



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, 2019

Hearing Officer: Christine T. Smith

Air Quality Staff: *SP* 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 9:01 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. **KIMBALL RENTALS LLC (Source ID: 17948)**
NOV #9271 issued on 4/11/2019 Outstanding Balance: \$13,499.09

Invoice Number: 035106
Invoice issued: 1/2/2019
Invoice due date: 2/1/2019

Late fee assessed 45 days after invoice issued date

THERE WAS A CLERICAL ERROR IN THE SPELLING OF THE SOURCE’S NAME IN THE ORIGINAL INVOICE. THE CORRECT SPELLING IS KIMBALL.

HEARING OFFICER REVOKED KIMBALL RENTALS LLC’S (Source ID: 17948) OPERATING PERMIT, DUE TO NONPAYMENT OF FEES.

2. **LUCKY DRAGON LP (Source ID: 17719)**

NOV #9270 issued on 4/11/2019

Outstanding Balance: \$5,137.44

Invoice Number: 035009

Invoice issued: 1/2/2019

Invoice due date: 2/1/2019

Late fee assessed 45 days after invoice issued date

**HEARING OFFICER REVOKED LUCKY DRAGON LP'S (Source ID: 17719)
OPERATING PERMIT, DUE TO NONPAYMENT OF FEES.**

3. **MBT NEVADA LLC (Source ID: 17392)**

NOV #9268 issued on 4/15/2019

Outstanding Balance: \$991.72

Invoice Number: 034971

Invoice issued: 1/2/2019

Invoice due date: 2/1/2019

Late fee assessed 45 days after invoice issued date

**HEARING OFFICER REVOKED MBT NEVADA LLC'S (Source ID: 17392)
OPERATING PERMIT, DUE TO NONPAYMENT OF FEES.**

4. **RITCHIE BROTHERS AUCTIONEERS AMERICA INC (Source ID: 16172)**

NOV #9267 issued on 4/11/2019

Outstanding Balance: \$205.10

Invoice Number: 034798

Invoice issued: 1/2/2019

Invoice due date: 2/1/2019

Late fee assessed 45 days after invoice issued date

Because the respondent paid the outstanding balance in full, Air Quality agrees to accept the payment amount of \$205.10 to resolve this NOV.

NOV TAKEN OFF CALENDAR: NO ORDER.

- 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 no signed settlement agreements at this time.

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. **CERTAINTeed GYPSUM MANUFACTURING, INC. (Source ID: 4)**

NOV #9248 – For failing to conduct and maintain records of daily baghouse pressure differential readings on all baghouse control devices (90 days); and failing to perform and maintain records of daily visual emission checks for the end trim baghouse (17 days), as identified by Senior Air Quality Specialist Camon Liddell during a partial compliance evaluation conducted on February 19, 2019 of the gypsum products manufacturing operation located at 13500 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – 2018 Permit condition III.C.8
2018 Permit condition III.E.2.c
2018 Permit condition III.C.15.b
- Violation #2 – 2018 Permit condition III.C.15.c
2018 Permit condition III.E.2.e

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – 2018 Permit condition III.C.8 - \$2,000.00**
2018 Permit condition III.E.2.c
2018 Permit condition III.C.15.b
- Violation #2 – 2018 Permit condition III.C.15.c - \$500.00**
2018 Permit condition III.E.2.e

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

NOV #9253 – For operating baghouse on Emission Unit (EU): B012 below the permitted range for pressure differential over 143 days in 2018 and 2019; failing to conduct and maintain a record of monthly inspections of the binvent for Lime Silo 6 with Screw (EU: B003) for 22 nonconsecutive months from October of 2015 through January of 2019, and failing to conduct and maintain a record of monthly inspections of the baghouse for Drum Dryer 18 with Baghouse (EU: B012) for 21 nonconsecutive months from October of 2015 through January of 2019; failing to conduct performance testing on the north pit quarry in accordance with 40 CFR 60 Subpart OOO and 40 CFR 60 Reference Method 9 for the Crusher Fines Belt (EU: A047) and Type II Hopper (EU: A048) within 180 days of installation; and failing to conduct performance testing on the Hot Mix Asphalt Plant in accordance with 40 CFR 60 Subpart I and 40 CFR 60 Reference Method 9 for the Dust Silo 27 (EU: B021) within 180 days of installation, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on February 6, 2019 of the construction sand and gravel and asphalt paving mixtures operation identified as Las Vegas Paving, Lone Mountain Plant located west of CR-215 on Lone Mountain Road, in Clark County, Nevada.

**Continued on the next page.*

LAS VEGAS PAVING CORPORATION continued

Violation(s) alleged: Recommended Penalty: \$2,500.00
Violation #1 – December 2015 Permit condition IV.B.9
Violation #2 – Permits condition IV.C.10
Permits condition IV.C.14
Permits condition IV.E.1.d
Violation #3 – Permits condition IV.D.1
Permits condition IV.D.2.a
Violation #4 – Permits condition IV.D.3
Permits condition IV.D.5.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – December 2015 Permit condition IV.B.9 - \$1,000.00
Violation #2 – Permits condition IV.C.10 - \$500.00
Permits condition IV.C.14
Permits condition IV.E.1.d
Violation #3 – Permits condition IV.D.1 - \$500.00
Permits condition IV.D.2.a
Violation #4 – Permits condition IV.D.3 - \$500.00
Permits condition IV.D.5.a

3. LOWE’S HOME CENTERS, LLC D/B/A LOWE’S (Source ID: n/a)

NOV #9252 – For offering to sell 38 non-exempt European Olive trees at the Facility, as identified by Air Quality Specialist Pat Ringgenberg during a routine inspection conducted on February 7, 2019 at the retail garden center facility identified as Lowe’s, located at 851 South Pavilion Center Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$3,800.00
Violation #1 – Section 44.2.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,800.00

4. MOON VALLEY NURSERY (Source ID: n/a)

NOV #9257 – For offering to sell 5 non-exempt European Olive trees, as identified by Air Quality Specialist Pat Ringgenberg during a routine inspection conducted on March 8, 2019 of the retail garden center facility identified as Moon Valley Nursery, located at 9040 South Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$500.00
Violation #1 – Section 44.2.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

5. **RAFAEL CONSTRUCTION, INC. (DCOP #50080)**

NOV #9261 – For failing to fully apply best available control measures resulting in plumes of fugitive dust to travel more than 100 feet in length from the point of origin, as identified during a routine inspection by Air Quality Specialists Katrinka Byers and Elizabeth Rubio, on March 11, 2019 at the Gloria Mountain construction site located southwest of Gloria Mountain Road and Paradise Hills Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

6. **STAR NURSERY, INC. (Source ID: n/a)**

NOV #9251 – For offering to sell 14 non-exempt European Olive trees at the Facility; and failing to include a required label on 26 exempt Wilsonii olive trees being offered for sale, as identified by Air Quality Specialist Pat Ringgenberg during a routine inspection conducted on February 7, 2019 of the retail garden center facility identified as Star Nursery, located at 5380 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,700.00

Violation #1 – Section 44.2.1

Violation #2 – Section 44.3.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,700.00

Violation #1 – Section 44.2.1 - \$1,400.00

Violation #2 – Section 44.3.3 - \$1,300.00

7. **TERRA FIRMA ORGANICS, INC. (Source ID: 16706)**

NOV #9255 – For installing one unpermitted screen and stacker with a 174 horsepower diesel-fired engine without first obtaining a revised permit authorizing its construction and operation, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on February 26, 2019 of the fertilizing (mixing only) manufacturing operation at 5355 Beesley Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – March 2016 Permit condition II.A.9

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. **THE WHITING-TURNER CONTRACTING COMPANY (DCOP #48259)**

NOV #9272 – For allowing tracked out soil debris to extend more than 50 feet in length or 0.25 inch in depth onto a paved road resulting in fugitive dust, as identified by Air Quality Specialist Allan Gutierrez during an inspection on March 12, 2019 at the HHC Village 13 – Summerlin Apartments construction site at 2375 Spruce Goose Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

9. **TITANIUM METALS CORPORATION (Part 70 Source ID: 19)**

NOV #9262 – For exceeding the relative accuracy standard for Carbon Monoxide CEMS during the December 21, 2018 RATA, as identified by Senior Air Quality Specialist Ken Weiss during an offsite partial compliance evaluation conducted on March 7, 2019 of the RATA final reports for the titanium sponge and ingots operations at 181 North Water Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – 40 CFR Part 60, Appendix B, Perf. Spec. 4, Subsection 13.2

2012 Permit condition III.B.5.c

2012 Permit condition III.B.5.d

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

10. **UNITED CONSTRUCTION,COMPANY (DCOP #46705)**

NOV #9258 – For allowing tracked out soil onto a paved roadway in excess of 50 feet in length or 0.25 inches in depth, as identified by Air Quality Specialist Carlton Monroe during a complaint investigation and follow-up inspection on February 26 and 27, 2019 at the Logisticenter at Las Vegas Boulevard construction site located northeast of North Las Vegas Boulevard and Walnut Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

D. CONTESTED CASES

Construction and Vacant Land Violations:

1. **NPL CONSTRUCTION CO. (DCOP #50184)**

NOV #9244 – For failing to maintain soil stability on all disturbed soils 24 hours a day, seven days a week, as identified by Air Quality Specialists Ross Grover and Katrinka Byers during routine and follow-up inspections on January 25, 26 and 31, and February 1, 2019 at the Decatur & Post 4” Main Install construction site located south of Post Road to Teco Avenue on Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$4,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

2. **SOUTH BAY CONSTRUCTION, LLC D/B/A COMPASS CONSTRUCTION (DCOP #48269)**

NOV #9249 – For failing to maintain soil stability on all disturbed soils 24 hours a day, seven days a week, as identified by Air Quality Specialist Heath Richards during routine and follow-up inspections on January 29 and 30, 2019 at the Tribucca LLC construction site at 750 South Rancho Circle, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,750.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

3. **TWC CONSTRUCTION, INC. (DCOP #46554)**

NOV #9250 – For allowing tracked out mud or dirt to extend more than 50 feet in length and ¼ inch in depth onto a paved road, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on February 15, 2019 at the I-15 Speedway Logistics Center #1 construction project located on Sloan Lane, south of Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

Stationary Sources Violations:

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

NOV #9239 – For failing to apply for a Title V Operating Permit; failing to submit the 1st and 2nd semi-annual reports for 2017 and 2018 to the Control Officer; and failing to submit the 2016 annual Emission Inventory Report to the Control Officer 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

Continued from 3/21/19

ANNIVERSARY MINING CLAIMS, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

Violation #1 – Section 12.5.2.1 and 40CFR60 Subpart CCCC, Part 60.2242 - \$2,000.00
Violation #2 – June 2017 Permit condition II.B.7.b - \$2,000.00
Violation #3 – February 2017 Permit condition II.B.6.b for Reporting/Notifications/Providing Information Requirements - \$500.00

5. BIG DADDY AND COMPANY, LLC (Source ID: 9411)

NOV #9256 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests; and failing to submit the final test results within 60 days of successful completion of the June 2, 2015 vapor recovery system tests, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on February 27, 2019 of the gasoline dispensing operation identified as Riviera AM/PM at 2955 South Paradise Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,500.00
Violation #1 – Permit condition IV.D.4.b
Permit table IV-D-1
Violation #2 – Permit condition IV.D.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – Permit condition IV.D.4.b - \$2,000.00
Permit table IV-D-1
Violation #2 – Permit condition IV.D.6 - \$500.00

6. BIG DADDYS 1, LLC (Source ID: 9402)

NOV #9259 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests; and failing to submit the final test results within 60 days of successful completion of the July 14, 2015 vapor recovery system tests, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on February 27, 2019 of the gasoline dispensing operation identified as Big Daddy’s Flamingo Gas and Mini Mart at 4605 East Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Permit condition IV.D.4.b

Permit table IV-D-1

Violation #2 – Permit condition IV.D.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – Permit condition IV.D.4.b - \$2,000.00

Permit table IV-D-1

Violation #2 – Permit condition IV.D.6 - \$500.00

7. CTC CRUSHING LLC (Source ID: 15773)

NOV #9235 – For operating a diesel-fired generator with a higher rating than permitted; for exceeding the hours of operation limitation for Emission Unit (EU): B12 during 2017 and 2018; for exceeding the annual material throughput on EUs: B01 through B06 during 2017 and 2018; for operating a diesel-fired generator at one location for longer than 12 months; for failing to conduct 40 CFR 63, Subpart ZZZZ performance tests on the diesel-fired generator; and for failing to submit and accurate annual emissions inventory report for calendar years 2016 and 2017, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on December 19, 2018 of the sand and gravel mining operation located south of Bicentennial Parkway and Via Inspirada, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$12,000.00

Violation #1 – Permit condition II.A.9

Violation #2 – Permit condition IV.A.3.e

Violation #3 – Permit condition IV.A.3.a

Violation #4 – Permit condition IV.A.3.e

Violation #5 – Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6612(a)

Violation #6 – Permit condition II.C.5.b.iii

CTC CRUSHING LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED CTC CRUSHING LLC CASE TO JULY 18, 2019.

8. **G. GORDI, LLC (Source ID: 15401)**

NOV #9254 – For exceeding the operational gasoline throughput limitation at the Facility during 2018, as identified by Air Quality Specialist Josh Kelley during an offsite partial compliance evaluation conducted on February 19, 2019 of the gasoline dispensing operation known as ARCO Facility #5315 at 4916 South Paradise Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – April 2015 Permit condition IV.A.3.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

9. **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

Continued from 3/21/19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

Violation #1 – Section 12.1.3.2(b), as amended 3/18/14 - \$1,000.00

Hearing Officer increased the recommended penalty for Violation #1, Section 12.1.3.2(b), as amended 3/18/14, from \$500.00 to \$1000.00

Violation #2 – Section 12.1.3.1, as amended 3/18/14 - \$4,000.00

10. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Part 70 Source ID: 16539)**

NOV #9260 – For failing to submit the annual compliance certification by January 30, 2019, as identified by Senior Air Quality Specialist Mike Doyle during a compliance review conducted on February 13, 2019 of the electrical services and other electrical power generation operation at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$500.00

Violation #1 – 2017 Permit condition II.D.6

REPUBLIC SERVICES RENEWABLE ENERGY, LLC CHANGED ITS PLEA TO NOT CONTESTING NOV #9260.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

III. ADJOURNMENT 11:47 a.m.