



## 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 20, 2015

Hearing Officer: Sandra Reed

Staff: Gary Miller, Compliance and Enforcement Manager  
Dea 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 9:00 a.m.

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. STATUS CHECK

1. **THE MARTIN CONDOMINIUM UNIT OWNERS' ASSOCIATION (Source ID: N/A)**  
NOV #8702 – For installing and operating one 1,835-hp emergency generator, eleven 1.68 MMBtu/hour boilers, and two cooling towers without first obtaining a permit that authorizes such construction and operation; identified during a permitting action on March 12, 2015 for The Martin Condominium Unit Owners' Association facility, located at 4471 Dean Martin Drive, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Section 12.1.3.1
- Violation #2 – Section 12.1.5.1(b)
- Violation #3 – Section 18.16.3

**ALL PERMIT FEES PAID AND MINOR SOURCE PERMIT ISSUED, WHEREBY  
MATTER RESOLVED. NOV #8702 WAS WITHDRAWN AND REMOVED FROM THE  
DOCKET.**

B. SETTLEMENT

1. **ARC INTERNATIONAL DBA ANILOX ROLL COMPANY WEST, INC. (Source ID: 00144)**

NOV #8647 – For failing to operate and maintain a Torit Cartridge Filter and HEPA filter air pollution control equipment according to the manufacture’s specifications; for removing the capture and control device ductwork on an Empire Blaster (Emission Unit A02) resulting in emissions discharged directly to the atmosphere; for failing to control particulate discharges by specific capture systems; for failure to provide proof of any corrective actions taken during normal operation to correct malfunctions of the particulate capture system; for failing to comply with NOV #8385, issued by Air Quality on March 7, 2013 by failing to submit annual reports in accordance with NESHAP regulations; and for failing to maintain daily records of inspections of the Torit Cartridge Filter and HEPA filter system, identified during a full compliance evaluation conducted on November 18, 2014 of the Anilox Roll Company West, Inc., a flexography-printing roll repair facility, located at 4624 Andrews Street, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Subsections 12.1.4.1(r) & 13.2 &  
40 CFR Part 63, Subpart WWWW (NESHAP)  
*Permit Condition IV-B-1*  
*63.11507(g)(12)*  
*63.11508(d)(1)*
- Violation #2 – Subsection 12.1.4.1(r) & 40 CFR Part 63,  
Subpart WWWW (NESHAP)  
*Permit Condition IV-B-2*  
*63.11507(e)(1)*
- Violation #3 – Subsection 12.1.4.1(r) & 40 CFR Part 63,  
Subpart WWWW (NESHAP)  
*Permit Condition IV-B-8*  
*Permit Condition IV-C-1*  
*63.11507(f)(1)*
- Violation #4 – 40 CFR Part 63, Subpart WWWW (NESHAP)  
*63.11509(c)*  
*63.11509(c)(2)*  
*63.11509(c)(7)*
- Violation #5 – Subsection 12.1.4.1(r)  
*Permit Condition IV-E-1*

*Rescheduled from 3/18/2015*

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES AN \$8,000.00 PENALTY.**

C. REHEARING OF HEARING OFFICER'S DECISION

1. **SITEL OPERATING CORPORATION (Source ID: 17355)**

NOV #8695 issued on 3/3/2015

Outstanding Balance: \$446.60

Invoice Number: 009973

Invoice issued: 12/1/2014

Invoice due date: 12/31/2014

*Late fee assessed 45 days after invoice issued date*

*Continued from 3/18/2015*

The respondent paid the outstanding balance in full on the day of the Hearing Officer's decision to revoke the stationary source operating permit for non-payment of annual air quality fees. Based on the time of submittal of the fees, Air Quality agrees to accept the payment amount of \$446.60 to resolve this NOV, and recommends the Hearing Officer's decision of 3/18/15 be rescinded.

**HEARING OFFICER RESCINDED THE MARCH 18, 2015 HEARING OFFICER DECISION FOR NOV #8695 THAT REVOKED THE STATIONARY SOURCE PERMIT.**

D. 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. **D. R. HORTON, INC. (DCP #43465)**

NOV #8658 – 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; for conducting construction activities outside the boundaries of the current Dust Control Permit (DCP); for failing to have a complete copy of the DCP on site; and for failing to ensure all construction site supervisors and foremen, and water truck drivers, successfully complete the required Air Quality Dust Control Class, identified during a routine inspection on January 2, 2015 of the Adhara Cove (Starr 40) construction site, located at the southwest corner of East Starr Avenue and Haven Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 94.9.2

Violation #2 – Subsection 94.4.1

Violation #3 – Subsection 94.6.10

Violation #4 – Subsection 94.7.6.1

**FOUND IN VIOLATION.**

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

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

**Violation #2 – Subsection 94.4.1 - \$1,000.00**

**Violation #3 – Subsection 94.6.10 - \$ 500.00**

**Violation #4 – Subsection 94.7.6.1 - \$ 500.00**

2. **VT CONSTRUCTION, INC. (DCP #44265)**

NOV#8665 – For failing to fully implement Best Available Control Measures and allowing a dust plume to extend 100 feet or more, horizontally or vertically, from the point of origin on February 6, 2015 at the Orchard Detention Basin construction site located, southeast of Charleston Avenue and Whitewind Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.11.3

**FOUND IN VIOLATION.**

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

**Violation #1 – Subsection 94.11.3 - \$2,000.00**

*E. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION*

*Asbestos, Construction, & Vacant Land NOV's:*

1. **DIVERSIFIED DEMOLITION COMPANY (DCP #44545)**

NOV #8662 - For failing to comply with conditions of the Dust Control Permit and allowing excessive visible emissions from mechanical demolition activities on January 23, 2015 at the Gramercy Building 7 Demolition project, located 9215 West Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.7.1

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,250.00**

**Violation #1 – Subsection 94.7.1 - \$1,250.00**

2. **E & M ENTERPRISE, INC. (DCP #44177)**

NOV #8653 – For allowing fugitive dust from trackout that extended greater than 50 feet and 0.25 inch in depth from an ineffective trackout control device; for failing to employ Best Available Control Measures and failing to maintain dust control by cleaning trackout from paved surfaces, at a minimum, by the end of the workday or evening shift; and for allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during routine compliance inspections on November 21, 25, and 26, and December 1 and 2, 2014 of the Boulevard Industrial Center construction site, located at 3760 Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$12,000.00

Violation #1 – Subsection 94.11.6

Violation #2 – Subsection 94.9.1

Violation #3 – Subsection 94.9.1

Violation #4 – Subsection 94.9.1

Violation #5 – Subsection 94.11.6

*\*Continued on next page.*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$10,750.00**

**Violation #1 – Subsection 94.11.6 - \$1,250.00**

**Violation #2 – Subsection 94.9.1 - \$1,500.00**

**Violation #3 – Subsection 94.9.1 - \$2,000.00**

**Violation #4 – Subsection 94.9.1 - \$2,000.00**

**Violation #5 – Subsection 94.11.6 - \$4,000.00**

**3. TWC CONSTRUCTION, INC. (DCP #44084)**

NOV #8657 – For allowing visible emissions to exceed 50 percent opacity during concrete sawing as determined by the Instantaneous Method for evaluation of fugitive dust emissions as per AQR Subsection 94.11.4, identified on November 26, 2014 while conducting a routine compliance inspection of the Las Vegas Corporate Center #19 construction site, located at 3700 Bay Lake Trail, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.11.1

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,250.00**

**Violation #1 – Subsection 94.11.1 - \$1,250.00**

**4. WOODSIDE HOMES OF NEVADA, LLC (DCP #44346)**

NOV#8654 – For allowing a dust plume to extend 100 yards or more, horizontally or vertically, from the point of origin; and 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 while conducting a routine inspection on December 10, 2014 at the Peregrine Point construction site, located at the southeast corner of Russell Road and the County 215 Beltway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 94.11.2

Violation #2 – Subsection 94.9.2

**FOUND IN VIOLATION.**

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

**Violation #1 – Subsection 94.11.2 - \$1,250.00**

**Violation #2 – Subsection 94.9.2 - \$ 750.00**

**III. ADJOURNMENT**

**9:53 a.m.**