



## 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 19, 2024**

Hearing Officer: Holly Fic  
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager  
Anna Sutowska, Air Quality Supervisor  
Satyra George, 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. STATUS CHECK:

##### 1. **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:

Violation #1 – Section 12.1.3.1(a)

**AIR QUALITY HAS VERIFIED THAT MBT NEVADA, LLC HAS MADE THEIR GASOLINE STORAGE TANKS INOPERABLE AND PAID THE REDUCED PENALTY AMOUNT ASSESSED ON JULY 18, 2024 WITHIN 30 DAYS OF THE HEARING OFFICER’S ORDER. THE PERMIT APPLICATION HAS NOT YET BEEN DEEMED COMPLETE. THE DEADLINE PROVIDED BY THE PERMITTING SECTION IN THE LETTER OF INCOMPLETENESS IS OCTOBER 1, 2024 TO SUBMIT THE REQUIRED INFORMATION.**

**THE HEARING OFFICER ORDERED NOV #10022 TO BE PLACED ON THE NOVEMBER 21, 2024 HEARING OFFICER MEETING DOCKET FOR A STATUS CHECK TO ENSURE MBT NEVADA, LLC SUBMITS THE NECESSARY DOCUMENTS TO THE PERMITTING SECTION BY OCTOBER 1, 2024. IF THE APPLICATION IS DEEMED COMPLETE PRIOR TO THE NOVEMBER 21, 2024 HEARING OFFICER MEETING, MBT NEVADA, LLC WILL NOT BE REQUIRED TO ATTEND, AND THE MATTER WILL BE CONSIDERED RESOLVED.**

B. 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.

**THE SETTLED CASES PORTION OF THE DOCKET WAS HEARD AFTER THE CONTESTED CASES PORTION.**

**1. 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 on-site 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

*Continued from 7/18/2024*

**AIR QUALITY REQUESTED A CONTINUANCE OF NOV #10018.**

**HEARING OFFICER CONTINUED NEVADA SYSTEM OF HIGHER EDUCATION'S CASE TO OCTOBER 29, 2024.**

- C. 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.

**THE NON-CONTESTED CASES PORTION OF THE DOCKET WAS HEARD AFTER THE SETTLED CASES PORTION.**

1. **ALAN JESKEY BUILDERS, INC. D/B/A AJB GENERAL CONTRACTOR (DCOP # 57807) NOV #10054** – 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 during a follow-up inspection on June 5, 2024, at the Paglia Law Office construction project, located at 5358 South Eastern Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

**FOUND IN VIOLATION.**

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

2. **AMERICAN EAGLE READY MIX, LLC (Synthetic Minor Source Permit, Source ID: 18157) NOV #10055** – For handling material in a manner which allowed controllable particulate matter to become airborne during loading operations from the stockpile (Emission Unit (EU): D01) to a haul truck, screening operations (EU: A04), and crushing operations (EU: A05), as identified by Senior Air Quality Specialist Michael Newell while performing a complaint investigation on June 26, 2024 at the sand and gravel facility located near the intersection of Interstate-15 and State Route 168, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Permit condition 2.2.11

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,250.00**

3. **APEX MATERIALS LLC (DCOP #52885) NOV #10057** – 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 a complaint investigation during a Construction Notice period on May 9, 2024, at the Apex Moccasin construction project, located at 10551 Skye Village Drive, 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**

4. **ARIZONA PIPELINE COMPANY (DCOP #57516)**

**NOV #10051** – 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 during a routine inspection on June 7, 2024, at the NCDP-CNLV-La Madre & Spring Falls PH 2 construction project, located at the intersection of Lone Mountain Road and Spring Falls Way with a staging area located at the corner of Washburn Road and Willis Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

**FOUND IN VIOLATION.**

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

5. **BETTER ASSETS INCORPORATED AND BETTER PLACE CONSTRUCTION L.L.C. (Project # 240380)**

**NOV #10065** – For failing to thoroughly inspect the Facility for the presence of Asbestos-Containing Materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during a routine patrol on June 27, 2024 at three buildings located at 1004, 1006, and 1008 May Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

**FOUND IN VIOLATION.**

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

6. **CAESARS ENTERTAINMENT, INC. (Part 70 Operating Permit, Source ID: 257)**

**NOV #10059** – For installing and operating a Cummins, diesel-fired, 260 horsepower, emergency fire pump engine without first obtaining an Authority to Construct permit authorizing the modification; for failing to identify Intermittent Compliance for several permit conditions in the 2022 and 2023 Annual Compliance Certification reports; and for failing to report permit deviations in the 2022 2<sup>nd</sup> semiannual report and 2023 1<sup>st</sup> and 2<sup>nd</sup> semiannual reports, as identified by Senior Air Quality Specialist Camon Liddell during an on-site full compliance evaluation on June 18, 20, 24, and 25, and July 3, 2024 of the eleven hotel/casino and other facilities located at various locations, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$10,000.00

Violation #1 – 2022 Permit condition II.B.1

2023 Permit condition 10.2.1

Violation #2 – 2022 Permit condition II.D.6.c

2023 Permit condition 5.2.c

Violation #3 – 2022 Permit condition II.C.11

2022 Permit condition II.D.8

2022 Permit Table II-C-1

2023 Permit condition 5.4

2023 Permit condition 5.15

2023 Permit Table 5-1

*\*Continued on the next page.*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$10,000.00**

- Violation #1 – 2022 Permit condition II.B.1 - \$4,000.00**  
**2023 Permit condition 10.2.1**
- Violation #2 – 2022 Permit condition II.D.6.c - \$4,000.00**  
**2023 Permit condition 5.2.c**
- Violation #3 – 2022 Permit condition II.C.11 - \$2,000.00**  
**2022 Permit condition II.D.8**  
**2022 Permit Table II-C-1**  
**2023 Permit condition 5.4**  
**2023 Permit condition 5.15**  
**2023 Permit Table 5-1**

**7. CIRCLE K STORES INC. (General Permit, Source ID: 9430)**

**NOV #10058** – For failing to conduct and maintain records of Phase I vapor recovery system inspections after each delivery; for failing to conduct and maintain records of daily Phase II vapor recovery system inspections; and for failing to maintain Phase I vapor recovery equipment in good working order by operating the premium underground storage tank, Emission Unit: A01, with a missing gasket on the fill adapter cap, as identified by Air Quality Specialist Jeremy Shockley during an on-site full compliance evaluation on July 1, 2024 of the gasoline dispensing operation known as Circle K Store #8690 located at 5010 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,435.00

- Violation #1 – 2020 Permit condition 4.1.3(a through g)  
2020 Permit condition 4.3.2.b  
2020 Permit condition 4.3.4  
2020 General Permit condition 4.1.4(a through g)  
2020 General Permit condition 4.3.2.b  
2020 General Permit condition 4.3.4
- Violation #2 – 2020 Permit condition 4.1.4(a through g)  
2020 Permit condition 4.3.2.b  
2020 Permit condition 4.3.4
- Violation #3 – 2020 General Permit condition 2.1.6.c  
2020 General Permit condition 2.1.6.d

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,435.00**

- Violation #1 – 2020 Permit condition 4.1.3(a through g) - \$1,750.00**  
**2020 Permit condition 4.3.2.b**  
**2020 Permit condition 4.3.4**  
**2020 General Permit condition 4.1.4(a through g)**  
**2020 General Permit condition 4.3.2.b**  
**2020 General Permit condition 4.3.4**
- Violation #2 – 2020 Permit condition 4.1.4(a through g) - \$1,685.00**  
**2020 Permit condition 4.3.2.b**  
**2020 Permit condition 4.3.4**
- Violation #3 – 2020 General Permit condition 2.1.6.c - \$1,000.00**  
**2020 General Permit condition 2.1.6.d**

8. **D.R. HORTON, INC. (DCOP #54323)**

**NOV #10066** – For allowing soil to be tracked out greater than 50 feet in length 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 Senior Air Quality Specialist Andrew Kirk, and Air Quality Specialists Nahulu Kahananui and Richard Wyse during a routine inspection on June 25, 2024, a follow-up inspection prior to a Construction Notice period on June 27, 2024, and follow-up inspections on June 28, 2024, and July 1, 2, and 3, 2024, at the Villages At Tule Springs Village 1 Phases 1 & 2 construction project, located north of CC 215 and Revere Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$23,062.50

Violation #1 – Section 94.14(d)

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$23,062.50**

**Violation #1 – Section 94.14(d) - \$6,500.00**

**Violation #2 – Sections 94.13(a) and (b) - \$16,562.50**

9. **D.R. HORTON, INC. (DCOP #55618)**

**NOV #10072** – 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 Richard Wyse during a routine inspection prior to a Construction Notice period on June 27, 2024, and a follow-up inspection on June 28, 2024, at the Valley Vista Parcel 1.1 construction project, located on the southeast corner of Decatur Boulevard and Grand Teton Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,750.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,750.00**

10. **DG FENN CONSTRUCTION, INC. (DCOP 57691)**

**NOV #10063** – 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 during a routine inspection on July 13, 2024, at the Circle K Ann and 5<sup>th</sup> construction project, located at 5630 North 5<sup>th</sup> Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

**FOUND IN VIOLATION.**

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

**11. EDWARD HOMES, INC. (DCOP # 54743)**

**NOV #10050** – 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 Mike Englehart while performing complaint investigations on June 5, 7, and 10, 2024, and a follow-up inspection on June 11, 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: \$6,250.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$6,250.00**

**12. EDWARD HOMES, INC. (DCOP # 54743)**

**NOV #10079** – For allowing tracked out soil debris onto a paved surface resulting in a fugitive dust plume to extend more than 100 feet and cross a property line; 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 Senior Air Quality Specialist Katrinka Byers and Air Quality Specialist Mike Englehart while performing a complaint investigation on July 26, 2024, and a follow-up inspection during a Construction Notice period on July 27, 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: \$7,500.00

Violation #1 – Section 94.14(e)(3)

Section 94.14(e)(4)

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,500.00**

**Violation #1 – Section 94.14(e)(3) - \$3,500.00**

**Section 94.14(e)(4)**

**Violation #2 – Sections 94.13(a) and (b) - \$4,000.00**

**13. GREYSTONE NEVADA, LLC (DCOP # 55947)**

**NOV #10068** – 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 during a routine inspection before a Construction Notice period on June 27, 2024, at the Sisk/Elkhorn construction project, located at the intersection of Sisk Road and Elkhorn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,750.00**

**14. KB HOME LAS VEGAS INC. (DCOP #58110)**

**NOV #10080** – 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 while performing a complaint investigation on August 12, 2024, and a follow-up inspection on August 14, 2024, at the Briscoe construction project, located at Tropical Parkway and Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

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

**FOUND IN VIOLATION.**

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

**15. LAS VEGAS PAVING CORPORATION (Synthetic Minor Source Operating Permit, Source ID: 70)**

**NOV #10076** – For exceeding the emission limits for PM<sub>10</sub> during a performance test on the baghouse associated with Emission Units: A027 and A108, and operating the baghouse between April 17, 2024, and June 14, 2024 after the failed test, as identified by Camon Liddell during an off-site partial compliance evaluation on August 5, 2024 of the asphalt products and sand and gravel facility known as Blue Diamond, located at 9325 South Jones Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,900.00

Violation #1 – 2023 Permit condition 3.2.3  
2023 Permit condition 3.2.10  
2023 Permit condition 4.2.2  
2023 Permit Table 3-3  
2024 Permit condition 3.2.3  
2024 Permit condition 3.2.10  
2024 Permit condition 4.2.2  
2024 Permit Table 3-3

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,900.00**

**16. MLCO CONSTRUCTION LLC (DCOP #55646)**

**NOV #10067** – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Senior Air Quality Specialist Andrew Kirk while performing a complaint investigation on June 20, 2024, at the Rawhide RV construction project, located at 5225 Rawhide Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.14(a)(3)

**FOUND IN VIOLATION.**

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



**17. NAVARRO LANDSCAPE, LIMITED PARTNERSHIP AND TOREY HIGGINS, INDIVIDUALLY (Project #240377)**

**NOV #10071** – For failing to thoroughly inspect the Facility for the presence of Asbestos-Containing Materials prior to conducting renovation activities, as identified by Air Quality Specialist II Whitney Francis while performing an inspection on June 24, 2024 at the Spectra Paradise Apartments located at 4350 Paradise Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

**FOUND IN VIOLATION.**

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

**18. NPL CONSTRUCTION CO. (Construction Project #58103, DCOP #n/a)**

**NOV #10069** – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities; 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 Canduella Rowsell during routine patrol on June 12, 2024, at the LVB & Chartan Apartments 4650367 construction project, located on Chartan Avenue between Las Vegas Boulevard and Rancho Destino Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,750.00

Violation #1 – Section 94.4.1(a)

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,750.00**

**Violation #1 – Section 94.4.1(a) - \$500.00**

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

**19. PL PROPERTY GROUP LLC (Project # 242003)**

**NOV #10049** – 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 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 allowing visible emissions and failing to seal all Asbestos-Containing Waste Materials in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified by Air Quality Specialist II Whitney Francis during a routine inspection on May 8, 2024 of Unit 101 at Wimbledon Tennis Club Condos located at 3930 University Center Drive, in Clark County, Nevada.

*\*Continued on the next page.*

***PL PROPERTY GROUP LLC continued***

Violation(s) Alleged:

Recommended Penalty: \$4,200.00

- 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: \$4,200.00**

- Violation #1 – Section 13.1, 40 CFR §61.145(a) - \$700.00**
- Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) - \$700.00**  
**Section 13.1, 40 CFR §61.145(b)(3)(i)**
- Violation #3 – Section 13.1, 40 CFR §61.145(c)(1) - \$700.00**
- Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$700.00**
- Violation #5 – Section 13.1, 40 CFR §61.145(c)(8) - \$350.00**
- Violation #6 – Section 13.1, 40 CFR §61.150(a) - \$700.00**  
**Section 13.1, 40 CFR §61.150(a)(1)(iii)**
- Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv) - \$350.00**

**20. PLASTICARD LOCKTECH INTERNATIONAL, LLP (Minor Source Permit, Source ID: 15876)**

**NOV #10046** – For installing and operating a Komori GLX-740 RP offset press without first obtaining a revised permit authorizing the modification, as identified by Senior Air Quality Specialist Michael Newell and Air Quality Specialist Jonathon Ocate during an on-site full compliance evaluation on May 14, 2024 of the plastic card manufacturer known as Plasticard Locktech International, located at 1220 Trade Drive, Suite 101, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,990.00

- Violation #1 – 2023 Permit condition 5.1.10

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,990.00**

**21. 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)

*Continued from 7/18/2024*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,937.50**

**Violation #1 – Sections 94.13(a) and (b) - \$4,187.50**

**Violation #2 – Section 94.14(d) - \$3,750.00**

**22. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #54878)**

**NOV #10073** – 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 during a routine inspection on June 5, 2024, and follow-up inspections on June 6, 7, 10, 11, 12, 13, and 14, 2024, at the Dove Point Place construction project, located at the intersection of Rancho Drive and Rainbow Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$23,500.00

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$23,500.00**

**23. SAM’S WEST, INC. (Minor Source Permit, Source ID: 9896)**

**NOV #10077** – 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 Air Quality Specialist Jeremy Shockley, accompanied by Air Quality Specialists Adam Mancini and Tina Tope, during an on-site full compliance evaluation on August 12, 2024 of the gasoline dispensing operation known as Sam’s Club #6382 located at 7175 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,640.00

Violation #1 – 2021 Permit condition 4.1.3(a through g)

2021 Permit condition 4.3.2.b

2021 Permit condition 4.3.4

Violation #2 – 2021 Permit condition 4.1.4(a through i)

2021 Permit condition 4.3.2.b

2021 Permit condition 4.3.4

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**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,640.00**

**Violation #1 – 2021 Permit condition 4.1.3(a through g) - \$1,790.00**

**2021 Permit condition 4.3.2.b**

**2021 Permit condition 4.3.4**

**Violation #2 – 2021 Permit condition 4.1.4(a through i) - \$1,850.00**

**2021 Permit condition 4.3.2.b**

**2021 Permit condition 4.3.4**

**24. TAND, INC. (DCOP #57767)**

**NOV #10053** – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Damon Lindsay while performing a complaint investigation on June 7, 2024, at the Fort Apache Rd Phase 02 construction project, located on Fort Apache Road from Blue Diamond Road to Huntington Cove Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 94.4.1(a)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$500.00**

**25. TEC EQUIPMENT, INC. (DCOP #56479)**

**NOV #10075** – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 25, 2024, at the TEC Equipment @ Brooks construction project, located at North 5<sup>th</sup> Street and Brooks Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.14(a)(3)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,000.00**

**26. THE FISHEL COMPANY D/B/A TEAM FISHEL (Construction Project #58099, DCOP #n/a)**

**NOV #10060** – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities; and 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 during routine patrol on June 12, 2024, at the NV Energy - 325 Eldorado Ln construction project, located along East Robindale Road, Fairfield Avenue, and East Eldorado Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,125.00

Violation #1 – Section 94.4.1(a)

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

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,125.00**

**Violation #1 – Section 94.4.1(a) - \$1,125.00**

**Violation #2 - Sections 94.13(a) and (b) - \$2,000.00**

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

**NOV #10064** – 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 during a routine inspection before a Construction Notice period on June 27, 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: \$1,250.00

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

**FOUND IN VIOLATION.**

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

**28. WESTERN STATES CONTRACTING, INC. (Construction Project #58078, DCOP #n/a)**

**NOV #10052** – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities; 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 Canduella Rowsell during routine patrol on June 5, 2024, at the Bermuda & Larson construction project, located on the road shoulder and sidewalk along Bermuda Road and Larson Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.4.1(a)

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

**FOUND IN VIOLATION.**

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

**Violation #1 – Section 94.4.1(a) - \$750.00**

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

*D. CONTESTED CASES*

**THE CONTESTED CASES PORTION OF THE DOCKET WAS HEARD AFTER THE STATUS CHECK PORTION.**

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

**1. AIMS BUILDING SERVICES LLC. (DCOP #56888)**

**NOV #10062** – 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 Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 13, 2024, and follow-up inspection on July 15, 2024, at the Sedona Market construction project, located at the northwest corner of East Ann Road and North 5<sup>th</sup> Street, in Clark County, Nevada.

***\*Continued on the next page.***

**AIMS BUILDING SERVICES LLC. continued**

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

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

Violation #2 – Section 94.14(d)

**AIMS BUILDING SERVICES LLC. REQUESTED A CONTINUANCE OF NOV #10062.**

**HEARING OFFICER CONTINUED AIMS BUILDING SERVICES LLC.'S CASE TO NOVEMBER 21, 2024.**

**2. BUILDERS UNITED, LLC (DCOP #57195)**

**NOV #10047** – 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 during follow-up inspections on June 6 and 7, 2024, and June 10 through 12, 2024, at the Founders Classical Academy construction project, located at 5730 West Alexander Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$7,000.00

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

**BUILDERS UNITED, LLC DID NOT CONTEST NOV #10047.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,000.00**

**3. BUILDERS UNITED, LLC (DCOP #57197)**

**NOV #10061** – 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 Katrinka Byers and Andrew Kirk, and Air Quality Specialist Damon Lindsay while performing a complaint investigation on June 27, 2024, and follow-up inspections on June 28, 2024, and July 1, 2024, at the Primrose School Henderson construction project, located on Arroyo Grande Boulevard, northwest of Horizon Ridge Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,250.00

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

**BUILDERS UNITED, LLC DID NOT CONTEST NOV #10061.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,250.00**

4. **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)

*Continued from 7/18/2024*

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

**AIR QUALITY REQUESTED A CONTINUANCE OF NOV #9994.**

**AIR QUALITY TO SUBMIT A RESPONSE TO ETON TRANSPORTATION CORP.'S WRITTEN RESPONSE BY OCTOBER 14, 2024.**

**ETON TRANSPORTATION CORP. TO REPLY BY OCTOBER 21, 2024.**

**HEARING OFFICER CONTINUED ETON TRANSPORTATION CORP.'S CASE TO OCTOBER 29, 2024.**

5. **ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN, INDIVIDUALLY (DCOP #57148)**

**NOV #10078** – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialists Canduella Rowsell and Noel Crandall, and Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 17, 2024, and follow-up inspections on July 25 and 31, 2024, and August 7 and 14, 2024, at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$31,562.50

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

Violation #2 – Section 4.1(d)(1)

*\*Continued on the next page.*

**NOV #10078 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**AIR QUALITY REQUESTED A CONTINUANCE OF NOV #10078.**

**AIR QUALITY TO SUBMIT A RESPONSE TO ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN'S WRITTEN RESPONSE BY OCTOBER 14, 2024.**

**ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN TO REPLY BY OCTOBER 21, 2024.**

**HEARING OFFICER CONTINUED ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN'S CASE TO OCTOBER 29, 2024.**

**6. KIRCO MANIX CONSTRUCTION, LLC (DCOP # 57862)**

**NOV #10070** – 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 during a routine inspection on July 10, 2024, at the Crown Transfer Center construction project, located at 6255 East Tropical Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

**KIRCO MANIX CONSTRUCTION, LLC CHANGED ITS PLEA AND IS NOT CONTESTING NOV #10070.**

**FOUND IN VIOLATION.**

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

**7. TOPNOTCH SERVICES, INC. (DCOP #55792)**

**NOV #10074** – 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 Katrinka Byers and Andrew Kirk during a routine inspection on July 12, 2024, and a follow-up inspection on July 13, 2024, at the Bank of America Demo construction project, located at 5950 West Sahara Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

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

**FOUND IN VIOLATION. HEARING OFFICER ASSESSED A \$2,750.00 PENALTY, \$750.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 9/19/2025. IF TOPNOTCH SERVICES, INC. DOES NOT VIOLATE AQRs BEFORE 9/19/2025 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.**



*Stationary Sources Violations:*

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

**NOV #10036** – For installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 horsepower (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

*Continued from 7/18/2024*

**AIR QUALITY AMENDED NOV #10036 TO CORRECT A MISCALCULATION IN THE RECOMMENDED PENALTY AMOUNT FOR TWO UNPERMITTED ENGINES IN VIOLATION #1. THE AMENDED PENALTY AMOUNT FOR THE UNPERMITTED DOOSAN, DIESEL-FIRED, CONTINUOUS-DUTY, 755 HP ENGINE SHOULD BE \$9,314.08, AND FOR THE UNPERMITTED CUMMINS, DIESEL-FIRED, CONTINUOUS DUTY, 1,350 HP ENGINE SHOULD BE \$13,622.06, REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$34,915.54.**

**FOUND IN VIOLATION. HEARING OFFICER ASSESSED A \$34,915.54 PENALTY: \$30,855.54 FOR VIOLATION #1, \$1,750.00 FOR VIOLATION #2, AND \$2,310.00 FOR VIOLATION #3. \$1,855.54 OF THE PENALTY FOR VIOLATION #1 WILL BE HELD IN ABEYANCE UNTIL 9/19/2025. IF GYPSUM RESOURCES, LLC DOES NOT HAVE NEW VIOLATIONS OF AQRs IN THE SAME OR SIMILAR CATEGORY AS 2022 PERMIT CONDITION II.B.1 BEFORE 9/19/2025, TAKES STEPS TO MITIGATE/CORRECT EXISTING VIOLATION #1 BY SUBMITTING AN ATC APPLICATION TO AIR QUALITY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,855.54 WILL BE WAIVED.**

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

**NOV #10048** – For allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne and/or for allowing fugitive dust to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialist Michael Newell while performing an inspection during routine surveillance on June 22, 2024 of 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: \$1,875.00

Violation #1 – 2022 Permit condition III.B.31  
2022 Permit condition III.D.12

**NOV #10048 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**HEARING OFFICER ASSESSED A \$1,875.00 PENALTY, \$375.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 9/19/2025. IF HOLCIM - SWR, INC. DOES NOT VIOLATE AQRs BEFORE 9/19/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$375.00 WILL BE WAIVED.**

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

**NOV #10056** – For failing to identify Intermittent Compliance for eight permit conditions in the 2022 and 2023 Annual Compliance Certification reports; for failing to report permit deviations in the 2022 1st and 2nd semiannual reports, and 2023 1st and 2nd semiannual reports that did not result in excess emissions; for failing to document and maintain logs of predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes; and for failing to conduct and maintain records of monthly baghouse inspections for the CalPortland 1 plant baghouse, STM18, as identified by Senior Air Quality Specialist Scott Rowsell during an on-site full compliance evaluation on May 8 and 9, and June 5, 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: \$9,772.50

Violation #1 – 2021 Permit condition II.D.6.c  
2022 Permit condition II.D.6.c  
Violation #2 – 2021 Permit condition II.D.8  
2021 Permit condition III.H.4.b  
2022 Permit condition II.D.8  
2022 Permit condition III.H.4.b  
Violation #3 – 2021 Permit condition III.D.29  
2021 Permit condition III.G.2  
2021 Permit condition III.G.4.g  
2022 Permit condition III.D.29  
2022 Permit condition III.G.2  
2022 Permit condition III.G.4.g  
Violation #4 – 2022 Permit condition III.E.14  
2022 Permit condition III.G.2  
2022 Permit condition III.G.4.k

**\*Continued to the next page.**

*HOLCIM - SWR, INC. continued*

**NOV #10056 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.**

**HOLCIM - SWR, INC. REQUESTED A CONTINUANCE OF NOV #10056.**

**HEARING OFFICER CONTINUED HOLCIM - SWR, INC.'S CASE TO JANUARY 16, 2025.**

**III. ADJOURNMENT            11:50 a.m.**