



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – September 16, 2021

Hearing Officer: Christine T. Smith

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

A handwritten signature in blue ink, likely belonging to one of the Air Quality Staff members listed.

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. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. EMD ACQUISITION LLC (Part 70 Operating Permit, Source ID: 95)

NOV #9573 – For failing to indicate Intermittent Compliance in the 2019 and 2020 Annual Compliance Certification (ACC) reports; for failing to include permit deviations in the 1st and 2nd 2019 semi-annual reports, and 1st and 2nd 2020 semi-annual reports; for exceeding the allowable emissions for the Boiler, Emission Unit (EU): A07, for 20 consecutive months, from May 2019 through December 2020; for exceeding the 12-month rolling limit of 4,000 hours per year for the Boiler, EU: A07, for 20 consecutive months, from May 2019 through December 2020; for failing to operate the CO oxidizer catalyst control device with a gas flow of at least 5,000 scfm for five nonconsecutive days and failing to replace the catalyst when the low flow readings were recorded; for failing to operate the Crusher Baghouse, CD-M1, for the MnO₂ Process Crushing/Screening, EUs: 1C, 2C, 4C through 7C, within the permitted pressure range of 1” and 8” on 20 nonconsecutive days; for failing to operate the Wet Scrubber, CD-B1, for the Boron Trichloride process, EU: F006, within the permitted specific gravity range of 1.05 and 1.25 for 114 nonconsecutive days, between November 21, 2019 and March 24, 2021; and for failing to utilize the hour meter while monitoring the hours of operation of the Boiler, EU: A07, for a 15-month period from March 2019 through June 2020, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on April 13 and 19, 2021 of its inorganic chemical manufacturing operation located at 560 West Lake Mead Parkway, in Clark County, Nevada.

**Continued on the next page.*

EMD ACQUISITION LLC *continued*

Violation(s) alleged:	Recommended Penalty: \$25,280.00
Violation #1 – Permits condition II.D.6.c	
Violation #2 – 2018 ATC Permit conditions II.D.5, IV.C.2.u, and IV.D.2.b Permits conditions II.D.8, III.E.2.t, and III.F.3.b	
Violation #3 – 2018 ATC Permit and Permits condition III.B.1.g 2018 ATC Permit and Permits Table III-B-1	
Violation #4 – 2018 ATC Permit and Permits condition III.B.2.c	
Violation #5 – 2018 ATC Permit condition III.B.3.bb and IV.A.11 2018 ATC Permit Table IV-A-2 2019 Permit condition III.B.3.aa and III.C.13 2019 Permit Table III-C-2	
Violation #6 – 2018 ATC Permit condition III.B.3.nn 2018 ATC Permit Table IV-A-2	
Violation #7 – Permits condition III.C.13 Permits Table III-C-2	
Violation #8 – 2018 ATC Permit condition IV.A.13 2019 Permit condition III.C.15	

Continued from 7/22/2021

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9573, WHICH INCLUDED A \$12,640.00 SETTLEMENT AMOUNT TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED 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. **ALSTON CONSTRUCTION COMPANY, INC. (DCOP #53913)**

NOV #9609 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Allan Gutierrez while performing a routine inspection on July 23, 2021, and a follow-up inspection on July 24, 2021, at the Henderson Executive Industrial Park construction project located at 1740 Raiders Way, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$3,250.00
Violation #1 – Section 94.11.6	

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,250.00**

2. **AMERICAN EAGLE READY MIX, LLC (Source ID: 17400)**

NOV #9607 – For allowing controllable particulate matter to become airborne from the Stockpiles, Emission Unit (EU): C01, Unpaved Haul Road, EU: C02, and Truck Load Out, EU: E01a, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during the Construction Notice period on May 15, 2021 at the concrete batch plant including crushing and screening operation known as American Eagle Ready Mix located at 14355 Garza Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$9,000.00

Violation #1 – October 2020 Permit condition 2.2.12

FOUND IN VIOLATION.

PENALTY ASSESSED: \$9,000.00

3. **AMERICAN EAGLE READY MIX, LLC (Source ID: 17400)**

NOV #9608 – For allowing controllable particulate matter to become airborne from truck loading operations, as identified by Air Quality Specialist II Patricia Ringgenberg during routine patrol on August 14, 2021 at the concrete batch plant including crushing and screening operation known as American Eagle Ready Mix located at 14355 Garza Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,875.00

Violation #1 – October 2020 Permit condition 2.2.12

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,875.00

4. **GREYSTONE NEVADA, LLC (DCOP #48767)**

NOV #9592 – 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 Mike Englehart while performing routine and follow-up inspections on June 1, 3, and 8, 2021, at the Edgewood construction project located at 6531 Smithville Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,500.00

5. **JENSEN ENTERPRISES, INC. (Source ID: 408)**

NOV #9594 – For modifying the source without a minor source permit authorizing such modification; for exceeding the operational limitation for consumption of peroxide catalyst on Emission Unit: C01 during 2020; for failing to conduct and maintain records of daily visual emissions checks for visible emissions from the Facility while it was in operation; for failing to conduct and maintain records of daily visual emissions observations of the binvents while the Facility was in operation; and for failing to conduct and maintain records of monthly visual inspections of the binvents for air leaks, as identified by Air Quality Specialist Mike Murphy during an on-site full compliance evaluation on June 23, 2021 at the precast concrete manufacturing operation known as Jensen Enterprises, Inc., located at 3840 North Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,395.00

- Violation #1 – 2018 Permit condition 5.1.8
- Violation #2 – 2018 Permit condition 3.1.3
- Violation #3 – 2014 Permit condition IV.C.1
 - 2014 Permit condition IV.E.4.a
 - 2018 Permit condition 4.1.1
 - 2018 Permit condition 4.3.1.a
- Violation #4 – 2014 Permit condition IV.C.6
 - 2014 Permit condition IV.E.4.c
 - 2018 Permit condition 4.1.7
 - 2018 Permit condition 4.3.1.b
- Violation #5 – 2014 Permit condition IV.C.7
 - 2014 Permit condition IV.E.4.c
 - 2018 Permit condition 4.1.8
 - 2018 Permit condition 4.3.1.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,395.00

- Violation #1 – 2018 Permit condition 5.1.8 - \$1,000.00**
- Violation #2 – 2018 Permit condition 3.1.3 - \$1,000.00**
- Violation #3 – 2014 Permit condition IV.C.1 - \$605.00**
 - 2014 Permit condition IV.E.4.a
 - 2018 Permit condition 4.1.1
 - 2018 Permit condition 4.3.1.a
- Violation #4 – 2014 Permit condition IV.C.6 - \$1,482.50**
 - 2014 Permit condition IV.E.4.c
 - 2018 Permit condition 4.1.7
 - 2018 Permit condition 4.3.1.b
- Violation #5 – 2014 Permit condition IV.C.7 - \$307.50**
 - 2014 Permit condition IV.E.4.c
 - 2018 Permit condition 4.1.8
 - 2018 Permit condition 4.3.1.b

6. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #54023)**

NOV #9602 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Katrinka Byers while performing a complaint investigation on July 12, 2021, at the Ira J. Earl Elementary School construction project located on the Northwest corner of Monroe Avenue and Marion Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

7. **PN II, INC. (DCOP #53246)**

NOV #9601 – For failing to maintain a Dust Control Monitor on site at all times construction activities occur, as identified by Air Quality Specialist Noel Crandall while performing a routine inspection on July 17, 2021, at the Highlands Ranch 27 construction project located northeast of Jones Avenue and Cactus Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$250.00

Violation #1 – Section 94.7.5.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$250.00

8. **REPUBLIC DUMPCO, INC. (Part 70 Operating Permit, Source ID: 395)**

NOV #9597 – For failing to submit a notification of two excess emission events within 24 hours of learning of the excess emissions; and for exceeding the SO₂ lbs/MMBtu daily average emission limitations on Emission Unit: E02, as identified by Senior Air Quality Specialist Scott Rowsell during an offsite Deviation Report Review of the 24-Hour notifications/72-Hour reports on July 7, 2021 for the municipal waste management, power plant and flare operation known as Apex Regional Landfill, located at 13550 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$8,100.00

Violation #1 – 2020 Permit condition II.D.7.a

Violation #2 – 2020 Permit condition III.F.7

2020 Permit Table III-F-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,100.00

A CERICAL ERROR HAS BEEN IDENTIFIED IN THE PERMIT CONDITIONS SHOWN ABOVE. THE CORRECT PERMIT CONDITIONS FOR VIOLATIONS #1 AND #2 ARE LISTED BELOW AS REFERENCED IN THE NOV.

Violation #1 – 2020 Permit condition II.D.7.a - \$1,020.00

2020 Permit condition III.F.7

2020 Permit Table III-F-1

Violation #2 – 2020 Permit condition III.B.1.u - \$7,080.00

2020 Permit Table III-B-10

9. **ROSENDIN ELECTRIC, INC. (DCOP #52889)**

NOV #9588 – For failing to implement all control measures necessary to maintain soil stability 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 cross the property line, as identified by Air Quality Specialists Damon Lindsay and Mike Englehart while performing complaint investigations on May 17, 2021, June 4, 7, 8 and 10, 2021, complaint investigations during Construction Notice periods on May 19 and 21, 2021, a complaint investigation during a Dust Advisory Period on May 20, 2021, and follow-up inspections on May 18, 24, 25, 26 and 27, 2021 and June 1 through 3, and 9, 2021, at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$63,250.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$63,250.00

Violation #1 – Section 94.9.2 - \$32,250

Violation #2 – Section 94.11.3(c) - \$31,000

10. **ROSENDIN ELECTRIC, INC. (DCOP #52889)**

NOV #9603 – 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 Specialists Heath Richards and Mike Englehart during a complaint investigation on July 14, 2021 and follow-up inspections on July 15, 16, and 19, 2021, at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,500.00

11. **SEDONA RANCH INVESTMENT PARTNERS LLC (DCOP #49383)**

NOV #9596 – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway; and failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, horizontally or vertically, from the point of origin, as identified by Air Quality Specialist Katrinka Byers while performing a complaint investigation on July 1, 2021, at the Sedona Ranch Investment, LLC construction project located on North 5th Street and East Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,250.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

Violation #1 – Section 94.11.6 - \$1,750.00

Violation #2 – Section 94.11.3(b) - \$3,500.00

12. SOUTHERN HIGHLANDS INVESTMENT PARTNERS, LLC (DCOP #53409)

NOV #9589 – For failing to maintain a Dust Control Monitor on site at all times construction activities occur, as identified by Air Quality Specialist Cris Melo while performing routine and follow-up inspections on June 2, 7, and 8, 2021 at the BLM 270/SKYE HILLS construction project located northwest of West Centennial Parkway and North Shaumber Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$812.50

Violation #1 – Section 94.7.5.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$812.50

13. TERRIBLE HERBST, INC. (Source ID: 15386)

NOV #9595 – For removing Phase II vapor recovery equipment without obtaining a minor source permit revision authorizing such modification, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on June 16, 2021 at the gasoline dispensing operation known as Terrible’s #372, located at 2237 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,860.00

Violation #1 – 2019 Permit condition 5.1.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,860.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. ROSENDIN ELECTRIC, INC. (DCOP #52889)

NOV #9604 – For failing to implement all control measures necessary to maintain soil stability 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 from the point of origin, as identified by Air Quality Specialists Damon Lindsay, Mike Englehart, and Heath Richards during a routine inspection on August 3, 2021, and follow-up inspections on August 4 through 6, and 9 through 13, 2021, at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$35,000.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(b)

ROSENDIN ELECTRIC, INC. DID NOT CONTEST NOV #9604.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$35,000.00

Violation #1 – Section 94.9.2 - \$27,500.00

Violation #2 – Section 94.11.3(b) - \$7,500.00

2. **TOLL SOUTH LV LLC (DCOP #48044)**

NOV #9605 – 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 while performing a routine inspection on August 5, 2021, at the Mira Villa construction project located on Canyon Run Drive at Los Veranos Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

Stationary Sources Violations:

3. **BASIC FOOD FLAVORS, INC. (Source ID: 401)**

NOV #9591 – For exceeding the annual operational limits of 8,760 hours combined for Boilers (Emission Units (EUs): B06 and B07) in 2020; for failing to conduct Burner Efficiency Tests for the Boiler (EU: B06); and for failing to conduct subsequent performance testing on the Boiler (EU: B06) within 5 years and 90 days of the previous performance test, as identified by Air Quality Specialist Pat Ringgenberg during an on-site full compliance evaluation on June 2, 2021 at the hydrolyzed vegetable/hydrolyzed protein food flavor manufacturing operation known as Basic Food Flavors Inc., located at 3950 East Craig Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,200.00

Violation #1 – 2020 Permit condition IV.A.3.r

Violation #2 – 2018 Permit condition IV.C.15

Violation #3 – 2020 Permit condition IV.D.2.a
2021 Permit condition 4.2.2.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,200.00

Violation #1 – 2020 Permit condition IV.A.3.r - \$500.00

Violation #2 – 2018 Permit condition IV.C.15 - \$1,000.00

Violation #3 – 2020 Permit condition IV.D.2.a - \$2,700.00
2021 Permit condition 4.2.2.a

4. **CIRCLE K STORES INC. (Source ID: 17975)**

NOV #9587 – For failing to conduct initial vapor recovery system tests within 180 days of startup of the vapor recovery equipment, as identified by Air Quality Specialist Mike Murphy during an offsite partial compliance evaluation on June 15, 2021 of the gasoline dispensing operation known as Circle K Store, Inc. located at 3805 West Craig Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,560.00

Violation #1 – Permit condition 4.2.4.a

CIRCLE K STORES INC. CHANGED ITS PLEA TO NOT CONTESTING NOV #9587.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,560.00

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

NOV #9576 – For operating Emission Units (EUs): B02 and B03 as unpaved haul roads when they were both permitted as paved; for submitting the 2020 annual Emission Inventory Report (EIR) and annual Emission Statement without certification by the Responsible Official; for calculating emissions utilizing incorrect emission factors for paved roads instead of unpaved roads in the 2020 annual EIR; for failing to report intermittent compliance for 27 permit conditions in the 2020 Annual Compliance Certification (ACC) report that was submitted to Air Quality on February 1, 2021; for failing to report four deviations that did not result in excess emissions in the 1st and 2nd semi-annual reports for 2020; for failing to provide at least seven days written notice to Air Quality prior to replacing Continuous-duty Diesel Engines, EUs C05 and C08; for operating EUs: B02 and B03 as unpaved haul roads; for failing to maintain a minimum moisture content of 1.5% at five locations for a total of 32 samples; 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 Method 22 evaluations twice per day on all EUs for 53 occurrences between September 12, 2020 and April 15, 2021; for failing to monitor the total acreage of stockpiles, EU: A32, on a monthly basis from March 2020 through December 2020, and January 2021 through March 2021; for failing to conduct and provide records of monthly baghouse inspections of the interior of Control Devices (CDs): D01 and D02, from March 2020 through March 2021; for failing to provide a copy of the Standard Operating Procedure for the purpose of maintenance for Baghouses, CDs: D01 and D02; and for failing to conduct and maintain records of weekly moisture sampling of material less than 0.25 inches in diameter for a total of 163 non-consecutive weeks, as identified by Senior Air Quality Specialists Camon Liddell and Scott Rowsell during a partial compliance evaluation on April 15, 2021 as a follow-up to the full compliance evaluation on February 26, 2020 of the major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$183,510.00

- Violation #1 – Permits condition II.B.1
- Violation #2 – 2020 Permit condition II.C.2
- Violation #3 – 2020 Permit condition II.C.5.b
- Violation #4 – 2020 Permit condition II.D.6.c
- Violation #5 – Permits condition II.D.8
- Violation #6 – Section 12.5.2.12(a)(2)
- Violation #7 – Permits condition III.C.1.a
Permits Table III-C-1
- Violation #8 – Permits condition III.C.3.a
- Violation #9 – 2020 Permit condition III.C.3.w
- Violation #10 – 2020 Permit condition III.D.1
2020 Permit condition III.F.4.a
- Violation #11 – Permits condition III.D.14
- Violation #12 – Permits condition III.D.24
Permits condition III.F.4.m
- Violation #13 – Permits condition III.D.25
Permits condition III.F.4.m
- Violation #14 – Permits conditions III.C.3(a and b)
Permits conditions III.D.27.b(i through vii)
Permits condition III.F.5.n

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A SETTLEMENT AGREED UPON BY BOTH PARTIES WAS ORALLY SUBMITTED TO THE HEARING OFFICER FOR APPROVAL. THIS AGREEMENT CONSTITUTES AND OPERATES AS A FULL AND FINAL RESOLUTION OF THE NOV AND IS A WAIVER BY THE PARTIES OF ANY FURTHER PROCEEDINGS AND JUDICIAL REVIEW OF ANY ADMINISTRATIVE ORDER OR DECISION IN THIS CASE.

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$172,760.00 PENALTY.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$172,760.00

Violation #1 – Permits condition II.B.1	- \$55,600.00
Violation #2 – 2020 Permit condition II.C.2	- \$0.00
Violation #3 – 2020 Permit condition II.C.5.b	- \$2,000.00
Violation #4 – 2020 Permit condition II.D.6.c	- \$4,500.00
Violation #5 – Permits condition II.D.8	- \$2,250.00
Violation #6 – Section 12.5.2.12(a)(2)	- \$13,900.00
Violation #7 – Permits condition III.C.1.a	- \$66,400.00
Permits Table III-C-1	
Violation #8 – Permits condition III.C.3.a	- \$8,120.00
Violation #9 – 2020 Permit condition III.C.3.w	- \$0.00
Violation #10 – 2020 Permit condition III.D.1	- \$2,770.00
2020 Permit condition III.F.4.a	
Violation #11 – Permits condition III.D.14	- \$4,740.00
Violation #12 – Permits condition III.D.24	- \$4,740.00
Permits condition III.F.4.m	
Violation #13 – Permits condition III.D.25	- \$0.00
Permits condition III.F.4.m	
Violation #14 – Permits conditions III.C.3(a and b)	- \$7,740.00
Permits conditions III.D.27.b(i through vii)	
Permits condition III.F.5.n	

6. PRO TERMINAL OPERATORS, LLC (Source ID: 17780)

NOV #9579 – For failing to demonstrate compliance with the limitations system back pressure and Volatile Organic Compounds destruction efficiency on Emission Unit: A08 during performance testing, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation on May 19, 2021 of the bulk fuel terminal operation located at 4800 East El Campo Grande, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

- Violation #1 – 2021 Permit condition 2.2.15
- 2021 Permit condition 4.2.7
- 2021 Permit condition 2.2.20

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HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9579, WHICH INCLUDES A \$3,000.00 PAYMENT TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

7. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 9695)**

NOV #9599 – For failing to conduct initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the November 2019 Permit, as identified by Air Quality Specialist II Michael Murphy during an onsite full compliance evaluation on July 22, 2021 at the gasoline dispensing operation known as Rebel Store #2158 located at 3204 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,580.00

Violation #1 – November 2019 Permit condition 2.1.6
November 2019 Permit condition 4.2.4.b

REBEL LAND AND DEVELOPMENT, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,580.00

Asbestos Violations:

8. **DALLASWHITE CORPORATION AND FORCE ENVIRONMENTAL, INC.**

(Project #211053)

NOV #9606 – 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) at the Facility; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM; for allowing visible emissions and 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 an inspection while on routine patrol on May 25, 2021 at a commercial building constructed in 1963 and located at 1548 East Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$26,812.50

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

DALLASWHITE CORPORATION AND FORCE ENVIRONMENTAL, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED DALLASWHITE CORPORATION AND FORCE ENVIRONMENTAL, INC.'S CASE TO NOVEMBER 18, 2021.

III. ADJOURNMENT 10:23 a.m.