – December 2017 Permit 1, - \$500.00
December 2017 Permit 2 and
2018 Permit Condition IV.D.1
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Conditions IV.D.2.a and b

Violation #4 – December 2017 Permit 1, - \$500.00
December 2017 Permit 2 and
2018 Permit Condition IV.D.3
December 2017 Permit 1,
December 2017 Permit 2 and
2018 Permit Conditions IV.D.4.a and b

15. WS DYNOCO II, LLC (Source ID: 9718)

NOV #9233 – For failing to submit the 2016 annual Emissions Inventory Report (EIR) on or before March 31, 2017 and the 2017 annual EIR on or before March 31, 2018; failing to conduct and maintain records onsite of Phase I vapor recovery system inspections; failing to submit test results to Air Quality within 60 days of completion of vapor recovery system tests; failing to maintain Phase I vapor recovery system equipment in accordance with manufacturer’s specifications and certifications by operating Emission Unit: A01 with a loose adapter; and exceeding the 2017 and 2018 annual gasoline throughput limitations, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on January 9, 2019 of the gasoline dispensing operation identified as Glendale Arco AM/PM located at 2300 East Glendale Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – 2016 Permit Condition II.C.5.a.ii
- Violation #2 – 2015 Permit and 2016 Permits Condition IV.C.3.a through g
2015 Permit and 2016 Permits Condition IV.E.2.a
- Violation #3 – 2016 Permit Condition IV.D.6
- Violation #4 – 2016 Permit Condition IV.B.1.b.iii
- Violation #5 – 2016 Permit Condition IV.A.3.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

- Violation #1 – 2016 Permit Condition II.C.5.a.ii - \$500.00**
- Violation #2 – 2015 Permit and - \$500.00**
2016 Permits Condition IV.C.3.a through g
2015 Permit and
2016 Permits Condition IV.E.2.a
- Violation #3 – 2016 Permit Condition IV.D.6 - \$500.00**
- Violation #4 – 2016 Permit Condition IV.B.1.b.iii - \$500.00**
- Violation #5 – 2016 Permit Condition IV.A.3.a - \$4,000.00**

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. AHERN RENTALS, INC. (DCOP #46206)

NOV #9236 – For creating plumes of fugitive dust that exceeded 20% opacity as determined using the Time Averaged Method, as identified by Senior Air Quality Specialist Camon Liddell during a routine inspection on January 18, 2019 at the Ahern Commercial Phase II construction site at 8320 Eastgate Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

2. **HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION (DCOP #48384)**

NOV #9219 – For failing to implement control measures to maintain soil stability at their site 24 hours a day, seven days a week, as identified by Air Quality Specialist Elizabeth Rubio during a routine inspection on November 16, 2018 at the Flamingo and Valley View Retail construction site at 3883 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

**Continued from 1/17/19*

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

3. **INTERMOUNTAIN CONSTRUCTION (DCOP #48878)**

NOV #9228 – For failing to apply control measures necessary to maintain soil stability, 24 hours a day, seven days a week, as identified by Air Quality Specialist Elizabeth Rubio during routine and follow-up inspections on November 13 and 28, 2018 at the Vintage Canyon 39 LLC construction site at 39 Vintage Canyon Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,500.00

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,500.00**

4. **SHANE DEMIRJIAN (Parcels: 161-27-212-005 and 161-27-212-006)**

NOV #9187 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities on parcels 161-27-212-005 and 161-27-212-006; and for failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on June 29, 2018, and follow-up inspections on July 2 and August 23, 2018 at the unpermitted parcels on Clark Street, southeast of Stephanie Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.4.1

Violation #2 – Section 94.9.2

Recommended Penalty: \$2,000.00

**Continued from 1/17/19*

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9187, WHICH INCLUDES A PAYMENT IN THE AMOUNT OF \$1,000.00 TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

Asbestos Violations:

5. GREENWAY INDUSTRIES, LLC (Project # 180667)

NOV #9223 – For failing to keep all regulated asbestos-containing material (RACM) waste and debris adequately wet; allowing visible emissions of RACM debris; failing to seal all asbestos-containing waste material in leak tight containers while wet; failing to remove all RACM from the facility prior to renovation activities; and failing to keep all removed RACM waste and debris adequately wet until collected and contained in preparation for disposal, as identified during routine inspections by Air Quality Specialist Whitney Francis on November 1 and 19, 2018 at a facility owned and/or operated by Greenway Industries, LLC located at 252 East Convention Center Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$15,000.00

- Violation #1 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(i)
- Violation #2 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(ii)
- Violation #3 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(iii)
- Violation #4 – Section 13.1, 40CFR61 Subpart M, Part 61.145 (c)(1)
- Violation #5 – Section 13.1, 40CFR61 Subpart M, Part 61.145(c)(6)(i)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$15,000.00

- Violation #1 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(i) - \$2,000.00**
- Violation #2 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(ii) - \$3,000.00**
- Violation #3 – Section 13.1, 40CFR61 Subpart M, Part 61.150(a)(1)(iii) - \$6,000.00**
- Violation #4 – Section 13.1, 40CFR61 Subpart M, Part 61.145 (c)(1) - \$2,000.00**
- Violation #5 – Section 13.1, 40CFR61 Subpart M, Part 61.145(c)(6)(i) - \$2,000.00**

Stationary Sources Violations:

6. ANNIVERSARY MINING CLAIMS, LLC (Source ID: 17315)

NOV #9239 – For failure to submit an application for a Title V Operating Permit; failure to submit the 1st and 2nd semi-annual reports for 2017 and 2018; and failing to submit the 2016 annual Emission Inventory Report on or before March 31, 2017, as identified by Senior Air Quality Specialist Scott Rowsell during an offsite full compliance evaluation conducted on February 5, 2019 of the Anniversary Mining Claims, LLC facility in Hydrographic Basin 215, Black Mountain Areas, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,500.00

- Violation #1 – Section 12.5.2.1 and 40CFR60 Subpart CCCC, Part 60.2242
- Violation #2 – June 2017 Permit Condition II.B.7.b
- Violation #3 – February 2017 Permit Condition II.B.6.b for Reporting/Notifications/Providing Information Requirements

ANNIVERSARY MINING CLAIMS, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED ANNIVERSARY MINING CLAIMS, LLC CASE TO MAY 16, 2019.

7. **DESIMONE GAMING INC. (Source ID: 17921)**

NOV #9246 – For failure to conduct initial vapor recovery system tests within 180 days of initial startup, as identified by Air Quality Specialist Tim Fogarty during an offsite partial compliance evaluation conducted on February 14, 2019 of the hotel and casino operation identified as Railroad Pass Travel Center at 1550 Railroad Pass Casino Road, 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

8. **DF WEST FLAMINGO LLC (Source ID: 17912)**

NOV #9230 – For failure to conduct initial Phase I vapor recovery system tests within 180 days of facility startup; and for failure to install and operate the Phase I vapor recovery equipment in accordance with the manufacturer's specifications by improperly installing and operating the jack screw assembly and failing to operate the Phase I vapor recovery system in good working order by operating Emission Unit: A01 with a cracked vapor return adapter, as identified by Air Quality Specialist Tim Fogarty during a full compliance evaluation conducted on January 8, 2019 of the gasoline dispensing operation identified as West Flamingo C Store at 9920 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

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

Violation #2 – Permit Condition IV.B.1.b.iii

Permit Condition IV.B.1.b.iv

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Permit Condition IV.D.4.a - \$2,000.00

Violation #2 – Permit Condition IV.B.1.b.iii - \$1,500.00

Permit Condition IV.B.1.b.iv

9. DURANGO PETROLEUM, LLC (Source ID: 17406)

NOV #9231 – For failing to submit the 2016 Emissions Inventory Report (EIR) and submitting the 2017 EIR after the deadline; failing to conduct and maintain records onsite of Phase II vapor recovery system inspections; failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests; and failing to install and operate Phase I vapor recovery equipment in accordance with manufacturer’s specifications and certification by operating Emission Unit: A01 with a loose fill adapter, failing to maintain Phase I vapor recovery equipment in good working order by operating the system with liquid in the spill buckets, and failing to maintain Phase II vapor recovery equipment in good working order by operating gasoline dispensers with torn seals, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on December 28, 2018 of the gasoline dispensing operation identified as US Gas 2 at 3675 South Durango Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$5,000.00

- Violation #1 – 2015 Permit Condition II.C.3.a.ii
- Violation #2 – 2015 Permit Conditions IV.C.4.a through h
2015 Permit Condition IV.E.2.a
- Violation #3 – 2015 Permit Condition IV.D.4.b
2015 Permit Table IV-D-1
- Violation #4 – 2015 Permit Conditions IV.B.1.b.iii and iv
2015 Permit Condition IV.B.1.d.iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

- Violation #1 – 2015 Permit Condition II.C.3.a.ii - \$500.00**
- Violation #2 – 2015 Permit Conditions IV.C.4.a through h - \$500.00**
2015 Permit Condition IV.E.2.a
- Violation #3 – 2015 Permit Condition IV.D.4.b - \$2,000.00**
2015 Permit Table IV-D-1
- Violation #4 – 2015 Permit Conditions IV.B.1.b.iii and iv - \$2,000.00**
2015 Permit Condition IV.B.1.d.iii

10. LV STATION MANAGEMENT, INC. (Source ID: 15139)

NOV #9218 – For failing to submit a timely renewal application for their Minor Source Permit; and operating an emission source without a valid Minor Source Permit, as identified by Air Quality Specialist Tim Fogarty during a partial compliance evaluation conducted on November 15, 2018 of the gasoline dispensing operation at 9260 South Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,500.00

- Violation #1 – Section 12.1.3.2(b), as amended 3/18/14
- Violation #2 – Section 12.1.3.1, as amended 3/18/14

LV STATION MANAGEMENT, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED LV STATION MANAGEMENT, INC. CASE TO MAY 16, 2019.

III. ADJOURNMENT 10:47 a.m.