



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 16, 2020

Hearing Officer: Christine T. Smith

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Pamela Thompson, Senior Secretary

Handwritten initials in blue ink, possibly "SP", located next to the name Shibi Paul.

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).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is highly recommended.

In order to limit the size of the meeting, each case on the contested portion of the docket has been assigned a time to be heard.

I. CALL TO ORDER 9:05 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. **EP RENEWABLE LAS VEGAS INC (Source ID: 17399)**
NOV #9424 issued on 6/12/2020 Outstanding Balance: \$6,442.70

Invoice Number: 041681
Invoice issued: 1/2/2020
Invoice due date: 2/3/2020

Late fee assessed 45 days after invoice issued date

EP RENEWABLE LAS VEGAS INC REQUESTED THEIR OPERATING PERMIT BE TERMINATED. AIR QUALITY AGREED TO TERMINATE THE PERMIT.

AIR QUALITY RESCINDED THE REQUEST FOR REVOCATION. NO ORDER.

B. 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. **AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Source ID: 372)**

NOV #9428 – For failing to report intermittent compliance for six Permit conditions in the 2018 Annual Compliance Certification (ACC) report, and nine Permit conditions in the 2019 ACC report; for failing to report 10 deviations that did not result in excess emissions in the 2018 and 2019 semi-annual reports; for failing maintain the pressure drop across each baghouse cell between 1” to 6” of water column for baghouse DC1 (Secondary Feed Plant); and for failing to conduct and maintain records of the daily baghouse pressure differential readings for baghouses (DC1 and DC4) when the associated emission units were operated during the Full Compliance Evaluation (FCE) period, as identified by Senior Air Quality Specialist Scott Rowsell during a FCE conducted on February 20, 2020 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$9,860.00

- Violation #1 – 2016 Permit condition II.D.6.c
2019 Permit condition II.D.6.c
- Violation #2 – 2016 Permit condition II.D.8
2019 Permit condition II.D.8
2016 Permit condition III.G.4.b
2019 Permit condition III.H.4.b
- Violation #3 – 2016 Permit condition III.C.2
2019 Permit condition III.C.2.b
- Violation #4 – 2016 Permit condition III.D.11
2016 Permit condition III.F.4.g

FOUND IN VIOLATION.

PENALTY ASSESSED: \$9,860.00

- Violation #1 – 2016 Permit condition II.D.6.c - \$4,000.00**
2019 Permit condition II.D.6.c
- Violation #2 – 2016 Permit condition II.D.8 - \$2,000.00**
2019 Permit condition II.D.8
2016 Permit condition III.G.4.b
2019 Permit condition III.H.4.b
- Violation #3 – 2016 Permit condition III.C.2 - \$1,660.00**
2019 Permit condition III.C.2.b
- Violation #4 – 2016 Permit condition III.D.11 - \$2,200.00**
2016 Permit condition III.F.4.g

2. **FUELZONE MART #3 LLC (Source ID: 17919)**

NOV #9410 – For failing to conduct initial vapor recovery system tests within 180 days of Facility startup; for failing to demonstrate compliance for initial vapor recovery system tests after removal of Phase II vapor recovery equipment; for failing to submit the vapor recovery system test results to Air Quality within 60 days of test completion; and for failing to submit the 2018 Emissions Inventory Report to Air Quality on or before April 1, 2019 (March 31, 2019 was a Sunday), as identified by Air Quality Specialist Tim Fogarty during a full compliance evaluation conducted on February 7, 2020 of the gasoline dispensing operation known as Express Stop #3 located at 2151 North Rancho Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,278.00

Violation #1 – 2017 Permit condition IV.D.4.a

Violation #2 – Section 13.2, 40 CFR Part 63, Subpart CCCCCC, §63.11120(a)(2)

Violation #3 – 2018 Permit condition 4.2.6

Violation #4 – 2018 Permit condition 4.4.5.a.ii

Violation #5 – 2018 Permit condition 2.1.3.d

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,278.00

Violation #1 – 2017 Permit condition IV.D.4.a - \$3,110.00

**Violation #2 – Section 13.2, 40 CFR Part 63,
Subpart CCCCCC, §63.11120(a)(2) - \$4,210.00**

Violation #3 – 2018 Permit condition 4.2.6 - \$803.00

Violation #4 – 2018 Permit condition 4.4.5.a.ii - \$250.00

Violation #5 – 2018 Permit condition 2.1.3.d - \$1,905.00

3. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48976)**

NOV #9441 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Cris Melo while performing a routine inspection on May 27, 2020 at the Bellamont construction project located on the southeast corner of Ann Road and Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

4. **ROBERTSON'S READY MIX, LTD., A CALIFORNIA LIMITED PARTNERSHIP (Source ID: 15262)**

NOV #9435 – For failing to control fugitive dust emissions and allowing controllable particulate matter from Facility grounds east of the cement plant to become airborne and travel in excess of 100 yards from the point of origin, as identified by Air Quality Specialist Mike Murphy while conducting a partial compliance evaluation during a Construction Notice period on May 12, 2020 of the concrete batch plant and aggregate processing operation known as Robertson's Ready Mix, located at Alpine Ridge Way and Lone Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – December 2019 Permit condition 2.2.8
December 2019 Permit condition 2.2.11

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,000.00**

5. **TERRIBLE HERBST, INC. (Source ID: 9676)**

NOV #9427 – For removing the Phase II vapor recovery equipment without a permit revision authorizing the modification; and for failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on March 12, 2020 of the gasoline dispensing operation known as Terrible Herbst #169, located at 7780 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,230.00

Violation #1 – 2015 Permit condition II.A.9
2015 Permit condition IV.B.1.d
Violation #2 – Permit condition IV.D.4.b
Permit Table IV-D-1

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,230.00**

**Violation #1 – 2015 Permit condition II.A.9 - \$2,240.00
2015 Permit condition IV.B.1.d
Violation #2 – Permit condition IV.D.4.b - \$4,990.00
Permit Table IV-D-1**

6. **TERRIBLE HERBST, INC. (Source ID: 9062)**

NOV #9434 – For removing the Phase II vapor recovery equipment without a permit revision authorizing the modification, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on March 12, 2020 of the gasoline dispensing operation known as Terrible Herbst #226, located at 4190 East Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$875.00

Violation #1 – Permit condition II.A.9
Permit conditions IV.B.1.d.i through vii

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$875.00**

7. **TRE BUILDERS, LLC (DCOP #51558)**

NOV #9430 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line on February 19, 2020; for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week on February 19 and 21, 2020, and failing to maintain a trackout control device in an effective condition at all access points where paved and unpaved access intersect on February 24, 2020; and for allowing tracked out mud or dirt to extend greater than 50 feet in length and ¼ inch in depth onto a paved road on February 22, 2020, as identified by Air Quality Specialists Carlton Monroe and Katrinka Byers during routine and follow-up inspections on February 19, 21, 22, and 24, 2020 at the Remote Warehouse construction project located at the northeast corner of Main Street and Bonanza Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,750.00

Violation #1 – Section 94.11.3(c)

Violation #2 – Section 94.9.2

Violation #3 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,750.00

Violation #1 – Section 94.11.3(c) - \$2,500.00

Violation #2 – Section 94.9.2 - \$3,750.00

Violation #3 – Section 94.11.6 - \$1,500.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **B & H CONSTRUCTION, INC. (DCOP #50751)**

NOV #9438 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week; and for allowing soil to be tracked out more than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Carlton Monroe during a complaint investigation on June 3, 2020 at the Wardelle Apartments construction project located at the southeast corner of Harris Avenue and Wardelle Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – Section 94.9.2 - \$1,250.00

Violation #2 – Section 94.11.6 - \$1,250.00

RECESSED AT 9:30 a.m.

RESUMED AT 10:00 a.m.

2. GREYSTONE NEVADA, LLC (DCOP #51803)

NOV #9437 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during a complaint investigation on May 8, 2020 at the Bradley/215 construction project located East of Bradley Road and Ano Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,750.00

Violation #1 – Section 94.9.2

GREYSTONE NEVADA, LLC PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 1.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

Asbestos Violations:

3. LMNOP PROPERTIES LLC AND JASON ELLEMAN (Project #201005)

NOV #9406 – For failing to thoroughly inspect the facility for the presence of asbestos-containing materials prior to conducting renovation activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Materials (RACM) from the facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the facility prior to renovation; for failing to adequately wet all removed RACM; for failing to have at least one onsite representative trained in the provision of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to seal all Asbestos-Containing Waste Material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during an inspection by Air Quality Specialist Kevin Adoor on January 27, 2020 at a facility owned and operated by LMNOP Properties LLC and Jason Elleman located at 3782 Palos Verdes Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$29,250.00

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

Violation #2 – Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(1)

Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(3)(i)

Violation #3 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(1)

Violation #4 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(6)(i)

Violation #5 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(8)

Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iii)

Violation #7 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$29,250.00

Violation #1 – Section 13.1, 40 CFR 61 Subpart M, §61.145(a) - \$4,875.00

Violation #2 – Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(1) - \$4,875.00

Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(3)(i)

Violation #3 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(1) - \$4,875.00

Violation #4 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(6)(i) - \$4,875.00

Violation #5 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(8) - \$2,437.50

Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iii) - \$4,875.00

Violation #7 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv) - \$2,437.50

Stationary Sources Violations:

4. CIRCLE K STORES INC. (Source ID: 9118)

NOV #9411 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests; and for failing to submit the 2018 annual Emissions Inventory Report on or before April 1, 2019 (March 31, 2019 was a Sunday), as identified by Air Quality Specialist Pat Ringgenberg during a full compliance evaluation conducted on February 27, 2020 of the gasoline dispensing operation known as Circle K Store #3363 located at 1777 East Warm Springs Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,610.00

Violation #1 – Permit condition IV.D.4.b

Permit Table IV-D-1

Violation #2 – Permit condition II.C.3.a.ii

Permit condition II.C.3.b.i

CIRCLE K STORES INC. DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,610.00

Violation #1 – Permit condition IV.D.4.b - \$4,360.00

Permit Table IV-D-1

Violation #2 – Permit condition II.C.3.a.ii - \$250.00

Permit condition II.C.3.b.i

5. CIRCLE K STORES INC. (Source ID: 9029)

NOV #9413 – For failing to conduct Phase I inspections after fuel deliveries for Emission Units (EUs): A01 through A03, failing to conduct Phase II inspections, and failing to maintain records of Phase I and Phase II inspections; and for operating EUs: A01 through A03 with liquid in the fill and vapor recovery side spill buckets, EU: A03 with debris in the vapor recovery side, and EU: A03 with a missing vapor cap, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on March 9, 2020 of the gasoline dispensing operation known as Circle K Store #5394 located at 100 South Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,330.00

Violation #1 – 2015 Permit conditions IV.C.3.a through g

2015 Permit conditions IV.C.4.a, c and d

2015 Permit condition IV.E.2.a

2019 Permit conditions 4.1.4.a through d

2019 Permit condition 4.3.2.a

Violation #2 – 2019 Permit condition 2.1.4.d

2019 Permit condition 2.1.4.h

***Continued on the next page.**

CIRCLE K STORES INC. DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,330.00

- | | |
|---|---------------------|
| Violation #1 – 2015 Permit conditions IV.C.3.a through g | - \$4,080.00 |
| 2015 Permit conditions IV.C.4.a, c and d | |
| 2015 Permit condition IV.E.2.a | |
| 2019 Permit conditions 4.1.4.a through d | |
| 2019 Permit condition 4.3.2.a | |
| Violation #2 – 2019 Permit condition 2.1.4.d | - \$1,250.00 |
| 2019 Permit condition 2.1.4.h | |

6. GYPSUM RESOURCES, LLC (Part 70 Source ID: 17286)

NOV #9412 – For failing to report intermittent compliance in the 2018 and 2019 Annual Compliance Certification (ACC) Reports; for failing to report permit deviations in the 2nd Semi-annual Report for 2018, the 1st Semi-annual Report for 2019 and the 2nd Semi-annual Report for 2019, due by January 30, 2019, July 30, 2019, and January 30, 2020, respectively; for failing to provide at least seven days written notice to the Control Officer prior to replacing the continuous-duty diesel engines, EU: C01, C05 and C08; for replacing the continuous-duty diesel engine, EU: C07 with an engine rated at a higher horsepower without first obtaining an Authority to Construct (ATC) Permit from the Control Officer; for operating EUs: B02 and B03 throughout the entire Full Compliance Evaluation (FCE) period as unpaved haul roads when they were both permitted as paved; for exceeding the actual and potential emission limitations during the entire FCE period by operating EUs: B02 and B03 as unpaved haul roads; for exceeding the ANFO consumption limit of 75 tons per any consecutive 12-month period for 16 consecutive months; for exceeding the operational limit of 4,200 hours per any consecutive 12 month period for EU: C06 for 16 consecutive months; for exceeding the operational limit of 4,800 hours per any consecutive 12 month period for EU: C03 for 16 consecutive months; for failing to maintain moisture at a minimum of 1.5% in 40 weekly samples at six locations not controlled by baghouses; for failing to maintain moisture at a minimum of 2.5% in two weekly samples at one location for overburden operations; for failing to maintain and provide records for the continuous-duty diesel water pump (EU: C07) prior to its replacement; for conducting blasting operations during a Dust Advisory on April 2, 2019; for failing to take precautions and allowing fugitive dust emissions from the unpaved BLM Haul Road, EU: B01; for allowing haul trucks to exceed the speed limit of 15 mph on the unpaved BLM Haul Road, EU: B01; for failing to conduct and provide records of twice per day Method 22 Evaluations on all EUs, for eight instances; for failing to conduct and provide records of monthly baghouse inspections of the interior of CD: D01 and D02 for eight non-consecutive months, and an additional six months where the CD identification was not recorded; for failing to provide a Standard Operating Procedure for the purpose of maintenance for Baghouse #1, CD: D01, and Baghouse #2, CD: D02; for failing to conduct and provide records of weekly moisture testing; for failing to submit records of moisture test results with both 2019 semi-annual reports, due by July 30, 2019 and January 30, 2020; and for replacing the continuous-duty diesel engine, EU: C01 with an engine rated at a higher horsepower without first obtaining an ATC Permit from the Control Officer, as identified by Senior Air Quality Specialists Camon Liddell and Scott Rowsell (Rowsell) during a FCE conducted on February 26, 2020 and by Rowsell during an offsite partial compliance evaluation conducted on May 5, 2020 of the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$294,600.00

**Continued on the next page.*

GYPSUM RESOURCES, LLC continued

- Violation #1 – Permit condition II.D.6.c
- Violation #2 – 2017 Permit condition II.D.8
- Violation #3 – Section 12.5.2.12(a)(2)
- Violation #4 – Permit condition II.B.1
- Violation #5 – Permits condition II.B.1
- Violation #6 – 2019 Permit condition III.C.1.a
2019 Permit Table III-B-1
- Violation #7 – 2017 Permit condition III.B.2.e
- Violation #8 – 2017 Permit condition III.B.2.1
- Violation #9 – 2017 Permit condition III.B.2.m
- Violation #10 – 2017 Permit condition III.B.3.2
2019 Permit condition III.C.3.a
- Violation #11 – 2017 Permit condition III.B.3.3
- Violation #12 – 2017 Permit conditions III.B.3.14.a through c
2017 Permit condition III.E.4.m
- Violation #13 – 2017 Permit condition III.B.3.21
- Violation #14 – 2019 Permit condition III.C.3.u
2019 Permit condition III.C.3.dd
- Violation #15 – 2019 Permit condition III.C.3.w
- Violation #16 – 2017 Permit condition III.C.1
2017 Permit condition III.E.4.a
2019 Permit condition III.D.1
2019 Permit condition III.F.4.a
- Violation #17 – 2017 Permit condition III.C.22
2017 Permit condition III.E.4.n
2019 Permit condition III.D.24
2019 Permit condition III.F.4.n
- Violation #18 – 2017 Permit condition III.C.23
2017 Permit condition III.E.4.m
2019 Permit condition III.D.25
2019 Permit condition III.F.4.m
- Violation #19 – 2017 Permit conditions III.C.25.b.1 through 7
2017 Permit condition III.E.5.1
2019 Permit conditions III.D.27.b.i through vii
2019 Permit condition III.F.5.n
- Violation #20 – 2017 Permit condition III.C.29
2017 Permit condition III.E.5.1
2017 Permit condition III.F.5.a
2019 Permit condition III.D.31
2019 Permit condition III.F.5.n
2019 Permit condition III.G.4.a
- Violation #21 – Permits condition II.B.1

GYPSUM RESOURCES, LLC REQUESTED A CONTINUANCE.

**HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO
SEPTEMBER 17, 2020.**

III. ADJOURNMENT 12:10 p.m.