




Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. – May 23, 2024

Hearing Officer: Holly Fic
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager 
Anna Sutowska, Air Quality Supervisor
Satyra George, Senior Air Quality Specialist

The Presentation Room is accessible to individuals with disabilities. With 24-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. 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. 711 TWAIN LLC AND MARCO BARBIERI, INDIVIDUALLY (Project #241026)

NOV #10003 – For failing to thoroughly inspect the Facility for the presence of Asbestos-Containing Material prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during a routine patrol on April 16, 2024, at a commercial building, located at 711 East Twain Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,500.00
Violation #1 – Section 13.1, 40 CFR §61.145(a)

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,500.00**

2. ALFY GROUP INC D/B/A ALFY CONSTRUCTION (Project #241017)

NOV #9995 – For failing to thoroughly inspect the Facility for the presence of Asbestos-Containing Materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during a routine patrol on March 20, 2024 at a commercial building located at 607 South Decatur Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,000.00
Violation #1 – Section 13.1, 40 CFR §61.145(a)

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,000.00**

3. **AMERICAN EAGLE READY MIX, LLC (Synthetic Minor Source Permit, Source ID: 18157) NOV #9997** – For allowing the handling and transporting of material from stockpiles (Emission Unit (EU): D01), unpaved haul roads (EU: D02), and the Mobile Integrated Process Unit (EU: C01) in a manner which allowed controllable particulate matter to become airborne on March 28, 2024, during a Construction Notice period, and on April 12, 2024, as identified by Air Quality Specialist Jeremy Shockley while on routine patrol during a Construction Notice period on March 28, 2024 at the sand and gravel operation located near the intersection of Interstate-15 and State Route 168, T15, R66, S2, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,125.00

Violation #1 – Permit condition 2.2.11

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,125.00

4. **CIRCLE K STORES INC. (General Permit, Source ID: 17343) NOV #9991** – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of daily Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on March 26, 2024 of the gasoline dispensing operation known as Circle K Store #3371, located at 8545 Blue Diamond Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$11,200.00

Violation #1 – 2019 Permit condition 4.1.3(a through g)

2019 Permit condition 4.3.2.b

2019 Permit condition 4.3.4

2020 General Permit condition 4.1.4(a through g)

2020 General Permit condition 4.3.2.b

2020 General Permit condition 4.3.4

Violation #2 – 2019 Permit condition 4.1.4(a through g)

2019 Permit condition 4.3.2.b

2019 Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,200.00

Violation #1 – 2019 Permit condition 4.1.3(a through g)

- \$6,430.00

2019 Permit condition 4.3.2.b

2019 Permit condition 4.3.4

2020 General Permit condition 4.1.4(a through g)

2020 General Permit condition 4.3.2.b

2020 General Permit condition 4.3.4

Violation #2 – 2019 Permit condition 4.1.4(a through g)

- \$4,770.00

2019 Permit condition 4.3.2.b

2019 Permit condition 4.3.4

5. **D.R. HORTON, INC. (DCOP #55527)**

NOV #10007 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Nahulu Kahananui while performing a routine inspection before a Dust Advisory period on April 4, 2024, at the Tropical Losee construction project, located at East Tropical Parkway and Losee Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Sections 94.13(a) and (b)

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Sections 94.13(a) and (b) - \$2,000.00

Violation #2 – Section 94.14(d) - \$2,000.00

6. **DESIGN WORKS CUSTOM PAINTING, INC., WESTLAND PINE VILLAGE LLC, AND LAS VEGAS RENTAL PROPERTIES LLC D/B/A WESTLAND REAL ESTATE GROUP (Project #241023)**

NOV #10005 – For failing to thoroughly inspect the Facility for the presence of Asbestos-Containing Materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on April 4, 2024, at a commercial building, located at 4236 Pennwood Avenue, 4237 and 4248 Silver Dollar Avenue, and 4365 Tara Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

7. **HY-ROCK EXCAVATION, LLC (DCOP #56549)**

NOV #10002 – For allowing soil to be tracked out greater than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Nahulu Kahananui during a complaint investigation on March 25, 2024, and follow-up inspections on March 26 and 27, 2024, at the Lone Mt/Allen construction project, located at West Lone Mountain Road and Allen Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,250.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,250.00

8. **INSPIRADA BUILDERS, LLC (DCOP #47510)**

NOV #10004 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Canduella Rowsell while performing an inspection during a Construction Notice period on March 28, 2024, at the Via Inspirada/Las Vegas Blvd Connection construction project, located on Via Inspirada between Las Vegas Boulevard and Bicentennial Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

9. **LAS VEGAS PAVING CORPORATION (Synthetic Minor Source Permit, Source ID: 104)**

NOV #9983 – For operating Afterburner #1, Emission Unit: E03, below the minimum operating temperature of 1,400 degrees Fahrenheit while materials were being processed in the drum dryer, as identified by Senior Air Quality Specialist Camon Liddell during an onsite partial compliance evaluation on February 22, 2024 as a follow-up to determine the status of the deficiencies identified in the full compliance evaluation conducted on November 30, 2023 of the commercial manufacture of asphalt and aggregate products, and soil decontamination process operations, located at 3401 North 5th Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,250.00

Violation #1 – October 2021 Permit condition 2.2.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

10. **LAS VEGAS PAVING CORPORATION (Synthetic Minor Source Permit, Source ID: 70)**

NOV #9985 – For failing to operate the baghouse associated with the VSI Crusher, Emission Unit: A037, while the equipment was in operation, as identified by Air Quality Specialist Jeremy Shockley and Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on February 26, 2024 of the construction aggregate and asphalt product operation, known as Las Vegas Paving Corporation - Blue Diamond, located at 9325 South Jones Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – 2023 Permit condition 2.2.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

11. LAS VEGAS PAVING CORPORATION (Synthetic Minor Portable Source Permit, Source ID: 17802)

NOV #9993 – For allowing the handling of material from the lime marination stockpile (Emission Unit (EU): B03) and aggregate unloading stacker (EU: B02) in a manner which allowed controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Michael Newell while on routine patrol during a Dust Advisory period on March 14, 2024 of the portable hot-mix asphalt plant and various aggregate equipment, known as Las Vegas Paving Corporation - Portable Hot Plant #1, currently located at 14075 Grand Valley Parkway (parcel #103-21-011-001), in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

Violation #1 – 2022 Permit condition 2.2.28

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

12. LHOIST NORTH AMERICA OF ARIZONA, INC. (Part 70 Operating Permit, Source ID: 3)

NOV #9990 – For failing to limit the Carbon Monoxide emissions from Kiln 4 to the permit limit of 5,400 pounds/8 hours; for failing to operate ten baghouses (DC-04, DC-30(N), DC-5001, DC-5003, DC-5007, DC-8001, DC-CA-04, D-DC-50122, D-DC-520, and K2-DC-506S), within the permitted differential pressure range for 118 instances; and for failing to install and operate a differential pressure gauge on eight baghouses (DC-04, DC-20, DC-30(N), DC-36, DC-37, DC-8002, DC-8003, and K2-DC-505N) for 50 instances, as identified by Senior Air Quality Specialist Scott Rowsell during offsite partial compliance evaluations on February 28, 2024 and April 2, 2024 of the lime and lime products manufacturing operation known as Lhoist North America of Arizona Apex Plant located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,862.50

Violation #1 – 2023 Permit condition 3.2.3

2023 Permit Table 3-4

Violation #2 – 2023 Permit condition 2.2.8

2023 Permit Table 2-1

Violation #3 – 2023 Permit condition 4.1.13

AIR QUALITY AMENDED NOV #9990 TO CORRECT A MATERIAL MISTAKE DISCOVERED IN THE APRIL EVALUATION REPORT DATED APRIL 11, 2024, REFERRED TO AS EXHIBIT C, AND IN THE FACTS SECTION OF THE NOV AFTER IT WAS ISSUED. DEFICIENCY 4 IN THE APRIL EVALUATION REPORT AND DEFICIENCY I.E.4 IN THE NOV WERE AMENDED TO CHANGE THE EMISSION UNIT NUMBER CITED FROM K402A TO K102A.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,862.50

Violation #1 – 2023 Permit condition 3.2.3 - \$3,000.00

2023 Permit Table 3-4

Violation #2 – 2023 Permit condition 2.2.8 - \$1,627.50

2023 Permit Table 2-1

Violation #3 – 2023 Permit condition 4.1.13 - \$2,235.00

13. MSG LAS VEGAS, LLC (Minor Source Permit, Source ID: 18123)

NOV #9982 – For failing to perform and maintain records of Burner Efficiency Tests on four 6.0 MMBtu/hr Aerco Boilers, Emission Units: A01 through A04, for calendar year 2023, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on February 14, 2024 of the sphere-shaped facility for performing arts, sports, and similar entertainment events operation, located at 255 Sands Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit condition 4.1.7
Permit condition 4.1.9
Permit condition 4.3.3
Permit condition 4.3.1.f

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

14. NEVADA POWER COMPANY D/B/A NV ENERGY (Part 70 Operating Permit, Source ID: 533)

NOV #9992 – For failing to conduct Cylinder Gas Audits (CGAs) in accordance with 40 CFR 60 Appendix F by conducting CGAs for turbine #6 (Emission Unit: A02) for Nitrogen Oxides (NOxLo) and Carbon Monoxide (COLo) parameters using an audit gas cylinder that expired, as identified by Senior Air Quality Specialist Michael Newell during an offsite partial compliance evaluation on March 27, 2024 of the electrical power generating station known as Harry Allen Generation Station, located at 14601 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,875.00

Violation #1 – 2023 Permit condition 4.1.12
40 CFR Part 60, Appendix F, Section 5.1.2(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,875.00

15. NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 507)

NOV #9986 – For failing to maintain the pressure drop within the range of 2.5 to 5.0 inches of water column across the baghouse (Control Device: 02) controlling the Truck Loadout (Emission Unit (EU): A42); and for failing to perform and maintain records of the annual Burner Efficiency Tests on the 9.5 MMBtu/hr Natural Gas Water Heater, EU: C02, for calendar years 2022 and 2023, as identified by Air Quality Specialist Jeremy Shockley during an onsite full compliance evaluation on February 27, 2024 of the ready mix concrete batch plant, located at 4301 West Hacienda Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,292.50

Violation #1 – 2021 Permit condition 2.2.5
Violation #2 – 2021 Permit condition 4.1.18
2021 Permit condition 4.3.1.p

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,292.50

Violation #1 – 2021 Permit condition 2.2.5 - \$967.50
Violation #2 – 2021 Permit condition 4.1.18 - \$2,325.00
2021 Permit condition 4.3.1.p

16. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #54456)

NOV #9998 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Allan Gutierrez while performing an inspection during a Dust Advisory period on March 23, 2024, at the Fullerton Cove construction project, located at the intersection of West Dorrell Lane and Revere Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,500.00

Violation #1 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

17. T.W.C. CONSTRUCTION, INC. (DCOP #56161)

NOV #10006 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Richard Wyse while performing a complaint investigation during a Construction Notice period on March 28, 2024, at the Cheyenne 5 & 6 construction project, located at the northwest corner of North Lamb Boulevard and Alto Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

18. WESTERN STATES CONTRACTING, INC. (DCOP #54885)

NOV #10000 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Richard Wyse while performing a routine inspection on March 19, 2024, at the Solo Mt Pad 1 and Access Road construction project, located west of Nadine Petersen Boulevard and Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$625.00

Violation #1 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$625.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

RECESS AT 10:17 a.m.

RESUMED AT 10:30 a.m.

1. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391)

NOV #10008 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Sections 94.13(a) and (b)

NOV #10008 WAS MOVED TO THE END OF THE CONTESTED PORTION OF THE DOCKET.

HEARING OFFICER DENIED REQUEST FOR CONTINUANCE.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

2. ONE LOTUS LLC (DCOP #56434)

NOV #9999 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross the property line, as identified by Air Quality Specialists Mike Englehart and Noel Crandall while performing complaint investigations during Dust Advisory periods on March 2 and 23, 2024, at the Paragon Crest construction project, located at the intersection of Russell Road and Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Sections 94.13(a) and (b)

Violation #2 – Sections 94.14(a)(3) and (4)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$4,500.00 PENALTY: \$1,500.00 FOR VIOLATION #1, AND \$3,000.00 FOR VIOLATION #2. \$500.00 OF THE PENALTY FOR VIOLATION #1, AND \$1,000.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 5/23/2025. IF ONE LOTUS LLC DOES NOT VIOLATE AQRs BEFORE 5/23/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,500.00 WILL BE WAIVED.

Stationary Sources Violations:

3. **HOLCIM – SWR, INC. (Part 70 Operating Permit, Source ID: 372)**

NOV #9987 – For allowing the handling of material from stockpiles and stackers (Emission Units (EUs): A045 and A046a) in a manner which allowed controllable particulate matter to become airborne; and for operating stackers in the Overland Feed System (EUs: A045 and A046a) during a Construction Notice on March 13, 2024, and Dust Advisory on March 14, 2024, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Dust Advisory period on March 14, 2024 of the sand and gravel, hot mix asphalt, and ready-mix concrete facility known as Holcim - SWR Inc.: Sloan Quarry, located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,390.00

Violation #1 – 2022 Permit condition III.B.31

Violation #2 – 2022 Permit condition III.C.29

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$3,390.00 PENALTY: \$1,875.00 FOR VIOLATION #1, AND \$1,515.00 FOR VIOLATION #2. \$515.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 5/23/2025. IF HOLCIM – SWR, INC. DOES NOT VIOLATE AQRs BEFORE 5/23/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$515.00 WILL BE WAIVED.

4. **RAINBOW MARKET #8, LLC (Minor Source Permit, Source ID: 16018)**

NOV #9968 – For failing to submit a minor source permit revision application to the Control Officer prior to removing the Phase II vapor recovery system; and for failing to conduct and pass an initial vapor recovery system test within 180 days of the removal of the Phase II vapor recovery system, as identified by Senior Air Quality Specialist Michael Newell during an onsite full compliance evaluation on January 24, 2024 of the gasoline dispensing facility known as Rainbow Market #8 located at 4985 East Desert Inn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,882.00

Violation #1 – Permit condition 2.1.7.a

Permit condition 5.1.10

Violation #2 – Permit condition 4.2.4.a

Continued from 3/21/2024

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$4,882.00 PENALTY: \$500.00 FOR VIOLATION #1, AND \$4,382.00 FOR VIOLATION #2. \$1,252.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 5/23/2025. IF RAINBOW MARKET #8, LLC DOES NOT VIOLATE AQRs BEFORE 5/23/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,252.00 WILL BE WAIVED.

III. ADJOURNMENT 12:07 p.m.

Signature: 
Shibi Paul (May 28, 2024 14:48 PDT)

Email: SPaul@ClarkCountyNV.gov