




Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. – September 21, 2023

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

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 9:02 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. 7-ELEVEN, INC. (Minor Source Permit, Source ID: 18012)

NOV #9884 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of daily Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Michael Newell during an on-site full compliance evaluation on June 5, 2023, of the gasoline dispensing operation known as 7-Eleven #38531, located at 6580 North Losee Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$3,685.00
Violation #1 – Permit conditions 4.1.3(a through g)
Permit condition 4.3.2.a
Violation #2 – Permit conditions 4.1.4(a through d, f and g)
Permit condition 4.3.2.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,685.00

Violation #1 – Permit conditions 4.1.3(a through g) - \$1,440.00
Permit condition 4.3.2.a
Violation #2 – Permit conditions 4.1.4(a through d, f and g) - \$2,245.00
Permit condition 4.3.2.a

2. **7-ELEVEN, INC. (Minor Source Permit, Source ID: 9306)**

NOV #9892 – For failing to maintain in good working order all Phase II vapor recovery equipment by operating dispenser #3 with a damaged face seal and cracked or torn hose, dispenser #6 with a broken boot face and cracked or torn hoses, dispenser #9 with a broken boot face, and dispenser #10 with a broken boot face and cracked or torn hose; and for failing to ensure that all Phase II vapor recovery equipment was installed and operated in accordance with manufacturer specifications and certification requirements by operating dispenser #1, dispenser #2, and dispenser #6 with hoses that were installed with the improper flow direction, as identified by Senior Air Quality Specialist Michael Newell during an on-site full compliance evaluation on June 7, 2023, of the gasoline dispensing facility known as 7 Eleven #29633 located at 4890 West Tropicana Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Permit condition 2.1.6.c

Violation #2 – Permit condition 2.1.6.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – Permit condition 2.1.6.c - \$1,000.00

Violation #2 – Permit condition 2.1.6.b - \$1,250.00

3. **ALBERTSON’S LLC (Minor Source Permit, Source ID: 17974)**

NOV #9896 – For allowing annual Volatile Organic Compound emissions to exceed the permitted Potential to Emit; for exceeding the operational gasoline throughput limitation of 3,060,000 gallons per year in 2022; and for failing to submit a 24-hour exceedance notification after learning of the deviation and a 72-hour written report explaining the exceedance and its resolution, as identified by Air Quality Specialist Ryan O’Connor during an off-site partial compliance evaluation on July 18, 2023, of the gasoline dispensing operation known as Albertsons Fuel Center #2804, located at 8185 Blue Diamond Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Permit condition 3.2.1

Permit Table 3-1

Violation #2 – Permit condition 3.1.1

Violation #3 – Permit conditions 4.4.6(a and b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – Permit condition 3.2.1 - \$1,000.00

Permit Table 3-1

Violation #2 – Permit condition 3.1.1 - \$1,000.00

Violation #3 – Permit conditions 4.4.6(a and b) - \$250.00

4. **AMERICAN EAGLE READY MIX, LLC (Synthetic Minor Source Permit, Source ID: 18157) NOV #9902** – For handling material during operation of the Cone Crusher and Screening Plant (Emission Units: A04 and A05) in a manner which allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Ryan O’Connor while performing a complaint investigation on August 15, 2023, of the sand and gravel operation known as American Eagle Ready Mix, LLC located near the intersection of Interstate 15 and State Road 168, T15, R66, S2, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Permit condition 2.2.11

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

5. **AQUATIC CO. (Part 70 Operating Permit, Source ID: 75) NOV #9888** – For failing to conduct and maintain records of monthly visible emission checks on the Emergency Fire Pump, Emission Unit: B01, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on June 28, 2023, of the bathware manufacturing operation located at 201 North Meadow Valley Road, Moapa, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,230.00

Violation #1 – 2020 Permit condition III.D.2
2021 Permit condition III.D.2
2020 Permit condition III.F.6.m
2021 Permit condition III.F.6.m

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,230.00

6. **EMD ACQUISITION LLC (Part 70 Operating Permit, Source ID: 95) NOV #9885** – For exceeding the mass emission limits for Carbon Monoxide (CO) during a performance test on Emission Unit (EU): MN03; and for failing to meet overall control efficiency for CO during a performance test on EU: MN03, as identified by Senior Air Quality Specialist Camon Liddell during an offsite partial compliance evaluation on July 11, 2023, of the inorganic chemical manufacturing operation located at 560 West Lake Mead Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$12,240.00

Violation #1 – 2021 Permit condition III.B.1.h
2021 Permit Table III-B-2
Violation #2 – 2021 Permit condition III.B.3.x

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,240.00

Violation #1 – 2021 Permit condition III.B.1.h - \$7,120.00
2021 Permit Table III-B-2
Violation #2 – 2021 Permit condition III.B.3.x - \$5,120.00

7. **FUNNY’S 1 LIMITED PARTNERSHIP (Minor Source Permit, Source ID: 9093)**

NOV #9894 – For allowing annual Volatile Organic Compound emissions to exceed the permitted Potential to Emit; and for exceeding the operational gasoline throughput limitation of 1,600,000 gallons per year in 2022, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on July 19, 2023, of the gasoline dispensing facility known as Funny’s 1, located at 4747 North Rancho Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Permit condition 3.2.1
Permit Table 3-1
- Violation #2 – Permit condition 3.1.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

- Violation #1 – Permit condition 3.2.1 - \$500.00**
Permit Table 3-1
- Violation #2 – Permit condition 3.1.1 - \$500.00**

8. **GOLDEN CASINOS NEVADA LLC (Minor Source Permit, Source ID: 355)**

NOV #9906 – For failing to submit a minor source permit renewal application to the Control Officer at least 120 days prior to the 2018 Permit expiring; and for operating the Facility without a valid minor source permit, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on August 15, 2023 at the Hotel/Casino operation known as Aquarius Casino Resort Laughlin located at 1900 South Casino Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,235.00

- Violation #1 – 2018 Permit condition II.B.4
Section 12.1.3.b
- Violation #2 – 2018 Permit condition II.A.8
Sections 12.1.3(a and c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,235.00

- Violation #1 – 2018 Permit condition II.B.4 - \$3,585.00**
Section 12.1.3.b
- Violation #2 – 2018 Permit condition II.A.8 - \$4,650.00**
Sections 12.1.3(a and c)

9. **GREYSTONE NEVADA, LLC (DCOP #56549)**

NOV #9893 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Canduella Rowsell while performing a complaint investigation on June 29, 2023, at the Lone Mt/Allen construction project, located at Lone Mountain Road and Allen Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,500.00

- Violation #1 – Sections 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

10. KB HOME LAS VEGAS INC. (DCOP #55642)

NOV #9898 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to extend more than 100 feet; for allowing soil to be tracked out greater than 50 feet onto a paved surface; and for failing to fully implement BACM resulting in visible emissions of particulate matter to exceed 50% opacity as measured using the Instantaneous Method, as identified by Air Quality Specialist Allan Gutierrez and Senior Air Quality Specialist Katrinka Byers while performing a complaint investigation on July 24, 2023, and follow-up inspections on July 25, 26, and 27, 2023, at the Elliston construction project, located at Cimarron Road and Agate Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$11,250.00

Violation #1 – Section 94.14(a)(3)

Violation #2 – Section 94.14(d)

Violation #3 – Section 94.14(a)(2)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,250.00

Violation #1 – Section 94.14(a)(3) - \$2,500.00

Violation #2 – Section 94.14(d) - \$2,750.00

Violation #3 – Section 94.14(a)(2) - \$6,000.00

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

NOV #9882 – For failing to identify Intermittent Compliance for ten permit conditions in the 2021 and 2022 Annual Compliance Certification reports; for failing to report permit deviations in the 2021 1st and 2nd semi-annual reports, and 2022 1st and 2nd semi-annual reports; for failing to conduct and maintain records of EPA Method 9 Visible Emission Evaluations during nine downtime events for kiln 4, Emission Unit (EU): K402, three downtime events for kiln 1, EU: K102, and twelve downtime events for kiln 3, EU: K302; for failing to maintain records of the dates and times of 916 two-hour blended fuel samples associated with kilns 1 through 3, EUs: K102, K202, and K302; and for handling material during the operation of the Quick Lime Truck and Rail Load Out System- Lime Transfer & Lime Load Out, EUs: LO112 & LO117, in a manner which caused particulate matter to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on May 11 and 12, 2023, of the lime and lime products manufacturing operation known as Lhoist North America of Arizona Apex Plant, located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$14,610.00

Violation #1 – 2020 Permit condition II.D.6.c
2022 Permit condition II.D.6.c

Violation #2 – 2020 Permit condition II.D.8
2022 Permit condition II.D.8

Violation #3 – 2022 Permit condition III.D.19
2022 Permit condition III.D.20
2022 Permit condition III.F.2.p
2022 Permit condition III.F.5

Violation #4 – 2020 Permit condition III.F.2.b
2020 Permit condition III.F.5

Violation #5 – Section 41.1.2

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$14,610.00

Violation #1 – 2020 Permit condition II.D.6.c	- \$5,000.00
2022 Permit condition II.D.6.c	
Violation #2 – 2020 Permit condition II.D.8	- \$2,500.00
2022 Permit condition II.D.8	
Violation #3 – 2022 Permit condition III.D.19	- \$1,960.00
2022 Permit condition III.D.20	
2022 Permit condition III.F.2.p	
2022 Permit condition III.F.5	
Violation #4 – 2020 Permit condition III.F.2.b	- \$1,150.00
2020 Permit condition III.F.5	
Violation #5 – Section 41.1.2	- \$4,000.00

12. NEVADA DEPARTMENT OF CORRECTIONS (Synthetic Minor (80) Source Permit, Source ID: 1516)

NOV #9870 – For failing to conduct performance testing on two 21.0 MMBtu/hr Bryan diesel-fired boilers, Emission Units: A05 and A06, within 90 days of the 5-year anniversary date of the previous performance tests, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on June 14, 2023, of the men’s correctional facility known as High Desert State Prison located at 22010 Cold Creek Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$7,049.25

Violation #1 – 2019 Permit condition 4.2.2.a

Continued from 7/20/2023

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,049.25

13. NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 512)

NOV #9905 – For handling material in a manner which allowed controllable particulate matter to become airborne from the haul road on July 26, 2023, and from a truck dumping into a stockpile and a loader that was loading material into a haul truck on July 27, 2023, as identified by Senior Air Quality Specialist Michael Newell while performing a complaint investigation on July 26, 2023, and a partial compliance evaluation on July 27, 2023 at the ready-mix concrete manufacturing and aggregate processing operation located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,625.00

Violation #1 – Permit condition 2.2.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,625.00

14. **REBEL LAND AND DEVELOPMENT, LLC (Minor Source Permit, Source ID: 9520)**
NOV #9891 – For allowing annual Volatile Organic Compound emissions to exceed the permitted Potential to Emit; and for exceeding the operational gasoline throughput limitation of 1,260,000 gallons per year in 2022, as identified by Air Quality Specialist Ryan O’Connor during an off-site partial compliance evaluation on July 13, 2023, of the gasoline dispensing facility known as Rebel #2153, located at 4595 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,000.00
Violation #1 – Permit condition 3.2.1
Permit Table 3-1
Violation #2 – Permit condition 3.1.1

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,000.00
Violation #1 – Permit condition 3.2.1 - \$500.00
Permit Table 3-1
Violation #2 – Permit condition 3.1.1 - \$500.00

15. **REBEL LAND AND DEVELOPMENT, LLC (General Permit, Source ID: 9759)**
NOV #9904 – For failing to submit a minor source permit revision application to the Control Officer prior to removing the Phase II vapor recovery system; and for failing to conduct and pass an initial vapor recovery system test within 180 days of the removal of the Phase II vapor recovery system, as identified by Senior Air Quality Specialist Michael Newell during an on-site partial compliance evaluation on August 3, 2023, of the gasoline dispensing facility known as Rebel Store #2137 located at 2810 North Rancho Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$7,525.00
Violation #1 – 2019 Permit condition 5.1.9
Violation #2 – 2019 Permit condition 4.2.4.a

FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,525.00
Violation #1 – 2019 Permit condition 5.1.9 - \$2,855.00
Violation #2 – 2019 Permit condition 4.2.4.a - \$4,670.00

16. **ROBERTSON’S READY MIX, LTD., A CALIFORNIA LIMITED PARTNERSHIP (Synthetic Minor Source Permit, Source ID: 17847)**
NOV #9880 – For installing and operating two hoppers, two conveyors, two shuttle conveyors, and a four-compartment aggregate bin without first obtaining a minor source permit that authorizes such modification; and for failing to maintain the pressure drop across the baghouse associated with Emission Units (EUs): H07 and H09 and the baghouse associated with EUs: H17 and H19 within the range of 2.0 to 6.0 inches of water column at all times when operating, as identified by Air Quality Specialist Pat Ringgenberg during an on-site full compliance evaluation on May 31, 2023, of the mineral processing and concrete batching facility, located at 5255 Beesley Drive, in Clark County, Nevada.

**Continued on the next page.*

Violation(s) Alleged: Recommended Penalty: \$19,260.00
Violation #1 – 2022 Permit condition 5.1.10
Violation #2 – 2020 Permit condition 2.2.5
August 2021 Permit condition 2.2.5
November 2021 Permit condition 2.2.5
2022 Permit condition 2.2.5

FOUND IN VIOLATION.

PENALTY ASSESSED: \$19,260.00

Violation #1 – 2022 Permit condition 5.1.10 - \$14,760.00
Violation #2 – 2020 Permit condition 2.2.5 - \$4,500.00
August 2021 Permit condition 2.2.5
November 2021 Permit condition 2.2.5
2022 Permit condition 2.2.5

17. THE QUIKRETE COMPANIES, LLC (Minor Source Permit, Source ID: 324)

NOV #9903 – For allowing the 2022 annual emissions from the stationary source and the Sand Dryer (Emission Unit (EU): D04) to exceed the Potential to Emit limits specified in Tables 3-1 and 3-2 of the 2022 Permit; for failing to limit the operation of the Sand Dryer, EU: D04, to 2,496 hours per year; and for failing to submit a 24-hour exceedance notification after learning of the deviation and a 72-hour written report explaining the emissions exceedance and its resolution, as identified by Senior Air Quality Specialist Mike Murphy during an on-site partial compliance evaluation on August 21, 2023, of the concrete, sand, grout, decorative rock, and cement bagging operation located at 112 West Brooks Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,250.00
Violation #1 – 2022 Permit condition 3.2.1
2022 Permit condition 3.2.2
2022 Permit Table 3-1
2022 Permit Table 3-2
Violation #2 – 2022 Permit condition 3.1.6
Violation #3 – 2022 Permit conditions 4.4.4(a and b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – 2022 Permit condition 3.2.1 - \$1,000.00
2022 Permit condition 3.2.2
2022 Permit Table 3-1
2022 Permit Table 3-2
Violation #2 – 2022 Permit condition 3.1.6 - \$1,000.00
Violation #3 – 2022 Permit conditions 4.4.4(a and b) - \$250.00

18. WAYNE CONSTRUCTION SERVICES, LLC (Project #232005)

NOV #9887 – For failing to notify Air Quality 10 working days prior to commencement of demolition activities at the Facility, as identified by Air Quality Specialist II Whitney Francis during routine patrol on June 28, 2023, at 30 South Water Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 13.1, 40 CFR §61.145(b)(1)
Section 13.1, 40 CFR §61.145(b)(3)(i)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

19. WELLS ENTERPRISES, INC. (Certificate of Exemption, Source ID: 18028)

NOV #9900 – For allowing the discharge of such quantities of air contaminants from the Facility to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Camon Liddell while performing a complaint investigation on August 16, 2023, of the commercial building whose primary business function is the manufacturing of ice cream, located at 1001 Olsen Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$750.00

Violation #1 – Section 43.1
Section 40.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$750.00

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

NOV #9889 – For allowing controllable particulate matter to become airborne, extend over 175 yards in length, and cross the property line while transporting material on the unpaved haul road, as identified by Senior Air Quality Specialists Scott Rowsell and Michael Newell during an on-site partial compliance evaluation on July 11, 2023, of the gypsum processing operation located at 13555 North Highway 95, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – 2021 Permit condition 2.2.17
2021 Permit condition 2.2.26

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **IMC INDUSTRIES, LLC D/B/A TRUST HOME BUILDERS (DCOP #57142)**

NOV #9908 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Canduella Rowsell during an initial inspection on August 28, 2023, at the Bratlien Residence construction project located at 1 Rue du Rivoli Place, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.4.1(a)

HEARING OFFICER MOVED NOV #9908 TO THE END OF THE CONTESTED DOCKET TO ALLOW IMC INDUSTRIES, LLC D/B/A TRUST HOME BUILDERS ADDITIONAL TIME TO ARRIVE FOR THE HEARING.

IMC INDUSTRIES, LLC D/B/A TRUST HOME BUILDERS DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

2. **LANZ CONSTRUCTION LLC (DCOP #56905)**

NOV #9890 – For allowing soil to be tracked out greater than 50 feet onto a paved surface; and 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 Damon Lindsay and Senior Air Quality Specialist Katrinka Byers while performing a complaint investigation on June 30, 2023, and a follow-up inspection on July 1, 2023, at the Northgate Christian Church construction project, located at 875 East Washburn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.14(d)

Violation #2 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Section 94.14(d) - \$2,250.00

Violation #2 – Sections 94.13(a) and (b) - \$1,250.00

3. **LAYTON CONSTRUCTION COMPANY, LLC (DCOP #56238)**

NOV #9901 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialist Satyra George while performing follow-up inspections on July 20 and 21, 2023, at the Project Magnolia construction project located at 6050 East North Belt Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.14(d)

LAYTON CONSTRUCTION COMPANY, LLC DID NOT CONTEST NOV #9901.

NOV #9901 WAS MOVED TO THE NON CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

4. **OS CONSTRUCTION SERVICES, INC. (DCOP #55762)**

NOV #9886 – For allowing soil to be tracked out greater than 50 feet onto a paved surface; and 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 while performing a complaint investigation on June 13, 2023, and follow-up inspections on June 14, 15, and 16, 2023, at the North Park Living (Scott Robinson) construction project, located at 4100 Scott Robinson Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,500.00

Violation #1 – Section 94.14(d)

Violation #2 – Sections 94.13(a) and (b)

OS CONSTRUCTION SERVICES, INC. DID NOT CONTEST NOV #9886.

NOV #9886 WAS MOVED TO THE NON-CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,500.00

Violation #1 – Section 94.14(d) - \$6,750.00

Violation #2 – Sections 94.13(a) and (b) - \$1,750.00

5. **THOMAS CONTRACTING AND DEVELOPMENT LLC D/B/A TCD CONSTRUCTION (DCOP #55447)**

NOV #9897 – 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 Allan Gutierrez, and Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing a routine inspection on July 13, 2023, and follow-up inspections on July 14 and 15, 2023, at the Decatur Mini Storage construction project located north of Decatur Boulevard and El Dorado Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

RECESS AT 10:00 a.m.

RESUMED AT 10:05 a.m.

6. WESTERN STATES CONTRACTING, INC. (DCOP #55391)

NOV #9862 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialists Satyra George and Noel Crandall while performing a routine inspection during a Construction Notice period on May 2, 2023, and follow-up inspections on May 5, 10, 11, and 12, 2023, at the Apex Waterline Phase 2A construction project, located at Nadine Petersen Boulevard and North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,500.00

Violation #1 – Section 94.14(d)

Continued from 7/20/2023

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$5,500.00 PENALTY, \$2,000.00 OF WHICH WILL BE HELD IN ABEYANCE UNTIL 9/21/2024. IF WESTERN STATES CONTRACTING, INC. DOES NOT VIOLATE AQR SECTION 94.14(D) BEFORE 9/21/2024 AT ANY OF ITS CONSTRUCTION SITES, THEN THE SUSPENDED AMOUNT OF \$2,000.00 WILL BE WAIVED.

7. WESTERN STATES CONTRACTING, INC. (DCOP #52379)

NOV #9909 – 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 while performing a routine inspection during a Construction Notice period on August 7, 2023, at the Miners Mesa Access Road construction project, located northwest of Highway 15 and North Las Vegas Boulevard, north of the railroad tracks, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

WESTERN STATES CONTRACTING, INC. DID NOT CONTEST NOV #9909.

NOV #9909 WAS MOVED TO THE NON-CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

Asbestos Violations:

8. AAYLS LLC AND ANGEL RODRIGUEZ, INDIVIDUALLY (Project #231035)

NOV #9899 – 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; for failing to label waste containers with warning labels; for failing to maintain asbestos waste shipment records; for failing to deposit asbestos-containing waste material at an approved asbestos landfill; and for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on May 25, 2023, and follow-up inspections on May 26 and 30, and June 20, and July 5, 2023 at a commercial building located at 1221 North Decatur Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$33,500.00

- 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)
- Violation #8 – Section 13.1, 40 CFR §61.150(d)(1)
- Violation #9 – Section 13.1, 40 CFR §61.150(b)(1)
- Violation #10 – Section 4.1(d)(1)

AIR QUALITY REQUESTED A CONTINUANCE OF NOV #9899.

HEARING OFFICER CONTINUED AAYLS LLC AND ANGEL RODRIGUEZ'S CASE TO NOVEMBER 16, 2023.

9. **LIJIA JIANG, INDIVIDUALLY, C&R CONTRACTING LLC, AND AMAREZ CONSTRUCTION LLC (Project #231040)**

NOV #9895 – 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 routine patrol on June 21, 2023, when he observed a 40 cubic yard dumpster at the commercial building located at 5221 South Eastern Avenue, Las Vegas, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,000.00

- 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: \$6,000.00

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

III. ADJOURNMENT 11:00 a.m.

Signature: 
Shibi Paul (Sep 26, 2023 09:19 PDT)

Email: SPaul@ClarkCountyNV.gov