




## Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – May 16, 2018

Hearing Officer: Lona Webb

Air Quality Staff:  Shibi Paul, Compliance and Enforcement Manager  
AS 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. REVOCATION OF OPERATING PERMIT DUE TO NON-PAYMENT OF AIR QUALITY FEES

The Hearing Officer may revoke the following operating permits due to non-payment of the Required Annual Air Quality fees as required by Section 18 of the Clark County Air Quality Regulations.

##### 1. CAPRIATI CONSTRUCTION CORPORATION (Source ID: 16389)

NOV #9105 issued on 4/13/2018

Outstanding Balance: \$7,371.10

Invoice Number: 028754

Invoice issued: 1/2/2018

Invoice due date: 2/1/2018

*Late fee assessed 45 days after invoice issued date*

**HEARING OFFICER REVOKED CAPRIATI CONSTRUCTION CORPORATION'S (Source ID: 16389) OPERATING PERMIT, DUE TO NONPAYMENT OF FEES.**

##### 2. K2 ENERGY SOLUTIONS INC (Source ID: 17819)

NOV #9107 issued on 4/13/2018

Outstanding Balance: \$2,268.20

Invoice Number: 028978

Invoice issued: 1/2/2018

Invoice due date: 2/1/2018

*Late fee assessed 45 days after invoice issued date*

**K2 ENERGY SOLUTIONS INC (Source ID: 17819) REQUESTED THEIR OPERATING PERMIT BE TERMINATED.**

**HEARING OFFICER REVOKED K2 ENERGY SOLUTIONS INC'S (Source ID: 17819) OPERATING PERMIT.**

B. 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 settlement agreements for Nellis Air Force Base NOV #9043 in Section D-13, and Wells Cargo, Inc. NOV #9069 and #9084 in Section D-14 and 15.**

C. 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. **2975 SAMMY DAVIS JR DRIVE, LLC AND COCHISE CAPITAL, LLC (Project #171112) NOV #9080** – For failure to conduct a thorough survey for asbestos containing materials prior to commencing renovation activities; failure to submit a National Emission Standards for Hazardous Air Pollutants Notification form 10 days prior to commencing renovation activities; failure to have at least one onsite representative trained in the provisions and the means of complying with them; failure to seal all the asbestos-containing waste materials in leak-tight containers; and failure to adequately wet all removed materials prior to disposal, as identified during a routine inspection by Air Quality Specialist Kevin Adoor on December 6, 13 and 14, 2017 at a facility owned and/or operated by 2975 Sammy Davis Jr Drive, LLC and Cochise Capital, LLC, located at 2975 Sammy Davis Jr. Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$17,000.00

- Violation #1 – Section 13.1, 40 CFR § 61.145(a)
- Violation #2 – Section 13.1, 40 CFR § 61.145(b)(1) and (b)(3)(i)
- Violation #3 – Section 13.1, 40 CFR § 61.145(c)(8)
- Violation #4 – Section 13.1, 40 CFR § 61.150(a) and (a)(1)(iii)
- Violation #5 – Section 13.1, 40 CFR § 61.145(c)(6)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$17,000.00**

- Violation #1 – Section 13.1, 40 CFR § 61.145(a) - \$2,000.00
- Violation #2 – Section 13.1, 40 CFR § 61.145(b)(1) and (b)(3)(i) - \$2,000.00
- Violation #3 – Section 13.1, 40 CFR § 61.145(c)(8) - \$1,000.00
- Violation #4 – Section 13.1, 40 CFR § 61.150(a) and (a)(1)(iii) - \$9,000.00
- Violation #5 – Section 13.1, 40 CFR § 61.145(c)(6) - \$3,000.00

2. **D. R. HORTON, INC. (DCOP #46975)**

**NOV #9071** – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine inspections by Air Quality Specialist Andrew Kirk on December 14 and 20, 2017 at the Chartan and Bermuda (Heritage Estates) construction site, at Chartan Avenue and Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

3. **DIAMOND RESORTS INTERNATIONAL, INC. (Source ID: 788)**

**NOV #9083** – For failing to modify the Permit prior to installing 25 natural gas fired replacement boilers; exceeding the total dissolved solids (TDS) limitation for cooling towers; failing to conduct and maintain records of quarterly visual emission checks and monthly visual emission checks; failing to conduct and maintain records of hour meter readings for emergency generators; and failing to monitor and maintain records of the TDS for cooling towers, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Camon Liddell on February 15, 2018 of the travel arrangement and reservation services operation identified as the Cancun Resort, located at 8335 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

- Violation #1 – 2016 Permit Condition II-A-8
- Violation #2 – 2016 Permit Condition IV-B-7
- Violation #3 – 2011 and 2016 Permit Condition IV-C-1  
2011 and 2016 Permit Condition IV-E-1-a
- Violation #4 – 2011 Permit Condition IV-C-2  
2016 Permit Condition IV-C-5  
2011 and 2016 Permit Conditions IV-E-2-a and b
- Violation #5 – 2016 Permit Condition IV-C-6  
2011 Permit Condition IV-E-2-c  
2016 Permit Condition IV-E-1-d

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,000.00**

- Violation #1 – 2016 Permit Condition II-A-8** - \$2,000.00
- Violation #2 – 2016 Permit Condition IV-B-7** - \$500.00
- Violation #3 – 2011 and 2016 Permit Condition IV-C-1** - \$500.00  
**2011 and 2016 Permit Condition IV-E-1-a**
- Violation #4 – 2011 Permit Condition IV-C-2** - \$500.00  
**2016 Permit Condition IV-C-5**  
**2011 and 2016 Permit Conditions IV-E-2-a and b**
- Violation #5 – 2016 Permit Condition IV-C-6** - \$500.00  
**2011 Permit Condition IV-E-2-c**  
**2016 Permit Condition IV-E-1-d**

4. **GREENCARE DESIGNS LLC (DCOP #48484)**

**NOV #9074** – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week and failing to install a functional trackout prevention device, as identified during inspections by Air Quality Specialists Cris B. Melo and Andrew Kirk on November 27, 29 and December 2, 2017 at the unpermitted construction site southeast of Decatur Boulevard and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

- Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000.00**

5. **JC FAMILY ESTATE, LLC (APN 176-23-501-018)**

**NOV #9109** – For constructing and operating an unpaved parking/storage lot after January 1, 2003 in hydrographic basin 212, as identified during inspections and observations by Air Quality Specialist Katrinka Byers on March 1 through April 3, 2018, on parcel 176-23-501-018, located at 8935 El Camino Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 92.3.1:1

Recommended Penalty: \$17,000.00

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$17,000.00**

6. **KB HOME LAS VEGAS INC. (DCOP #46637)**

**NOV #9082** – For failing to implement control measures which resulted in fugitive dust from construction activities that crossed the property line, as identified by Air Quality Specialist Allan Gutierrez on December 20, 2017 at the Oxford Commons Demo construction site at the southeast corner of Grand Teton Drive and Egan Crest Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3

Recommended Penalty: \$2,000.00

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

7. **KIEWIT INFRASTRUCTURE WEST CO. (Project #180124)**

**NOV #9088** – For failure to submit a National Emission Standards for Hazardous Air Pollutants Notification form 10 working days prior to commencing demolition activities, as identified during an inspection by Air Quality Specialist Whitney Francis on March 12, 2018 of a structure identified as Project NEON – I-15 Southbound Bridge 937 Over US-95, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 13.1, 40CFR§61.145(b)(3)(i)

Recommended Penalty: \$2,000.00

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

8. **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

*\*Continued to the next page.*

**LHOIST NORTH AMERICA OF ARIZONA, INC. continued**

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 by Senior Air Quality Specialist Scott Rowsell 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 Condition III-E-3
- Violation #14 – 2015 Permit Condition III-F-6  
2015 Permit Condition III-F-9

*\*Continued from 3/21/18*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$25,700.00**

- Violation #1 – 2016 Permit Condition II-D-6-c - \$2,000.00**
- Violation #2 – 2015 Permit Condition II-D-7-b - \$300.00**
- Violation #3 – 2015 & 2016 Permit Condition III-B-1-e - \$1,500.00**
- Violation #4 – 2015 & 2016 Permit Condition III-B-1-f - \$5,000.00**
- Violation #5 – 2015 Permit Condition III-B-3-k - \$1,000.00**
- Violation #6 – 2015 & 2016 Permit Condition III-C-1 - \$500.00**
- Violation #7 – 2015 & 2016 Permit Condition III-C-2 - \$500.00**
- Violation #8 – 2015 & 2016 Permit Condition III-C-7 - \$500.00**
- Violation #9 – 2015 Permit Condition III-C-12-a - \$500.00**
- Violation #10 – 2015 Permit Condition III-C-24 - \$500.00**
- Violation #11 – 2016 Permit Condition III-D-2 - \$12,000.00**
- Violation #12 – 2015 & 2016 Permit Condition III-E-1-f - \$500.00**  
**2015 & 2016 Permit Condition III-E-2-h**  
**2015 & 2016 Permit Condition III-E-2-i**
- Violation #13 – 2015 Permit Condition III-E-3 - \$500.00**
- Violation #14 – 2015 Permit Condition III-F-6 - \$400.00**  
**2015 Permit Condition III-F-9**

9. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #47290)**

**NOV #9068** – For creating a fugitive dust plume which traveled more than 100 yards from the point of origin, as identified by Air Quality Specialist Katrinka Byers on December 20, 2017 at the Onyx Point construction site at Grand Canyon Drive and Maule Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

10. **RIVER CITY PETROLEUM, INC. (Source ID: 9196)**

**NOV #9085** – For failure to conduct and maintain records of Phase I and Phase II vapor recovery equipment inspections; failure to conduct follow-up performance testing within three years of the previous successful testing; and failure to operate Phase I vapor recovery equipment according to manufacturer's specifications and failure to maintain Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted by Air Quality Specialist Tim Fogarty on December 5, 2017 of the gasoline dispensing operation identified as Polaris Cardlock at 5875 Polaris Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Permit Condition IV-E-2-a

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

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

Permit Condition IV-B-1-b-iv

Permit Condition IV-B-1-d-iii

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,500.00**

**Violation #1 – Permit Condition IV-E-2-a - \$500.00**

**Violation #2 – Permit Condition IV-D-4-b - \$1,000.00**

**Violation #3 – Permit Condition IV-B-1-b-iii - \$2,000.00**

**Permit Condition IV-B-1-b-iv**

**Permit Condition IV-B-1-d-iii**

11. **TAB CONTRACTORS, INC. (DCOP #45423)**

**NOV #9091** – For failing to have a Dust Monitor onsite at all times during construction activities, as identified by Air Quality Specialist Cris B. Melo on February 21 and 22, 2018 at the Union Village Offsites: Gibson & Galleria construction site near Gibson Road and Galleria Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 94.7.5.3

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$500.00**

D. CONTESTED CASES

**Asbestos, Construction, and Vacant Land Violations:**

1. **A & B ENVIRONMENTAL, LLC (Project #170300)**

**NOV #9029** – For failure to provide the description of work practices and engineering controls to be used to comply with the requirements of the asbestos National Emission Standards for Hazardous Air Pollutants regulations; failure to adequately wet thermal system insulation prior to removal operations; failure to keep asbestos containing materials adequately wet and sealed in bags during removal; failure to clean up all asbestos containing wastes from the floor, shelves and in a sink inside a maintenance room; failure to seal all asbestos containing wastes in leak-tight containers; and failure to label containers or wrapped materials using warning labels, as identified during a routine site inspection by Air Quality Specialist Whitney Francis on June 26, 2017 at an elementary school located at 3010 Berg Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – Section 13.1, 40 CFR § 61.145(b)(4)(xi)
- Violation #2 – Section 13.1, 40 CFR § 61.145(c)(3)
- Violation #3 – Section 13.1, 40 CFR § 61.150(a)(1)(i)
- Violation #4 – Section 13.1, 40 CFR § 61.150(a)(1)(i)
- Violation #5 – Section 13.1, 40 CFR § 61.150(a)(1)(iii)
- Violation #6 – Section 13.1, 40 CFR § 61.150(a)(1)(iv)

**THERE WAS A CLERICAL ERROR IN NOV #9029, PAGE 4 OF 5, VIOLATION #3. THE CORRECT VIOLATION SHOULD BE SECTION 13.1, 40 CFR § 61.150(a)(1)(i), FOR FAILING TO ADEQUATELY WET ASBESTOS-CONTAINING WASTE MATERIAL AND LEAVING MATERIAL IN UNSEALED BAGS.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$5,750.00**

- Violation #1 – Section 13.1, 40 CFR § 61.145(b)(4)(xi) - \$958.00**
- Violation #2 – Section 13.1, 40 CFR § 61.145(c)(3) - \$958.00**
- Violation #3 – Section 13.1, 40 CFR § 61.150(a)(1)(i) - \$958.00**
- Violation #4 – Section 13.1, 40 CFR § 61.150(a)(1)(i) - \$958.00**
- Violation #5 – Section 13.1, 40 CFR § 61.150(a)(1)(iii) - \$958.00**
- Violation #6 – Section 13.1, 40 CFR § 61.150(a)(1)(iv) - \$960.00**

2. **INNOVATE LV PROPERTIES, LLC (Project #171103)**

**NOV #9053** – For failure to conduct a survey for asbestos materials prior to commencing renovation activities, as identified during a routine site inspection by Air Quality Specialist Kevin Adoor on October 26, 2017 at a facility located at 1204 South Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 13.1, 40CFR§61.145(a)

*\*Continued from 1/17/18*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

**3. JAMES L. FORTUNES LIVING TRUST AND JAMES L. FORTUNES TRS (Project #171109)**

**NOV #9079** – For failure to conduct a thorough survey for asbestos containing materials prior to commencing renovation activities; failure to submit a National Emission Standards for Hazardous Air Pollutants Notification form 10 days prior to commencing renovation activities; failure to have at least one onsite representative trained in the provisions and the means of complying with them; failure to seal all the asbestos-containing waste materials in leak-tight containers; failure to adequately wet all removed materials prior to disposal; and failure to allow Clark County personnel entry to perform their duties, as identified during inspections by Air Quality Specialist Kevin Adoor on November 16 and 17, 2017 at facilities owned and/or operated by James L. Fortunes Living Trust located at 2556-2566 and 2576 Van Patten Street in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$31,000.00

Violation #1 – Section 13.1, 40CFR§61.145(a)

Violation #2 – Section 13.1, 40CFR§61.145(b)(1) and (b)(3)(i)

Violation #3 – Section 13.1, 40CFR§61.145(c)(8)

Violation #4 – Section 13.1, 40CFR§61.150(a) and (a)(1)(iii)

Violation #5 – Section 13.1, 40CFR§61.145(c)(6)

Violation #6 – Section 4.3.2

**JAMES L. FORTUNES LIVING TRUST AND JAMES L. FORTUNES TRS REQUESTED A CONTINUANCE.**

**HEARING OFFICER CONTINUED JAMES L. FORTUNES LIVING TRUST AND JAMES L. FORTUNES TRS' CASE TO JULY 18, 2018.**

**4. PHIL MAY (DCOP #47474)**

**NOV #9092** – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during a complaint investigation by Air Quality Specialist Cris B. Melo on February 22, 2018 at the May Home construction site at Racetrack Road and Geneva Avenue, 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**

**5. RAFAEL CONSTRUCTION, INC. (DCOP #48569)**

**NOV #9093** – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during an inspection by Air Quality Specialist Cris B. Melo on February 27, 2018 at the Cunningham ES Classroom Building Addition construction site at 4145 Jimmy Durante Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$750.00**



6. **RYLAND HOMES NEVADA, LLC (DCOP #46000)**

**NOV #9090** – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during an inspection during a Dust Advisory wind event by Air Quality Specialist Katrinka Byers on February 22, 2018 at the Beacon Hill construction site at the northwest corner of Mountains Edge Parkway and Buffalo Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.9.2

**RYLAND HOMES NEVADA, LLC DID NOT CONTEST NOV #9090.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,000.00**

7. **TOD LAS VEGAS, LLC AND DOUGLAS DASILVA (Project #171114)**

**NOV #9063** – For failure to conduct an inspection for the presence of asbestos prior to commencing renovation activities; failure to submit notification prior to commencing renovation/demolition activities; failure to adequately wet asbestos containing materials during removal; failure to have at least one trained individual on site during renovation activities; and failure to seal all asbestos containing wastes in leak-tight containers, as identified during a routine site inspection by Air Quality Specialist Kevin Adoor on December 7, 2017 at a facility owned and/or operated by TOD Las Vegas, LLC, and Douglas DaSilva at 1508 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,000.00

Violation #1 – Section 13.1, 40 CFR § 61.145(a)

Violation #2 – Section 13.1, 40 CFR § 61.145(b)(1) and (b)(3)(i)

Violation #3 – Section 13.1, 40 CFR § 61.145(c)(6)

Violation #4 – Section 13.1, 40 CFR § 61.145(c)(8)

Violation #5 – Section 13.1, 40 CFR § 61.150(a) and (a)(1)(iii)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,000.00**

**Violation #1 – Section 13.1, 40 CFR § 61.145(a) - \$2,000.00**

**Violation #2 – Section 13.1, 40 CFR § 61.145(b)(1) and (b)(3)(i) - \$1,000.00**

**Violation #3 – Section 13.1, 40 CFR § 61.145(c)(6) - \$3,000.00**

**Violation #4 – Section 13.1, 40 CFR § 61.145(c)(8) - \$1,000.00**

**Violation #5 – Section 13.1, 40 CFR § 61.150(a) and (a)(1)(iii) - violation dismissed**

8. **TOD LAS VEGAS, LLC (Project #181008)**

**NOV #9087** – For failure to seal all asbestos containing wastes in leak-tight containers, as identified during a follow-up inspection by Air Quality Specialist Kevin Adoor on March 1, 2018 at the TOD Motor Motel at 1508 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 13.1, 40 CFR § 61.150(a) and (a)(1)(iii)

**TOD LAS VEGAS, LLC DID NOT CONTEST NOV #9087.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000.00**

Recess at 11:22 a.m.

Resumed at 11:37 a.m.

***Stationary Sources Violations:***

**9. BIG DADDY'S OIL, LLC (Source ID: 9130)**

**NOV #9075** – For failure to conduct required performance testing on or before the three year anniversary of the previous successful testing, as identified during a full compliance evaluation conducted by Air Quality Specialist Patricia Ringgenberg on January 31, 2018 of the gasoline dispensing operation identified as Oakey AM PM at 1619 South Las Vegas Boulevard, 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: \$1,750.00**

**10. 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 by Senior Air Quality Specialist Scott Rowsell 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

***\*Continued on the next page.***

**GYPSUM RESOURCES, LLC continued**

- 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 & 3/21/18*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$240,200.00**

<b>Violation #1 – Permit Condition IV-B-5</b>	<b>- \$8,000.00</b>
<b>Violation #2 – Permit Condition IV-B-6</b>	<b>- \$2,000.00</b>
<b>Violation #3 – Permit Condition IV-B-23</b>	<b>- \$2,000.00</b>
<b>Permit Condition IV-B-24</b>	
<b>Violation #4 – Permit Condition IV-B-16</b>	<b>- \$10,000.00</b>
<b>Violation #5 – Section 41.1.2</b>	<b>- \$32,000.00</b>
<b>Violation #6 – Permit Condition V-A-5</b>	<b>- \$9,000.00</b>
<b>Violation #7 – Permit Condition V-B-7</b>	<b>- \$2,000.00</b>
<b>Violation #8 – Permit Condition V-C-4(a, j, l)</b>	<b>- \$2,000.00</b>
<b>Permit Condition II-C-6(a)</b>	
<b>Violation #9 – Order 2(a)</b>	<b>- \$92,000.00</b>
<b>40 CFR §60.672</b>	
<b>Permit Condition IV-A-2(d, e)</b>	
<b>Permit Condition IV-B-8</b>	
<b>Violation #10 – Permit Condition V-B-3</b>	<b>- \$6,000.00</b>
<b>Violation #11 – Permit Condition IV-A-3(a, b)</b>	<b>- \$30,000.00</b>
<b>Violation #12 – Permit Condition V-A-17, 18, 20</b>	<b>- \$13,000.00</b>
<b>Violation #13 – Order 2(f)</b>	<b>- \$22,200.00</b>
<b>Permit Condition V-A-1, 2</b>	
<b>Violation #14 – Permit Condition V-A-22</b>	<b>- \$6,000.00</b>
<b>Violation #15 – Section 4.4</b>	<b>- \$4,000.00</b>
<b>Permit Condition II-C-7</b>	
<b>Permit Condition II-D-6</b>	

**11. LAS VEGAS PAVING CORPORATION (Source ID: 105)**

**NOV #9078** – For causing a nuisance odor as documented in the Minor Stationary Source Complaint Investigation Report conducted by Senior Air Quality Specialist Camon Liddell on February 15, 2018 of the mineral processing and asphalt operation facility west of CR215 on Lone Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-B-22  
Section 43.1

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,000.00**

**12. 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 by Senior Air Quality Specialist Camon Liddell 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

*\*Continued from 3/21/18*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,750.00**

<b>Violation #1 – Permit Condition II-C-3</b>	<b>- \$500.00</b>
<b>Permit Condition II-D-2</b>	
<b>Violation #2 – Permit Condition IV-D-4-b</b>	<b>- \$2,000.00</b>
<b>Violation #3 – Permit Condition IV-B-1-b-iii</b>	<b>- \$250.00</b>
<b>Violation #4 – Permit Condition IV-B-1-d-ii</b>	<b>- \$1,000.00</b>
<b>Permit Condition IV-B-1-d-iii</b>	

**13. 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

*\*Continued on the next page.*

**NELLIS AIR FORCE BASE continued**

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 by Senior Air Quality Specialist Scott Rowsell during multiple site inspections in the month of July 2017 of the military installation known as Nellis Air Force Base at 4430 Grisom Avenue, Suite 101, in Clark County, Nevada.

**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-3-1
- 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-a
- 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 Conditions V-B-3-d-i through iv  
2016 Permit Conditions V-B-3-e-i through iv
- Violation #10 – 2015 & 2016 Permit Condition II-D-6-c

*\*Continued from 1/17/18 & 3/21/18*

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT FOR NOV #9043, WHICH INCLUDES A \$5,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.**

**THE PROPOSED SETTLEMENT AGREEMENT DOES NOT INCLUDE VIOLATION #4 RELATED TO THE LIGHT STANDS, NON-ROAD ENGINES WHICH IS BEING CONTESTED. THE ISSUE IS BEING HELD. IF IT CANNOT BE RESOLVED, IT WILL BE HEARD DURING THE JULY 18, 2018 HEARING OFFICER MEETING.**

**NELLIS AIR FORCE BASE HAS A LONG APPROVAL PROCESS. IF THE PROPOSED SETTLEMENT AGREEMENT IS NOT APPROVED/SIGNED BY NELLIS AIR FORCE BASE, NOV #9043 WILL BE HEARD DURING THE JULY 18, 2018 HEARING OFFICER MEETING IN ITS ENTIRETY.**

**14. 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 by Senior Air Quality Specialist Scott Rowsell 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

*\*Continued from 3/21/18*

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT FOR NOVS #9069 AND 9084, WHICH INCLUDES A \$9,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.**

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

**NOV #9084** – For failing to operate the required odor control system while storing asphalt in the hot mix asphalt silos as identified during a complaint investigation conducted by Senior Air Quality Specialist Scott Rowsell on February 2, 2018 of the hot mix asphalt operation at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition IV-B-28

**SEE #14 ABOVE.**

**III. ADJOURNMENT**

**1:00 p.m.**