



## Air Pollution Control Hearing Officer Annotated Docket

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

**9:00 a.m. – July 10, 2013**

Hearing Officer: Lori Wohletz

Staff: Gary Miller, Compliance and Enforcement Manager  
Michael Uhl, Principal Air Quality Specialist

A handwritten signature in blue ink, likely belonging to Michael Uhl, Principal Air Quality Specialist.

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter may be made available; phone 676-1500, TDD 676-1834, or Relay Nevada toll-free (800) 326-6868 TTY/TDD.

**I. CALL TO ORDER 9:00 a.m.**

**II. MATTERS REQUIRING HEARING OFFICER ACTION**

**A. SETTLEMENT**

**1. BRADY LINEN SERVICES**

NOV #8428 - For failing to conduct performance testing on three boilers (Emission Units: A15, A16, and C07) on or before the five-year anniversary date of the previous performance test, as determined during a review of the performance test protocol submitted to Air Quality on February 26, 2013 for the Brady Linen Services facility (Source: 112), located at 1100 East Foremaster Lane, in Clark County, Nevada.

Violation(s) alleged: Subsection 49.4.2

Violation #1 – Permit Condition IV.D.3

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT,  
WHICH INCLUDES A \$1,500 PENALTY.**

2. **ED'S STATIONS LLC**

NOV #8388 - For allowing gasoline to be handled in a manner that would result in vapor releases to the atmosphere by failing to maintain spill buckets in good working order and failing to clean up spills in an expeditious manner; for failing to maintain Phase II vapor recovery equipment to be leak free, vapor tight, and in good working order; for failing to submit a performance test for the year 2012 and for conducting a performance test three days late in 2010; and for submitting the Gasoline Dispensing Operation Annual Gasoline Throughput and Emissions Inventory Report for calendar year 2009, 241 days late; and for failing to submit the same reports for years 2010 and 2011, at Ed's AM/PM Gasoline Dispensing Operation (Source #9132), located at 333 East Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1  
Subsection 52.4(b)(3)(ii)  
40CFR 63.11118(a)(b)

Violation #1 - Permit Condition V.B.4 and V.A

Violation #2 - Permit Condition V.C.3

Violation #3 - Permit Condition VII.G.1

Violation #4 - Permit Condition IX.B

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT THAT INCLUDES A \$5,500 PENALTY, OF WHICH \$3,500 IS SUSPENDED. IF ED'S STATIONS LLC DOES NOT VIOLATE ANY PROVISION OF THE AQR OR ANY APPLICABLE OPERATING PERMIT CONDITION FOR A PERIOD NOT TO EXCEED EIGHTEEN MONTHS (01/10/15), THE SUSPENDED AMOUNT WILL BE WAIVED.**

*B. ACTION REQUIRED*

1. **HARMONY HOMES, LLC**

NOV #8386 - For failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance, or wind erosion; and for failing to apply and obtain a Dust Control Permit prior to engaging in construction activities, identified during site inspections on February 22 and 25, 2013 of the Laguna (Village 2) construction site located at 2309 Breckle Key Avenue, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1  
Subsection 94.9.1

Recommended Penalty: \$3,500

Violation #1 - Subsection 94.9.1

Violation #2 - Subsection 94.9.1

Violation #3 - Subsection 94.4.1

Violation #4 - Subsection 94.4.1

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$3,500**



2. **TRANSCORE ITS, LLC**

NOV #8387– For failing to implement Best Available Control Measures and allowing a dust plume to cross the property line and extend more than one hundred feet, horizontally or vertically, from the point of origin within the NDOT 3526 (Project CM-015-1(152) construction site located along I-15, extending from Craig Road to Speedway Boulevard in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1  
Subsection 94.11.3

Recommended Penalty: \$2,000

Violation #1 - Subsections 94.9.1 and 94.11.3

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000**

3. **APEX LINEN, INC.**

NOV #8381 - For installing and operating a 70 pound petroleum solvent dry cleaning machine, and three 1.5 MMBtu/hr natural gas dryers without first obtaining an approved Minor Source Permit; for failing to submit an annual report for calendar year 2011; for failing to record weekly measurements of the refrigerated condenser's outlet-side temperature; for failing to maintain records of the volume of petroleum purchased each month, 12-month rolling totals of petroleum consumption, refrigerator condenser outlet temperature measurements and visible emission checks; and for failure to maintain monthly hours of operation, or fuel consumption for each boiler and dryer, monthly petroleum solvent usage, and calculated annual emissions for each emission unit and the entire source at the Apex Linen facility (Source: 16804), located at 6375 Arville Street in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1  
Subsection 12.1.4.1(d)

Recommended Penalty: \$5,000

Violation #1 – Subsection 12.1.3.1

Violation #2 – Permit Condition II.C.6(a)

Violation #3 – Permit Condition IV.B.11

Violation #4 – Permit Condition IV.E.1

Violation #5 – Permit Condition IV.E.2

**CONTINUED, PRUSUANT TO A REQUEST BY AIR QUALITY AND AGREED UPON BY APEX LINEN, INC.**

**4. ARC INTERNATIONAL**

NOV #8385 - For replacing emission units and construction and operation of air emission sources without first obtaining an approved Minor Source Permit; for exceeding the permit consumption limit of chromium dioxide; for failing to maintain records of pressure drop readings across the Torit baghouse filters and logs of maintenance work when filters were replaced; and in accordance with 40CFR Part 63, Subpart WWWW (NESHAP); failure to submit an Initial Notification; for failure to submit a Notice of Compliance; for failure to operate a capture system to collect PM emissions from the electric arc spraying process; for failure to report deviations from compliance requirements; and for failure to prepare annual certification reports at ARC International Anilox Roll Company West facility (Source: 144), located at 4642 Andrews Street in Clark County, Nevada.

Violation(s) alleged: Subsection 15.6.1  
Subsection 12.7.1  
Subsection 13.2  
40CFR 63.11509(c)(d)

Recommended Penalty: \$24,000

- Violation #1 - Permit Condition B.2
- Violation #2 - Permit Condition C.3
- Violation #3 - Permit Condition E.4
- Violation #4 - Subsection 13.2
- Violation #5 - Subsection 13.2
- Violation #6 - Subsection 13.2
- Violation #7 - Subsection 13.2
- Violation #8 - Subsection 13.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$17,000**

- Violation #1 - Permit Condition B.2 - \$2,000**
- Violation #2 - Permit Condition C.3 - \$4,000**
- Violation #3 - Permit Condition E.4 - \$1,000**
- Violation #4 - Subsection 13.2 - \$1,000**
- Violation #5 - Subsection 13.2 - \$2,000**
- Violation #6 - Subsection 13.2 - \$5,000 (increased the recommended penalty)**
- Violation #7 - Subsection 13.2 - \$1,000**
- Violation #8 - Subsection 13.2 - \$1,000**

**5. CC LANDFILL ENERGY, LLC**

NOV #8383 – For exceeding the Potential to Emit for NOx on two combustion turbines (Emission Units: A01 and A02) as determined during a Relative Accuracy Audit conducted on December 18, 2012 at the CC Landfill, LLC facility (Source: 16539), located at the Apex Waste Management Site in Clark County, Nevada.

Violation(s) alleged: Subsection 12.4.3.1(a)(3)  
Violation #1 – Permit Condition IV.B.4

Recommended Penalty: \$8,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$8,000**



**6. LVH LAS VEGAS HOTEL & CASINO**

NOV #8384 - For failing to conduct performance testing on three Burnham boilers (Emission Units: A01, A02, and A21) on or before the five-year anniversary date of the previous performance test, as determined during a review of the performance test protocol submitted to Air Quality on January 9, 2013 for the LVH Las Vegas Hotel & Casino facility (Source: 101), located at 3000 Paradise Road in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.4.1(m)(1)  
Subsection 49.4.2

Recommended Penalty: \$6,000

Violation #1 - Permit Condition IV.D.2

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$3,000**

**7. REBEL OIL COMPANY**

NOV #8382 - For installing and operating an emission unit without an approved Authority to Construct/Operating Permit issued by the Control Officer; for exceeding the allowable Volatile Organic Compound emissions of ethanol for 2011; and for failing to submit annual reports for calendar years 2009 and 2010 at Rebel Oil Company's Rebel Ethanol facility (Source #15983), located at 5095 El Campo Grande in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.1.1  
Subsection 12.1.6.3  
Subsection 12.8.1

Recommended Penalty: \$5,000

Violation #1 - Permit Condition II.8  
Violation #2 - Permit Condition IV.A.1  
Violation #3 - Permit Condition IV.H.1

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$4,000**

**Violation #1 - Permit Condition II.8 - \$1,000**  
**Violation #2 - Permit Condition IV.A.1 - \$3,000**  
**Violation #3 - Permit Condition IV.H.1 - In violation; however, no penalty was assessed.**

**III. ADJOURNMENT 10:45 a.m.**