



## Air Pollution Control Hearing Officer Meeting Annotated

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

**9:00 a.m. – July 18, 2024**

Hearing Officer: Holly Fic  
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager  
Anna Sutowska, Air Quality Supervisor  
Sheenaleigh Lucas, 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 9:00 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. BURKE CONSTRUCTION GROUP, INC. (DCOP #56122)**

**NOV #10016** – 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 Air Quality Specialist Noel Crandall during a routine inspection on April 18, 2024, at the Symphony Park II construction project, located at South Grand Central Parkway and West Carson Avenue, in Clark County, Nevada.

Violation(s) Alleged:  
Violation #1 – Sections 94.13(a) and (b)

Recommended Penalty: \$1,750.00

**FOUND IN VIOLATION.**  
**PENALTY ASSESSED: \$1,750.00**

2. **D.R. HORTON, INC. (DCOP #55618)**  
**NOV #10028** – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and allowing the use of soil to create a ramp for vehicle access over a curb, as identified by Air Quality Specialist Nahulu Kahananui while performing an inspection during a Construction Notice period on May 9, 2024, at the Valley Vista Parcel 1.1 construction project, located at North Decatur Boulevard and Grand Teton Drive, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,250.00  
Violation #1 – Sections 94.13(a) and (b)

**FOUND IN VIOLATION.**  
**PENALTY ASSESSED: \$2,250.00**

3. **DESERT BLUE UNIT-OWNERS ASSOCIATION, INC. (Minor Source Permit, Source ID: 17351)**  
**NOV #10027** – For failing to submit the 2023 Emission Inventory Report on or before April 1, 2024, as identified by Air Quality Specialist Joshua Frye during an onsite full compliance evaluation on May 22, 2024 at the timeshare tower building known as Wyndham Desert Blue located at 3200 West Twain Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$715.00  
Violation #1 – 2024 Permit condition 4.4.3.a.ii

**FOUND IN VIOLATION.**  
**PENALTY ASSESSED: \$715.00**

4. **EDWARD HOMES, INC. (DCOP #54743)**  
**NOV #10032** – 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 Air Quality Specialists Canduella Rowsell and Damon Lindsay, and Senior Air Quality Specialist Katrinka Byers, during a routine inspection on April 11, 2024, a complaint investigation on April 16, 2024, and a follow-up inspection on April 17, 2024, at the Ford and Ensworth construction project, located at the intersection of West Ford Avenue and Ensworth Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,562.50  
Violation #1 – Sections 94.13(a) and (b)

**FOUND IN VIOLATION.**  
**PENALTY ASSESSED: \$5,562.50**

5. **INSPIRADA BUILDERS, LLC (DCOP #47827)**  
**NOV #10013** – For allowing soil to be tracked out greater than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Canduella Rowsell while performing an inspection during a Construction Notice period on March 28, 2024, at the Extraordinary Grading construction project, located at Via Inspirada and Via Napoli, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,500.00  
Violation #1 – Section 94.14(d)

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

6. **KORTE CONSTRUCTION COMPANY D/B/A THE KORTE COMPANY (DCOP #56884) NOV #10044** – 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 Specialist Andrew Kirk and Air Quality Specialist Canduella Rowsell during a routine inspection prior to a Construction Notice period on May 18, 2024, and follow-up inspection on May 20, 2024, at The Village at St Rose construction project, located on Spencer Street and Cactus Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,500.00**

7. **LAS VEGAS PAVING CORPORATION (DCOP #57503) NOV #10015** – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialists Allan Gutierrez and Canduella Rowsell, and Senior Air Quality Specialist Andrew Kirk during a complaint investigation on April 24, 2024, and follow-up inspections on April 25 and 29, 2024, at the Riviera 2023 construction project, located at 300 Convention Center Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.14(d)

**FOUND IN VIOLATION.**

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

8. **LAS VEGAS PAVING CORPORATION (Synthetic Minor Portable Source Permit, Source ID: 17802) NOV #10021** – For failing to limit visible emissions from the baghouse controlling the Drum Mixer (Emission Unit: A10a) to less than an average of 20 percent opacity for six consecutive minutes, as identified by Senior Air Quality Specialist Mike Murphy while performing surveillance in the Apex region on April 30, 2024 at 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: \$4,650.00

Violation #1 – 2022 Permit condition 3.2.3

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,650.00**

9. **LHOIST NORTH AMERICA OF ARIZONA, INC. (Part 70 Operating Permit, Source ID: 3) NOV #10010** – For allowing the handling, transporting, and storage of material in a manner which allowed controllable particulate matter to become airborne from the Solid Fuel Stockpile (Emission Unit (EU): A01) and unpaved haul road (EU: VPW) on April 4, 2024, as identified by Senior Air Quality Specialist Michael Newell while performing surveillance prior to a Dust Advisory period on April 4, 2024 at 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: \$2,500.00

Violation #1 – Permit condition 8.1.2  
Permit Table 8-1  
Section 41.1.2

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$2,500.00**

10. **LV PETROLEUM, LLC (Minor Source Permit, Source ID: 9042) NOV #10012** – 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 Joshua Kelley during an onsite full compliance evaluation on May 1, 2024 of the gasoline dispensing operation known as US Market Craig located at 2841 West Craig Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,370.00

Violation #1 – 2023 Permit condition 4.2.6.b  
2023 Permit Table 4-1

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$1,370.00**

11. **NDL GROUP, INC. (DCOP #56913) NOV # 10031** – 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 Air Quality Specialist Nahulu Kahananui while performing an inspection during a Construction Notice period on May 9, 2024, at the Grand Teton & Decatur Commercial construction project, located on the southeast corner of Grand Teton Drive and Decatur Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

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

12. **NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 512) NOV #10033** – For allowing the handling of material in a manner which allowed controllable particulate matter to become airborne from the Upper Wash Plant unpaved haul road (Emission Unit: I002) and stockpiling material, as identified by Air Quality Specialist Jeremy Shockley during an after-hours patrol scheduled on May 23, 2024 at the sand and gravel, and ready-mix concrete manufacturing operation located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,875.00

Violation #1 – 2024 Permit condition 2.2.45

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,875.00**

13. **NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 99) NOV #10034** – For failing to perform and maintain a record of the annual burner efficiency tests on the 8.00 MMBtu/hr Natural Gas Water Heater (Emission Unit: D02) for calendar years 2022 and 2023, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on May 20, 2024 at the ready-mix concrete manufacturing operation known as Nevada Ready Mix – Bonanza Plant, located at 601 West Bonanza Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,325.00

Violation #1 – 2021 Permit condition 4.1.9

2021 Permit condition 4.3.1.j

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,325.00**

14. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #54456) NOV #10045** – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, as identified by Senior Air Quality Specialist Andrew Kirk, and Air Quality Specialists Nahulu Kahananui and Damon Lindsay during a routine inspection on May 21, 2024, follow-up inspections on May 22 and 29, 2024, and follow-up inspection during a Construction Notice period on May 24, 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: \$11,500.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$11,500.00**

**15. S.H.R.A. INVESTMENT, LLC, BRANBERT INVESTMENT LLC, LV CABANA, LLC, FOUNDATION MANAGEMENT GROUP LLC, AND MICHAEL POURA, INDIVIDUALLY (Project #241014)**

**NOV #10024** – 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 Material (RACM) at the Facility; 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 provisions 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 by Air Quality Specialist II Kevin Adoor during a routine patrol on February 29, 2024 at the buildings located at 716 North Eastern Avenue, 2512 Tulip Lane, and 732 Aster Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$16,500.00

- Violation #1 – Section 13.1, 40 CFR §61.145(a)
- Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)  
Section 13.1, 40 CFR §61.145(b)(3)(i)
- Violation #3 – Section 13.1, 40 CFR §61.145(c)(1)
- Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)
- Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)
- Violation #6 – Section 13.1, 40 CFR §61.150(a)  
Section 13.1, 40 CFR §61.150(a)(1)(iii)
- Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$16,500.00**

- Violation #1 – Section 13.1, 40 CFR §61.145(a) - \$1,500.00**
- Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) - \$1,500.00**  
**Section 13.1, 40 CFR §61.145(b)(3)(i)**
- Violation #3 – Section 13.1, 40 CFR §61.145(c)(1) - \$1,500.00**
- Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$3,000.00**
- Violation #5 – Section 13.1, 40 CFR §61.145(c)(8) - \$1,500.00**
- Violation #6 – Section 13.1, 40 CFR §61.150(a) - \$6,000.00**  
**Section 13.1, 40 CFR §61.150(a)(1)(iii)**
- Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv) - \$1,500.00**

**16. TERRIBLE HERBST, INC. (Source ID: n/a)**

**NOV #10011** – For operating a source of air pollutants, without having obtained a Minor Source Permit that authorized such operation, as identified by Air Quality Specialist Joshua Kelley during an onsite full compliance evaluation on April 24, 2024 of the gasoline dispensing operation known as Terrible Herbst #420 located at 4322 West Ann Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,220.00

- Violation #1 – Section 12.1.3.1(a)  
Section 12.11.1(c)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,220.00**

**17. THE FISHEL COMPANY D/B/A TEAM FISHEL (Construction Project #57990)**

**NOV #10017** – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Nahulu Kahananui during a routine patrol on May 2, 2024, at the CNLV – Tropical & Walnut construction project, located on the road shoulder along Tropical Parkway and Walnut Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.4.1(a)

**FOUND IN VIOLATION.**

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

**18. THE WHITING-TURNER CONTRACTING COMPANY (DCOP #57272)**

**NOV #10019** – 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 Air Quality Specialist Noel Crandall during a routine inspection on April 18, 2024, and complaint investigation prior to the Construction Notice period on April 22, 2024, at the Symphony Park Hotel construction project, located at the intersection of Grand Central Parkway and Symphony Park Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,500.00**

**19. TOLL NORTH LV LLC (DCOP #54131)**

**NOV #10043** – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to exceed 50 percent opacity using the Instantaneous Method, as identified by Air Quality Specialist Nahulu Kahananui during a complaint investigation on May 16, 2024 at the Jones & Elkhorn construction project, located at the southeast corner of North Jones Boulevard and Elkhorn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Sections 94.14(a)(2)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,500.00**

**20. TOLL SOUTH LV LLC (DCOP #57186)**

**NOV #10039** – 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 during a complaint investigation on May 30, 2024, at the Owens & Walnut 2 construction project, located on the northeast corner of Owens Avenue and Walnut Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

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

Violation #2 – Section 94.14(d)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000.00**

**Violation #1 – Sections 94.13(a) and (b) - \$1,500.00**

**Violation #2 – Section 94.14(d) - \$1,500.00**

**21. WESTERN MINING AND MINERALS, INC. (Minor Source Permit, Source ID: 673)**

**NOV #10009** – For allowing the handling and storage of material in a manner which allowed controllable particulate matter to become airborne, extend over 175 yards in length and cross the property line, as identified by Senior Air Quality Specialist Michael Newell during a surveillance in the Apex region on April 4, 2024 at the gypsum processing operation known as Western Mining and Minerals, Inc. located at 13555 North Highway 95, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Permit condition 2.2.17

Permit condition 2.2.26

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,500.00**

**B. CONTESTED CASES**

***Construction and Vacant Land Violations:***

**1. COMMERCE ON REVERE LLC (DCOP #56298)**

**NOV #10042** – 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 Air Quality Specialists Nahulu Kahananui and Damon Lindsay, and Senior Air Quality Specialist Andrew Kirk during a routine inspection on May 16, 2024, and follow-up inspections on May 17, 20 and 21, 2024, at the Commerce On Revere construction project, located at the intersection of Revere Street and West Deer Springs Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,500.00

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

**FOUND IN VIOLATION.**

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



**2. CONSTRUCTION MANAGEMENT AND DEVELOPMENT - NEVADA, LLC (DCOP #56375)**

**NOV #10014** – For failing to obtain a Dust Control Operating Permit while performing construction activities, as identified by Air Quality Specialist Mike Englehart during an expired permit inspection on February 28, 2024, a follow-up inspection during a Dust Advisory period on April 4, 2024, a follow-up inspection during a Construction Notice period on April 12, 2024, and a follow-up inspection on April 17, 2024, at The Apex @ Galleria construction project located at 55 East Galleria Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.4.1

**NOV #10014 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**AIR QUALITY REQUESTED A CONTINUANCE OF NOV #10014.**

**HEARING OFFICER CONTINUED CONSTRUCTION MANAGEMENT AND DEVELOPMENT - NEVADA, LLC'S CASE TO SEPTEMBER 19, 2024.**

**3. CORE WEST, INC. D/B/A CORE CONSTRUCTION (DCOP #57728)**

**NOV #10041** – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Damon Lindsay while performing a complaint investigation during a Construction Notice period on May 09, 2024, at the SPWD-DMV Silverado Ranch Facility construction project, located at the intersection of Silverado Ranch Boulevard and Valley View Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Section 94.14(d)

**HEARING OFFICER ASSESSED A \$1,500.00 PENALTY, \$250.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 7/18/2025. IF CORE WEST, INC. D/B/A CORE CONSTRUCTION DOES NOT VIOLATE AQRs BEFORE 7/18/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$250.00 WILL BE WAIVED.**

**4. DC BUILDING GROUP LLC (DCOP #56849)**

**NOV #10038** – 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 Specialist Andrew Kirk and Air Quality Specialist Canduella Rowsell during an inspection prior to a Construction Notice period on May 18, 2024, and a follow-up inspection on May 20, 2024, at the St. Rose Cashman construction project, located northeast of Saint Rose Parkway and South Maryland Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

**HEARING OFFICER ASSESSED A \$2,500.00 PENALTY, \$500.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 7/18/2025. IF DC BUILDING GROUP LLC DOES NOT VIOLATE AQRs BEFORE 7/18/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$500.00 WILL BE WAIVED.**

5. **ETON TRANSPORTATION CORP. (DCOP #57148)**

**NOV #9994** – 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 Air Quality Specialist Canduella Rowsell, Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine inspection on January 8, 2024, and follow-up inspections on January 9, and 17, 2024 at the STRATFORD-1 construction project, located on 2596 Stratford Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,687.50

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

**NOV #9994 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**ETON TRANSPORTATION CORP. REQUESTED A CONTINUANCE OF NOV #9994.**

**HEARING OFFICER CONTINUED ETON TRANSPORTATION CORP.'S CASE TO SEPTEMBER 19, 2024.**

6. **JAG DEVELOPMENT LLC (DCOP #53319)**

**NOV # 10035** – 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 Air Quality Specialist Mike Englehart and Air Quality Supervisor David Dean during a routine inspection on April 19, 2024, at the Kiel Lots 1, 2, 3, 5 construction project, located on Kiel Street and Cadiz Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

**HEARING OFFICER ASSESSED A \$1,250.00 PENALTY, \$750.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 7/18/2025. IF JAG DEVELOPMENT LLC DOES NOT VIOLATE AQRs BEFORE 7/18/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$750.00 WILL BE WAIVED.**

7. **OCHOA DEVELOPMENT CORPORATION (DCOP #54396)**

**NOV #10037** – 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 Andrew Kirk and Katrinka Byers, and Air Quality Supervisor David Dean during a complaint investigation on May 28, 2024, at the Sunrise 96 construction project, located at 4375 South Eastern Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,875.00

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

**NOV #10037 WAS MOVED TO THE END OF THE NON-CONTESTED PORTION OF THE DOCKET.**

**OCHOA DEVELOPMENT CORPORATION DID NOT CONTEST NOV #10037.**

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$1,875.00**

8. **R&O CONSTRUCTION COMPANY (DCOP #56231)**

**NOV #10040** – 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 during a complaint investigation on May 13, 2024, and follow-up inspection on May 14, 2024, at the Windsor Industrial Park construction project, located at Simmons Street and West Carey Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$7,937.50

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

Violation #2 – Section 94.14(d)

**NOV #10040 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**R&O CONSTRUCTION COMPANY REQUESTED A CONTINUANCE OF NOV #10040.**

**HEARING OFFICER CONTINUED R&O CONSTRUCTION COMPANY’S CASE TO SEPTEMBER 19, 2024.**

*Stationary Sources Violations:*

9. **FIBERGLASS SPECIALTIES, INC. (Synthetic Minor 80 (SM80) Source Permit, Source ID: 311)**

**NOV # 10029** – For failing to submit the 2023 annual Emission Inventory Report on or before April 1, 2024; and for failing to submit the 2<sup>nd</sup> semiannual report for 2023 on or before January 30, 2024, as identified by Senior Air Quality Specialist Michael Newell during an onsite full compliance evaluation on May 30, 2024 at the fiberglass manufacturer located at 1650 Foothill Drive, Suite 602, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,905.00

Violation #1 – 2023 Permit condition 4.4.3.a.ii

Violation #2 – 2023 Permit condition 4.4.4.b

**NOV #10029 WAS MOVED TO THE END OF THE NON-CONTESTED PORTION OF THE DOCKET.**

**FIBERGLASS SPECIALTIES, INC. DID NOT CONTEST NOV #10029.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,905.00**

**Violation #1 – 2023 Permit condition 4.4.3.a.ii - \$840.00**

**Violation #2 – 2023 Permit condition 4.4.4.b - \$1,065.00**

**10. GYPSUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

**NOV #10036** – For installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine during the period from November 22, 2023, through January 29, 2024, and an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, without first obtaining an Authority to Construct (ATC) permit from the Control Officer, and for operating the unpaved haul road to the R07 mine at a length of 4.8 miles round trip exceeding the permitted length of 1.2 miles round trip, without first obtaining an ATC permit from the Control Officer; for failing to report a deviation in the 2023, 2<sup>nd</sup> semi-annual report that the unpaved haul road (Emission Unit: B04) length was modified in October 2023; and for failing to have a certified opacity reader on-site at all times the Facility was operating for a total of 134 days during the period of October 1, 2023, through March 31, 2024, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on March 27, 2024 at the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$40,285.54

- Violation #1 – 2022 Permit condition II.B.1
- Violation #2 – 2022 Permit condition II.D.8  
2022 Permit condition III.G.4.a
- Violation #3 – 2022 Permit condition III.D.5

**NOV #10036 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**GYPSUM RESOURCES, LLC REQUESTED A CONTINUANCE OF NOV #10036.**

**HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO SEPTEMBER 19, 2024.**

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

**NOV #10030** – For allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, as identified by Air Quality Specialist Joshua Frye during a complaint investigation on May 29, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim - SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

**HOLCIM – SWR, INC. PRESENTED TWO ADDITIONAL ITEMS AS EXHIBITS 1 AND 2.**

**HEARING OFFICER ASSESSED A \$1,500.00 PENALTY, \$750.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 7/18/2025. IF HOLCIM – SWR, INC. DOES NOT VIOLATE AQRs BEFORE 7/18/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$750.00 WILL BE WAIVED.**

**12. LAS VEGAS NEVADA LDS TEMPLE (Minor Source Permit, Source ID: 17617)**

**NOV #10023** – For failing to submit the 2023 annual Emission Inventory Report on or before April 1, 2024, as identified by Air Quality Specialist Jeremy Shockley during an onsite partial compliance evaluation on May 21, 2024 at the LDS Temple located at 827 Temple View Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$840.00

Violation #1 – Permit condition 4.4.3.a.ii

**NOV #10023 WAS MOVED TO THE END OF THE NON-CONTESTED PORTION OF THE DOCKET.**

**LAS VEGAS NEVADA LDS TEMPLE DID NOT CONTEST NOV #10023.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$840.00**

**RECESS AT 11:43 a.m.**

**RESUMED AT 11:51 a.m.**

**13. MBT NEVADA, LLC (Prior Minor Source Permit, Source ID: 17392)**

**NOV # 10022** – For operating a source of air pollutants, without first having obtained a Minor Source Permit that authorized such operation, as identified by Air Quality Specialist Jeremy Shockley and Senior Air Quality Specialist Mike Murphy during a complaint investigation on March 4, 2024, at the crude petroleum production operation located at 526 Parkson Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$33,200.00

Violation #1 – Section 12.1.3.1(a)

**HEARING OFFICER ASSESSED A \$33,200.00 PENALTY, \$16,600.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 9/19/2024. IF MBT NEVADA, LLC APPEARS BEFORE THE HEARING OFFICER ON SEPTEMBER 19, 2024 AND DEMONSTRATES PROGRESS HAS BEEN MADE TO ACHIEVE COMPLIANCE WITH AQRS, THEN THE SUSPENDED AMOUNT OF \$16,600.00 WILL BE WAIVED.**

**14. NEVADA SYSTEM OF HIGHER EDUCATION (Synthetic Minor Source Permit, Source ID: 634)**

**NOV #10018** – For installing and operating a 3,330 gallon per minute BAC Cooling Tower, two 4.0 MMBtu/hr Patterson Kelly Boilers, two 1.99 MMBtu/hr Lochnivar Boilers, and one 755 hp Cummins emergency generator with associated engine without first obtaining a revised permit authorizing the modification; and for allowing the actual emissions from two boilers (Emission Units (EUs): LLB04 and RAJ01) to exceed the potential to emit limit in any consecutive 12-month period, and for failing to limit the operation of two boilers (EUs: LLB04 and RAJ01) to 3,600 hours in any consecutive 12-month period, as identified by Senior Air Quality Specialist Michael Newell and Air Quality Specialist Joshua Frye during an onsite full compliance evaluation on February 21, 2024 at the public university known as University of Nevada, Las Vegas located at 4505 South Maryland Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$36,411.00

Violation #1 – 2020 Permit condition 5.1.10

2021 Permit condition 5.1.10

2022 Permit condition 5.1.10

Violation #2 – 2022 Permit condition 3.2.2

2022 Permit Table 3-2

2022 Permit condition 3.1.1

**NOV #10018 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**NEVADA SYSTEM OF HIGHER EDUCATION REQUESTED A CONTINUANCE OF NOV #10018.**

**HEARING OFFICER CONTINUED NEVADA SYSTEM OF HIGHER EDUCATION'S CASE TO SEPTEMBER 19, 2024.**

**15. TITANIUM METALS CORPORATION (Part 70 Operating Permit, Source ID: 19)**

**NOV # 10026** – For failing to submit a timely permit renewal application; for failing to submit the 2023 Annual Compliance Certification on or before January 30, 2024; for failing to conduct and maintain a record of weekly visual emissions checks of the Blending Process (Emission Units (EUs): H01 through H07), Metal/Reclaim Process (EUs: I01, I02, J01 through J06, K01, L02, and L03), baghouse in the Metal/Reclaim Process (EU: K01), Miscellaneous Processes (EUs: M01 and M04), and baghouse in the Miscellaneous Processes (EU: M01); for failing to conduct and maintain records of monthly inspections of the baghouses in the Metal/Reclaim Process (EUs: K01, L02, and L03), and baghouse in the Miscellaneous Processes (EU: M01); and for failing to submit the 2<sup>nd</sup> 2023 semiannual report on or before January 30, 2024, as identified by Senior Air Quality Specialist Camon Liddell during an onsite Full Compliance Evaluation on April 22, 2024 at the titanium sponge and ingot facility known as Titanium Metals Corporation-Henderson Facility located at 181 North Water Street, in Clark County, Nevada.

*\*Continued to the next page.*

**TITANIUM METALS CORPORATION continued**

Violation(s) Alleged:

Recommended Penalty: \$13,670.00

- Violation #1 – 2021 Permit condition II.B.7
- Violation #2 – 2021 Permit condition II.D.6
- Violation #3 – 2021 Permit condition III.F.5.a
  - 2021 Permit condition III.F.7.a.i
  - 2021 Permit condition III.F.7.d
  - 2021 Permit condition III.G.5.a
  - 2021 Permit condition III.G.7.a.i
  - 2021 Permit condition III.G.7.d
  - 2021 Permit condition III.G.5.h
  - 2021 Permit condition III.G.7.a.ii
  - 2021 Permit condition III.H.5.a
  - 2021 Permit condition III.H.7.a.i
  - 2021 Permit condition III.H.7.d
  - 2021 Permit condition III.H.5.i
  - 2021 Permit condition III.H.7.a.ii
  - 2021 Permit condition III.H.7.d
- Violation #4 – 2021 Permit condition III.G.5.f
  - 2021 Permit condition III.G.7.a.iii
  - 2021 Permit condition III.G.7.d
  - 2021 Permit condition III.H.5.g
  - 2021 Permit condition III.H.7.a.iii
  - 2021 Permit condition III.H.7.d
- Violation #5 – 2021 Permit condition IV.4.c
  - 2021 Permit Table IV-1

**NOV #10026 WAS MOVED TO THE END OF THE NON-CONTESTED PORTION OF THE DOCKET.**

**AIR QUALITY AMENDED NOV #10026 TO EXCLUDE 20 INSPECTION RECORDS AS EVIDENCE THAT MONITORING OCCURRED FOR VIOLATION #3 AND WITHDREW VIOLATION #4, REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$11,150.00**

**TITANIUM METALS CORPORATION CHANGED ITS PLEA AND IS NOT CONTESTING THE AMENDED NOV #10026.**

*\*Continued to the next page.*

**TITANIUM METALS CORPORATION continued**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$11,150.00**

<b>Violation #1 – 2021 Permit condition II.B.7</b>	<b>- \$3,960.00</b>
<b>Violation #2 – 2021 Permit condition II.D.6</b>	<b>- \$2,980.00</b>
<b>Violation #3 – 2021 Permit condition III.F.5.a</b>	<b>- \$1,230.00</b>
<b>2021 Permit condition III.F.7.a.i</b>	
<b>2021 Permit condition III.F.7.d</b>	
<b>2021 Permit condition III.G.5.a</b>	
<b>2021 Permit condition III.G.7.a.i</b>	
<b>2021 Permit condition III.G.7.d</b>	
<b>2021 Permit condition III.G.5.h</b>	
<b>2021 Permit condition III.G.7.a.ii</b>	
<b>2021 Permit condition III.H.5.a</b>	
<b>2021 Permit condition III.H.7.a.i</b>	
<b>2021 Permit condition III.H.7.d</b>	
<b>2021 Permit condition III.H.5.i</b>	
<b>2021 Permit condition III.H.7.a.ii</b>	
<b>2021 Permit condition III.H.7.d</b>	
<b>Violation #4 – 2021 Permit condition III.G.5.f</b>	<b>- withdrew violation</b>
<b>2021 Permit condition III.G.7.a.iii</b>	
<b>2021 Permit condition III.G.7.d</b>	
<b>2021 Permit condition III.H.5.g</b>	
<b>2021 Permit condition III.H.7.a.iii</b>	
<b>2021 Permit condition III.H.7.d</b>	
<b>Violation #5 – 2021 Permit condition IV.4.c</b>	<b>- \$2,980.00</b>
<b>2021 Permit Table IV-1</b>	

**16. V.P.S TRADING INC. (General Permit, Source ID: 17212)**

**NOV #10025** – For failing to submit the 2023 annual Emission Inventory Report on or before April 1, 2024, as identified by Air Quality Specialist Joshua Frye during an offsite partial compliance evaluation on May 22, 2024 of the gasoline dispensing operation known as 24X7 Minimart, located at 4708 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$715.00

Violation #1 – 2020 General Permit condition 4.4.3.a.ii

**NOV #10025 WAS MOVED TO THE END OF THE NON-CONTESTED PORTION OF THE DOCKET.**

**V.P.S TRADING INC. DID NOT CONTEST NOV #10025.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$715.00**

**III. ADJOURNMENT            12:40 p.m.**