



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 18, 2016

Hearing Officer: Sandra Reed

Staff: Mike Sword, Interim Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor

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 9:05 a.m.

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. REVOCATION OF OPERATING PERMIT DUE TO NON-PAYMENT OF AIR QUALITY FEES

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

1. **RANCHO MART LLC (SOURCE ID: 09136)** Recommended Penalty: \$576.10
NOV #8800 – Permit revocation, after multiple attempts at resolution and communication with the source; for failing to pay required fees; and for attempting to pay fees with check returned for insufficient funds, for the Rancho Mart, LLC gasoline dispensing operation, located at 2151 North Rancho Drive, in Clark County, Nevada.

RANCHO MART LLC ASKED IF THEY COULD HAVE UNTIL MAY 24, 2016 BY 3:30 P.M. TO PAY THE \$576.10 PENALTY AMOUNT IN FULL AND AIR QUALITY AGREES WITH REQUEST.

HEARING OFFICER AGREED TO GIVE RANCHO MART LLC UNTIL MAY 24, 2016 BY 3:30 P.M TO PAY THE \$576.10 PENALTY AMOUNT IN FULL. OTHERWISE, THE PERMIT WILL BE REVOKED DUE TO NONPAYMENT OF FEES.

B. NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT: The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

1. **GENEVA POLYMER PRODUCTS (Source ID: 16948)**

NOV #8758 – For failing to maintain a baghouse standard operating procedures manual; failure to conduct and maintain records of all required baghouse inspections; failure to maintain records of baghouse maintenance and repairs; and failure to submit the semi-annual report for January 1 through June 30, 2015 by July 30, 2015, as identified during a full compliance evaluation conducted on December 29, 2015, for the period of May 3, 2013 through December 29, 2015 of the Geneva Polymer Products facility, located at 14555 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

- Violation #1 – Section 12.1.4.1(r)
 - Permit Condition IV-C-6*
 - Permit Condition IV-C-7*
 - Permit Condition IV-E-1-b*
 - Permit Condition IV-E-1-e*
- Violation #2 – Section 12.1.4.1(d)(3)(A)
 - Permit Condition II-C-6-b*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

- Violation #1 – Section 12.1.4.1(r) - \$1,000.00**
 - Permit Condition IV-C-6*
 - Permit Condition IV-C-7*
 - Permit Condition IV-E-1-b*
 - Permit Condition IV-E-1-e*
- Violation #2 – Section 12.1.4.1(d)(3)(A) - \$500.00**
 - Permit Condition II-C-6-b*

2. **LAS VEGAS PAVING CORPORATION (DCP #46100)**

NOV#8788 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint inspection on March 21, 2016 of the LV Bike Lanes construction site, located at various locations: Sahara Avenue and Cimarron Road, Elkhorn Road and Rainbow Boulevard, and Cheyenne Avenue and Torrey Pines Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

3. **VERIZON WIRELESS (VAW), LLC (Source ID: 17382)**

NOV #8723 – For installing and operating two non-emergency generators without first obtaining a permit from Air Quality that authorizes such construction and operation, and failing to submit the annual emissions inventory report for calendar year 2014, as identified during a full compliance evaluation conducted on May 20, 2015 and a partial compliance evaluation conducted on February 5, 2016 for the period of July 28, 2014 through February 5, 2016 at the Verizon Wireless, LLC wireless telecommunications facility, located at 382 Tonopah Highway, in Las Vegas, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Section 12.1.3.1

Permit Condition II-A-8

Violation #2 – Section 12.1.4.1(d)

Permit Condition II-C-4-a-i through iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

Violation #1 – Section 12.1.3.1 - \$4,000.00

Permit Condition II-A-8

Violation #2 – Section 12.1.4.1(d) - \$500.00

Permit Condition II-C-4-a-i through iii

C. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION

Asbestos, Construction, and Vacant Land NOVs:

1. **601 S. 11TH, LLC (DCP #n/a)**

NOV #8791 – For failing to notify Air Quality of all structures subject to renovation or demolition activities prior to conducting renovation and demolition activities, as identified during a routine site inspection on July 29, 2015 at 405 North 6th Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$25,000.00

Violation #1 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(a)

Violation #2 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(b)(1) & (b)(3)(i)

Violation #3 – Section 13.1 - 40 CFR 61, Subpart M, Parts 61.145(c)(1) & 61.150(c)(6)

Violation #4 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(c)(8)

Violation #5 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.150(a) & (a)(1)(iii)

Violation #6 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(a)

Violation #7 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(b)(1) & (b)(3)(i)

Violation #8 – Section 13.1 - 40 CFR 61, Subpart M, Parts 61.145(c)(1) & 61.150(c)(6)

Violation #9 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.150(a) & (a)(1)(iii)

THERE WAS A CLERICAL ERROR DESCRIBING NOV #8791. THE CORRECT DESCRIPTION SHOULD HAVE BEEN: For failure to perform an asbestos survey for the presence of asbestos prior to commencement of demolition or renovation; for failure to notify Air Quality of all structures subject to renovation or demolition activities at least 10 working days before asbestos stripping or removal work; for failure to remove all regulated

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asbestos-containing material (RACM) from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material; for failure to ensure that all RACM, including material removed or stripped, remained wet until collected and contained or treated in preparation for disposal; for failure to have an on-site representative trained in the provisions of the Asbestos National Emission Standards for Hazardous Air Pollutants and means of complying with them, present during the stripping, removal, handling, or disturbance of RACM; for failure to seal all asbestos-containing waste material in leak-tight containers while wet or put into leak-tight wrapping as identified during inspections conducted from March 30, 2016, through April 15, 2016, located at 601 South 11th Street, in Clark County, Nevada.

601 S. 11TH, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$25,000.00

Violation #1 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(a)	- \$3,000.00
Violation #2 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(b)(1) & (b)(3)(i)	- \$3,000.00
Violation #3 – Section 13.1 - 40 CFR 61, Subpart M, Parts 61.145(c)(1) & 61.150(c)(6)	- \$3,000.00
Violation #4 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(c)(8)	- \$1,000.00
Violation #5 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.150(a) & (a)(1)(iii)	- \$3,000.00
Violation #6 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(a)	- \$3,000.00
Violation #7 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.145(b)(1) & (b)(3)(i)	- \$3,000.00
Violation #8 – Section 13.1 - 40 CFR 61, Subpart M, Parts 61.145(c)(1) & 61.150(c)(6)	- \$3,000.00
Violation #9 – Section 13.1 - 40 CFR 61, Subpart M, Part 61.150(a) & (a)(1)(iii)	- \$3,000.00

2. AMEC FOSTER WHEELER (DCP #45174)

NOV#8764 – For causing a dust plume that extended 100 yards or more from the point of origin, identified during complaint inspections on February 17, 18 (both days during Construction Notices) and 23, 2016 of Sempra Copper Mountain Solar 4 – Phase 1 construction site of Amec Foster Wheeler, located at 659 Eldorado Valley Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$6,000.00
Violation #1 – Subsection 94.11.2

AMEC FOSTER WHEELER IS NOT CONTESTING NOV #8764.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

3. **RENDA PACIFIC, LLC (DCP #44548)**

NOV#8763 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a routine compliance inspection on February 17, 2016 at the Paradise-Whitney Interceptor CCWRD Project No. 670 CL-2014-18 construction site, located near Serene Avenue and Valley View Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Subsection 94.9.2

RENDA PACIFIC, LLC IS NOT CONTESTING NOV #8763.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

Stationary Sources NOVs:

4. **CAPRIATI CONSTRUCTION CORPORATION (Source ID: 15967)**

NOV #8760 – For submitting incorrect data in a report certified by the Responsible Official without verifying its accuracy; for failing to submit a move notice prior to a location change; and failure to provide public notice of a location change within 1000 feet of any hospital, school or residential structure, identified during a partial compliance inspection on January 11 and February 19, 2016 for the Capriati Construction Corporation portable minor source facility, located on Bermuda Road near St. Rose Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 12.1.6(d)

Permit Condition II-C-1

Violation #2 – Section 12.1.6(d)

Permit Condition II-C-2

Violation #3 – Section 12.1.4.1(m)(3)

Permit Condition II-C-11

CONTINUED AT THE REQUEST OF CAPRIATI CONSTRUCTION CORPORATION.

5. **CHARLESTON NEVADA PROPERTY, LLC (Source ID: 9850)**

NOV #8786 – For failing to install and maintain Phase I vapor recovery equipment; for failing to install and maintain Phase II vapor recovery equipment; failure to perform annual vapor recovery performance testing; and failure to conduct and maintain records of daily inspections required by the Minor Source Permit, identified during a full compliance evaluation conducted on February 8, 2016 at the Charleston Nevada Property, LLC facility, located at 3965 East Charleston Boulevard, in Clark County, Nevada.

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CHARLESTON NEVADA PROPERTY, LLC continued

Violation(s) alleged: Recommended Penalty: \$5,500.00
Violation #1 – Section 12.1.4.1(f) and 40 CFR 63.11118
Permit Condition IV-B-1-b-iii
Violation #2 – Section 12.1.4.1(d) & (f) and 40 CFR 63.11118
Permit Condition IV-B-1-d-iii
Violation #3 – Section 52.5
Violation #4 – Section 12.1.4.1(d)(2)
Permit Condition IV-E-2-a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

Violation #1 – Section 12.1.4.1(f) and 40 CFR 63.11118 - \$1,000.00
Permit Condition IV-B-1-b-iii
Violation #2 – Section 12.1.4.1(d) & (f) and 40 CFR 63.11118 - \$1,000.00
Permit Condition IV-B-1-d-iii
Violation #3 – Section 52.5 - \$2,000.00
Violation #4 – Section 12.1.4.1(d)(2) - \$500.00
Permit Condition IV-E-2-a

6. GYPSUM RESOURCES, LLC (Source ID: 17286)

NOV #8731 – For failing to operate pollution control equipment as stipulated in their permit and generating fugitive dust plumes which traveled greater than 100 yards on multiple occasions; for failing to pave interior plant haul roads as permitted; for exceeding opacity limits as determined during a Visible Emissions Evaluation (VEE); for exceeding annual throughput production limitations; for failing to take reasonable precautions to prevent fugitive dust; for failing to utilize water sprays in the process; for failure to maintain personnel onsite certified to conduct VEEs; for failure to conduct initial performance testing before the regulatory deadline; for failing to conduct required inspections and monitoring; for failure to maintain monthly records of vehicle miles traveled (VMT); for failure to maintain monthly records of generator activity; for exceeding annual throughput for the blasting area, the ANFO usage, the truck loading usage, and VMT; for failing to comply with New Source Review permitting requirements; and for operating without a Part 70 Operating Permit as identified during a full compliance evaluation conducted on July 16 and 21, 2015 for the period of September 10, 2013 through July 21, 2015 at the Blue Diamond Hill Gypsum non-metallic mineral processing plant, located at 14000 Blue Diamond Road, in Clark County, Nevada.

**Continued to next page.*

GYPSUM RESOURCES, LLC continued

Violation(s) alleged:

Recommended Penalty: \$331,900.00

- Violation #1 - Section 12.1.4.1(r)
Permit Condition IV-B-4
- Violation #2 - Section 12.1.4.1(r)
Permit Conditions II-A-9 and IV-A-1-a
- Violation #3 - Section 26.1.1 and Section 12.1.4.1(f)
Permit Condition IV-A-2-a
- Violation #4 - Section 12.1.4.1(c) & (f)
Permit Condition IV-A-3-b
Settlement Agreement/Order
- Violation #5 - Section 12.1.4.1(c) & (f)
Permit Condition IV-B-1
- Violation #6 - Section 12.1.4.1(c) & (f)
Permit Condition IV-B-2
- Violation #7 - Section 12.1.4.1(c) & (f)
Permit Condition IV-B-4
- Violation #8 - Section 12.1.4.1(d)
Permit Condition IV-C-18
- Violation #9 - Section 12.1.4.1(d) & (m)
Permit Condition IV-D-2-a
- Violation #10 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-4-a
- Violation #11 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-5-c
- Violation #12 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-5-d
- Violation #13 - Section 12.1.4.1(d)(2)
Permit Condition II-C-6-b-iii
- Violation #14 - Section 12.3
- Violation #15 - Section 12.5

Continued from 1/20/16 and 3/16/16

CONTINUED AT THE REQUEST OF GYPSUM RESOURCES, LLC.

7. GYPSUM RESOURCES, LLC (Source ID: 17286)

NOV #8762 – For failing to implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends 100 yards or more horizontally or vertically from the point of origin, identified during a complaint investigation conducted on February 18, 2016 at the Gypsum Resources, LLC, Blue Diamond Hill Gypsum facility, located at 14000 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

- Violation #1 - Section 12.1.4.1(r)
Permit Condition IV-B-4

CONTINUED AT THE REQUEST OF GYPSUM RESOURCES, LLC.

8. **LHOIST NORTH AMERICA OF ARIZONA (Source ID: 3)**

NOV #8757 – For failure to report deviations within a specified time frame; for exceeding permitted emission limitation for Carbon Monoxide; for exceeding permitted emission limitation for Sulfur Dioxide; for exceeding permitted emission limitation for opacity; for conducting required relative accuracy test audit after deadlines stipulated in AQR; for submitting the emission testing protocol later than required by AQR and their Part 70 Permit; and for submitting permit-required monthly production reports late, as identified during a full compliance evaluation conducted on September 22 and 25, 2015 of the Lhoist North America of Arizona facility, located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$22,000.00

- Violation #1 - Section 12.5.2.6(d)(4)(B)
Permit Condition II-D-7-a
Permit Condition II-D-7-b
- Violation #2 - Section 12.5.2.6(g)(1)
Permit Condition III-B-1-c
- Violation #3 – Section 12.5.2.6(g)(1)
Permit Condition III-B-1-c
- Violation #4 - Section 12.5.2.6(g)(1)
40 CFR Part 63, Subpart AAAAA,
Subsection 63.7090
Permit Condition III-B-1-g
- Violation #5 - Section 12.5.2.6(g)(1)
Permit Condition III-C-23
- Violation #6 - Section 12.5.2.6(g)(1)
Permit Condition III-D-9
- Violation #7 - Section 12.5.2.6(g)(1)
Permit Condition III-F-9

Continued from 3/16/16

BOTH PARTIES AGREE TO SETTLE NOV, AIR QUALITY AGREES TO ACCEPT THE AGREEMENT WHICH IS INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$7,500.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

9. **REPUBLIC DUMPCO, INC. (Source ID: 395)**

NOV #8759 – For exceeding permitted emission limitation for PM₁₀, as identified during a review of the performance test report for tests conducted on Emission Units: A04/A09, A58, A62, A79/A104a, and A151 between December 1 and 3, 2015, of the Republic Dumpco, Inc. facility, located east of the Interstate 15 and US Highway 93 junction, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

- Violations #1 - 5 - Section 12.5.2.6(g)(1)
Permit Condition III-B-1-g

Continued from 3/16/16

NOV TAKEN OFF CALENDAR AND RESCHEDULED TO BE HEARD ON JULY 20, 2016.

10. TRONOX, LLC (Source ID: 95)

NOV #8656 – For failure to apply for a Title V Operating Permit in a timely manner; operating a major source of Hazardous Air Pollutants (HAP) without a Title V Operating Permit; exceeding permitted HAP emission limits; and failure to report actual emissions from Manganese Dioxide process of the Tronox, LLC facility, located at 560 West Lake Mead Parkway, in Henderson, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,347,000.00

Violation #1 – Sections 19.5.2 and 12.5.2.1(a)(1)

Violation #2 – Sections 19.5.2 and 12.5.2.11(d)

Violation #3 – Section 12.8.4.3

Permit Condition IV-A-3-b

Violation #4 – Sections 5.1.3 and 12.8.4.3

Permit Condition IV-F-2-c

CONTINUED AT THE REQUEST OF TRONOX, LLC.

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

NOV #8761 – For discharging into the atmosphere fugitive dust emissions from the hot mix asphalt emissions unit in excess of 20% opacity on two different days as identified during a complaint investigation on February 8, 2016 and a follow-up inspection conducted on February 10, 2016 of the Wells Cargo aggregate processing and hot mix asphalt facility, located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 12.1.3.1

Permit Condition IV-A-2-h

Violation #2 – Section 12.1.3.1

Permit Condition IV-A-2-h

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 12.1.3.1 - \$1,000.00

Permit Condition IV-A-2-h

Violation #2 – Section 12.1.3.1 - \$2,000.00

Permit Condition IV-A-2-h

III. ADJOURNMENT

10:50 a.m.