



**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 24, 2014**

Hearing Officer: Frank J. Cremen, Esq.

Staff: Gary Miller, Compliance and Enforcement Manager  
Lea Kain, Air Quality Supervisor

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

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

**II. MATTERS REQUIRING HEARING OFFICER ACTION**

**A. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION**

***Asbestos, Construction, & Vacant Land NOV's:***

**1. CONSTRUCTION GROUP INTERNATIONAL (Project Number: 140158)**

NOV #8621 – For failing to ensure all regulated asbestos-containing material was adequately wet until collected and contained, or treated for disposal; for allowing visible emissions to the outside air of asbestos-containing waste material; and failing to deposit all asbestos-containing material at a waste disposal site operated in accordance with the provisions of 40CFR 61.154, identified during a routine site inspection on April 28, 2014 at the 3<sup>rd</sup> Street Abatement project, located at 723 South 3<sup>rd</sup> Street, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$24,000

Violation #1 – Subsection 13.1 & 40 CFR 61.145(c)(6)(i)

Violation #2 – Subsection 13.1, 40 CFR 61.150(a) & 40CFR 61.150(a)(1)(iii)

Violation #3 – Subsection 13.1 & 40 CFR 61.150(b)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$24,000**

**Violation #1 – Subsection 13.1 & 40 CFR 61.145(c)(6)(i) - \$8,000**

**Violation #2 – Subsection 13.1, 40 CFR 61.150(a) & 40CFR 61.150(a)(1)(iii) - \$8,000**

**Violation #3 – Subsection 13.1 & 40 CFR 61.150(b) - \$8,000**

2. **CTC CRUSHING (DCP #39473)**

NOV #8606 – For allowing a dust plume to extend 100 yards or more, horizontally or vertically, from the point of origin, identified during a Dust Advisory inspection on April 30, 2014; and for failing to fully implement all Best Available Control Measures and allowing a dust plume to travel greater than 100 feet horizontally or vertically, from the point of origin, identified during a second Dust Advisory inspection on May 5, 2014 at the Jericho construction site, located east of U.S. 95, near Wagonwheel Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$8,000

Violation #1 – Subsection 94.11.2

Violation #2 – Subsection 94.11.3

**FOUND IN VIOLATION.**

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

**Violation #1 – Subsection 94.11.2 - \$4,000**

**Violation #2 – Subsection 94.11.3 - \$4,000**

3. **DIG THIS, INC. (DCP #39726)**

NOV #8626 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for allowing a dust plume to extend 100 feet or more, horizontally or vertically, from the point of origin on July 22, 2014 at the Dig This Operations site, located at 2900 Sirius Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000

Violation #1 – Subsection 94.9.2

Violation #2 – Subsection 94.11.3

**BOTH PARTIES AGREED TO SETTLE NOV. AIR QUALITY AGREES TO ACCEPT THE SETTLEMENT AGREEMENT.**

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$1,000 PENALTY.**

4. **SUMMIT CONSTRUCTION, INC. (DCP #42798)**

NOV #8625 – For conducting construction activities outside the boundaries of the current Dust Control Permit; and for failing to employ Best Available Control Measures, allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; identified during a routine inspection on July 2, 2014 at the Good Samaritan Lutheran Church construction site, located at 8425 West Windmill Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000

Violation #1 – Subsection 94.4.1

Violation #2 – Subsection 94.9.1

Violation #3 – Subsection 94.4.1

Violation #4 – Subsection 94.9.1

**HEARING OFFICER DID NOT FIND SUMMIT CONSTRUCTION, INC. IN VIOLATION OF SUBSECTION 94.4.1 FOR VIOLATIONS #1 AND 3.**

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**FOUND IN VIOLATION.**

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

- Violation #1 – Subsection 94.4.1 - Not in violation**
- Violation #2 – Subsection 94.9.1 - \$1,000**
- Violation #3 – Subsection 94.4.1 - Not in violation**
- Violation #4 – Subsection 94.9.1 - \$1,000**

**5. UNITED INVESTMENTS, LLC (DCP #43345)**

NOV#8605 – For allowing a dust plume to extend 100 yards or more, horizontally or vertically, from the point of origin; and for failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion during a Dust Advisory on April 22, 2014 at the KYL Co. Dirt Stock Pile construction site, located at the southeast corner of Decatur Boulevard and Post Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000

- Violation #1 – Subsection 94.11.2
- Violation #2 – Subsection 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$5,000**

- Violation #1 – Subsection 94.11.2 - \$4,000**
- Violation #2 – Subsection 94.9.2 - \$1,000**

**Stationary Sources NOV's:**

**6. 24-SEVEN GAS AND FOOD MART, LLC (Source: 17232)**

NOV #8609 – For operating a Gasoline Dispensing Operation (GDO) from August 1 through December 25, 2012 without the authority of a Minor Source Permit issued by the Clark County Department of Air Quality; for failing to install vapor recovery and product adaptors that prevent loosening or over tightening of fittings during normal delivery options; for failing to maintain all Phase I vapor recovery equipment to be leak free and vapor tight and in good working order; and for failing to conduct initial vapor recovery system testing required by the permit and failed to conduct vapor recovery testing for 2013, identified during a full compliance evaluation conducted on April 9 and 11, 2014 of the 24-Seven Gas and Food Mart GDO, located at 2424 East Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$8,000

- Violation #1 – Subsection 12.1.3.1
- Violation #2 – Subsection 12.1.4.1(f), 40 CFR 63.11115(a) & 40 CFR 63.11118(b)(1)  
*Permit Condition IV-B-1-b-ii*  
*Permit Condition IV-B-1-b-iii*
- Violation #3 – Subsection 12.1.4.1(f), 40 CFR 63.11115(a) & 40 CFR 63.11118(b)(1)  
*Permit Condition IV-B-1-d-iii*
- Violation #4 – Subsection 12.1.4.1(d) & 40 CFR 63.7(a)(2)  
*Permit Condition IV-D-4-a*

**CONTINUED AT THE REQUEST OF 24-SEVEN GAS AND FOOD MART, LLC.**

**7. FISHER HOLDING COMPANY, LLC (Source: 9914)**

NOV #8607 – For failing to install and design vapor recovery and product adaptors so as to prevent the over-tightening or loosening of fittings during normal delivery operations; for failing to maintain all Phase II vapor recovery equipment in good working order; for failing to submit annual vapor recovery system test results for 2011, 2012, and 2013 to Air Quality within seven days from the end of the annual test; and for failing to provide records to Air Quality of Phase I and Phase II vapor recovery equipment inspections for the period from March 2011 through March 2014, identified during a full compliance evaluation conducted on March 27, 2014 at the Boulder Partners, Inc. (dba Breeze Rite Inn) Gasoline Dispensing Operation, located at 6451 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,000

Violation #1 – 40 CFR 63.1 Subpart CCCCCC

Violation #2 – Subsections 12.8.1 & 52.4(a)(1)

*Permit Condition III-D-15*

Violation #3 – Subsections 12.8.1, 52.5(a), & 52.5(d)

*Permit Condition III-F-3*

Violation #4 – Subsections 12.8.1, 52.6(a)(1), 52.7(a)(1), 52.7(a)(2) & 52.7(b)(1)(vii)

*Permit Condition III-G-1*

*Permit Condition III-G-2*

*Permit Condition III-G-4*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,000**

**Violation #1 – 40 CFR 63.1 Subpart CCCCCC - \$2,000**

**Violation #2 – Subsections 12.8.1 & 52.4(a)(1) - \$2,000**

*Permit Condition III-D-15*

**Violation #3 – Subsections 12.8.1, 52.5(a), & 52.5(d) - \$2,000**

*Permit Condition III-F-3*

**Violation #4 – Subsections 12.8.1, 52.6(a)(1), 52.7(a)(1), 52.7(a)(2) - \$1,000**

**& 52.7(b)(1)(vii)**

*Permit Condition III-G-1*

*Permit Condition III-G-2*

*Permit Condition III-G-4*

**RECESS: 10:34 a.m.**

**RESUME: 10:55 a.m.**

**8. JIM WILKIN TRUCKING, LLC (Source: 17208)**

NOV #8614 – For installing and operating two diesel generators, a screen and a stacker (four emission units) without first obtaining a permit that authorizes such construction and operation; identified during a full compliance evaluation conducted on April 1, 2014 of the Jim Wilken Trucking, LLC portable minor stationary source, located at 1139 U.S. Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000

Violation #1 – Subsection 12.1.3.1

*Permit Condition II-9*

**JIM WILKIN TRUCKING, LLC DID NOT APPEAR.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000**

**9. MR. K'S LV LLC (Source: 17312)**

NOV #8610 – For failing to install and design vapor recovery and product adaptors so as to prevent the over-tightening or loosening of fittings during normal delivery operations; and for failing to maintain and operate all Phase II vapory recovery equipment in accordance with the manufacturer's specification and certification requirements; and for failing to maintain all Phase II vapor recovery equipment in good working order, identified during a full compliance evaluation conducted on February 19, 2014 at the Arco AMPM #83316 Gasoline Dispensing Operation, located at 3701 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000

Violation #1 – Subsection 12.1.4.1(f) & 40 CFR 63.11118(b)(1)

*Permit Condition IV-B-1-b-vii*

Violation #2 – Subsection 12.1.4.1(f) & 40 CFR 63.11115(a)

*Permit Condition IV-B-1-d-ii*

*Permit Condition IV-B-1-d-iii*

**CONTINUED AT THE REQUEST OF MR. K'S LV LLC.**

**10. RANCHO II LLC (Source: 9900)**

NOV #8608 – For failing to maintain all Phase I vapor recovery equipment to be leak free, vapor tight, and in good working order; for failing to install a CARB-certified device that prevents loosening or over tightening of the Phase I product adaptors; for failing to conduct vapor recovery performance testing during calendar years 2012 and 2013; and for failing to provide records of Phase I and Phase II vapor recovery equipment inspections from April 2011 through March 2014, identified during a full compliance evaluation conducted on March 28, 2014 at the Hacienda Mobil Laughlin Gasoline Dispensing Operation, located at 2065 Casino Drive, in Clark County, Nevada.

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**RANCHO II LLC continued**

Violation(s) alleged: Recommended Penalty: \$5,000  
Violation #1 – Subsections 12.8.1 & 52.4(a)(1)  
*Permit Condition III-D-6*  
*Permit Condition III-D-7*  
Violation #2 – Subsections 12.8.1, 52.5(a), & 52.5(d)  
*Permit Condition III-E-3*  
Violation #3 – Subsections 12.8.1, 52.6(a)(1), 52.7(a)(1), 52.7(a)(2), & 52.7(b)(1)(vii)  
*Permit Condition III-F-1*  
*Permit Condition III-F-2*  
*Permit Condition III-F-4*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$5,000**

Violation #1 – Subsections 12.8.1 & 52.4(a)(1) <i>Permit Condition III-D-6</i> <i>Permit Condition III-D-7</i>	-\$2,000
Violation #2 – Subsections 12.8.1, 52.5(a), & 52.5(d) <i>Permit Condition III-E-3</i>	-\$2,000
Violation #3 – Subsections 12.8.1, 52.6(a)(1), 52.7(a)(1), 52.7(a)(2), & 52.7(b)(1)(vii) <i>Permit Condition III-F-1</i> <i>Permit Condition III-F-2</i> <i>Permit Condition III-F-4</i>	-\$1,000

**11. REBEL OIL COMPANY, INCORPORATED (Source: 15027)**

NOV #8599 – For failing to maintain all Phase I and II vapor recovery equipment in good working order; leak free and vapor tight, identified during a full compliance evaluation conducted on November 7, 21, and December 31, 2013 at the Rebel Oil Company #87 Gasoline Dispensing Operation, located at 1200 West Warm Springs Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,000  
Violation #1 – Subsections 12.8.1 & 52.4(a)(1)  
*Permit Condition III-D-6*  
Violation #2 – Subsections 12.8.1 & 52.4(a)(1)  
*Permit Condition III-D-15*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000**

Violation #1 – Subsections 12.8.1 & 52.4(a)(1) <i>Permit Condition III-D-6</i>	- \$2,000
Violation #2 – Subsections 12.8.1 & 52.4(a)(1) <i>Permit Condition III-D-15</i>	- \$1,000

**12. ZOZO NELLIS, LLC (Source: 17061)**

NOV #8613 – For operating a gasoline dispensing operation known as ZOZO Nellis, LLC without the authority of a Minor Source Permit issued by the Clark County Department of Air Quality, located at 6101 West Vegas Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Subsection 12.1.3.1

Recommended Penalty: \$3,000

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000**

**III. ADJOURNMENT**

**11:25 a.m.**