

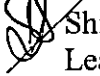


Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – May 17, 2017

Hearing Officer: Lona Webb

Air Quality Staff:  Shibi Paul, Acting Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor
Jeffrey Robb, Senior Air Quality Specialist
Pamela R. 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. **JOKEN COMPANY (Source ID: 17792)**

NOV #8965 issued on 4/13/2017

Outstanding Balance: \$391.60

Invoice Number: 023540
Invoice issued: 1/5/2017
Invoice due date: 2/6/2017

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 \$391.60 to resolve this NOV.

NOV TAKEN OFF CALENDAR: NO ORDER.

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

NOV #8957 issued on 4/13/2017

Outstanding Balance: \$1,467.22

Invoice Number: 023477
Invoice issued: 1/5/2017
Invoice due date: 2/6/2017

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 \$1,467.22 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. **HARMONY HOMES (DCP #44845)**

NOV #8944 – 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 March 1 and 16, 2017 at the Sunrise Highlands 45-3 construction project at Vegas Valley Drive and Hollywood Boulevard, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 94.9.2

Recommended Penalty: \$2,000.00

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

2. **HEADWATERS RESOURCES, INC. (Exempted, Source ID: 1528)**

NOV #8903 – For causing or permitting the handling, transporting, or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne, as identified during a routine inspection during a Wind Advisory on September 22, 2016 at the flyash transfer operation at 11458 North Highway 93, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 41.1.1
Subsection 41.1.2

Recommended Penalty: \$2,000.00

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

3. **THE GRANDVIEW AT LAS VEGAS (Source ID: 15962)**

NOV #8927 – For installing and operating emission units without obtaining a permit modification authorizing such installation and operation, as identified during a full compliance evaluation conducted on September 1, 8 and 13, 2016 of The Grandview at Las Vegas facility at 9940 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 12.1.3.1
Section 12.1.4.1(r)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

D. CONTESTED CASES

Asbestos, Construction, and Vacant Land Violations:

1. **EQ DURANGO, LLC (Parcel 163-33-401-015)**

NOV #8939 – For failure to implement one or more of the control measures described in Section 92.3.1.2 as necessary to comply with the stabilization standards of Section 92.4.1, as identified during routine and follow-up inspections on May 25, November 2, and December 19, 2016 at the parcel northeast of Sunset Road on Durango Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Subsection 92.3.1

EQ DURANGO, LLC IS NOT CONTESTING NOV #8939.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

2. **NICHOLAS PERRONE TRUST (Parcel 176-23-601-022)**

NOV #8938 – For failure to implement one or more of the control measures described in Section 92.3.1.2 as necessary to comply with the stabilization standards of Section 92.4.1, as identified during routine and follow-up inspections on October 4, November 23 and December 20, 2016 at the parcel located at the southwest corner of West Oleta Avenue and South Jones Boulevard in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Subsection 92.3.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

3. WJVC, LLC (DCP #47029)

NOV #8936 – For failure to obtain a Dust Control Permit for all areas subject to construction activities; for failure to install a Dust Control Permit sign according to the standards of AQR Section 94; and failure to implement Best Management Practices onsite 24 hours a day, 7 days a week, as identified during a routine inspection on December 9, 2016 and February 2, 2017 at the South Jones Industrial construction site at 8411 West Duneville Street in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Subsection 94.4.1
- Violation #2 – Subsection 94.7.7.1
- Violation #3 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

- Violation #1 – Subsection 94.4.1 - \$1,000.00**
- Violation #2 – Subsection 94.7.7.1 - \$0.00**
- Violation #3 – Subsection 94.9.2 - \$500.00**

Stationary Sources Violations:

4. DALE’S TEXACO, INC. (Source ID: 9069)

NOV #8931 – For failure to maintain Phase I & II vapor recovery equipment in good working order; for failure to install adaptors designed to prevent over-tightening and loosening during normal operation; and failure to conduct daily Phase II vapor recovery equipment inspections, as identified during a full compliance evaluation conducted on December 29, 2016 of the Dale’s Sinclair facility at 1625 Nevada Highway, in Boulder City, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

- Violation #1 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii
- Violation #2 – Permit Condition IV-B-1-b-viii
- Violation #3 – Permit Condition IV-C-4-a through h

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

- Violation #1 – Permit Condition IV-B-1-b-iv - \$1,500.00**
Permit Condition IV-B-1-d-iii
- Violation #2 – Permit Condition IV-B-1-b-viii - \$1,500.00**
- Violation #3 – Permit Condition IV-C-4-a through h - \$500.00**

5. **PILOT TRAVEL CENTERS, LLC (Source ID: 9084)**

NOV #8941 – For failure to post a copy of the Minor Source Permit (MSP); failure to maintain Phase I & II vapor recovery equipment in good working order; failure to conduct Pressure/Vacuum Vent valve performance tests in accordance with deadlines in the MSP; and failure to perform inspections of Phase I fill-pipe covers as required in the MSP, as identified during a full compliance evaluation conducted on November 3 and 8, 2016 and January 30, 2017 of the Pilot Travel Centers #341 facility at 3812 Craig Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,400.00

- Violation #1 – Permit Condition II-A-7
- Violation #2 – Permit Condition IV-B-1-b-iii
Permit Condition IV-B-1-d-ii
- Violation #3 – Permit Condition IV-D-4-b
- Violation #4 – Permit Condition IV-C-2-b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

- | | |
|--|--------------|
| Violation #1 – Permit Condition II-A-7 | - \$0.00 |
| Violation #2 – Permit Condition IV-B-1-b-iii
Permit Condition IV-B-1-d-ii | - \$1,500.00 |
| Violation #3 – Permit Condition IV-D-4-b | - \$2,000.00 |
| Violation #4 – Permit Condition IV-C-2-b | - \$2,000.00 |

AIR QUALITY AMENDED VIOLATION #3 IN NOV #8941. PILOT TRAVEL CENTERS, LLC CONDUCTED THE PERFORMANCE TESTING ON THE PRESSURE/VACUUM VENT VALVE ON MAY 29, 2015 77 DAYS PASS THE DUE DATE OF MARCH 13, 2015.

6. **PORTABLE AGGREGATE PRODUCERS, LLC (Source ID: 17788)**

NOV #8934 – For installing and operating equipment without prior authorization through a modification to the PMSP, as identified during a partial compliance evaluation conducted on January 4, 2017 of the Portable Aggregate Producer's operation at the southeast corner of Erie Avenue and Torrey Pines Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition II-A-8

PORTABLE AGGREGATE PRODUCERS, LLC IS NOT CONTESTING NOV #8934.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

7. **PRIMADONNA COMPANY, LLC (Source ID: 617)**

NOV #8924 – For failing to maintain Phase I vapor control equipment in good working order; failing to install product and vapor recovery adaptors designed to prevent overtightening and loosening during normal operation; failing to operate Phase II vapor recovery equipment in good working order; failing to schedule annual performance testing 30 days prior to anticipated testing date; failing to conduct and pass subsequent vapor recovery performance tests before the anniversary month; failing to submit performance test results within 30 days of successful completion; failing to conduct and maintain records of daily vapor recovery equipment inspections; failing to maintain records of daily inspections and maintenance or emergency generators and fire pumps; and failing to submit a semi-annual report within 30 days of the end of the reporting period, as identified during a full compliance evaluation conducted on October 20, 21 and 26, 2016 of the Primadonna Company, LLC dba Primm Valley Casino Resorts facility at 31900 Las Vegas Boulevard South, in Primm, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$13,500.00

- Violation #1 – Section 13.2
40CFR63.11118
Permit Condition IV-B-14-b-iii
Permit Condition IV-B-14-b-vii
- Violation #2 – Permit Condition IV-B-14-d-iii
- Violation #3 – Permit Condition IV-D-2
- Violation #4 – Permit Condition IV-D-5-a
Permit Condition IV-D-7
- Violation #5 – Permit Condition IV-E-4-b
- Violation #6 – Permit Condition IV-E-4-h
- Violation #7 – Permit Condition II-C-6-a

Continued from 3/15/17

BOTH PARTIES AGREE TO SETTLE NOV#8924, AIR QUALITY AGREES TO ACCEPT THE CONDITIONS WHICH ARE INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A PENALTY OF \$9,000.00. THE \$9,000.00 PENALTY IS TO BE PAID WITHIN 30 DAYS OF THE SIGNED ORDER.

8. SILVER STATE MATERIALS, LLC (Source ID: 15189)

NOV #8935 – For failure to conduct initial particulate matter performance tests within 180 days of startup; failure to operate a control device according to the parameters of the Minor Source Permit; and failure to submit performance test notification 45 days prior to the anticipated testing date, as identified during a full compliance evaluation conducted on December 28, 2016 of the Silver State Materials, LLC facility at I-215 and Range Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Permit Condition IV-D-3

Violation #2 – Permit Condition IV-B-3

Violation #3 – Permit Condition IV-D-1

BOTH PARTIES AGREE TO SETTLE NOV#8935, AIR QUALITY AGREES TO ACCEPT THE CONDITIONS WHICH ARE INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A PENALTY OF \$500.00. THE \$500.00 PENALTY IS TO BE PAID WITHIN 30 DAYS OF THE SIGNED ORDER.

9. TERRIBLE HERBST, INC. (Source ID: 9429)

NOV #8926 – For failure to maintain Phase I & II vapor recovery equipment in good working order; for failure to conduct daily Phase II vapor recovery equipment inspections; and failure to conduct Pressure/Vacuum Vent valve performance testing before deadline, as identified during a full compliance evaluation conducted on December 20, 2016 of the Terrible Herbst Store #152 at 4070 South Arville Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

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

Violation #2 – Permit Condition IV-C-4-a

Violation #3 – Permit Condition IV-D-4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Permit Condition IV-B-1-b-iv - \$1,500.00
Permit Condition IV-B-1-d-iii

Violation #2 – Permit Condition IV-C-4-a - \$0

Violation #3 – Permit Condition IV-D-4 - \$2,000.00

10. **TITANIUM METALS CORPORATION (Source ID: 19)**

NOV #8908 – For installing and operating emission units (EUs) without an Authority to Construct prior to installation; for failing to report permit deviations in the 2014 and 2015 Annual Compliance Certification; for exceeding permit limitations of 20% opacity on 24 occasions; for failure to submit a performance test protocol for approval 45 days prior to the proposed testing date(s); for failing to separate hours of operation from maintenance and failing to keep associated records of inspections, maintenance and repairs; for exceeding the permit limitation for total dissolved solids (TDS) for EUs: E05a and E05b and failing to keep associated records of TDS testing; for failing to maintain records of maintenance for EU: G10, and failing to keep associated records of monthly hours of operation; for exceeding hours of operation in 2015 for EUs: M17 and W04, and failing to keep associated records of inspections, maintenance and repairs for EUs: M17 and W04, and failing to separate hours spent on testing and maintenance for EUs: M17 and W04; for failure to submit 2014 annual Emissions Inventory Report; and for failure to maintain records of manufacturer's emission guarantee of burner efficiency testing and monthly natural gas usage for EU: B19 as identified during a full compliance evaluation conducted on July 19, 2016 at its facility at 181 North Water Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$48,000.00

- Violation #1 – Permit Condition II-B-1
- Violation #2 – Permit Condition II-D-6-d-iii
- Violation #3 – Permit Condition III-B-2-c
Permit Condition III-C-2-c
Permit Condition III-E-2-b
- Violation #4 – Permit Condition II-F-3
- Violation #5 – Permit Condition III-D-3-d
Permit Condition III-D-7-b-iv
- Violation #6 – Permit Condition III-D-4-g
Permit Condition III-D-7-a-iii
Permit Condition III-E-7-a-ii
Permit Condition III-H-4-l
- Violation #7 – Permit Condition III-E-3-b
Permit Condition III-E-7-a-v
Permit Condition III-E-7-b-ii
- Violation #8 – Permit Condition III-H-3-f
Permit Condition III-H-7-a-ii
Permit Condition III-H-7-b-iii
- Violation #9 – Permit Condition II-C-5
- Violation #10 – Permit Condition III-B-5-l
Permit Condition III-B-7-a-vii
Permit Condition III-B-7-a-ix
Permit Condition III-B-7-b-iv

Continued from 3/15/17

BOTH PARTIES AGREE TO SETTLE NOV#8908, AIR QUALITY AGREES TO ACCEPT THE CONDITIONS WHICH ARE INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A PENALTY OF \$34,000.00. THE \$34,000.00 PENALTY IS TO BE PAID WITHIN 30 DAYS OF THE SIGNED ORDER.

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

NOV #8940 – For causing an odor nuisance as documented in the Minor Stationary Source Compliant Investigation Report conducted on February 15, 2017 at its facility at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition IV-B-34

Recommended Penalty: \$8,000.00

SEE #12 ABOVE.

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

NOV #8948 – For causing an odor nuisance as documented in the Minor Stationary Source Compliant Investigation Report conducted on March 21, 2017 at its facility at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition IV-B-34

Recommended Penalty: \$10,000.00

SEE #12 ABOVE.

III. ADJOURNMENT 10:20 a.m.