The logo for Clark County Building Services is a circular emblem. It features a light blue outer ring with the text 'CLARK COUNTY' at the top and 'NEVADA' at the bottom in yellow, bold, sans-serif capital letters. Inside the ring is a stylized orange sun with a spiral center. Below the sun are several grey stick figures of various sizes, some holding hands, representing a community or family.

*Clark County
Air Pollution Control
Hearing Board*

*Clark County Building Services
Presentation Room*

December 4, 2024 at 1:30 p.m.



Annotated Agenda

Clark County Air Pollution Control Hearing Board

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV 89118

December 4, 2024 – 1:30 P.M.

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair
Daniel Bartlett - Absent
Donald Bordelove
Troy Hildreth
Amy Lahav

Hearing Board Counsel

Nichole Kazimirovicz
Tyler T. Smith

Air Quality Staff

Marci Henson, Director
Shibi Paul, Compliance & Enforcement Manager
Anna Sutowska, Air Quality Supervisor

Department Counsel

Catherine Jorgenson

Administrative Secretary

Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov
Business Address: Clark County Department of Environment & Sustainability,
4701 W. Russell Road, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 1:31 p.m.

2. **PUBLIC COMMENT**
NONE

3. **APPROVAL OF MINUTES**
Approval of September 16, 2024 and October 2, 2024 meeting minutes.
(For possible action)

ACTION: APPROVED MINUTES OF SEPTEMBER 16, 2024 AND OCTOBER 2, 2024 MEETINGS AS RECOMMENDED
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav
VOTING NAY: None
ABSTAINING: None
ABSENT: Daniel Bartlett

THE BOARD TOOK ITEM 7B OUT OF ORDER AND HEARD IT AFTER ITEM 3.

RECESS AT 3:29 p.m.
RESUMED AT 3:51 p.m.

4. **STATUS CHECK REGARDING NOVs #9907, #9946, #9979, #9981, AND #10081 #10008**

Correction made in the title of Item 4: #10081 to #10008.

- A. Update on Appellants' representation.
- B. Schedule hearing on appeal of hearing officer orders in the matter of Notices of Violation: #9907 issued to Assured Development, Inc. and Joseph Yakubik; #9946, #9979, and #10008 issued to Atlas Holdings International LLC and Joseph Yakubik; and #9981 issued to Joseph Yakubik and Darcie Yakubik for January 16, 2025, at 10:00 a.m. or January 21, 2025, at 10:00 a.m.
(For possible action)
- C. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)
- D. Update on additional records requests.

ACTION: CONTINUED NOVs #9907, #9946, #9979, #9981, AND #10008 TO 9:00 A.M. ON JANUARY 28, 2025 AT WHICH TIME THE HEARINGS ON ALL APPEALS WILL BE CONDUCTED. EACH SIDE WILL BE GIVEN AN EQUAL AMOUNT OF TIME TO PRESENT THEIR CASE. PRIOR TO JANUARY 28, 2025, VICE-CHAIR DENNETT, DEPARTMENT COUNSEL, AND MR. YAKUBIK WILL DETERMINE THE SPECIFIC TIME FOR EACH NOV.
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0

VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav

VOTING NAY: None

ABSTAINING: None

ABSENT: Daniel Bartlett

ACTION: APPROVED DEADLINE FOR PARTIES TO SUBMIT PRE-HEARING BRIEFS, WITNESS LISTS, AND EXHIBITS TO BOARD SECRETARY NO LATER THAN CLOSE OF BUSINESS JANUARY 17, 2025.

BY: Board Member Dennett

SECOND: Board Member Lahav

VOTE: 5-0

VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav

VOTING NAY: None

ABSTAINING: None

ABSENT: Daniel Bartlett

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

NOV #9994 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp. in violation of Sections 94.13(a) and (b) 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 at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$3,500.00. Respondent appealed.

A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.

(For possible action)

B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

Board Member Hildreth disclosed that ETON Transportation Corp. is currently renting land from Las Vegas Paving for whom he works. Board Member Hildreth does not have any communications with Mr. Moe Truman, and there is no financial agreement between himself and appellants.

Vice-Chair Dennett recused himself due to a conflict of interest and did not participate in this item.

ACTION: APPROVED THE FOLLOWING SCHEDULE: HEARINGS ON APPEALS FOR NOVS #9994 AND #10078 TO BE CONDUCTED ON FEBRUARY 5, 2025 AT 10 A.M.; PRE-HEARING BRIEFS, EXHIBITS, AND WITNESS LISTS TO BE PRESENTED AT THE FEBRUARY 5, 2025 HEARING BOARD MEETING TO BE SUBMITTED TO BOARD SECRETARY NO LATER THAN JANUARY 22, 2025.

BY: Board Member Sanders

SECOND: Board Member Lahav

VOTE: 4-0

VOTING AYE: Daniel Sanders, Donald Bordelove, Troy Hildreth, Amy Lahav
VOTING NAY: None
ABSTAINING: Ryan Dennett
ABSENT: Daniel Bartlett

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

NOV #10078 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON, and Moe Truman, individually, in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and Section 4.1(d)(1) 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. The Hearing Officer assessed a penalty amount of \$17,250.00. Respondents appealed.

A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.
(For possible action)

B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)

SEE ACTIONS TAKEN IN ITEM 5.

7. **APPEAL OF HEARING OFFICER DECISION**

A. **GYPSON RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

NOV #10036 – On September 19, 2024, the Hearing Officer found Gypsum Resources, LLC in violation of their 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and III.D.5 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, an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, 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 Authority to Construct (ATC) permit from the Control Officer; for failing to report a deviation in the 2023, 2nd 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. Prior to the Hearing, Air Quality amended NOV #10036 to correct a miscalculation in the recommended penalty amount for the two unpermitted engines in Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins, diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV and Exhibit A, the Penalty Calculation Table. The Hearing Officer assessed a penalty amount of \$34,915.54 with \$1,855.54 of that penalty to be held in abeyance

with the stipulation that Gypsum Resources LLC does not have new violations of AQRs in the same or similar category as 2022 Permit condition II.B.1 before September 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.

Conduct Hearing and Render Decision
(For possible action.)

Chair Sanders, Vice-Chair Dennett, and Board Member Hildreth recused themselves due to conflicts of interest and did not participate in this appeal.

ACTION: APPROVED THE SETTLEMENT AGREEMENT FOR NOV #10036, WHICH INCLUDES A TOTAL SUM OF \$30,415.54 TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED BOARD ORDER.
BY: Board Member Lahav
SECOND: Board Member Bordelove
VOTE: 2-0
VOTING AYE: Donald Bordelove, Amy Lahav
VOTING NAY: None
ABSTAINING: Danny Sanders, Ryan Dennett, Troy Hildreth
ABSENT: Daniel Bartlett

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

NOV #10048 – On September 19, 2024, the Hearing Officer found Holcim-SWR, Inc., in violation of the 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, and 2022 Permit condition III.D.12 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 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. The Hearing Officer assessed a penalty of \$1,875.00 with \$375.00 of that penalty to be held in abeyance with the stipulation that Holcim-SWR, Inc., does not violate AQRs before September 19, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

Chair Sanders recused himself due to a conflict of interest and did not participate in this appeal.

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10048 FINDING THE VIOLATION DID OCCUR.
BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Donald Bordelove, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None

ABSTAINING: Daniel Sanders
ABSENT: Daniel Bartlett

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10048 ASSESSING A PENALTY IN THE AMOUNT OF \$1,875.00, OF WHICH \$375.00 IS TO BE HELD IN ABEYANCE UNTIL SEPTEMBER 19, 2025. IF HOLCIM – SWR, INC. DOES NOT VIOLATE THE AQRs BEFORE SEPTEMBER 19, 2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING BOARD ORDER, THEN THE SUSPENDED AMOUNT OF \$375.00 WILL BE WAIVED.

BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Donald Bordelove, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None
ABSTAINING: None
ABSENT: Daniel Bartlett, Daniel Sanders

ACTION: ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW: THE BOARD HEARD AN APPEAL OF THE HEARING OFFICER’S DECISION WITH REGARD TO NOTICE OF VIOLATION (NOV) #10048 FOR A FUGITIVE DUST INCIDENT WHILE HOLCIM WAS OPERATING UNDER STATIONARY SOURCE OPERATING PERMIT, SOURCE ID: 372, ISSUED ON NOVEMBER 6, 2019. THE OFFICER OBSERVED THAT ON JUNE 22, 2024, HAUL TRUCKS WERE OPERATING AT THE SUBJECT SITE, AND THERE WERE INADEQUATE DUST CONTROL MEASURES TAKEN ON THE HAUL ROADS CAUSING SIGNIFICANT INCIDENTS OF UNCONTROLLED FUGITIVE DUST IN VIOLATION OF THE SUBJECT PERMIT SPECIFICALLY CONDITIONS III.B.31 AND III.D.12. THE PERMIT CONDITIONS STIPULATED THAT THE PERMITTEE SHOULD HAVE BOTH PRECLUDED FUGITIVE DUST AND TAKEN REASONABLE MEASURES TO ENSURE THAT FUGITIVE DUST WAS NOT DISCHARGED FROM THESE HAUL ROADS. AS PART OF THE DE NOVO APPEAL OF THE NOV, THE BOARD HAS FOUND THAT THE NOV IS APPROPRIATELY ENTERED FOR VIOLATION OF PERMIT CONDITIONS III.B.31 AND III.D.12 AND A FINE FOR THE VIOLATION OF THOSE PERMIT REQUIREMENTS HAS BEEN ENTERED IN THE AMOUNT OF \$1,875.00 WITH \$375.00 OF THAT BEING HELD IN ABEYANCE, PENDING NO FURTHER VIOLATIONS BY HOLCIM-SWR, INC., SOURCE ID: 372, PRIOR TO SEPTEMBER 19, 2025.

BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Donald Bordelove, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None

ABSTAINING: None
ABSENT: Daniel Bartlett, Daniel Sanders

8. **IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING**

NONE

9. **PUBLIC COMMENT**

NONE

10. **ADJOURNMENT** 4:43 p.m.

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)

Additional material entered into the record at the

12/4/2024 Hearing Board Meeting:

STATUS CHECK REGARDING NOVs #9907, #9946, #9979, #9981 AND #10008

Agenda Item #4

Emails Communications dated August 20, 2024 @ 3:04 PM, August 21, 2024 @ 8:07 AM, November 14, 2024 @ 10:58 AM, November 14, 2024 @ 12:24 PM, and December 3, 2024 @ 11:12 PM.

Status Check letter from Joe Yakubik dated December 3, 2024

Proposed January 2025 Hearing Board Calendar

August 20, 2024 @ 3:04 p.m. Email

Catherine Jorgenson

From: Catherine Jorgenson
Sent: Tuesday, August 20, 2024 3:04 PM
To: Rock Rocheleau
Subject: Re: Joe Yakubik's public records requests

Based on your response, I understand that your representation of Mr. Yakubik includes these records requests and will proceed accordingly. Thank you.

From: Rock Rocheleau <rock@rightlawyers.com>
Sent: Tuesday, August 20, 2024 2:52 PM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydav.gov>
Subject: RE: Joe Yakubik's public records requests

CAUTION: This email originated from an **External Source**. Please use **caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

I believe my email below is explicit enough. I did not send AQ public records requests. If Mr. Yakubik did, then you may work directly with him on these requests. If it makes you feel more comfortable, you can work with me on these requests. Your choice.

Rock Rocheleau, Esq.
Right Lawyers
Divorce & Custody Attorneys
(702) 906-1672 Office



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Right Lawyers LLC / Rocheleau Law Group PC

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydav.gov>
Sent: Tuesday, August 20, 2024 1:32 PM
To: Rock Rocheleau <rock@rightlawyers.com>
Subject: RE: Joe Yakubik's public records requests

I realize that the records requests came directly from your client. However, in the past, he has directly contacted AQ, but still maintained that you continued to represent him. What I'm trying to find out is whether this situation is similar which means your representation of Mr. Yakubik extends to these records requests. I'm not looking for permission to work with him directly. I just need to know explicitly whether you represent him or not.

From: Rock Rocheleau <rock@rightlawyers.com>
Sent: Tuesday, August 20, 2024 1:20 PM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydandv.gov>
Subject: RE: Joe Yakubik's public records requests

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Me, nor my firm, have sent any record requests. Those are from Mr. Yakubik. You may work with Mr. Yakubik directly on them.

Rock Rocheleau, Esq.
Right Lawyers
Divorce & Custody Attorneys
(702) 906-1672 Office



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Right Lawyers LLC / Rocheleau Law Group PC

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydandv.gov>
Sent: Tuesday, August 20, 2024 1:01 PM
To: Rock Rocheleau <rock@rightlawyers.com>
Subject: RE: Joe Yakubik's public records requests

Would you please explicitly confirm that you do not represent him for these records requests? Before I start working with him directly, I want to make sure that I don't run afoul of the professional conduct rules. Thanks.

From: Rock Rocheleau <rock@rightlawyers.com>
Sent: Tuesday, August 20, 2024 11:38 AM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydandv.gov>
Subject: RE: Joe Yakubik's public records requests

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I did not send any requests, so I assume Mr. Yakubik sent those himself. You may work with him directly on those requests.

Rock Rocheleau, Esq.
Right Lawyers
Divorce & Custody Attorneys
(702) 906-1672 Office



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Right Lawyers LLC / Rocheleau Law Group PC

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyanv.gov>
Sent: Tuesday, August 20, 2024 10:45 AM
To: Rock Rocheleau <rock@rightlawyers.com>
Subject: Joe Yakubik's public records requests

Rock,

DES has received one public records request directly from your client Mr. Yakubik on Monday 8/19, and today he renewed the records request he originally submitted in August 2023. Please clarify whether you are representing him or not for these records requests. If not, then I will work with him directly.

Thank you,
Catherine Jorgenson
Deputy District Attorney
Office of the District Attorney|Civil Division
Clark County, Nevada
702.455.4761
Catherine.Jorgenson@ClarkCountydanv.gov

August 21, 2024 @ 8:07 a.m. Email

Catherine Jorgenson

From: Joe Yakubik <joe@assurednv.com>
Sent: Wednesday, August 21, 2024 8:07 AM
To: Catherine Jorgenson
Cc: Rock Rocheleau
Subject: Re: Public Records Request

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

There is no need to copy Mr. Rocheleau on my records requests emails. As I informed you in the last email, he does not represent me with respect to any other claims.

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydav.gov>
Sent: Wednesday, August 21, 2024 7:45 AM
To: Joe Yakubik <joe@assurednv.com>
Cc: Rock Rocheleau <rock@rightlawyers.com>
Subject: RE: Public Records Request

Thank you for the clarification. I will be handling the records requests on behalf of AQ.

From: Joe Yakubik <joe@assurednv.com>
Sent: Tuesday, August 20, 2024 3:49 PM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydav.gov>
Cc: Rock Rocheleau <rock@rightlawyers.com>
Subject: Public Records Request

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Mrs. Jorgenson,

I was advised by Mr. Rocheleau that you have contacted him in regard to my public records request. Please be advised that Mr. Rocheleau does not represent me on this request. As you are aware, his office does represent me in the pending appeals with the hearing board. This records request is not related to those appeals. Any records that Mr. Rocheleau needs, he will be requesting accordingly.

Can you please clarify why the public records request was given to you?

Sincerely,
Joe Yakubik

November 14, 2024 @ 10:58 a.m. Email

Catherine Jorgenson

From: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Sent: Thursday, November 14, 2024 10:58 AM
To: Catherine Jorgenson; Rock Rocheleau
Cc: Joe Yakubik - American Family Realty (joe@assurednv.com)
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

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Good morning Catherine,

Received and I will place an item on the December 4, 2024, Hearing Board agenda.

Thank you,

Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
Email: aqenforcement@clarkcountynv.gov
My office hours: Tu-F, 6:30AM – 5:00PM
DES Office Hours are MON-THURS: 7:30AM – 5:00PM.
DES Offices are CLOSED on FRIDAYS.

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydav.gov>
Sent: Thursday, November 14, 2024 10:55 AM
To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>; Rock Rocheleau <rock@rightlawyers.com>
Cc: Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

Sherrie – please schedule a status check on the December 4, 2024 Hearing Board meeting agenda so the Board can set a hearing date to hear the appeals of these NOVs in January 2025 and address other relevant matters. Thank you, Catherine

From: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Sent: Wednesday, November 6, 2024 4:21 PM

To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydans.gov>; Rock Rocheleau <rock@rightlawyers.com>
Cc: Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025
Importance: High

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Dear Mr. Rocheleau,

I'm following up from your last email on October 22, 2024, to see if you'd spoken to your client regarding a date for our January Hearing Board meeting.

As previously mentioned, the dates we are considering are:

Thursday, January 16, 2025 at 10:00 AM
Thursday, January 23, 2025 @ 10:00 AM
Monday, January 27, 2025 @ 10:00 AM
Tuesday, January 28, 2025 @ 10:00 AM

If you could please get back to me no later than Thursday, November 14, 2024, I would appreciate it.

PLEASE CONFIRM RECEIPT OF THIS EMAIL

Thank you,

Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
Email: aqenforcement@clarkcountynv.gov
My office hours: Tu-F, 6:30AM – 5:00PM
DES Office Hours are MON-THURS: 7:30AM – 5:00PM.
DES Offices are CLOSED on FRIDAYS.

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydans.gov>
Sent: Tuesday, October 22, 2024 10:08 AM
To: Rock Rocheleau <rock@rightlawyers.com>; AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

We can also move the Hearing Officer Meeting scheduled in January to another date, so please consider January 16, 2025 as well.

From: Rock Rocheleau <rock@rightlawyers.com>

Sent: Tuesday, October 22, 2024 9:35 AM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>

Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydandv.gov>; Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>

Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

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Let me check with my client. Thank you.

Rock Rocheleau, Esq.

Right Lawyers

Divorce & Custody Attorneys

(702) 906-1672 Office



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Right Lawyers LLC / Rocheleau Law Group PC

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Cc: Catherine Jorgenson <catherine.jorgenson@clarkcountydandv.gov>; Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>

Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

Importance: High

Good morning Mr. Rocheleau,

The other dates would be:

Thursday, January 23, 2025 @ 10:00 AM
Monday, January 27, 2025 @ 10:00 AM
Tuesday, January 28, 2025 @ 10:00 AM

If you could please let me know, as soon as possible, if you would be available on one of these dates, I would appreciate it.

PLEASE CONFIRM RECEIPT OF THIS EMAIL

Thank you,

Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
Email: aqenforcement@clarkcountynv.gov
My office hours: Tu-F, 6:30AM – 5:00PM
DES Office Hours are MON-THURS: 7:30AM – 5:00PM.
DES Offices are CLOSED on FRIDAYS.

From: Rock Rocheleau <rock@rightlawyers.com>

Sent: Tuesday, October 22, 2024 9:04 AM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>

Cc: Catherine Jorgenson <catherine.jorgenson@clarkcountydnv.gov>; Joe Yakubik - American Family Realty
(joe@assurednv.com) <joe@assurednv.com>

Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

Sherrie,

I am not able to attend the next hearing schedule January 21, 2025 because of a conflict I cannot reschedule. Please provide me with additional dates the board can hold this next hearing.

Rock Rocheleau, Esq.
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Divorce & Custody Attorneys
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Right Lawyers LLC / Rocheleau Law Group PC

From: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>

Sent: Wednesday, October 9, 2024 8:31 AM

To: Rock Rocheleau <rock@rightlawyers.com>

Cc: Catherine Jorgenson <catherine.jorgenson@clarkcountydandv.gov>

Subject: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

Importance: High

Dear Mr. Rocheleau:

The attached letter was sent to you today, October 9, 2024, via Federal Express advising you that the Hearing Board meeting for the appeal of NOV's #9907, 9946, 9979, 9981 and 10008 has been set for January 21, 2025 at 10:00 AM.

If you have any questions, please do not hesitate to contact me.

PLEASE CONFIRM RECEIPT OF THIS EMAIL

Thank you,

Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
Email: aqenforcement@clarkcountynv.gov
My office hours: Tu-F, 6:30AM – 5:00PM
DES Office Hours are MON-THURS: 7:30AM – 5:00PM.
DES Offices are CLOSED on FRIDAYS.

November 14, 2024 @ 12:24 p.m. Email

Catherine Jorgenson

From: Catherine Jorgenson
Sent: Thursday, November 14, 2024 12:24 PM
To: Joe Yakubik; AQ Enforcement
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025
Attachments: 10_02_2024_HB_Annotated_October_Final.pdf

Joe – are you available on any of the other days in January including January 21st? The hearing was originally scheduled on January 21st. Now that Mr. Rocheleau won't be representing any of the respondents, it would be much easier if we could use that date again because a sufficient number of the Board members would also be available. If not, then please provide some additional dates just in case a quorum of the Board is not available on January 28th. As for the status check, the Board should be made aware that Mr. Rocheleau is no longer representing the respondents, and a hearing date has to be set. In addition, there may be other scheduling issues that should be sorted out. December 4th is the only meeting available before the hearings on these NOVs. Understanding that you are not available to appear on 12/4, you and I could work on coming to a mutual understanding of what the status check would entail, and I could present that information to the Board.

As to your question about procedure, you may want to refer to the annotated agenda, the minutes, or the recording. I've attached the agenda. Respondents have until 11/15 to request additional documents. If DAQ provides the documents requested, then we wouldn't need to engage Mr. Dennett. However, if there is a question of relevance or proportionality, then we would reach out to him, and he would make a decision.

Sherrie – please go ahead and schedule the status check.

From: Joe Yakubik <joe@assurednv.com>
Sent: Thursday, November 14, 2024 11:44 AM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountydandv.gov>; AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Subject: Re: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

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Catherine - I have notified Sherrie that Rock is only representing me and the corresponding entities in the civil actions we are pursuing and no longer represents us with these appeals. Please do not email him any longer unless it has something to do with the civil litigation.

Sherrie - I am not available for a status check on 12/4/2024.

Per my last email to you, please let me know the procedure on engaging Mr. Denton to discuss the items that he agreed to review and weigh in on prior to the next hearing.

From: Catherine Jorgenson <Catherine.Jorgenson@clarkcountynv.gov>
Sent: Thursday, November 14, 2024 10:54 AM
To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>; Rock Rocheleau <rock@rightlawyers.com>
Cc: Joe Yakubik <joe@assurednv.com>
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

Sherrie – please schedule a status check on the December 4, 2024 Hearing Board meeting agenda so the Board can set a hearing date to hear the appeals of these NOVs in January 2025 and address other relevant matters. Thank you, Catherine

From: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Sent: Wednesday, November 6, 2024 4:21 PM
To: Catherine Jorgenson <Catherine.Jorgenson@clarkcountynv.gov>; Rock Rocheleau <rock@rightlawyers.com>
Cc: Joe Yakubik - American Family Realty (joe@assurednv.com) <joe@assurednv.com>
Subject: RE: Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008 for Assured Development, Inc., Atlas Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025
Importance: High

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Dear Mr. Rocheleau,

I'm following up from your last email on October 22, 2024, to see if you'd spoken to your client regarding a date for our January Hearing Board meeting.

As previously mentioned, the dates we are considering are:

Thursday, January 16, 2025 at 10:00 AM
Thursday, January 23, 2025 @ 10:00 AM
Monday, January 27, 2025 @ 10:00 AM
Tuesday, January 28, 2025 @ 10:00 AM

If you could please get back to me no later than Thursday, November 14, 2024, I would appreciate it.

PLEASE CONFIRM RECEIPT OF THIS EMAIL

Thank you,

Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200

Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
Email: agenforcement@clarkcountynv.gov
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Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354/ Fax: 702-383-9994
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Holdings International LLC, Joseph and Darcie Yakubik, Individually - Continued Hearing Board Meeting for January 21, 2025

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Right Lawyers LLC / Rocheleau Law Group PC

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Cc: Catherine Jorgenson <catherine.jorgenson@clarkcountydav.gov>

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Importance: High

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If you have any questions, please do not hesitate to contact me.

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Sherrie D. Rogge

Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200

Las Vegas NV 89118

Office: 702-455-0354/ Fax: 702-383-9994

Email: aqenforcement@clarkcountynv.gov

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Annotated Agenda

Clark County Air Pollution Control Hearing Board
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

October 2, 2024 – 10:00 A.M.

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at:
https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members	Daniel Sanders, Chair Ryan L. Dennett, Esq., Vice-Chair Daniel Bartlett Donald Bordelove (Joined via MS Teams) Troy Hildreth (Absent) Amy Lahav (Absent)
Hearing Board Counsel	Nichole Kazimirovicz
Air Quality Staff	Jodi Bechtel, Deputy Director Shibi Paul, Compliance & Enforcement Manager Anna Sutowska, Air Quality Supervisor
Department Counsel	Catherine Jorgenson
Administrative Secretary	Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov Business Address: Clark County Department of Environment & Sustainability, 4701 W. Russell Road, 2 nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 10:11 a.m.

2. **PUBLIC COMMENT**

NONE

3. **OATHS OF OFFICE**

A. Daniel Sanders (Building Contractor Member)
Term of Office: 9/17/2024 through 9/16/2027

ACTION: ANNA SUTOWSKA ADMINISTERED THE OATH OF OFFICE TO DANIEL SANDERS

4. **ELECTION OF CHAIR**

New term – 10/2/2024 through end of term
(For possible action)

Clark County Air Quality Regulations (AQRs) Subsection 7.1(b)(1)(H) states, “The Hearing Board shall select a Chair, Vice-chair, and any other officers it deems necessary.”

ACTION: NOMINATED BOARD MEMBER SANDERS TO SERVE AS CHAIR FOR THE PERIOD OF OCTOBER 2, 2024 THROUGH SEPTEMBER 16, 2027

BY: Board Member Dennett

SECOND: Board Member Bartlett

VOTE: 4-0

VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders

VOTING NOE: None

ABSTAINING: None

ABSENT: Troy Hildreth, Amy Lahav

5. **APPROVAL OF MINUTES**

Approval of August 7, 2024 meeting minutes.
(For possible action)

ACTION: APPROVED MINUTES AS RECOMMENDED

BY: Board Member Dennett

SECOND: Board Member Bartlett

VOTE: 3-1

VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove

VOTING NOE: None

ABSTAINING: Daniel Sanders

ABSENT: Troy Hildreth, Amy Lahav

6. **RESPONDENTS’ MOTION FOR A CONTINUANCE AND TO ISSUE SUBPOENAS**

Respondents’ motion in the matter of Notices of Violation #9907, 9946, 9979, and 10008 submitted to Administrative Secretary on September 24, 2024.
(For possible action)

ACTION: GRANTED RESPONDENTS’ MOTION FOR A CONTINUANCE OF NOVS #9907, 9946, 9979 AND 10008 TO JANUARY 2025 (CONTINUED #9981 TO JANUARY 2025 AS WELL); AND GRANTED

RESPONDENTS' MOTION FOR A SUBPOENA, IN PART, TO THE DIVISION OF AIR QUALITY (DAQ) THAT DAQ PROVIDE:

- A. THE EXCEL SPREADSHEET SUMMARIZING CLOSE OUT INFORMATION FOR ALL DUST CONTROL OPERATING PERMITS (DCOPS) THAT DAQ CLOSED OUT FROM JANUARY 1, 2023 TO AUGUST 7, 2024 (EXCEL SPREADSHEET).**
- B. IF APPLICABLE, THE DCOPS; NOTICES OF NONCOMPLIANCE; NOTICES OF VIOLATION; PERMIT CLOSURE FORMS INCLUDING INSPECTOR NOTES; INTERNAL NOTES; AND COMMUNICATIONS IDENTIFIED AS ROC OR COM IN DAQ'S DATABASE WHICH INCLUDE THOSE BETWEEN THE INSPECTOR AND THE PERMIT REVIEWER ON CLOSING OUT AREAS ON A PERMIT AND WITH THE PERMITTEE AND THE PERMIT REVIEWER, FOR THE FOLLOWING SITES:**

**519 FIFE APN 179-04-309-001
744 NAPLES APN 179-04-510-002
740 NAPLES APN 179-04-510-001
740 MILAN APN 179-04-502-008
505 EMDEN APN 170-04-307-002
721 MILAN APN 179-04-503-002
735 ORLEANS APN 179-04-405-012
628 KIEL APN 179-04-602-004 & 005
539 MILAN APN 179-04-701-031
524 MILAN APN 179-04-701-028
424 RACETRACK APN 179-04-405-011
503 RACETRACK APN 179-04-702-004
436 HULL APN 179-04-404-006
504 EMDEN APN 179-04-307-002
540 GLASGOW APN 179-04-309-001
624 KIEL APN 179-04-602-005
628 KIEL APN 179-04-602-004
632 KIEL APN 179-04-602-003
636 KIEL APN 179-04-602-002
640 KIEL APN 179-04-602-001
DUST CONTROL PERMIT 53319**

ANY REQUEST FOR RECORDS FOR SPECIFIC DOCUMENTS FROM THE PERMIT CLOSURES REPORT MUST BE RELEVANT AND PROPORTIONAL. IF THERE IS A QUESTION OF THE DOCUMENTS' RELEVANCE OR QUESTION ON PROPORTIONALITY OF THE REQUEST, COUNSEL WOULD PRESENT THE REQUEST TO BOARD MEMBER DENNETT WHO WOULD, ON BEHALF OF THE BOARD, MAKE A DETERMINATION WHETHER OR NOT THEY SHOULD BE PROVIDED.

ACTION: APPROVED THE FOLLOWING SCHEDULE: DAQ'S RESPONSE TO SUBPOENA DUE BY FRIDAY, OCTOBER 18, 2024; REQUEST FOR

ADDITIONAL DOCUMENTS, IF NECESSARY, FROM APPELLANTS DUE BY FRIDAY, NOVEMBER 15, 2024; IF DOCUMENTS ARE REQUESTED, DAQ WOULD HAVE UNTIL FRIDAY, DECEMBER 13, 2024 TO PROVIDE THOSE DOCUMENTS OR CONSULT WITH BOARD MEMBER DENNETT; BRIEFINGS AND EXHIBITS TO BE PRESENTED AT THE JANUARY 2025 HEARING BOARD MEETING TO BE SUBMITTED TO BOARD SECRETARY NO LATER THAN 10 DAYS PRIOR TO THE SCHEDULED DATE.

BY: Board Member Dennett
SECOND: Board Member Bartlett
VOTE: 4-0
VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders
VOTING NOE: None
ABSTAINING: None
ABSENT: Troy Hildreth, Amy Lahav

Mr. Rocheleau asked the Hearing Board to either affirm or deny the request to issue the subpoena for Items 1-6 and 8-19 of Exhibit 7 of his Motion for a Continuance and to Issue Subpoenas.

Chair Sanders stated for the record that the Hearing Board was denying the rest of Mr. Rocheleau's request.

7. APPEAL OF HEARING OFFICER DECISION

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,000.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure 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 while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan

construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,937.50. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

- C. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979** – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$4,000.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

- D. JOSEPH YAKUBIK AND DARCIE YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981** – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

- E. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008** – On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of

Sections 94.13(a) and (b) of the AQRs for failure to fully implement 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 follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,250.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

8. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING

NONE

9. PUBLIC COMMENT

NONE

10. ADJOURNMENT 1:05 p.m.

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)

From: [Joe Yakubik](#)
To: [AQ Enforcement](#); [Sherrie Rogge](#)
Subject: Status Check Hearing
Date: Tuesday, December 3, 2024 11:12:58 PM
Attachments: [2024 12 03 Status Check Letter.pdf](#)

Mrs. Rogge,

I will not be at the status check tomorrow as I am currently out of town and did not receive adequate notice. I am requesting that the attached be circulated to the Board at the meeting tomorrow as well.

Mr. Smith and Mrs. Kazimirovicz, I am requesting a meeting with the two of you to discuss the move forward scheduling and procedures of the Board. Please let me know your availability next week.

Thank you,
Joe Yakubik

Cc:

Board Members

xDaniel Sanders
xRyan Dennett
Daniel Bartlett (email not available)
xDonald Bordelove
xTroy Hildreth
Amy Lahav

Hearing Board Council

xNicole Kazimirovicz
xTyler Smith

Joe Yakubik

P.O. Box 530778
Henderson, Nevada 89053
Telephone: (702) 241-4040
Facsimile: (866) 248-6564

December 3, 2024

VIA E-MAIL

Department of Air Quality
Nicole Kazimirovicz
Tyler T. Smith
Catherine Jorgenson
Via Email

RE: *Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008*

I am in receipt of your status check agenda that was delivered to me on November 30th, 2024, two business days before the status check hearing. I am not available on December 4th, 2024, for the status check. At the last hearing availability was discussed and at no time were dates provided for December. Specifically, I am in Walnut Creek, CA for a scheduled trip that I have had on my calendar for months. Additionally, on November 14, 2024 Mrs. Jorgenson and Mrs. Rogge were both advised of my unavailability.

Being provided two business days' notice does not meet any applicable noticing requirement, nor is it a reasonable amount of time to expect a party to prepare for a hearing, whether it only be a status check or not. It is disappointing that the fundamental concepts of due process are continually ignored. We should be afforded the proper notice and preparation time to meet and confer with the Board with respect to outstanding items.

While I will not be present at the status check, I offer the following in regard to your agenda items:

4(A): Update of Appellant's representation:

Mrs. Rogge and AQ was advised that I will handle full representation of the five aforementioned appeals moving forward. Mr. Rocheleau only represents the parties with respect to claims of relief we are pursuing against Air Quality and its employees. This will be done in the court of proper jurisdiction.

4(B): Scheduling of Hearings:

Communication from November 6th through November 14th with Mrs. Rogge identified the date for hearing of January 28th, 2025. Now on your agenda, you have changed this to proposed dates of January 16th and January 21st, 2025. Prior communication confirmed unavailability on these dates and my schedule was

moved to accommodate the January 28th, 2025 date. At the last hearing, multiple dates were also presented into February. As all were advised that Mrs. Jorgenson would be leaving her position at the end of January, departure from her position should not play a role in scheduling a hearing.

We anticipate that each hearing will take a minimum of one date and each appeal hearing should be held separately. This can be confirmed by the timing of the hearing that took place in front of the Hearing Master. Given that adequate evidence is now available (over 10,000 documents provided by AQ, the files that were previously held by AQ which the Board required to be provided, and new appellant investigation records), as well as live testimony and questioning of staff – it would be impossible to complete a full hearing in less time that was afforded in front of Mrs. Fick. Below is a sample of what we anticipate scheduling to resemble, all of which will be adequately briefed per the schedule:

Appeal #9907

Item	Est Hours
Air Quality Case in Chief	2
Appellant cross of AQ witnesses	2
Appellant Defense: Property was stabilized per with approval and per AQ approved methods consistent with properties in the immediate area, including the Appellants prior project less than 100 feet away. Defense will present evidence supported by the files recently turned over by AQ (that have been requested for over a year – files were finally turned over at the Board’s direction in October 2024)	4
Subpoenaed witnesses and non-subpoenaed witness testimony: <ul style="list-style-type: none"> - Property owners of projects closed out consistent with the same standards subject property has been denied and fined. - AQ Staff: permit closure process, stabilization methods on AQ personal property inconsistent with BMP-11 - Contractors that complete long term stabilization and have repeatedly closed permits consistent with the approved methods on the subject property. 	4
Showing of cause of original violation: active construction during Assured attempted closure was being conducted on three properties (owned by Dave Reynolds, George Abittan, Brin Gibson). All three properties had construction activity that remained in violation of code and required dust permits. AQ staff ignored violations on all three subject properties.	2

Evidence review include photo report showing AQ staff present at all three properties, closed complaints and other documentation.	
Showing of additional violations ignored by same bad actors (selective enforcement) – current violation, new property owned by same parties, egregious (per Board standards) violations and no fines issued. NON DCOP #58458	.5

Appeal #9946

Item	Est Hours
Air Quality Case in Chief	1
Appellant cross examination of AQ witnesses	4
Appellant Defense: Property was maintained consistent with industry standards, no fugitive dust, no empirical evidence, no aggravating factors.	4
Presentation of (15) Las Vegas Paving projects (current Board member) that are maintained consistent to the same standards deployed on the subject property. While subject property is fined, Las Vegas Paving Projects exemplify an industry standard practice.	4
Subpoenaed witnesses and non-subpoenaed witness testimony	2

Appeal #9979

Item	Est Hours
Air Quality Case in Chief	1
Appellant cross examination of AQ witnesses	2
Appellant Defense: Property was maintained consistent with industry standards, no fugitive dust, no empirical evidence, no aggravating factors.	2
Presentation of (9) Las Vegas Paving projects (current Board member) that are maintained consistent to the same standards deployed on the subject property. While subject property is fined, Las Vegas Paving Projects exemplify an industry standard practice.	2
Subpoenaed witnesses and non-subpoenaed witness testimony	1

Appeal #9981

Item	Est Hours
Air Quality Case in Chief	1
Appellant cross examination of AQ witnesses	2
Appellant Defense: Property was maintained consistent with industry standards, no fugitive dust, no empirical evidence, no aggravating factors.	2
Presentation of (21) Las Vegas Paving projects (current Board member) that are maintained consistent to the same standards deployed on the subject property. While subject property is fined, Las Vegas Paving Projects exemplify an industry standard practice.	2
Subpoenaed witnesses and non-subpoenaed witness testimony	2

Appeal #10081

Item	Est Hours
Air Quality Case in Chief	2
Appellant questioning of AQ witnesses	2
Appellant Defense: Site did not require dust permit, no fugitive dust, no aggravating factors.	.25

To be clear, Las Vegas Paving sites have been investigated and monitored for over six months. The relevance of the copious amount of evidence that will be presented to the Board is relevant to show acceptable industry standard practices throughout Clark County. As a resident of Las Vegas for almost 45 years, and being involved in the construction industry for over three decades, the company that Board Member Troy Hildreth represents is an example of professionalism and compliance. As one of the states largest contractors, representing a large portion of public work, Las Vegas Paving sets the standard in the Las Vegas Valley. This can be exemplified as the disproportionate amount of active projects and work being conducted, in comparison to the number of Notice of Non Compliances, or fines issued to this company. While some of the evidence that will be provided will show aggravating factors such as fugitive dust and track out debris, most of the remaining evidence will support that the subject projects were maintained within deeply rooted industry standard practices.

4(C): Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

9907: January 3rd, 2025

9946: January 13th, 2025

9979: January 13th, 2025

9981: January 13th, 2025

10008: January 20th, 2025

4(D): Update on additional records requests

1. When the public records request was sent to AQ of (21) properties identified in the October 17th, 2024 subpoena, AQ staff visited these properties and contacted owners or responsible party. We are requesting a list of AQ employees that visited these properties and contacted these property owners or responsible parties.
2. Air Quality, through Catherine Jorgensen has failed to complete public records requests relevant to additional defense. Specifically, requests date back to August 20, 2024. When convenient to AQ, they can process enormous amounts of records (over 10,000 pages reviewed and processed that were not requested by the appellant), however, three and a half months later, AQ has failed to process a public records request, or provide a reasonable date (as required by Statute) that these records will be produced. **These hearings should not be scheduled until AQ is compliant with production of records and appellant has adequate time to review the records.** We would like to prevent the reoccurrence of the last hearing in which AQ dumped over 10,000 documents on us within days prior to the hearing.
3. Additional evidence will be requested as needed through public records requests.

In closing, this Board has an obligation of affording the appellants the constitution right of due process. The last hearing was riddled with conclusionary statements by Board members prior to a review of any evidence, and a posture of impatience and irritation.

While we have been repeatedly been told that the rules of civil procedure do not apply, the fundamental concepts and constitutional rights to present a defense do. The simple fact remains that there has been no fugitive dust, there have been no aggravating factors, and the only parties prejudiced by a rushed hearing process are the appellants.

I am happy to meet with the Board's counsel and Mrs. Jorgenson to work through a scheduling plan that is reasonable. Please contact me if you wish to discuss this matter further or need any clarification regarding the requests. I look forward to receiving a prompt response.

Sincerely,

Joe Yakubik /s/

Joe Yakubik

◀ Dec 2024		January 2025					Feb 2025 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
			1 NEW YEAR'S HOLIDAY	2	3	4	
5	6	7	8	9 Post HB Agenda for 1/16 mtg	10 Dist HB Pkt for 1/16 Mtg	11	
12	13	14 Dist HB Pkt for 1/21 Mtg	15	16 HO Meeting Dist HB Pkt for 1/23 Mtg Possible HB Meeting	17	18	
19	20 MLK HOLIDAY	21 Possible HB Meeting (Rocheleau can't make)	22 Dist HB Pkt for 1/27 or 1/28 Meeting	23 Possible HB Meeting	24	25	
26	27 Possible HB Meeting	28 Possible HB Meeting	29	30	31		

Danny Sanders – available all dates
 Ryan Dennett – available 1/16 & 1/21/2025
 Daniel Bartlett – available 1/16/2025
 Donald Bordelove – available 1/16/2025
 Troy Hildreth – available 1/16 & 1/21/2025
 Amy Lahav – available all dates

Additional material entered into the record at the

12/4/2024 Hearing Board Meeting:

**APPEAL OF HEARING OFFICER DECISION - GYPSUM RESOURCES LLC (Part 70
Operating Permit, Source ID: 17286) – NOV #10036**

Agenda Item #7A

Settlement Agreement

SETTLEMENT AGREEMENT

The Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**), and Gypsum Resources, LLC (**Gypsum Resources**, and collectively with Air Quality, referred to as the **Parties** and individually as **Party**), hereby represent and agree that the settlement of Notice of Violation #10036 (**NOV**), is in the best interest of the Parties, the public health and the environment, and make and enter into this settlement agreement (**Agreement**), as follows:

1. Gypsum Resources owns and operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**2017 Permit**). On September 8, 2020, Air Quality issued an administrative revision to the 2019 Permit (**2020 Permit**). On January 26, 2022, the 2020 Permit was reopened and revised to include Particulate Matter (**PM**)_{2.5} emissions for the processing operations, recently promulgated fugitive dust requirements, and emissions statements from stationary sources of Nitrogen Oxides (**NOx**) and/or Volatile Organic Compounds (**VOCs**) (**2022 Permit**). On May 4, 2022, Air Quality issued an Authority to Construct (**ATC**) Permit for Part 70 Source revision to the Facility's Emission Units (**EUs**) (**2022 ATC Permit**). On September 7, 2023, Air Quality issued a new ATC Permit for Part 70 Source revision to the Facility's EUs including the addition of a wash plant, and four new continuous-duty generators (**2023 ATC Permit**).

2. Air Quality issued the NOV to Gypsum Resources on June 27, 2024, for alleged violations of the Clark County Air Quality Regulations (**AQRs**) and the 2022 Permit. Air Quality amended the NOV on September 19, 2024. The amended penalty recommended by Air Quality in NOV #10036 was Thirty-Four Thousand Nine Hundred Fifteen and 54/100 Dollars (\$34,915.54).

3. The violations alleged in NOV #10036 include:

a. Installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine during the period from November 22, 2023, through January 29, 2024, and an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, without first obtaining an ATC permit from the Control Officer, in violation of 2022 Permit condition II.B.1; and operating the unpaved haul road to the R07 mine at a length of 4.8 miles round trip which exceeds the permitted length of 1.2 miles round trip, without first obtaining an ATC permit from the Control Officer, in violation of 2022 Permit condition II.B.1;

b. Failing to report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road (Emission Unit (**EU**): B04) length was modified in October 2023, in violation of 2022 Permit conditions II.D.8 and III.G.4.a; and

c. 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, in violation of 2022 Permit condition III.D.5.

4. Gypsum Resources responded to the NOV by contesting both the facts and amount of the penalty. At the September 19, 2024, Air Pollution Control (**APC**) Hearing Officer Meeting, Gypsum

Resources was found in violation of 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and III.D.5, and ordered to pay a penalty of Thirty-Four Thousand Nine Hundred Fifteen and 54/100 Dollars (\$34,915.54). Thirty-Three Thousand Sixty and no/100 Dollars (\$33,060.00) was due within 30 days of the date of the hearing officer order and One Thousand Eight Hundred Fifty-Five and 54/100 Dollars (\$1,855.54) was to be held in abeyance. Gypsum Resources timely appealed the decision to the APC Hearing Board.

5. Air Quality and Gypsum Resources acknowledge and agree that this Agreement is made and entered as a compromise and settlement to avoid the costs and risks associated with litigation between the Parties arising from the NOV and is made without any admission or acknowledgment of liability or error by either Party.

6. The Parties agree to the following requirements:

a. Air Quality agrees to reduce the penalty amount for the second line item of Violation #1, unpermitted Cummins diesel fired, continuous-duty, 1,350 horsepower engine, by \$4,500 leaving an outstanding balance for NOV #10036 of \$30,415.54;

b. Gypsum Resources agrees to cease operations, including all loading operations, during the duration of a Dust Advisory issued by Air Quality, except for water trucks and other dust mitigating activities, which should continue to operate. A Dust Advisory is issued when forecasted wind conditions predict, at a minimum, sustained speeds of 25 mph or frequent gusts of 40 mph;

c. Air Quality agrees not to pursue enforcement action for the ongoing noncompliance issues related to the unpermitted generator operating as a replacement for EU: C01 through December 4, 2024;

d. Gypsum Resources agrees that these terms resolve the appeal of NOV #10036; and

e. Within 30 days of the date of service of the APC Hearing Board Order (**Order**), Gypsum Resources agrees to pay a penalty of Thirty Thousand Four Hundred Fifteen and 54/100 Dollars (\$30,415.54).

7. The Parties acknowledge and agree:

a. That the term set forth in Paragraph 6(b) of this Agreement, including monitoring and recordkeeping provisions necessary for the purposes of enforceability, shall be incorporated as conditions in any permit issued by Air Quality.

8. The Parties acknowledge and agree that this Agreement constitutes and operates as a full and final resolution of the NOV and, except for a hearing before the APC Hearing Board for approval of this Agreement and issuance of the Order, is a waiver by the Parties of any further proceedings and judicial review of any administrative order or decision in such case. In the event that Air Quality issues any subsequent NOVs to Gypsum Resources over the next two years, Air Quality may consider NOV #10036 as a past violation in its calculations to determine the appropriate recommended penalty.

9. Each Party shall bear its own fees, expenses and costs incurred in connection with all proceedings and matters related to the NOV, this Agreement, and approval of this Agreement before the Hearing Officer.

10. This Agreement contains the entire agreement between the Parties relating to the subject matter herein. This Agreement supersedes any prior written or oral agreements or representations concerning the subject matter of this Agreement. This Agreement can be modified only by written agreement of the Parties.

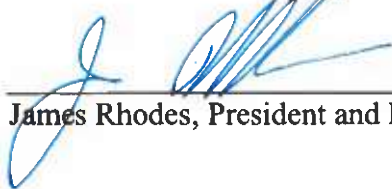
11. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective heirs, successors or assigns. This Agreement is not intended to create, and shall not create, any right or obligations in any person who is not a Party to the Agreement.

12. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same agreement. Once each Party to the Agreement has executed a copy of the Agreement, the Agreement shall be considered finally executed notwithstanding that all Parties have not executed the same copy thereof.

13. The laws of the State of Nevada shall govern this Agreement. Venue and jurisdiction of any civil action to enforce rights under this Agreement and the Order shall lie in the Eighth Judicial District Court of the State of Nevada in and for Clark County.

14. Each of the Parties releases and discharges the other Party and each of the other Party's officers, employees and agents in their individual and representative capacities from any and all manner of causes of action, suits, claims, damages, expenses or costs, in law or equity, whether known or unknown, accrued or unaccrued, that a Party may have against the other Party arising from or by reason of the allegations or facts of, and defenses to, the NOV.

GYPSUM RESOURCES, LLC

By 
James Rhodes, President and Responsible Official

12-3-2024
Date

CLARK COUNTY DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY, DIVISION OF AIR QUALITY

By *Marci Henson*

Marci Henson, Control Officer and
Director

Dec 4, 2024

Date



CERTIFICATE OF POSTING

I, the undersigned, do hereby certify that on this date, 11-26-2024, at 8:55am (time), I posted in the Clark County Building Services Building, located at 4701 W. Russell Rd., Las Vegas, NV, the agenda for the Open Meeting of:

PUBLIC BODY NAME: AIR POLLUTION CONTROL HEARING BOARD	MEETING DATE: December 4, 2024
PUBLIC BODY LOCATION: Presentation Room, 4701 W. Russell Rd., Las Vegas NV 89118	MEETING TIME: 1:30 P.M.

NAME: Sandy Miller

TITLE: Executive Assistant

SIGNATURE: Sandy K Miller

Please post the attached agenda in a public area of your building. NRS 241.020 (4), as amended by Assembly Bill 253 of the 2021 Legislative Session, mandates a written notice of all public meetings be posted no later than 9 a.m. three (3) working days before the meeting in the principal office of the public body. NRS 241.020 (5) mandates that a certificate of posting be completed by each individual posting a copy of the public notice. The certificate of posting must include: (1) date and time of posting, (2) address of the location of posting, and (3) name, title, and signature of person who posts the public notice.

Please return this signed Certificate of Posting to: **Sherrie Rogge, Department of Environmental and Sustainability, Division of Air Quality, Fax: (702) 383-9994 or Email: Sherrie.Rogge@ClarkCountyNV.gov.**

Attendance Form

Clark County Air Pollution Control Hearing Board

2024

MEMBER ATTENDANCE SHEET

P = Present E = Excused
 A = Absent X = Resigned Member
 NM = No Meeting

	NAME	JAN	FEB 8	MAR	APR 3	MAY	JUN 5	JUL	AUG 7	SEP 16	OCT 2	NOV	DEC 4
1.	Danny Sanders		NM		NM		NM		P/A*	P	P		P
2.	Ryan Dennett		NM		NM		NM		P	P	P		P
3.	Daniel Bartlett		NM		NM		NM		P	A	P		A
4.	Donald Bordelove		NM		NM		NM		A	A	P		P
5.	Elsbeth Cordua		NM		NM		NM		A	P	X		X
6.	Troy Hildreth		NM		NM		NM		P	P	A		P
7.	Amy Lahav		NM		NM		NM		P	P	A		P
8.													
9.													
10.													
11.													

QUORUM - Yes or No

Y Y Y

*8/7/2024 – Danny Sanders excused himself from the meeting; not feeling well.



Clark County Air Pollution Control Hearing Board
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

December 4, 2024 – 1:30 P.M.

Agenda

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair
Daniel Bartlett
Donald Bordelove
Troy Hildreth
Amy Lahav

Hearing Board Counsel

Nichole Kazimirovicz
Tyler T. Smith

Air Quality Staff

Marci Henson, Director
Shibi Paul, Compliance & Enforcement Manager
Anna Sutowska, Air Quality Supervisor

Department Counsel

Catherine Jorgenson

Administrative Secretary

Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov
Business Address: Clark County Department of Environment & Sustainability,
4701 W. Russell Road, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

3. **APPROVAL OF MINUTES**

Approval of the September 16, 2024 and October 2, 2024 meeting minutes.
(For possible action)

4. **STATUS CHECK REGARDING NOVs #9907, #9946, #9979, #9981, AND #10081**

A. Update on Appellants' representation.

B. Schedule hearing on appeal of hearing officer orders in the matter of Notices of Violation: #9907 issued to Assured Development, Inc. and Joseph Yakubik; #9946, #9979, and #10008 issued to Atlas Holdings International LLC and Joseph Yakubik; and #9981 issued to Joseph Yakubik and Darcie Yakubik for January 16, 2025, at 10:00 a.m. or January 21, 2025, at 10:00 a.m.

(For possible action)

C. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

D. Update on additional records requests.

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

NOV #9994 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp. in violation of Sections 94.13(a) and (b) 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 at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$3,500.00. Respondent appealed.

A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.

(For possible action)

B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

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

NOV #10078 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON, and Moe Truman, individually, in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and Section 4.1(d)(1) 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. The Hearing Officer assessed a penalty amount of \$17,250.00. Respondents appealed.

- A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.
(For possible action)
- B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)

7. **APPEAL OF HEARING OFFICER DECISION**

A. **GYP SUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

NOV #10036 – On September 19, 2024, the Hearing Officer found Gypsum Resources, LLC in violation of their 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and III.D.5 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, an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, 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 Authority to Construct (ATC) permit from the Control Officer; for failing to report a deviation in the 2023, 2nd 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. Prior to the Hearing, Air Quality amended NOV #10036 to correct a miscalculation in the recommended penalty amount for the two unpermitted engines in Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins, diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV and Exhibit A, the Penalty Calculation Table. The Hearing Officer assessed a penalty amount of \$34,915.54 with \$1,855.54 of that penalty to be held in abeyance with the stipulation that Gypsum Resources LLC does not have new violations of AQRs in the same or similar category as 2022 Permit condition II.B.1 before September 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.

Conduct Hearing and Render Decision
(For possible action.)

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

NOV #10048 – On September 19, 2024, the Hearing Officer found Holcim-SWR, Inc., in violation of the 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, and 2022 Permit condition III.D.12 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 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. The Hearing Officer assessed a penalty of \$1,875.00 with \$375.00 of that penalty to be held in abeyance with the stipulation that Holcim-SWR, Inc., does not violate AQRs before September 19, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

8. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING

9. PUBLIC COMMENT

A period devoted to comments by the general public about matters relevant to the Board’s jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

10. ADJOURNMENT

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)



Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

September 16, 2024

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

1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:36 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Ryan L. Dennett, Vice-Chair
Elspeth Cordua
Troy Hildreth
Amy Lahav

ABSENT: Daniel Bartlett
Donald Bordelove

DEPARTMENT
COUNSEL: Catherine Jorgenson, Deputy District Attorney

HEARING BOARD
COUNSEL: Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Jodi Bechtel, Deputy Director
Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

3. APPEAL OF HEARING OFFICER DECISION

HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 371) – NOV #10030 – On July 18, 2024, the Hearing Officer found Holcim – SWR, Inc., in violation of their 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, as identified by Air Quality Specialist Joshua Frye during a complaint investigation on May 29, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim – SWR, Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,500.00 with \$750.00 of that penalty held in abeyance with the stipulation that Holcim – SWR, Inc. does not violate AQRs before July 18, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order. (For possible action.)

Chair Sanders recused himself due to a potential conflict of interest and did not participate in this appeal hearing.

Vice-Chair Dennett confirmed that attorneys for both sides were present and ready to present their case.

Monique S. Jammer, Esq., Nevada Bar No. 15420, 9555 Hillwood Drive, Second Floor, Las Vegas NV 89134, Attorney for Respondent, Holcim-SWR, Inc., stated she was present and ready to present her case.

Catherine Jorgenson, Deputy District Attorney, State Bar No. 006700, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Division of Air Quality (Air Quality), stated she was present and ready to present her case.

Vice Chair Dennett swore the following people in for questioning by both attorneys:

Aaron Lund, Environmental Manager, Holcim-SWR, Inc., 4675 West Teco Ave., Suite 140, Las Vegas NV 89118

Joshua Frye, Air Quality Specialist, Stationary Source Section

Scott Jelinek, Air Quality Supervisor, Stationary Source Section

Anna Sutowska, Air Quality Supervisor, Enforcement Section

DISCUSSION: Ms. Jammer presented Holcim-SWR's case in regard to NOV #10030, that Air Quality failed to follow required procedures to establish that the dust emissions observed on May 29, 2024 exceeded opacity standards as a violation of AQRs or Holcim's permit, and that Air Quality failed to follow required procedures pursuant to AQRs to properly implement a significant permit revision to pause certain permit conditions. In addition, Holcim requested that the Hearing Board find that Air Quality failed to establish that Holcim committed a violation on May 29, 2024 and overturn the Hearing Officer Order from July 24, 2024.

Ms. Jammer questioned witnesses previously sworn in by Vice-Chair Dennett.

Ms. Jorgenson presented Air Quality's case pertaining to the appeal of NOV #10030 and questioned witnesses previously sworn in by Vice-Chair Dennett.

Vice-Chair Dennett called for a 5 minute recess.

RECESSED: 3:40 p.m.
RECONVENED: 3:45 p.m.

Vice-Chair Dennett called the meeting back to order.

Ms. Jorgenson and Ms. Jammer both questioned Air Quality Supervisor Anna Sutowska.

General discussion ensued between the Board.

FINAL ACTION: It was moved by Board Member Cordua, seconded by Board Member Lahav, to affirm the Hearing Officer Order in the matter of NOV #10030 finding the violation did occur and assessing a \$1,500 penalty, \$750 of which is to be held in abeyance until July 18, 2025. If Holcim-SWR, Inc., does not violate the AQRs before July 18, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Board Order, then the suspended amount of \$750 will be waived.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett
Voting Nay: None
Abstaining: None
Absent: Daniel Bartlett, Donald Bordelove, Daniel Sanders

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Hildreth to affirm that the Hearing Board has heard Holcim's appeal of the Hearing Officer decision with regard to the violation of the permit on May 29, 2024, and has determined that the violation under permit section III.B.31 occurred in that a haul road was maintained in a fashion which allowed fugitive dust to become airborne in violation of that specific provision. The Hearing Board has determined that no objective measurements were taken of that dust as would have been required by section III.B.32 and are not necessarily applicable in this instance because the board has determined that section III.B.31 is more stringent and restrictive than section III.B.32. For that reason, the Hearing Board has determined that the Hearing Officer decision finding a violation of section III.B.31 is upheld, including a total fine of \$1,500.00, of which \$750.00 will be held in abeyance unless there is a subsequent dust violation on or before July 18, 2025.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett
Voting Nay: None
Abstaining: None
Absent: Daniel Bartlett, Donald Bordelove, Daniel Sanders

Chair Sanders returned to the meeting at 4:29 p.m.

4. REPORT BY DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF

A. General Update

DISCUSSION: Deputy Director Jodi Bechtel gave an update on the activities of the Department of Environment and Sustainability for the period of January 1 through August 31, 2024.

5. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS

There were no emerging issues identified by the Board.

6. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

7. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 4:51 p.m.

Approved:

Daniel Sanders, Chair

Date



Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

October 2, 2024

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

1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 10:11 a.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Ryan L. Dennett, Vice-Chair
Daniel Bartlett
Donald Bordelove (Joined via MS Teams)

ABSENT: Troy Hildreth
Amy Lahav

HEARING BOARD
COUNSEL: Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Jodi Bechtel, Deputy Director
Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

DEPARTMENT
COUNSEL: Catherine Jorgenson, Deputy District Attorney

2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

3. OATHS OF OFFICE

- A. Daniel Sanders (Building Contractor Member)
Term of Office: 9/17/2024 through 9/16/2027

FINAL ACTION: Air Quality Supervisor Sutowska administered the Oath of Office to Daniel Sanders.

4. ELECTION OF CHAIR

New term – 10/2/2024 through end of term (For possible action)

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Bartlett, to elect Board Member Sanders to serve as Chair for the period of October 2, 2024 through September 16, 2027.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders
Voting Nay: None
Abstaining: None
Absent: Troy Hildreth, Amy Lahav

5. APPROVAL OF MINUTES OF THE AUGUST 7, 2024 MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the August 7, 2024 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Bartlett, that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Daniel Bartlett, Donald Bordelove
Voting Nay: None
Abstaining: Daniel Sanders
Absent: Troy Hildreth, Amy Lahav

6. RESPONDENTS' MOTION FOR A CONTINUANCE AND TO ISSUE SUBPOENAS – Respondents' motion in the matter of Notices of Violation #9907, 9946, 9979, and 10008 submitted to Administrative Secretary on September 24, 2024. (For possible action)

Chair Sanders inquired of Deputy District Attorney Catherine Jorgenson if she had a chance to respond to the respondents' motion for a continuance and what her position was as to whether the Hearing Board should hear this request.

Catherine Jorgenson, Deputy District Attorney, State Bar No. 006700, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Division of Air Quality (DAQ), stated that she had not responded to the motion since it was just submitted the previous week by Attorney Rock Rocheleau and since it wasn't something that the Board had authorized, it was her position that the Board should not hear the request.

Rock Rocheleau, Esq., Nevada Bar No. 15315, 600 South Tonopah Drive, Suite 300, Las Vegas NV 89106, Attorney for Respondents Assured Development Inc., Atlas Holdings International LLC, Joseph Yakubik, and Darcie Yakubik presented his case as to why the appeals should be continued and why a new subpoena should be issued because the previous one issued to DAQ is not what the Board ordered.

Ms. Jorgenson responded to the motion. Ms. Jorgenson introduced Exhibits KK through Exhibits VV, labeled "Second List of Additional Exhibits for October 2, 2024 Hearing Board Meeting" to the Board, staff, Mr. Rocheleau and Mr. Yakubik. Ms. Jorgenson went over the email communications between herself and Mr. Rocheleau as it pertained to the subpoena issued to DAQ. Ms. Jorgenson explained how the 2023-2024 summary of the 1,800 closed dust permits was prepared and the parameters of the final report of 110 permits that was provided to Mr. Rocheleau.

Mr. Rocheleau responded.

Joseph Yakubik was sworn in by Chair Sanders. Mr. Yakubik made a statement about the public records requests he made to gather documents on 14 properties.

DISCUSSION: Discussion ensued between the Board and both attorneys regarding the additional documents provided to Mr. Yakubik and Mr. Rocheleau as part of DAQ's additional exhibits, the properties listed in the new subpoena that Respondents were requesting, the 2023-2024 dust permit summary report, and email communications regarding DCOP #50962 between Senior Air Quality Specialist Katrinka Byers, Air Quality Specialist Nahulu Kahananui, and Robert Zinkevich with Nevada Department of Environmental Protection between July 11, 2023 and August 23, 2023.

Anna Sutowska, Air Quality Supervisor, Enforcement Section was sworn in by Chair Sanders. Ms. Sutowska testified on the process taken to prepare the 2023-2024 dust permit summary report.

General discussion ensued amongst the Board.

Chair Sanders called for a motion.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Bartlett, to grant respondents' motion for continuance of NOV's #9907, 9946, 9979 and 10008 to January 2025

(Continued #9981 to January 2025 as well); and granted respondents' motion for a subpoena, in part, to DAQ that DAQ provide:

A. The Excel spreadsheet summarizing close out information for all Dust Control Operating Permits (DCOPs) that DAQ closed out from January 1, 2023 to August 7, 2024 (Excel spreadsheet).

B. If applicable, the DCOPs; notices of noncompliance; notices of violation; permit closure forms including inspector notes; internal notes; and communications identified as ROC or COM in DAQ's database which include those between the inspector and the permit reviewer on closing out areas on a permit and with the permittee and the permit reviewer, for the following sites:

519 Fife APN 179-04-309-001
744 Naples APN 179-04-510-002
740 Naples APN 179-04-510-001
740 Milan APN 179-04-502-008
505 Emden APN 170-04-307-002
721 Milan APN 179-04-503-002
735 Orleans APN 179-04-405-012
628 Kiel APN 179-04-602-004 & 005
539 Milan APN 179-04-701-031
524 Milan APN 179-04-701-028
424 Racetrack APN 179-04-405-011
503 Racetrack APN 179-04-702-004
436 Hull APN 179-04-404-006
504 Emden APN 179-04-307-002
540 Glasgow APN 179-04-309-001
624 Kiel APN 179-04-602-005
628 Kiel APN 179-04-602-004
632 Kiel APN 179-04-602-003
636 Kiel APN 179-04-602-002
640 Kiel APN 179-04-602-001
Dust Control Permit 53319

Any request for records for specific documents from the Permit Closures Report must be relevant and proportional. If there is a question of the documents' relevance or question on proportionality of the request, Counsel would present the request to Board Member Dennett who would, on behalf of the Board, make a determination whether or not they should be provided.

FINAL ACTION: The Board also approved the following schedule: DAQ's response to subpoena due by Friday, October 18, 2024; request for additional documents, if necessary, from appellants due by Friday, November 15, 2024; if documents are requested, DAQ would have until Friday, December 13, 2024 to provide those documents or consult with Board Member Dennett; briefings and exhibits to be presented at the January 2025 Hearing Board meeting to be submitted to Board Secretary no later than 10 days prior to the scheduled date.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders
Voting Noe: None
Abstaining: None
Absent: Troy Hildreth, Amy Lahav

Mr. Rocheleau asked the Board to either affirm or deny the request to issue the subpoena for Items 1-6 and 8-19 of Exhibit 7 of his Motion for a Continuance and to Issue Subpoenas.

Chair Sanders stated for the record that the Board was denying the rest of Mr. Rocheleau's request.

7. APPEAL OF HEARING OFFICER DECISION (For possible action)

Items 7A-7E were continued to January 2025.

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice (BMP) 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,000.00.

Conduct Hearing and Render Decision
(For possible action)

See actions taken in item 6.

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure 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 while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,937.50.

Conduct Hearing and Render Decision
(For possible action)

C. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of

Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$4,000.00.

Conduct Hearing and Render Decision
(For possible action)

See actions taken in item 6.

- D. JOSEPH YAKUBIK AND DARCIÉ YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981** – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada.

Conduct Hearing and Render Decision
(For possible action)

See actions taken in item 6.

- E. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008** – On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to fully implement 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 follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,250.00.

Conduct Hearing and Render Decision
(For possible action)

See actions taken in item 6.

8. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS

There were no emerging issues identified by the Board.

9. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

10. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 1:05 p.m.

Approved:

Daniel Sanders, Chair

Date

DRAFT

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
2 CLARK COUNTY, NEVADA

3
4 In the Matter of the Notice of Violation #10078) ORDER
5 Issued to)
6 ETON TRANSPORTATION CORP.,)
7 ENVIRONMENTAL TRANSPORTATION)
8 OF NEVADA, LLC D/B/A ETON, and)
9 MOE TRUMAN, Respondents.)
10 _____)

11 The above-entitled matter was heard on November 5, 2024, before Hearing Officer
12 Holly Fic on the Contested Docket. Representatives of both the Clark County Department of
13 Environment and Sustainability, Division of Air Quality (**Air Quality**) and ETON
14 TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA,
15 LLC D/B/A ETON, and MOE TRUMAN (**TRUMAN**) appeared, testified and submitted
16 evidence for consideration by the Hearing Officer. Having considered the evidence presented
17 at the hearing, the Hearing Officer hereby finds and orders as follows:

18 1. Notice of Violation (**NOV**) #10078 was issued by Air Quality to Respondents
19 ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF
20 NEVADA, LLC D/B/A ETON, and TRUMAN on August 29, 2024, for alleged violation(s)
21 of Dust Control Operating Permit #57148 (**Permit**) and the Clark County Air Quality
22 Regulations (**AQRs**) at the STRATFORD-1 construction site located at 2596 Stratford
23 Avenue, in Clark County, Nevada. The violation(s) alleged in the NOV include:

24 (a) Violation of AQR Sections 94.13(a) and (b) for failing to employ Best
25 Available Control Measures and comply with soil stabilization standards 24 hours a
26 day, seven days a week; and

27 (b) Violation of AQR Section 4.1(d)(1) for refusing entry or access to the
28 Control Officer who requests entry for purposes of inspection.

 2. The penalty recommended by Air Quality in NOV #10078 was \$31,562.50.

1 3. The Hearing Officer finds that the violation(s) alleged in NOV #10078 occurred
2 in that ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF
3 NEVADA, LLC D/B/A ETON, and TRUMAN violated AQR Sections 94.13(a) and (b) on
4 July 17, 2024, and AQR Section 4.1(d)(1) on August 7 and 14, 2024.

5 4. **IT IS HEREBY ORDERED** that ETON TRANSPORTATION CORP.,
6 ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, and
7 TRUMAN pay a penalty of Seventeen Thousand Two Hundred Fifty and no/100 Dollars
8 (\$17,250.00) within 30 days of the date of this ORDER.

9 5. ETON TRANSPORTATION CORP., ENVIRONMENTAL
10 TRANSPORTATION OF NEVADA, LLC D/B/A ETON, and TRUMAN have the right to
11 appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of
12 this ORDER shall be: (1) on a form provided by Air Quality specifying the reason(s) for the
13 appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00),
14 and (3) received by Air Quality within ten (10) days of ETON TRANSPORTATION CORP.,
15 ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, and
16 TRUMAN's receipt of this ORDER.

17 DATED this 7th day of November, 2024.

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Holly Fic (Nov 7, 2024 08:51 PST)

Holly Fic
Hearing Officer

**Gypsum Resources LLC
(Part 70 Operating Permit, Source ID: 17286)**

Appeal of NOV #10036

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Federal Express Delivery Receipt for NOV #10036 to James Rhodes, President and Responsible Official, Gypsum Resources LLC, 8912 Spanish Ridge Avenue, Suite 200, Las Vegas NV, on July 1, 2024 7174

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Federal Express Delivery Receipt for NOV #10036 to Aubree L. Green, Attorney, Gypsum Resources LLC, 8912 Spanish Ridge Avenue, Suite 200, Las Vegas NV on July 1, 2024... 7176



TK

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Appeal of Hearing Officer's Order

1. **Date of Appeal:** 10-7-24
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 10036 Hearing Date: 9/19/24

Hearing Officer: Holly Fie

2. **Name, address, telephone number of Appellant:**

Name: Dustin Dingman
(Please print)

Address: 8912 Spanish Ridge Ave #200 Las Vegas 89148

Telephone: (702) 908-3082 Fax: _____

Email: dustin@gypsumresources.com

3. **Other person or persons authorized to receive service of notice:**

Name: Trevor White
(Please print)

Address: same

Telephone: 702 277-0658 Fax: _____

Email: trevor@gypsumresources.com

4. **Type of business or activity and location of activity involved in the request:**

Mining
8365 N. Hwy. 159
Blue Diamond, NV 89004

5. **Reason for appeal:** Facts alleged Penalty assessed Both


Provide a detailed explanation of the reason for your appeal:

See attached Notice of Appeal

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: 10-7-24
Printed Name: Dustin Dominguez
Title: Law Clerk

FOR OFFICE USE ONLY

Application Received on 10/7/2024

Application Fee \$140.00 - Check #10595 Received Date: 10/7/2024



Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

JAMES RHODES
GYPSUM RESOURCES LLC
8912 SPANISH RIDGE AVE STE 200
LAS VEGAS, NV 89148

Facility Information - Source ID: 17286
BLUE DIAMOND HILL GYPSUM
8360 NEVADA HIGHWAY 159
BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
070440	10/3/2024	SHERRIER	PART 70 ENFORCEMENT	10/3/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	10/07/2024 CHECK (10595)	PAYMENT		(\$140.00)

Notes: NOV #10036, Source ID: 17286, Hearing Officer Appeal, Submitted 10/3/2024

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

1 CLARK COUNTY AIR POLLUTION CONTROL
2 HEARING BOARD

3 Office of General Counsel
4 Gypsum Resources Materials
8912 Spanish Ridge Ave #200
Las Vegas NV 89148

TK
RECEIVED CC DAQ
2024 OCT 7 AM 10:45
TL

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6
7
8 In Re: Notice of Violation)NOV: 10036
9 #10036)
10 Gypsum Resources Materials.) NOTICE OF APPEAL
11 Respondent)
12 _____)

13 COMES NOW, Gypsum Resources Materials, (hereinafter,
14 "Gypsum") by and through its representative Dustin Dingman
15 and files this Notice of Appeal based on the Basis of
16 Appeal stated below.

17
18 BASIS OF APPEAL

19
20 DES AQ served Gypsum with Notice of Violation #10036
21 (hereinafter, NOV) on June 27, 2024 for alleged violations
22 of its Part 70 Operating Permit Source ID:17286,
23 (hereinafter, 2017 Permit).

24 **A. Notice of Violation**

25 The NOV cited, in brief, the following violations:

1 1(a). "Installed and operated a larger Doosan diesel-
2 fired, continuous duty, 755 horsepower engine without
3 first obtaining an ATC [Authorization To Construct] permit
4 from the Control Officer."

5 1(b). "Installed and operated a Cummins, diesel-
6 fired, continuous duty, 1350 horsepower engine without
7 first obtaining without first obtaining an ATC permit from
8 the Control Officer."

9 1(c). "Operated an Unpaved Haul Road, Material
10 Hauling, at a longer than permitted distance without first
11 obtaining [sic] an ATC permit from the Control Officer."

12 2. "Failed to include permit deviation in the 2nd
13 2023 semi-annual report."

14 3. "Failed to have a verified opacity reader on-
15 site at all times while the facility was operating."

16 **B. Hearing**

17 Gypsum requested a hearing before the Hearing Officer
18 and Gypsum pursuant to that request appeared before the
19 Hearing Officer on September 19, 2024. Dustin Dingman, Law
20 Clerk in the Office of General Counsel appeared as
21 Gypsum's representative and Cole Campbell, General Manager
22 of Gypsum's gypsum mine located on Blue Diamond Hill
23 (abutting the Red Rock Conservation Area near HWY 159)
24 appeared as its witness. Gypsum conceded to Violations 2
25 and 3 in the interest of candor and cooperation.

1 Gypsum submitted a Written Explanation Contesting NOV
2 #10036 to the Hearing Officer, which is attached hereto as
3 Exhibit 1 and incorporated herein by reference. Gypsum
4 further provided testimony in support of the following
5 mitigation and defense of the Violations:

6 As to All Contested Violations:

7 1. Gypsum had applied for a renewed Title V Operating
8 Permit. The Application for the Renewed requested
9 several substantive changes from the 2017 Permit
10 that, if granted, would have mitigated or changed
11 the scope of the ATCs, or eliminated the need for
12 the ATCs altogether. Gypsum applied for the
13 Renewed Permit on **May 12, 2022**. AQ finally issued
14 the Renewed Permit on **September 24, 2024**. In other
15 words, Gypsum was in the difficult, if not
16 impossible, position of having to apply for an ATC
17 that might have been rendered unnecessary or
18 incorrect during the **entire** violation period
19 because DES took 30 months to issue a Renewed
20 Permit. See, Final Action Report, attached hereto
21 as Exhibit 2.

22 2. DES admitted it takes months to approve an ATC. As
23 shown in the attached written statement, each of
24 these measures was intended to be an emergency,
25 stop-gap remedy and therefore the need for an ATC

1 would have ceased long before DES would have
2 processed the ATC. Furthermore, Enforcement
3 Officer Anna Sutowski admitted at the Hearing that
4 submitting an ATC does **not** necessarily mitigate the
5 violation, leaving the operator the Hobson's choice
6 of suspending operations or operating in violation
7 for an interminable amount of time while waiting
8 for a DES approval process that takes months, and
9 as shown above even years and is totally out to the
10 operator's control.

11 As to Violations 1(a) and (b)

12 1. Cole Campbell testified that the units, while
13 larger, were not operated at capacity and were
14 newer and more efficient units and were
15 operating under capacity and therefore were
16 likely polluting less than the units they
17 replaced. (Gypsum will provide additional
18 documentary evidence at the Appeal).

19 2. Mr. Campbell made every reasonable effort to
20 replace these broken engines with temporary
21 rental engines compliant with the 2017 Permit.

22 As to Violation 1(c)

23 As the investigator Scott Rowsell admitted in
24 his report and his live testimony, while the
25 Material Haul Road was longer than permitted,

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Gypsum has not exceeded its VMT (allowed Vehicle Miles Travelled) in any 12-month period.

The Hearing Officer noted her appreciation for Gypsum's preparation, civility, and candor in this hearing and therefore granted some nominal reductions in the fines. DES, for their part, graciously conceded to the reductions. While Gypsum appreciates these concessions, Gypsum still believes that given the totality of the circumstances, the fines are excessively burdensome and oppressive. The Hearing Officer's Order is attached hereto as Exhibit 3.

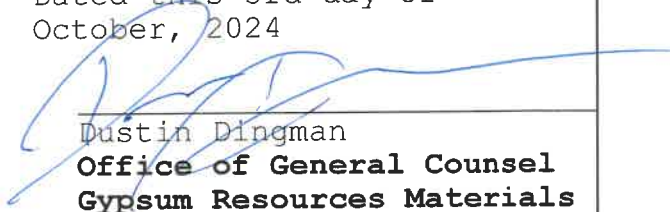
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C. Request for Relief

Gypsum respectfully submits that the Hearing Officer did not give appropriate consideration to the mitigating circumstances outlined above and for which Gypsum expects to provide substantial additional evidence that has come to light since the Hearing to the Hearing Board. Accordingly, Gypsum is requesting a waiver or a substantial reduction of the fines levied for these Violations.

Dated this 3rd day of
October, 2024



Dustin Dingman
Office of General Counsel
Gypsum Resources Materials
8912 Spanish Ridge Ave #200
Las Vegas NV 89148

**-Exhibit 1-
Written Explanation**

WRITTEN EXPLANATION CONTESTING

NOV #10036

RE: GYPSUM RESOURCE MANAGEMENT

EXPLANATION OF VIOLATION 1.1

“Installed and operated a larger Doosan diesel-fired, continuous duty, 755 horsepower engine without first obtaining an ATC permit from the Control Officer.”

The substance of this violation is that Gypsum operated an unpermitted 755 horsepower (hp) generator for a total of 55 days without first obtaining an Authority To Construct (ATC). The following is a timeline of events to assist the Hearing Officer in understanding that Gypsum remained, or made good faith attempts to remain, in substantial compliance with the spirit and intent of its Permit and DES regulations.

The permitted generator, EU: C15, Magnum Generac, 256 kW, mfg. 2011, became inoperable on November 17, 2023. Gypsum's mine managers attempted to locate an engine of the same size but were unsuccessful.

The closest available short-term replacement was the aforementioned Doosan G570, 456 kW (755 hp) motor which was brought onsite on November 22, 2023. To be clear, the Doosan motor was at all times a temporary, stop-gap solution while Gypsum was locating, purchasing, and installing a permanent generator that would conform to its permit.

The intervening delay in obtaining an ATC resulted from the emergent condition (inoperable generator) that required an immediate, temporary, stop-gap solution. Gypsum fully anticipated that the Doosan generator would likely have been replaced with the permanent, compliant EU: C15, Doosan G290, 230 kW (308 hp) before Gypsum could complete, submit, and receive approval from DES for an ATC for the Doosan G570 generator. Notwithstanding these exigencies, Gypsum submitted notifications for the Doosan G570 generator on January 4, 2024 (24-hour notification) and January 8, 2024 (72-hour report) and the unit was replaced on January 29, 2024 with the Doosan G290 which is compliant with the permit.

Finally, and perhaps most importantly, Gypsum remained in substantial compliance with DES regulations and its permit even while the Doosan G570 generator was on site.

The Doosan G570 generator was replaced by a Doosan G290, 230 kW. The Doosan G570 generator, while a larger unit, the typical load placed on the engine was far below the engine's capacity and therefore the engine would require very little fuel to perform its work and was working well below-rated emissions, which is calculated with the engine under a full load. Also, it is important to note that while these generators are permitted as continuous-duty generators, they only operate an average of 10 hours per day.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.

EXPLANATION OF VIOLATION 1.2

"Installed and operated a Cummins, diesel fired, continuous duty, 1350-horsepower engine without first obtaining an ATC permit from the control officer."

Again, the substance of this violation is that Gypsum operated an unpermitted 1375 horsepower (hp) generator for a total of 126 days without first obtaining an Authority To Construct (ATC). Gypsum respectfully submits the following timeline of events to assist the Hearing Officer in understanding that Gypsum remained, or made good faith attempts to remain, in substantial compliance with the spirit and intent of its Permit and DES regulations.

In this instance, the original, permitted EU: C01, a 2007 Caterpillar 2206 horsepower, 1500 kilowatt generator suffered a sudden and unforeseeable catastrophic mechanical failure. This emergent situation required an immediate substitution to continue operations. The Caterpillar was temporarily replaced with the aforementioned (2) smaller 1350 hp Cummins generators which had an output **capacity** of 1007 kilowatts each on September 20, 2023. Just as with the case above, the (2) 1350 hp Cummins generators were at all times planned as a temporary, stop-gap solution. Gypsum's management fully expected the Cummins 2206 hp generator to be replaced with a permanent conforming generator before Gypsum could complete, submit and receive approval from DES for an ATC since the approval process for an ATC can take weeks or months to complete. And just as in the case above ceasing operations for months in the interim while a replacement was being identified, purchased and shipped was not feasible.

As noted above the two generators had a **capacity** of 1007 kilowatts, but were never operated at capacity and were operated at or below 1500 watts. Furthermore, as

above these were newer (2012 vs. 2007), cleaner units and therefore were producing less pollution than the unit they temporarily replaced.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.

EXPLANATION OF VIOLATION 1.3

“Operated the Unpaved Haul Road, Material Hauling at a longer distance than permitted without first obtaining an ATC permit from the Control Officer.”

This NOV explicitly acknowledges that the Vehicle Miles Traveled (VMT) per year will not exceed Gypsum’s permitted VMT and therefore this violation is simply a pedantic adherence to the letter of the permit rather than a legitimate violation of the intended purpose of this Agency and its regulations.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.

-Exhibit 2-
Final Action Report

FINAL ACTION REPORT

for

PART 70 PERMIT

**Blue Diamond Hill Gypsum
Source Number 17286**

Application Date: May 12, 20223
Type of Action: Renewed Title V Operating Permit

Public Notice: July 26, 2004 in the *Review-Journal*
Public Review: July 27, 2024 to August 25,2024

Issuance date: September 24, 2024
Expiration date: September 23, 2029

No comments were received from the general public or EPA during the public comment period. As a result, a public hearing is not required and this final action report is complete.

-Exhibit 3-
Order

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #10036)
Issued to)
GYPSUM RESOURCES, LLC, Respondent.)
_____)

ORDER

The above-entitled matter was heard on September 19, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and GYPSUM RESOURCES, LLC (**GYPSUM RESOURCES**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #10036 was issued by Air Quality to Respondent GYPSUM RESOURCES on June 27, 2024, for alleged violations of Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**2017 Permit**), revised and reissued on September 8, 2020 (**2020 Permit**) and on January 26, 2022 (**2022 Permit**), Authority to Construct (**ATC**) Permits issued on May 4, 2022 (**2022 ATC Permit**) and on September 7, 2023 (**2023 ATC Permit**), and the Clark County Air Quality Regulations (**AQRs**). GYPSUM RESOURCES operates a stationary source consisting of a gypsum processing facility at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**). The violation(s) alleged in the NOV include:

- (a) Violation of 2022 Permit condition II.B.1 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, without first obtaining an ATC permit from the Control Officer; Violation of 2022 Permit condition II.B.1 for installing and operating an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, without

1 first obtaining an ATC permit from the Control Officer; and Violation of 2022 Permit
2 condition II.B.1 for operating the unpaved haul road to the R07 mine at a length of 4.8
3 miles round trip which exceeds the permitted length of 1.2 miles round trip, without
4 first obtaining an ATC permit from the Control Officer;

5 (b) Violation of 2022 Permit conditions II.D.8 and III.G.4.a for failing to
6 report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road
7 (Emission Unit: B04) length was modified in October 2023; and

8 (c) Violation of 2022 Permit condition III.D.5 for failing to have a certified
9 opacity reader on-site at all times the Facility was operating for a total of 134 days
10 during the period of October 1, 2023, through March 31, 2024.

11 2. The penalty recommended by Air Quality in NOV #10036 was \$40,285.54.

12 3. Prior to the Hearing, Air Quality amended NOV #10036 to correct a
13 miscalculation in the recommended penalty amount for the two unpermitted engines in
14 Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired,
15 continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins,
16 diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended
17 total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV
18 and Exhibit A, the Penalty Calculation Table.

19 4. The Hearing Officer finds that the violations alleged in NOV #10036 occurred
20 in that GYPSUM RESOURCES violated 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and
21 III.D.5.

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BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #10036) ORDER
Issued to)
GYPSUM RESOURCES, LLC, Respondent.)
_____)

The above-entitled matter was heard on September 19, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and GYPSUM RESOURCES, LLC (**GYPSUM RESOURCES**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #10036 was issued by Air Quality to Respondent GYPSUM RESOURCES on June 27, 2024, for alleged violations of Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**2017 Permit**), revised and reissued on September 8, 2020 (**2020 Permit**) and on January 26, 2022 (**2022 Permit**), Authority to Construct (**ATC**) Permits issued on May 4, 2022 (**2022 ATC Permit**) and on September 7, 2023 (**2023 ATC Permit**), and the Clark County Air Quality Regulations (**AQRs**). GYPSUM RESOURCES operates a stationary source consisting of a gypsum processing facility at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**). The violation(s) alleged in the NOV include:

(a) Violation of 2022 Permit condition II.B.1 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, without first obtaining an ATC permit from the Control Officer; Violation of 2022 Permit condition II.B.1 for installing and operating an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, without

1 first obtaining an ATC permit from the Control Officer; and Violation of 2022 Permit
2 condition II.B.1 for operating the unpaved haul road to the R07 mine at a length of 4.8
3 miles round trip which exceeds the permitted length of 1.2 miles round trip, without
4 first obtaining an ATC permit from the Control Officer;

5 (b) Violation of 2022 Permit conditions II.D.8 and III.G.4.a for failing to
6 report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road
7 (Emission Unit: B04) length was modified in October 2023; and

8 (c) Violation of 2022 Permit condition III.D.5 for failing to have a certified
9 opacity reader on-site at all times the Facility was operating for a total of 134 days
10 during the period of October 1, 2023, through March 31, 2024.

11 2. The penalty recommended by Air Quality in NOV #10036 was \$40,285.54.

12 3. Prior to the Hearing, Air Quality amended NOV #10036 to correct a
13 miscalculation in the recommended penalty amount for the two unpermitted engines in
14 Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired,
15 continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins,
16 diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended
17 total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV
18 and Exhibit A, the Penalty Calculation Table.

19 4. The Hearing Officer finds that the violations alleged in NOV #10036 occurred
20 in that GYPSUM RESOURCES violated 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and
21 III.D.5.

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1 5. **IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of
2 Thirty-Four Thousand Nine Hundred Fifteen and 54/100 Dollars (\$34,915.54). Thirty-Three
3 Thousand Sixty and no/100 Dollars (\$33,060.00) is due within 30 days of the date of this
4 ORDER. One Thousand Eight Hundred Fifty-Five and 54/100 Dollars (\$1,855.54) shall be
5 held in abeyance. If GYPSUM RESOURCES does not have new violations of AQRs in the
6 same or similar category as 2022 Permit condition II.B.1 before September 19, 2025, takes
7 steps to mitigate/correct existing violation #1 by submitting an ATC application to Air Quality
8 within 30 days of the date of this ORDER, and pays the reduced penalty within 30 days of the
9 date of this ORDER, the portion of the penalty that is held in abeyance shall be waived. If
10 GYPSUM RESOURCES does have new violations of AQRs in the same or similar category
11 as 2022 Permit condition II.B.1 before that time, does not submit an ATC application to Air
12 Quality to resolve existing violation #1, or does not pay the reduced penalty within 30 days of
13 the date of this ORDER, then the portion of the penalty that is held in abeyance will be due
14 within 30 days of the issuance of the Hearing Officer Order finding Gypsum Resources in
15 violation.

16 6. GYPSUM RESOURCES has the right to appeal this ORDER to the Clark
17 County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in
18 writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred
19 Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of
20 GYPSUM RESOURCES' receipt of this ORDER.

21 DATED this 25th day of September, 2024.

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Holly Fic (Sep 25, 2024 08:44 PDT)

Holly Fic
Hearing Officer

Exhibit A

**NOV # 10036
Penalty Calculation Table
Gypsum Resources, LLC**



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marcil Henson, Director

Viol.	Date(s)	Violation Description	EUs or CDs	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Mitigation Amount (-25%)	Economic Benefit ⁹	Penalty					
						Description	Amount												
1	November 22, 2023 through January 29, 2024	Installed and operated a larger Doosan, diesel-fired, continuous-duty, 755 horsepower engine without first obtaining an ATC permit from the Control Officer.	Unpermitted Engine	2022 Permit condition II.B.1	Exh. B: Att. 19, 20 and 30	Major/ Major	\$ 4,000	55	1) Prior knowledge (+50%) 2) Two prior NOV ² (+25% per NOV) 3) Multiday Aggravation ³ (+54%) 4) Self-Reported (-25%)	154%	\$ 6,160.00	\$(2,540.00)	Avoided Costs= \$ 1,523.20	\$ 9,314.08					
	October 13, 2023 through and including March 31, 2024	Installed and operated a Cummins, diesel-fired, continuous-duty, 1,350 horsepower engine without first obtaining an ATC permit from the Control Officer.	Unpermitted Engine		Exh. B: Att. 7, Photos 1 through 7, and Att. 21								126		1) Prior knowledge (+50%) 2) Two prior NOV ² (+25% per NOV) 3) Multiday Aggravation ⁴ (+125%) 4) Self-Reported (-25%)	225%	\$ 9,000.00	\$(3,250.00)	Avoided Costs= \$ 3,872.06
	October 19, 2023 through and including March 31, 2024	Operated the Unpaved Haul Road, Material Hauling at a longer distance than permitted without first obtaining an ATC permit from the Control Officer.	EU: B04		Exh. B: Att. 7, Photos 8 through 10, Att. 22 and 29								165		1) Prior knowledge (+50%) 2) Two prior NOV ² (+25% per NOV) 3) Multiday Aggravation ⁵ (+164%)	264%	\$ 5,280.00	\$ -	Delayed Costs= \$ 639.40
2	2023	Failed to include permit deviation in the 2nd 2023 semi-annual report.	Facility	2022 Permit conditions II.D.8 and III.G.4.a	Exh. B: Att. 7, Photos 8 through 10, and Att. 22	Major/ Minor	\$ 1,000	1	1) Prior knowledge (+50%) 2) One prior NOV ⁶ (+25% per NOV)	75%	\$ 750.00	\$ -	\$ -	\$ 1,750.00					
3	134 days between October 1, 2023 and March 31, 2024	Failed to have a certified opacity reader on-site at all times the Facility was operating.	Facility	2022 Permit condition III.D.5	Exh. B, Att. 17, 18, and 25	Major/ Minor	\$ 1,000	134	1) Prior knowledge (+50%) 2) One prior NOV ⁷ (+25% per NOV) 3) Multiday Aggravation ⁸ (+133%) 4) Self-Reported (-25%)	208%	\$ 2,080.00	\$(770.00)	\$ -	\$ 2,310.00					
Total Penalty:													\$ 34,915.54						

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

⁹ **Avoided Costs**

Doosan, diesel fired, continuous-duty, 755 hp engine

- o \$853.00, Emission unit fee for 2024 in the 2024 annual bill;
- o \$670.20, Part 70 emissions fee for 2024 in the 2024 annual bill (7.8 tons per year x \$66 and 7 tons per year x \$22.20).

Cummins, diesel-fired, continuous-duty, 1,350 hp engine

- o \$1,709.00, Emission unit fee for 2024 in the 2024 annual bill;
- o \$2,163.06, Part 70 emissions fee for 2024 in the 2024 annual bill (32 tons per year x \$66 and 2.3 tons per year x \$22.20).

Delayed Costs

Doosan, diesel fired, continuous-duty, 755 hp engine

- o \$440.00, One application filing fee;
- o \$314.00, NSR emissions unit application review fee per unit for 2023; and
- o \$1,200.00 NSR potential to emit (PTE) fee for 2023 which is calculated by multiplying the PTE of 15 tons by the \$80.00 per tons per year fee.

Total Delayed Costs = \$1,954.00 = BEN Model compound rate of 7.6% applied to the total delayed costs for 420 days of noncompliance from 11/22/2022, 365 days prior to construction, through and including 1/29/2024.
(420/365) x \$1,954.00 x (7.6%) = \$170.88

Unpaved Haul Road

- o \$440.00, One application filing fee;
- o \$314.00, NSR emissions unit application review fee per unit for 2023; and
- o \$5,040.00 NSR potential to emit (PTE) fee for 2023 which is calculated by multiplying the PTE of 63 tons by the \$80.00 per tons per year fee.

Total Delayed Costs = \$5,794.00 = BEN Model compound rate of 7.6% applied to the total delayed costs for 530 days of noncompliance from 10/19/2022, 365 days prior to operation, through and including 3/31/2024.
(530/365) x \$5,794.00 x (7.6%) = \$639.40

² Two prior NOV^s: #9779 and #9937, adjudicated after March 31, 2022 which is within two years of the discovery action.

³ 55 days of noncompliance from November 2, 2023 through January 29, 2024. Aggravation begins on 2nd day. (1% x \$4,000 x 54 days = \$2,160.00)

⁴ 126 days of noncompliance from October 13, 2023 through and including March 31, 2024. Aggravation begins on 2nd day. (1% x \$4,000 x 125 days = \$5,000.00)

⁵ 165 days of noncompliance from October 19, 2023 through and including March 31, 2024. Aggravation begins on 2nd day. (1% x \$2,000 x 164 days = \$3,280.00)

⁶ One prior NOV: #9779, adjudicated after March 31, 2022 which is within two years of the discovery action.

⁷ One prior NOV: #9937, adjudicated after March 31, 2022 which is within two years of the discovery action.

⁸ 134 days of noncompliance between October 1, 2023 and March 31, 2024. Aggravation begins on 2nd day. (1% x \$1,000 x 133 days = \$1,330.00)

Regulatory maximum: \$10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.640]



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Received via email on Mon 7/1/2024 2:49 PM
From: Dustin Dingman
pt

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Notice of Violation Response Form

Issued to: Gypsum Resources, LLC

NOV #: 10036 Return form by: 7/3/2024

Items below are to be completed by the Respondent

Responsible Official: James Rhodes

Title: President

Phone Number: (702) 493-8111

Email Address: Jim@GypsumResouces.com

Mailing Address: 8360 Nevada Highway 159, Blue Diamond, NV 89004

Please check applicable boxes below

- We do not contest the Notice of Violation (Attendance is not required)**
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.
- We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Facts
- Penalty
- Both


Signature of Authorized Person

Date: 7/1/2024

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at aqenforcement@clarkcountynv.gov.

WRITTEN EXPLANATION CONTESTING

NOV #10036

RE: GYPSUM RESOURCE MANAGEMENT

EXPLANATION OF VIOLATION 1.1

“Installed and operated a larger Doosan diesel-fired, continuous duty, 755 horsepower engine without first obtaining an ATC permit from the Control Officer.”

The substance of this violation is that Gypsum operated an unpermitted 755 horsepower (hp) generator for a total of 55 days without first obtaining an Authority To Construct (ATC). The following is a timeline of events to assist the Hearing Officer in understanding that Gypsum remained, or made good faith attempts to remain, in substantial compliance with the spirit and intent of its Permit and DES regulations.

The permitted generator, EU: C15, Magnum Generac, 256 kW, mfg. 2011, became inoperable on November 17, 2023. Gypsum’s mine managers attempted to locate an engine of the same size but were unsuccessful.

The closest available short-term replacement was the aforementioned Doosan G570, 456 kW (755 hp) motor which was brought onsite on November 22, 2023. To be clear, the Doosan motor was at all times a temporary, stop-gap solution while Gypsum was locating, purchasing, and installing a permanent generator that would conform to its permit.

The intervening delay in obtaining an ATC resulted from the emergent condition (inoperable generator) that required an immediate, temporary, stop-gap solution. Gypsum fully anticipated that the Doosan generator would likely have been replaced with the permanent, compliant EU: C15, Doosan G290, 230 kW (308 hp) before Gypsum could complete, submit, and receive approval from DES for an ATC for the Doosan G570 generator. Notwithstanding these exigencies, Gypsum submitted notifications for the Doosan G570 generator on January 4, 2024 (24-hour notification) and January 8, 2024 (72-hour report) and the unit was replaced on January 29, 2024 with the Doosan G290 which is compliant with the permit.

Finally, and perhaps most importantly, Gypsum remained in substantial compliance with DES regulations and its permit even while the Doosan G570 generator was on site.

The Doosan G570 generator was replaced by a Doosan G290, 230 kW. The Doosan G570 generator, while a larger unit, the typical load placed on the engine was far below the engine's capacity and therefore the engine would require very little fuel to perform its work and was working well below-rated emissions, which is calculated with the engine under a full load. Also, it is important to note that while these generators are permitted as continuous-duty generators, they only operate an average of 10 hours per day.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.

EXPLANATION OF VIOLATION 1.2

“Installed and operated a Cummins, diesel fired, continuous duty, 1350-horsepower engine without first obtaining an ATC permit from the control officer.”

Again, the substance of this violation is that Gypsum operated an unpermitted 1375 horsepower (hp) generator for a total of 126 days without first obtaining an Authority To Construct (ATC). Gypsum respectfully submits the following timeline of events to assist the Hearing Officer in understanding that Gypsum remained, or made good faith attempts to remain, in substantial compliance with the spirit and intent of its Permit and DES regulations.

In this instance, the original, permitted EU: C01, a 2007 Caterpillar 2206 horsepower, 1500 kilowatt generator suffered a sudden and unforeseeable catastrophic mechanical failure. This emergent situation required an immediate substitution to continue operations. The Caterpillar was temporarily replaced with the aforementioned (2) smaller 1350 hp Cummins generators which had an output **capacity** of 1007 kilowatts each on September 20, 2023. Just as with the case above, the (2) 1350 hp Cummins generators were at all times planned as a temporary, stop-gap solution. Gypsum's management fully expected the Cummins 2206 hp generator to be replaced with a permanent conforming generator before Gypsum could complete, submit and receive approval from DES for an ATC since the approval process for an ATC can take weeks or months to complete. And just as in the case above ceasing operations for months in the interim while a replacement was being identified, purchased and shipped was not feasible.

As noted above the two generators had a *capacity* of 1007 kilowatts, but were never operated at capacity and were operated at or below 1500 watts. Furthermore, as

above these were newer (2012 vs. 2007), cleaner units and therefore were producing less pollution than the unit they temporarily replaced.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.

EXPLANATION OF VIOLATION 1.3

“Operated the Unpaved Haul Road, Material Hauling at a longer distance than permitted without first obtaining an ATC permit from the Control Officer.”

This NOV explicitly acknowledges that the Vehicle Miles Traveled (VMT) per year will not exceed Gypsum’s permitted VMT and therefore this violation is simply a pedantic adherence to the letter of the permit rather than a legitimate violation of the intended purpose of this Agency and its regulations.

Accordingly, Gypsum respectfully requests that the assessed fines be reversed or substantially reduced in accordance with the facts presented hereinabove as supported by the evidence included herewith or by testimony to be presented at the hearing.



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

June 27, 2024

FEDERAL EXPRESS TRK #7771 1020 0867
James M. Rhodes, President and Responsible Official
Gypsum Resources, LLC
E-mail: jim@gypsumresources.com
8912 Spanish Ridge Avenue, Suite 200
Las Vegas, NV 89148

FEDERAL EXPRESS TRK #777109196503
James M. Rhodes, President
Truckee Springs Holdings, Inc., Manager of
Gypsum Resources, LLC
E-mail: jim@gypsumresources.com
8912 Spanish Ridge Avenue, Suite 200
Las Vegas, NV 89148

FEDERAL EXPRESS TRK #777109223577
Aubree L. Green, Attorney
E-mail: aubree@gypsumresources.com
Gypsum Resources, LLC
8912 Spanish Ridge Avenue, Suite 200
Las Vegas, NV 89148

Via E-mail Only:

Scott McNulty, Principal Geologist and Air Quality Division Manager
Broadbent & Associates, Inc.
E-mail: smcnulty@broadbentinc.com

Carol Adams, Senior Scientist
Broadbent & Associates, Inc.
E-mail: cadams@broadbentinc.com

NOTICE OF VIOLATION #10036

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**), for the violation of Clark County Air Quality Regulations (**AQRs**) and permit conditions as alleged below and

recommends a civil penalty of Forty Thousand Two Hundred Eighty-Five and 54/100 Dollars (\$40,285.54) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**2017 Permit**). On September 8, 2020, Air Quality issued an administrative revision to the 2019 Permit (**2020 Permit**). On January 26, 2022, the 2020 Permit was reopened and revised to include Particulate Matter (**PM**)_{2.5} emissions for the processing operations, recently promulgated fugitive dust requirements, and emissions statements from stationary sources of Nitrogen Oxides (**NOx**) and/or Volatile Organic Compounds (**VOCs**) (**2022 Permit**). On May 4, 2022, Air Quality issued an Authority to Construct (**ATC**) Permit for Part 70 Source revision to the Facility's Emission Units (**EUs**) (**2022 ATC Permit**). On September 7, 2023, Air Quality issued a new ATC Permit for Part 70 Source revision to the Facility's EUs including the addition of a wash plant, and four new continuous-duty generators (**2023 ATC Permit**).
- B. On March 27, 2024, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) conducted a Full Compliance Evaluation (**Evaluation**) of the Facility covering the time period of September 23, 2022, through March 31, 2024. Five Partial Compliance Evaluations (**PCEs**) (December 6, 2022, April 10, 2023, June 5, 2023, November 16, 2023, and December 5, 2023) were conducted during the Evaluation period that evaluated the Facility for the period of September 23, 2022, through October 12, 2023 (**Exh. B, Att. 8 through 12**). Due to these five PCEs being conducted, the review period for this Evaluation is from October 1, 2023, through March 31, 2024. Additionally, Rowsell randomly sampled records before this period as a compliance demonstration. The findings are documented in the Evaluation report attached hereto as **Exhibit B** and incorporated herein. During the Evaluation, Rowsell identified the following deficiencies:
1. Gypsum Resources began construction or modified their existing 2022 Permit and 2023 ATC without first obtaining a new or revised Authority to Construct permit from Air Quality on the following three occasions:
 - a. Gypsum Resources reported in a 24-hour notification and 72-hour report submitted to Air Quality on January 4, 2024, and January 8, 2024, respectively, that the permitted diesel-fired, continuous-duty, ≤ 300 horsepower (**hp**) engine (EU: C12) was shut down on November 17, 2023, due to a circuit board failure and a replacement diesel-fired genset was brought onsite (**Exh. B, Att. 19**). Gypsum Resources determined that this replacement diesel-fired genset was too small to provide adequate power to the equipment, so another larger diesel-fired genset was brought to the facility on November 22, 2023, under EU: C15. The second replacement diesel-fired genset, which was a Doosan, diesel-fired, continuous-duty, 755 hp, 456-kilowatt engine (model#: G570WCU-2B-FX-T2), was classified

as an unpermitted engine due to the greater horsepower rating than the permitted EU: C15, which has a permit limitation of ≤ 500 hp. The unpermitted replacement diesel-fired genset was on-site from November 22, 2023, through January 29, 2024, and operated for a total of 55 days (**Exh. B, Att. 20 and Att. 30**).

- b. During the on-site FCE, Rowsell observed a tractor trailer (replacement engine/generator for EU: C01) with two complete diesel-fired gensets within the tractor trailer (two engines and two generators). The Facility reported that the permitted Caterpillar, 2,206 hp, 1,500 kilowatt, continuous-duty, diesel-fired engine (EU: C01) was shut down on September 20, 2023, due to mechanical issues. On September 20, 2023, a replacement diesel-fired genset classified as an unpermitted engine was brought on-site, which was a Cummins, 1,350 hp, 1,000-kilowatt, diesel-fired engine. As of March 31, 2024, the replacement diesel-fired gensets were still on-site. Rowsell observed the following two diesel-engine specifications: Engine 1: Cummins; 1,350 prime hp, 1,007 prime kilowatt; date of manufacturer: 04/2012; model number: QST30-G5 NR2; serial number 37253992; and Engine 2: Cummins; 1,350 prime horsepower/1,007 prime kilowatt; date of manufacturer: 04/2012; model number: QST30-G5 NR2; serial number 37253993 (**Exh. B, Att. 7, Photographs 1 through 7**). The replacement unpermitted diesel-fired genset operated on 126 dates between October 13, 2023, through March 31, 2024 (**Exh. B, Att. 21**).
 - c. Per statements by Cole Cambell (**Cambell**), Operations Manager for Gypsum, the south pit was closed, and the north pit (R07) became active in approximately October 2023. During the on-site FCE, Cambell drove Rowsell to observe the north pit (**Exh. B: Att. 7, Photographs 8 through 10; and Att. 22**). On the way back to the crushing plant, Rowsell asked Cambell to reset (zero) his trip odometer on his vehicle so they could get the one-way mileage from the north pit (R07) to the crushing plant. Upon arrival at the crushing plant, the vehicle trip odometer indicated approximately 2.4 miles one way or 4.8 miles round trip. Rowsell informed Cambell the permitted round trip mileage for the unpaved material haul road (EU: B04) is 1.2 miles round trip (2022 Permit and 2022 ATC), which was permitted for the haul road length to the south pit. The unpaved haul road (EU: B04) was under permitted. Mining in the R07 began on October 19, 2023 (**Exh. B, Att. 29**).
2. Gypsum Resources failed to identify the compliance status of intermittent for the following four permit conditions in the 2023 Annual Compliance Certification (ACC) report: (1) 2022 Permit conditions III.D.21.b and III.F.4.i and (2) 2022 ATC Permit conditions 4.1.15.b and 4.3.5.b (**Exh. B, Att. 2**).
 3. Gypsum Resources failed to report in the 2023, 2nd semi-annual report that the unpaved haul road (EU: B04) length was modified in October 2023 (**Exh. B, Att.4**). The unpaved haul road (EU: B04) length is permitted as 1.2 miles round trip in the 2022 Permit and 2022 ATC Permit (Table III-A-1 and Table 1-1, respectively); however, the haul road was modified in October 2023 to access a different mining pit (R07) which lengthened the unpaved haul road to approximately 4.8 miles round trip (**Exh. B: Att. 7, Photographs 8 through 10; and Att. 22**).

4. Gypsum Resources failed to maintain a minimum moisture content of 1.5% in materials as determined from weekly moisture testing at two locations consisting of three samples on October 19, 2023 and February 19, 2024 (**Exh. B: Att. 17 and Att. 18; and Table 2**).
5. Gypsum Resources failed to employ adequate water sprays at pertinent locations where moisture is required to ensure compliance with moisture limits. The Facility reported on October 19, 2023, that moisture levels on the 2” conveyor were below permitted limits (**Exh. B, Att. 23**).
6. Gypsum Resources reported in the 2023, 4th quarter and 2024, 1st quarter compliance audit reports that inspection records were not sufficient to assess continuous compliance of applying chemical suppressants to unpaved parking lots at the Facility during the reporting period of October 2023 through March 2024 (**Exh. B, Att. 17 and Att. 18**).
7. Gypsum Resources reported in the 2023, 4th quarter and 2024, 1st quarter compliance audit reports that possible deviations occurred regarding the speed limit of 15 mph on the unpaved access haul road during the reporting period of October 2023, through March 2024 (**Exh. B, Att. 17 and Att. 18**).
8. Gypsum Resources reported in the 2023, 4th quarter and 2024, 1st quarter compliance audit reports that continuous compliance regarding removing loose debris from the haul trucks prior to leaving the mine property could not be assured during the reporting period of October 2023 through March 2024 (**Exh. B, Att. 17 and Att. 18**).
9. Gypsum Resources reported in the 2023, 4th Quarter and 2024, 1st quarter compliance audit reports that a total of 18 and 70 visible emission checks were not conducted during the reporting periods, respectively (**Exh. B, Att. 17 and Att. 18**). Per my review of the 2023/2024 Daily Forms Checklist, 2023/2024 Facility Daily Operating Data, and 2023/2024 Crusher Monthly Totals, which I accessed through the shared Google Sheets web program, I determined that from October 1, 2023, through March 31, 2024, the Facility failed to conduct a Method 22 Evaluation twice per day on all emissions units on eight occurrences over seven separate dates (**Exh. B, Att. 24, Table 2**).
10. Gypsum Resources failed to have a certified opacity reader on-site when the Facility was operating during the period of October 1, 2023, through March 31, 2024, as reported in the 2023, 4th quarter and 2024, 1st quarter compliance audit reports. During the on-site Evaluation, Cambell informed Rowsell that a certified opacity reader was not on-site between January 1, 2024, through March 27, 2024. Cambell stated that Gypsum Resources employees were scheduled to take the EPA Method 9 Visible Emissions Observation testing on April 10, 2024, in Las Vegas, Nevada. During the period of October 1, 2023, through March 31, 2024, the Facility operated 25 days in October 2023, 20 days in November 2023, 21 days in December 2023, 23 days in January 2024, 22 days in February 2024, and 23 days in March 2024 for a total of 134 days (**Exh. B, Att. 17, Att. 18, and Att. 25**).
11. Gypsum Resources reported in the 2024, 1st quarter compliance audit report that a total of one differential pressure reading for baghouse #1 (Control Device (CD): D01) was not recorded while the associated emission units were operating on January 15, 2024, which demonstrates the required monitoring was not conducted (**Exh. B, Att. 26**).
12. Gypsum Resources failed to conduct an EPA Method 9 Visual Emission Evaluation (VEE) on the two baghouses (CDs: D01 and D02) and facility-wide in the 2022 calendar year. Previous testing was conducted on December 16 and 17, 2021.

13. Gypsum Resources submitted a 24-hour notification and 72-hour report to Air Quality on January 4, 2024, at 2:40 p.m. and January 8, 2024, at 2:30 p.m., respectively, for a deviation that was discovered on January 3, 2024, at 10:00 a.m. The 24-hour notification was required to be submitted to Air Quality on or before January 4, 2024, before 10:00 a.m. Gypsum Resources submitted the 24-hour notice on January 4, 2023, at 2:40 p.m., which is four hours and forty minutes late (**Exh. B, Att. 18 and Att. 19**).

DEFICIENCIES I.B.2, I.B.4 THROUGH I.B.9, AND I.B.11 THROUGH I.B.13 ARE NOT BEING PURSUED AS VIOLATIONS IN THIS NOTICE. THEY WERE ADDRESSED WITH A WARNING EMAIL AND WILL NOT BE PURSUED WITH ENFORCEMENT ACTION.

- C. On May 28, 2024, Rowsell emailed James M. Rhodes (**Rhodes**), President and Responsible Official for Gypsum Resources, Aubree Green (**Green**), Attorney for Gypsum Resources, Scott McNulty (**McNulty**), Principal Geologist and Air Quality Division Manager for Broadbent & Associates, Inc., and Carol Adams (**Adams**), Senior Scientist for Broadbent & Associates, Inc., a summary of the deficiencies observed during the Evaluation (**Exh. B, Att. 31**).

II. VIOLATION(S)

Violation 1:

By installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine during the period from November 22, 2023, through January 29, 2024, without first obtaining an ATC permit from the Control Officer, Gypsum Resources violated 2022 Permit condition II.B.1 (Deficiency I.B.1.a).

By installing and operating 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 ATC permit from the Control Officer, Gypsum Resources violated 2022 Permit condition II.B.1 (Deficiency I.B.1.b).

By operating the unpaved haul road to the R07 mine at a length of 4.8 miles round trip which exceeds the permitted length of 1.2 miles round trip, without first obtaining an ATC permit from the Control Officer, Gypsum Resources violated 2022 Permit condition II.B.1 (Deficiency I.B.1.c).

2022 Permit condition II.B.1 states:

“B. MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS

1. No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) Permit from the Control Officer. *[AQR 12.4.1.1(a)]*”

Repeat violation: NOV #9937, Violation 6, issued December 21, 2023; and #9779, Violation 1, issued December 22, 2022.

Violation 2:

By failing to report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road (EU: B04) length was modified in October 2023, Gypsum Resources violated 2022 Permit conditions II.D.8 and III.G.4.a (Deficiency I.B.3).

2022 Permit condition II.D.8 states:

- “8. With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. *[AQR 12.5.2.6(d)(4)(B)]*”

2022 Permit condition III.G.4.a states:

- “4. The following requirements apply to semiannual reports: *[AQR 12.5.2.6(d) & AQR 12.5.2.8]*
 - a. The report shall include each item listed in Section III-F-5 of this OP, as indicated.”

Repeat violation: NOV #9779, Violation 3, issued December 22, 2022.

Violation 3:

By 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, Gypsum Resources violated 2022 Permit condition III.D.5 (Deficiency I.B.10).

2022 Permit condition III.D.5 states:

“D. MONITORING

...

5. The permittee shall have a certified opacity reader on-site at all times the facility is operating. *[MSP September 10, 2013, Section IV C, Condition 13, AQR 12.5.2.6(d) & AQR 12.5.2.8f]*”

Repeat violation: NOV #9937, Violation 5, issued December 21, 2023.

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Gypsum Resources self-reported the violations associated with Deficiencies I.B.1.a, I.B.1.b, and I.B.10.
- 55 days of noncompliance for Deficiency I.B.1.a.
- 126 days of noncompliance for Deficiency I.B.1.b.
- 165 days of noncompliance for Deficiency I.B.1.c.
- 134 days of noncompliance for Deficiency I.B.10.
- Gypsum Resources had prior knowledge of the compliance requirements. Source representatives knew or should have known they were not complying with the regulations for the listed violations.
- Two prior NOV's in the same or similar category were issued to Gypsum Resources and adjudicated within two years of the discovery action:
 - NOV #9779 issued December 22, 2022
 - NOV #9937 issued December 21, 2023
- Economic Benefit due to avoided costs associated with compliance for Deficiencies I.B.1.a, I.B.1.b and I.B.1.c including the following factors:
 - Avoided Costs
 - 2024 annual emission fees.
 - 2024 annual emission unit fee.
 - Delayed Costs
 - NSR emissions unit fee for 2023.
 - NSR potential to emit (PTE) fee for 2023.
 - Application filing fee.
 - BEN Model compound rate applied to the total delayed costs for days of noncompliance.

Air Quality recommends a civil penalty in the amount of \$40,285.54 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, July 18, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by July 3, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.


Shibi Par (Jun 27, 2024 19:24 PDT)

for

Marci Henson
Control Officer

Exhibits:

- A. Penalty Calculation Table, NOV #10036
- B. Air Quality Full Compliance Evaluation Report, dated June 12, 2024

V. CORRECTIVE ACTION ORDER

Pursuant to AQR Section 4.3, Air Quality hereby orders Gypsum Resources to take corrective actions to resolve future noncompliance with the Permits and AQRs as per the conditions stated below.

1. Within 30 days of receipt of this NOV, Gypsum Resources shall submit a permit application to Air Quality to revise the current permit to add the unpermitted Cummins, diesel-fired, continuous-duty, 1,350 horsepower engine to the permit.
2. Within 30 days of receipt of this NOV, Gypsum Resources shall submit a permit application to Air Quality to revise the current permit increasing the length of the Unpaved Haul Road, Material Hauling (EU: B04) to no less than 4.8 miles round trip and revising the associated Vehicle Miles Travelled (VMT) accordingly.

Pursuant to AQR Section 4.3(c), Gypsum Resources has the right to appeal this Corrective Action Order (**Order**) to the Air Pollution Control Hearing Officer. Any appeal of this Order shall be by written request to the Control Officer and received by Air Quality within ten days of Gypsum Resources' receipt of this NOV, or this Order becomes final. An appealed order is temporarily stayed pending its disposition. An appealed order becomes final immediately upon its affirmation by the Hearing Officer. Failure to comply with the terms of a final order is a violation of AQRs.


Shibi Pan (Jun 27, 2024 19:24 PDT)

_____ for

Marci Henson
Control Officer

cl

Exhibit A

**NOV # 10036
Penalty Calculation Table
Gypsum Resources, LLC**



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	EUs or CDs	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Mitigation Amount (-25%)	Economic Benefit ⁹	Penalty
						Description	Amount							
1	November 22, 2023 through January 29, 2024	Installed and operated a larger Doosan, diesel-fired, continuous-duty, 755 horsepower engine without first obtaining an ATC permit from the Control Officer.	Unpermitted Engine	2022 Permit condition II.B.1	Exh. B: Att. 19, 20 and 30	Major/ Major	\$ 4,000	55	1) Prior knowledge (+50%) 2) Two prior NOV ² (+25% per NOV) 3) Multiday Aggravation ³ (+54%) 4) Multiday Aggravation ⁴ (+125%) 5) Self-Reported (-25%)	279%	\$ 11,160.00	\$ (3,790.00)	Avoided Costs= \$ 1,523.20 Delayed Costs= \$ 170.88	\$ 13,064.08
	October 13, 2023 through and including March 31, 2024	Installed and operated a Cummins, diesel-fired, continuous-duty, 1,350 horsepower engine without first obtaining an ATC permit from the Control Officer.	Unpermitted Engine		Exh. B: Att. 7, Photos 1 through 7, and Att. 21	Major/ Moderate	\$ 2,000	126	1) Prior knowledge (+50%) 2) Two prior NOV ² (+25% per NOV) 3) Multiday Aggravation ⁵ (+164%)	264%	\$ 5,280.00	\$ -	Avoided Costs= \$ 3,872.06 Delayed Costs= \$ 639.40	\$ 7,919.40
	October 19, 2023 through and including March 31, 2024	Operated the Unpaved Haul Road, Material Hauling at a longer distance than permitted without first obtaining an ATC permit from the Control Officer.	EU: B04		Exh. B: Att. 7, Photos 8 through 10, Att. 22 and 29	Major/ Minor	\$ 1,000	1	1) Prior knowledge (+50%) 2) One prior NOV ⁶ (+25% per NOV)	75%	\$ 750.00	\$ -	\$ -	\$ 1,750.00
2	2023	Failed to include permit deviation in the 2nd 2023 semi-annual report.	Facility	2022 Permit conditions II.D.8 and III.G.4.a	Exh. B: Att. 7, Photos 8 through 10, and Att. 22	Major/ Minor	\$ 1,000	1	1) Prior knowledge (+50%) 2) One prior NOV ⁷ (+25% per NOV) 3) Multiday Aggravation ⁸ (+133%) 4) Self-Reported (-25%)	208%	\$ 2,080.00	\$ (770.00)	\$ -	\$ 2,310.00
3	134 days between October 1, 2023 and March 31, 2024	Failed to have a certified opacity reader on-site at all times the Facility was operating.	Facility	2022 Permit condition III.D.5	Exh. B, Att. 17, 18, and 25	Major/ Minor	\$ 1,000	134						

Total Penalty: \$ 40,285.54

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

9	Avoided Costs
	<p>Doosan, diesel fired, continuous-duty, 755 hp engine</p> <ul style="list-style-type: none"> o \$853.00, Emission unit fee for 2024 in the 2024 annual bill; o \$670.20, Part 70 emissions fee for 2024 in the 2024 annual bill (7.8 tons per year x \$66 and 7 tons per year x \$22.20). <p>Cummins, diesel-fired, continuous-duty, 1,350 hp engine</p> <ul style="list-style-type: none"> o \$1,709.00, Emission unit fee for 2024 in the 2024 annual bill; o \$2,163.06, Part 70 emissions fee for 2024 in the 2024 annual bill (32 tons per year x \$66 and 2.3 tons per year x \$22.20). <p>Delayed Costs</p> <p>Doosan, diesel fired, continuous-duty, 755 hp engine</p> <ul style="list-style-type: none"> o \$440.00, One application filing fee; o \$314.00, NSR emissions unit application review fee per unit for 2023; and o \$1,200.00 NSR potential to emit (PTE) fee for 2023 which is calculated by multiplying the PTE of 15 tons by the \$80.00 per tons per year fee. <p>Total Delayed Costs = \$1,954.00 = BEN Model compound rate of 7.6% applied to the total delayed costs for 420 days of noncompliance from 11/22/2022, 365 days prior to construction, through and including 1/29/2024. (420/365) x \$1,954.00 x (7.6%) = \$170.88</p> <p>Unpaved Haul Road</p> <ul style="list-style-type: none"> o \$440.00, One application filing fee; o \$314.00, NSR emissions unit application review fee per unit for 2023; and o \$5,040.00 NSR potential to emit (PTE) fee for 2023 which is calculated by multiplying the PTE of 63 tons by the \$80.00 per tons per year fee. <p>Total Delayed Costs = \$5,794.00 = BEN Model compound rate of 7.6% applied to the total delayed costs for 530 days of noncompliance from 10/19/2022, 365 days prior to operation, through and including 3/31/2024. (530/365) x \$5,794.00 x (7.6%) = \$639.40</p>

² Two prior NOV^s: #9779 and #9937, adjudicated after March 31, 2022 which is within two years of the discovery action.
³ 55 days of noncompliance from November 2, 2023 through January 29, 2024. Aggravation begins on 2nd day. (1% x \$4,000 x 54 days = \$2,160.00)
⁴ 126 days of noncompliance from October 13, 2023 through and including March 31, 2024. Aggravation begins on 2nd day. (1% x \$4,000 x 125 days = \$5,000.00)
⁵ 165 days of noncompliance from October 19, 2023 through and including March 31, 2024. Aggravation begins on 2nd day. (1% x \$2,000 x 164 days = \$3,280.00)
⁶ One prior NOV: #9779, adjudicated after March 31, 2022 which is within two years of the discovery action.
⁷ One prior NOV: #9937, adjudicated after March 31, 2022 which is within two years of the discovery action.
⁸ 134 days of noncompliance between October 1, 2023 and March 31, 2024. Aggravation begins on 2nd day. (1% x \$1,000 x 133 days = \$1,330.00)

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.640]

Holcim – SWR, Inc.
(Part 70 Operating Permit, Source ID: 372)

Appeal of NOV #10048

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Federal Express Delivery Receipt for NOV #10048 to Ahmed Hamadi, Vice President,
General Manager and Responsible Official and Ken Kinnard, Quarry Manager,
Holcim - SWR, Inc., 4675 West Teco Avenue, Suite 140, Las Vegas, NV,
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REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Appeal of Hearing Officer's Order

1. **Date of Appeal:** October 7, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 10048 Hearing Date: Sep 19, 2024

Hearing Officer: _____

2. **Name, address, telephone number of Appellant:**

Name: Holcim-SWR, Inc. c/o Holland and Hart LLP

(Please print)
Address: 9555 W Hillwood Dr, Fl. 2, Las Vegas, 89134

Telephone: 702-222-2606 Fax: N/A

Email: msjammer@hollandhart.com

3. **Other person or persons authorized to receive service of notice:**

Name: N/A
(Please print)

Address: _____

Telephone: _____ Fax: _____

Email: _____

4. **Type of business or activity and location of activity involved in the request:**

Holcim Sloan quarry - construction

5. **Reason for appeal:** Facts alleged Penalty assessed Both


Provide a detailed explanation of the reason for your appeal:

See attached explanation

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: Oct. 7, 2024
Printed Name: Monique Jammer
Title: Attorney for Holcum-SWR LLP

FOR OFFICE USE ONLY

Application Received on 10/7/2024
Application Fee \$140.00 - Check Visa Received Date: 10/7/2024



Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

AHMED HAMADI
HOLCIM SWR INC
4675 W TECO AVE STE 140
LAS VEGAS, NV 89118

Facility Information - Source ID: 00372
HOLCIM SWR SLOAN QUARRY
5300 SLOAN RD
LAS VEGAS, NV 89124

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
070474	10/7/2024	GREEN	PART 70 ENFORCEMENT	11/6/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	10/07/2024 VISA CREDIT CARD (0634 / 002214)	PAYMENT		(\$140.00)

Notes: NOV #10048, Source ID: 372, Hearing Officer Appeal, Submitted 10/7/2024

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING BOARD

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation # 10048
Issued to
Holcim-SWR, Inc.,

Appellant.

EXPLANATION IN SUPPORT OF
APPEAL OF HEARING OFFICER'S
SEPTEMBER, 2024 ORDER
CONCERNING NOTICE OF
VIOLATION # 10048

Pursuant to Air Quality Regulations (“AQR”) 7.4 and 7.5 and the Hearing Officer’s September 25, 2024 Order concerning Notice of Violation # 10048 (“Order”), Appellant Holcim-SWR, Inc. (“Holcim”), by and through its counsel, the law firm of Holland & Hart LLP, hereby files this Explanation in Support of its Appeal of Hearing Officer’s September 25, 2024 Order concerning Notice of Violation # 10048 (“NOV”), arising from Holcim’s Part 70 Operating Permit, Source ID: 372 (originally issued on November 6, 2019 and last modified on July 13, 2022) (“Permit”).

INTRODUCTION

Holcim respectfully requests that the Air Pollution Control Hearing Board (“Hearing Board”) reverse the Hearing Officer’s Order. Particularly, at the September 19, 2024 hearing (“Hearing”), the Clark County Department of Environment and Sustainability’s Division of Air Quality (“DAQ”) conceded that it failed to implement any opacity test methods when it assessed the dust emissions that gave rise to the NOV. Instead, DAQ used an inspector’s personal observation – and a catch-all provision from the Permit that allows DAQ to circumvent any further responsibilities to formally test said emissions – as its means of substantiating the allegations in the NOV. Such tactics run contrary to the express obligations, purpose, and intent behind the Clean Air Act (42 U.S.C. 7401 et seq.) (“Clean Air Act”) and the AQRs.

The policies and procedures under the Permit and the applicable codes and regulations are in place to ensure both DAQ and Holcim are accurately assessing dust emissions at the applicable construction location. Instead of adhering to these obligations—some of which are set by the AQRs explicitly—DAQ has chosen to invoke a catch-all provision that makes

1 virtually any dust emissions observed by an inspector a means to enforce a violation and penalty
2 against Holcim. Still, beyond that the provision exists in the Permit, DAQ fails to provide any
3 basis to evade the only objective process for validation the NOV and penalty Holcim now
4 appeals. Put differently, DAQ failed to answer the determining question of whether the dust
5 emissions in question *actually* exceeded opacity limits and violate the Permit and corresponding
6 AQRs. In turn, Holcim respectfully requests that the Hearing Board reverse the Hearing
7 Officer’s Order entirely, rejecting any violation in the NOV and rejecting the \$1,875.00 penalty
8 assess thereunder.

9 **BACKGROUND**

10 **I. Notice of Violation # 10048.**

11 1. On August 13, 2024, DAQ sent the NOV to Holcim concerning Holcim’s
12 activities on June 22, 2024 at its Sloan Quarry facilities, located at 5300 Sloan Road, Clark
13 County, Nevada (“**Facilities**”). *See* Notice of Violation (August 13, 2024), attached as **Exhibit**

14 **1.**

15 2. The NOV presented one violation under Permit Section III.B.31 and the related
16 AQR 41.1.2 and/ or Permit Section III.D.12. *See* Ex. 1 at p. 3; *see also* Part 70 Operating
17 Permit, Source ID: 372 (July 13, 2022), attached as **Exhibit 2.**

18 3. The NOV provided statements and evidence from Senior Air Quality Specialist
19 Michael Newell (“**Newell**”) to support the NOV, including Newell stating that he observed two
20 haul trucks on a haul road that generated dust emissions when they drove by his vantage point.
21 *See* Ex. 1 at p. 2, Sec. B.

22 4. The NOV did not present any statements or evidence that DAQ followed any
23 procedures for assessing opacity –aside from Newell’s naked eye – to confirm whether the
24 fugitive dust observed by Newell constituted a Permit or AQR violation. *See generally* Ex. 1;
25 *see also* Ex. 2 at p. 42 (Sec. III.B.32).

26 5. The violation stated that “[b]y allowing controllable particulate matter from the
27 Haul Road (EU: H06) to become airborne, Holcim violated Permit [Section] III.B.31
28 (Deficiency I.B.1)” and “[b]y allowing fugitive dust to become airborne without taking

1 reasonable precautions, Holcim violated Permit condition III.D.12.” *See* Ex. 1 at p. 3.

2 6. The NOV recommended a penalty of \$1,875.00, based on DAQ categorizing the
3 alleged violation as a Moderate Deviation from Requirements by a Complex Source, and a prior
4 NOV that DAQ constituted as an aggravating matter. *See* Ex. 1 at p. 3 & Ex. A.

5 **II. Holcim’s Answer & Correspondence with DAQ.**

6 7. Holcim submitted a timely Notice of Violation Response Form to DAQ, which
7 contested both the facts and the penalties of the NOV. *See* Notice of Violation Response Form
8 (August 14, 2024), attached as **Exhibit 3**.

9 8. Holcim also provided an explanation in support of it contesting the facts and
10 penalties of the NOV. *See* Explanation re Dispute of Facts and Penalty (Sep. 9, 2024), attached
11 as **Exhibit 4**.

12 **III. The Hearing – DAQ’s Arguments.**

13 9. All parties appeared at the Hearing before the Hearing Officer. DAQ presented
14 testimony from, among others, Newell and Scott Jelinek (“**Jelinek**”), Newell’s supervisor.

15 10. Newell’s testimony aligned with the evidence presented in the NOV, confirmed
16 that DAQ did not perform any formal opacity testing methods for compliance with the opacity
17 limits when assessing the fugitive dust from the haul road, and further confirmed that DAQ did
18 not investigate how frequently Holcim watered the haul road in question on June 22, 2024.

19 11. Newell further admitted that, while he held a Method-9 certification, he had not
20 been trained to assess *fugitive dust* from haul roads, only smoke.

21 12. DAQ further conceded that it failed to apply any opacity test methods to its
22 assessment of the fugitive dust in question. In doing so, DAQ took the position that the catch-all
23 provision under Permit Section III.B.31 does not require such methods be applied, and that
24 Newell’s subjective observation and 27-second video of fugitive dust was sufficient to establish
25 the violation raised in the NOV.

26 13. Jelinek confirmed that he recommended the NOV at issue because such a
27 recommendation is typical under these facts, where the video and representations from the
28 inspector indicate fugitive dust is visible.

1 **IV. The Hearing – Holcim’s Arguments and Basis of Appeal.**

2 14. In response, Holcim presented argument that:

- 3 a. Fugitive dust from the haul road does not constitute the type of “controllable
4 particulate matter” that Permit Section III.B.31 contemplates—namely,
5 emissions from the material *in* the truck.
- 6 b. Fugitive dust from the *haul road* at issue in the NOV are governed (among other
7 regulations) by AQR 26, which sets opacity limits at “20 percent for a period of
8 six consecutive minutes,” assessment of which “**shall be** conducted in
9 accordance with the procedures specified” under the Clean Air Act. *See* AQR
10 26.1 & 26.4 (emphasis added); *see also* 40 CFR Part 60, Appendix A-4 for
11 Method 9.¹ Aside from Newell’s naked-eye observations, DAQ failed to
12 accurately assess the fugitive dust and confirm that said emissions exceeded 20%
13 for six consecutive minutes, using the Clean Air Act procedures. *See id.*
- 14 c. The visual observation of dust, at a dusty site, in an arid region that was over 105
15 degrees on June 22, 2024, is not enough—without using the established test
16 methods to assess opacity levels—to prove the Permit and AQR violation
17 presented in the NOV occurred. DAQ’s failure to accurately assess these dust
18 emissions deprived Holcim of its opportunity to self-regulate and assess
19 emissions issues on its own.
- 20 d. Holcim took reasonable precautions to minimize the fugitive dust from the haul
21 road by regularly watering the haul roads in question. Indeed, Newell testified
22 that he within 15 minutes of his observations, a water truck came to the Facilities
23 to water the haul road in question. Newell also admitted he did not investigate
24 the frequency of watering of the haul road.

25 **V. The Hearing Officer’s Decision and Order.**

26 15. Despite the foregoing arguments and evidence, the Hearing Officer affirmed the
27 NOV, and assessed a penalty of \$1,875.00, with \$875.00 in abeyance for a year and qualifying
28 for waiver if Holcim is not found to have violated the AQRs again before September 19, 2025.

16 16. DAQ served the Hearing Officer’s Order on September 25, 2024, but provides
17 no findings or conclusions outside of those identified above. *See* Order (September 25, 2024),
18 attached as **Exhibit 5**.

19 17. This timely appeal follows.

20 ...

21 ...

22 _____
23 ¹ For full details on the Method 9 procedures and training requirements, please visit
24 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/appendix-Appendix%20A-4%20to%20Part%2060>).
25

1 **ARGUMENT & EXPLANATION OF APPEAL**

2 The AQRs, derived and obliged by the Clean Air Act, are crafted to protect the
3 procedural rights of the regulated community. As part of that community, DAQ is responsible
4 for ensuring that it has sufficiently, and properly, established that (i) opacity limits have been
5 exceeded, and (ii) a penalty is proper. DAQ failed to do that, which deprived Holcim of the
6 benefits it should be afforded under the Permit and at law. Based on these failures, detailed
7 further below, reversal of the Hearing Officer’s Order is warranted.

8 **I. Permit Section III.B Concerns Emissions *Limits*, and thus, Requires DAQ to Assess**
9 **Whether Emissions Exceed Said Limits. DAQ Failed to Do So.**

10 DAQ should not be allowed to avoid its responsibilities under the Permit, AQRs, and
11 Clean Air Act. At minimum, DAQ should have formally assessed whether the fugitive dust in
12 question exceeded the 20% opacity limit under AQR 26.1 for six consecutive minutes. The
13 longest confirmed assessment conducted here by DAQ was a 27-second video. *See* Ex. 1, at Ex.
14 B, Attachment 1. Further, DAQ’s inspector admitted that he did not apply any opacity test
15 methods during his observations. *See supra* III(10). This simply cannot overcome even the basic
16 threshold requirements under AQR 26 and the Clean Air Act, especially since DAQ failed to
17 document, among other details, “time, estimated distance to the emission location, approximate
18 wind direction, estimated wind speed, description of the sky condition (presence and color of
19 clouds), and plume background [] on a field data sheet at the time opacity readings are initiated
20 and completed.” *See* 40 CFR Part 60, Appendix A-4, at Method 9, Sec. 2; *see also* AQR 26.4.
21 From a plain read of these governing materials, DAQ failed to adhere to its duty to accurately
22 assess whether the dust emissions in question exceeded emissions limits. This failure alone
23 provides adequate grounds to reverse the Hearing Officer’s Order.

24 Next, while DAQ argued that it is not arbitrarily assessing the fugitive dust in question,
25 its actions confirm the opposite. Indeed, Permit Section III.B is titled “Emission Limits.” *See*
26 Ex. 2 at p. 3. When read in context, Section III.B requires that DAQ assess whether the fugitive
27 dust in question exceeded the “emissions limits.” *See id.* DAQ failed to do so. Without knowing
28 how DAQ will assess the fugitive dust it observes, Holcim has no possible means of preventing

1 violation, especially in a dusty site in an arid climate that regularly reaches over 100-degree
2 weather (and did on June 22, 2024). Under the premise of using Permit Section III.B.31 as a
3 “more stringent” assessment, DAQ has no obligation to formalize its dust emissions evaluation
4 and, instead, can come on site and find a violation at any time it observes dust emissions – no
5 matter how long they last. Such a vague and ambiguous policy is arbitrary, capricious, and
6 contrary to the spirit of the AQR and the Clean Air Act.

7 **II. Permit Section III.B.32 and Related Provisions Are Most On-Point Here.**

8 DAQ’s reliance on Permit Section III.B.31 is misplaced. Specifically, AQR 41.1.1.1, 92
9 and 94, as well as Permit Sections III.B.32, III.D.5, III.D.8, III.D.10, and III.D.12, offer on-
10 point policies and procedures for the fugitive dust in question. *See* Ex. 2. Those permit sections
11 require DAQ to apply either the Time Average Method, Intermittent Emissions Method, or
12 Instantaneous Method to measure whether the fugitive dust *exceeded* opacity (emissions) limits
13 and violated the Permit or AQRs. DAQ failed to apply any test to its June 22, 2024
14 observations. Instead, DAQ used Permit Section III.B.31 as its shield from conducting any
15 meaningful review of the fugitive dust in question.

16 When read as a whole, the foregoing regulations provide *specific* standards for the very
17 fugitive dust that gave rise to the NOV. Still, DAQ argued, and the Hearing Officer upheld, that
18 DAQ may find violations under Permit Section III.B.31, providing DAQ virtually unfettered
19 discretion to bypass any objective fugitive dust review requirements. The result: DAQ may
20 establish a violation at any time for any amount of fugitive dust an inspector subjectively finds
21 to be significant. Under these facts, DAQ deprived Holcim of its procedural due process. The
22 AQRs are designed as a *mutual* protection for the permit holder, public, and the agency alike.
23 To allow such disregard for the processes and procedures—established by DAQ itself—would
24 render the applicable AQRs and Permit provisions meaningless. DAQ’s actions, the NOV, and
25 the Hearing Officer’s Order should not be allowed, affirmed, or upheld. Thus, reversal is in the
26 interest of justice and due process.

27 ...

28 ...

1 **CONCLUSION**

2 Here, both establishing the NOV violation and assessing the proper penalty hinges on
3 whether Holcim violated the Permit and AQRs for dust emissions from a haul road. *See* Ex. 1 at
4 p. 3. Absent a proper evaluation of those dust emissions, at minimum under AQR 26, DAQ has
5 no grounds to establish that Holcim committed the alleged violation under the Permit or the
6 AQRs for the haul road dust emissions. These self-serving maneuvers by DAQ have cost
7 Holcim time and the significant expense to protect its interests under the Permit and AQRs. The
8 facts here call for this Hearing Board to reverse the Hearing Officer’s Order and hold DAQ
9 accountable for following the AQRs—regulations created by itself, for itself.

10 **RELIEF REQUESTED**

11 Based on the foregoing, Holcim respectfully requests that the Hearing Board issue a
12 decision that orders that the entire Hearing Officer’s Order be REVERSED, that the NOV be
13 REJECTED, that the recommended penalty be REJECTED, and for any such further relief that
14 the Hearing Board deems just and proper.

15 Holcim thanks the Hearing Board for its time and consideration.

16 DATED October 7, 2024.

17 **HOLLAND & HART LLP**

18 */s/ Monique S. Jammer*
19 Monique S. Jammer (Nevada Bar No. 15420)
20 9555 Hillwood Drive, Second Floor
21 Las Vegas, Nevada 89134
22 Phone (702) 222-2606
23 msjammer@hollandhart.com

24 *Attorney for Appellant Holcim-SWR, Inc.*

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, SECOND FLOOR
LAS VEGAS, NV 89134

EXHIBIT 1



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-8994
Mara Henson, Director

August 13, 2024

FEDERAL EXPRESS TRK #7779 5102 3382

Ahmed Hamadi, Vice President, General Manager, and Responsible Official

E-mail: ahmed.hamadi@holcim.com

Ken Kinnard, Quarry Manager and Responsible Official

E-mail: ken.kinnard@holcim.com

Holcim - SWR, Inc.

4675 West Teco Avenue, Suite 140

Las Vegas, NV 89118

FEDERAL EXPRESS TRK #7779 5097 3547

Kevin Peart, President

Holcim - SWR, Inc.

1687 Cole Boulevard

Lakewood, CO 80401

NOTICE OF VIOLATION #10048

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Holcim - SWR, Inc. (**Holcim**), for the violation of Clark County Air Quality Regulations (**AQRs**) and permit conditions as alleged below and recommends a civil penalty of One Thousand Eight Hundred Seventy-Five and no/100 Dollars (\$1,875.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein by reference.

I. FACTS

- A. On November 6, 2019, Air Quality issued a Part 70 Operating Permit, Source ID: 372 (**2019 Permit**), to Aggregate Industries SWR, Inc., which authorized the operation of a sand and gravel, hot mix asphalt, and ready-mix concrete facility known as Aggregate Industries SWR, Inc. Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada (**Facility**). On April 16, 2020, the permit was reopened and revised to include a portable crushing and screening plant and associated diesel engine and haul road, remove the subsequent performance testing requirement for two engines, and incorporate the permit-applicable requirements of a Hearing Officer's Order (**HOO**) dated December 14, 2019, for Notices of Violation #9307 and #9312, including a restriction on the operation of certain stackers during

wind events and the requirement to install and operate a dust abatement system (**2020 Permit**). On November 24, 2021, the permit was reopened and revised to include PM_{2.5} emissions for the processing operations, recently promulgated fugitive dust requirements, and emissions statements from stationary sources of NO_x and/or VOCs (**2021 Permit**). On July 13, 2022, Air Quality issued an administrative revision to the permit (**2022 Permit**) changing the company name to Holcim - SWR, Inc. and the source name to Holcim - SWR Inc.: Sloan Quarry.

B. On Saturday, June 22, 2024, Senior Air Quality Specialist Michael Newell (**Newell**) arrived in the Sloan region of Clark County to perform surveillance. At approximately 11:10 a.m., Newell entered the area of the Holcim quarry designated as the American Eagle Concrete Batch Plant to conduct an inspection. At approximately 11:21 a.m., Newell observed one haul truck leaving the Facility and a second haul truck entering the Facility over a dry haul road, Emission Unit (EU): H06, causing significant fugitive dust emissions. The fugitive dust emissions extended approximately 200 yards and 207 yards in length, respectively (**Exh. B: Att. 1, Video 1; and Att. 2, Map 1**). Newell's on-site observations are documented within the Partial Compliance Evaluation (**Evaluation**), attached hereto as **Exhibit B** and incorporated herein. During the Evaluation, Newell identified the following deficiency:

1. Holcim allowed controllable particulate matter from the Haul Road (EU: H06) to become airborne on June 22, 2024 (**Exh. B: Att. 1, Video 1; and Att. 2, Map 1**).

Newell met with Plant Supervisor Dennis (**Dennis**). Newell notified Dennis of his observations. Newell asked Dennis if there was a water truck onsite to water the haul road (EU: H06). Dennis informed Newell that the water truck was at a nearby American Eagle Facility. Dennis told Newell that he would radio the water truck driver to return to the Facility and water the haul road (EU: H06) immediately. Newell informed Dennis he would check the haul road again in 15 minutes and departed the Facility to perform additional surveillance in the Sloan region. At approximately 11:45 a.m., upon returning to the Facility, Newell observed a water truck operating on the haul road, EU: H06.

C. On June 24, 2024, Newell emailed Ken Kinnard (**Kinnard**), Quarry Manager and Responsible Official for Holcim, and Ahmed Hamadi (**Hamadi**), Vice President, General Manager, and Responsible Official for Holcim, a summary of the deficiency identified during his inspection (**Exh. B, Att. 3**).

D. Holcim was issued one prior Notice of Violation (**NOV**) for violations of requirements in the same or similar category: #9987 for allowing controllable particulate matter to become airborne. This NOV was adjudicated after June 22, 2022, which is within two years of the discovery action.

II. VIOLATION(S)

Violation 1:

1. By allowing controllable particulate matter from the Haul Road (EU: H06) to become airborne, Holcim violated 2022 Permit condition III.B.31 (Deficiency I.B.1).

2022 Permit condition III.B.31 states:

“31. The permittee shall not cause or permit the handling, transporting, or storage of any material in a manner that allows or may allow controllable particulate matter to become airborne. [AQR 41.1.2]”

and/or

2. By allowing fugitive dust to become airborne without taking reasonable precautions, Holcim violated 2022 Permit condition III.D.12.

2022 Permit condition III.D.12 states:

“12. The permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [NSR-ATC/OP Modification 5, Section IV-B, Condition 20 (11/05/07), Part 70 OP Minor Revision (8/22/2019)]”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any Permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- One prior NOV with violations in the same or similar category was issued to Holcim as described in Paragraph I.D above, adjudicated after June 22, 2022, which is within two years of the discovery action.

Air Quality recommends a civil penalty in the amount of \$1,875.00 (Exh. A).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, September 19, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by September 5, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



CONTROL OFFICER (2024, 2021, 2019, 2017)

for

Marci Henson
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #10048
- B. Air Quality Nonmetallic Mineral Inspection Form, with attachments, dated July 3, 2024

sjg



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AND SUSTAINABILITY

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5542 • Fax: (702) 383-8964
Marci Henson, Director

Exhibit A

NOV # 10048
Penalty Calculation Table
Holcim - SWR, Inc.

Viol.	Date(s)	Violation Description	EUs or CDs	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
1	June 22, 2024	Allowed controllable particulate matter to become airborne.	EU: H06	2022 Permit condition III.B.31	Exh. B	Complex/Moderate	\$ 1,500	1	One prior NOV ² (+25% per NOV)	25%	\$ 375.00	\$ 1,875.00
		Allowed fugitive dust to become airborne without taking reasonable precautions.		2022 Permit condition III.D.12								

Total Penalty: \$ 1,875.00

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Source Classification	Major	\$ 4,000	\$ 2,000	\$ 1,000
	Complex	\$ 3,000	\$ 1,500	\$ 750
	Significant	\$ 2,000	\$ 1,000	\$ 500
	Baseline	\$ 1,000	\$ 500	\$ 250

² One prior NOV: #9987, adjudicated after June 22, 2022, which is within two years of the discovery action.

Regulatory maximum: \$10,000 per day, per violation

[AQR Section 9.1 & NRS 445B.540]

DAQ_016



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY

air quality desert conservation sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Date: 06/22/24

Time In: 11:08 am Time Out: 11:45 am

Full Compliance Evaluation Partial Compliance Evaluation

Initial Inspection Follow-up Inspection

On-site Off-site

Evaluation Period: 6/22/2024

NONMETALLIC MINERAL INSPECTION FORM

Source ID: 372			Company Name: Holcim SWR Inc.		
Source Name: Holcim SWR Sloan Quarry (Facility)			Address: 4675 West Teco Avenue, Suite 140		
Address: 5300 Sloan Road			City: Las Vegas		
City: Sloan	State: NV	Zip: 89124	State: NV	Zip: 89118	
Site Contact: Dennis, Site Supervisor			Responsible Official: Ahmed Hamadi, VP & General Manager		
Phone:	Ext.		Phone: (702) 649-6250	Ext.	
E-mail: not provided			E-mail: ahmed.hamadi@holcim.com		

Applicable Permit(s):
Part 70 Operating Permit, issued on November 6, 2019, revised on July 13, 2022 (Permit).

PERMIT RENEWAL		COMMENTS
1. Was the permittee deficient in submitting a timely application of renewal per AQR Section 12.1.3.17 (at least 120 days, but no more than 270 days before the date of permit expiration)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
PERMIT POSTING		
2. Was the permittee deficient in posting a current copy of the air quality permit per AQR Section 12.13?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
EMISSION UNITS		
3. Any unpermitted emission units on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
4. Any discrepancies with permitted emission units (serial number, model number, horsepower rating, etc.)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
NONROAD ENGINES		
5. Was the permittee deficient in maintaining records of location changes for all nonroad engines?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
EMISSION LIMITATIONS		
6. Any observations of opacity exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
7. Any short-term or annual emission exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
OPERATIONAL LIMITATIONS		
8. Any production, operational, or throughput exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
9. Any stockpile area exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
CONTROL REQUIREMENTS		
10. Was the permittee deficient in maintaining the water suppression systems in good operating condition?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
11. Any fugitive dust plumes observed in excess of 100 yards or crossing property lines?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	See Deficiency #1
12. Any track-out observed extending more than 50 feet in length or more than 0.25 inches in depth?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
13. Was the permittee deficient in covering all loaded trucks before leaving the facility?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
Was the permittee deficient in maintaining and operating all baghouses and/or bin vents according to the permit?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
15. Was the permittee deficient in maintaining the baghouse pressure drops within permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	

16. Was the permittee deficient in operating any engine(s) with a turbocharger and/or aftercooler?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
17. Was the permittee deficient in conducting the required maintenance on any engine(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
18. Was the permittee deficient in treating unpaved haul roads to control visible emissions?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
19. Was the permittee deficient in enclosing conveyor(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
20. Was a fuel type other than the type(s) specified in the permit combusted in any emission unit?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
21. Was the permittee deficient in implementing long-term stabilization of disturbed surfaces when the area was closed for more than 30 days?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
22. Was the permittee deficient in causing or allowing the handling, transportation, or storage of any material in a manner that allowed or may allow controllable particulate matter to become airborne?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	See Deficiency #1.
MONITORING		
23. Was the permittee deficient in conducting required visual emission checks? (e.g. facility, emission units, baghouse, bin vent, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
24. Was the permittee deficient in conducting required visual inspections of the water spray systems?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
25. Was the Permittee deficient in conducting monthly visual inspections of the baghouse(s) interior and/or bin vent(s) for air leaks?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
26. Was the permittee deficient in monitoring the pressure drop of the baghouse(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
27. Was the permittee deficient in monitoring production, operational, and/or throughput limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
28. Was the permittee deficient in monitoring the stockpile area?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
29. Was the permittee deficient in installing required nonresettable hour meters on engines and/or boilers?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
30. Was the permittee deficient in conducting required burner efficiency testing?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
31. Was the permittee deficient in maintaining all required standard operating procedures on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
TESTING		
32. Was the permittee deficient in conducting required performance testing on or before the due date?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
33. Was the permittee deficient in submitting complete, accurate, and timely performance testing protocols and reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
RECORDKEEPING		
34. Was the permittee deficient in maintaining all required records completely, accurately, and on-site (or accessible from on-site)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
REPORTING		
35. Was the permittee deficient in submitting complete, accurate, and timely annual emission inventory and/or semiannual reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
36. Was the permittee deficient in submitting complete, accurate, and timely deviation reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
ENFORCEMENT HISTORY		
37. Did the permittee have any enforcement actions during the evaluation period? (Notice of Violations and/or Warning Notices)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	See Enforcement History.
SENSITIVE AREAS OF CONCERN		
38. Did an emission violation occur within 1,000 feet of a school, hospital, or residential area, or determined to have affected a school, hospital, or residential area?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	
39. Did a PM ₁₀ /PM _{2.5} related violation occur during a Construction Notice and/or Dust Advisory?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	

GENERAL COMMENTS

Narrative:

On 6/22/2024, I performed surveillance on facilities located in the Sloan region of Clark County. At approximately 11:08 am, I entered the area of the Holcim SWR Sloan Quarry, designated as the American Eagle Concrete Batch Plant to observe operations at the Facility. When I arrived, I observed both a haul truck parked near the concrete batch area and a loader moving aggregate material into a stockpile. Approximately 5-10 minutes later, the loader began loading aggregate material into the haul truck. As the haul truck was leaving the Facility, it drove over a dry haul road [Emission Unit (EU): H06] causing significant fugitive dust emissions. At 11:21 am, I began recording the haul truck as it was leaving the Facility. During the time I was recording the first haul truck leaving the Facility, a second haul truck entered the Facility using the same haul road (EU: H06). The second haul truck created a large dust plume approximately 207 yards in length as it drove over the dry haul road (EU: H06) (See Attachment 1: Video 1 and Attachment 2: Map 1).

After the second haul truck parked, I was able to locate a Plant Supervisor, Dennis (last name not provided) and discuss with him my findings. I asked Dennis if there was a water truck onsite to water the haul road (EU: H06). Dennis told me that the water truck was at a nearby American Eagle Facility. Dennis told me that he would radio the water truck driver to return to the Facility and water the haul road (EU: H06) immediately. Additionally, Dennis told me that the haul truck that I saw entering the Facility was the last haul truck for the day and that the Facility would shutdown after the final haul truck was loaded. I told Dennis that I would return to the Facility in approximately 15 minutes to see if the haul road (EU: H06) was watered. I departed from the Facility to perform additional surveillance on facilities located in the Sloan region. After approximately 15 minutes, I returned to the Facility and I observed a water truck watering the haul road (EU: H06).

On 9/14/2023, American Eagle Ready Mix LLC submitted a permit application to the Clark County Division of Air Quality requesting to permit the American Eagle Concrete Batch Plant at Holcim SWR Sloan Quarry as its own Facility. The permit for the American Eagle Concrete Batch Plant is still pending and has not been issued yet. In regards to this, on 6/24/2024, I sent an email listing the deficiency found during the onsite PCE to Mr. Ahmed Hamadi and Ken Kinnard, Responsible Officials for Holcim SWR Inc, and to Mr. Kyle Stockton, Responsible Official for American Eagle Ready Mix LLC (See Attachment 3).

Deficiency:

The Facility allowed controllable particulate matter from a haul road (EU: H06) to become airborne. While observing the Facility from an on-site location, I observed two haul trucks create fugitive dust plumes approximately 207 yards and 200 yards in length while traveling over a haul road (EU: H06) within the Facility (See Attachment 1: Video 1 and Attachment 2: Map 1); therefore, the Facility was **not compliant with permit conditions III.B.31, III.D.8, III.D.12 and III.D.13 of the Permit.**

Note: This deficiency is recommended for formal enforcement action.

Enforcement History:

Holcim SWR Inc. was issued Notice of Violation (NOV) #9987 for violating permit conditions III.B.31 and III.C.29 of the Permit by allowing the handling of material from stockpiles and stackers (Emission Units (EUs): A045 and A046a) in a manner which allowed controllable particulate matter to become airborne. NOV #9987 was adjudicated on 5/29/2024, and the Facility was ordered to pay \$2,875 by no later than 6/28/2024. Additionally, \$515 was held in abeyance and would be waived if the Facility did not violate any additional Air Quality Regulations before 5/23/2025.

ICIS ENTRY DATE: 7/3/2024

*Noted deficiencies could result in enforcement action under AQR Section 7.

Michael Newell	06/25/24	Mike Murphy	07/02/24	Scott Jelinek	07/03/24
Compliance Officer	Date	Senior Review	Date	Supervisor Review	Date

Attachments

Attachment 1: Video 1.

Attachment 2: Map 1

Attachment 3: Deficiencies email sent to Mr Kinnard, Mr. Hamadi, and Mr. Stockton on 6/24/2024.

Attachment 1

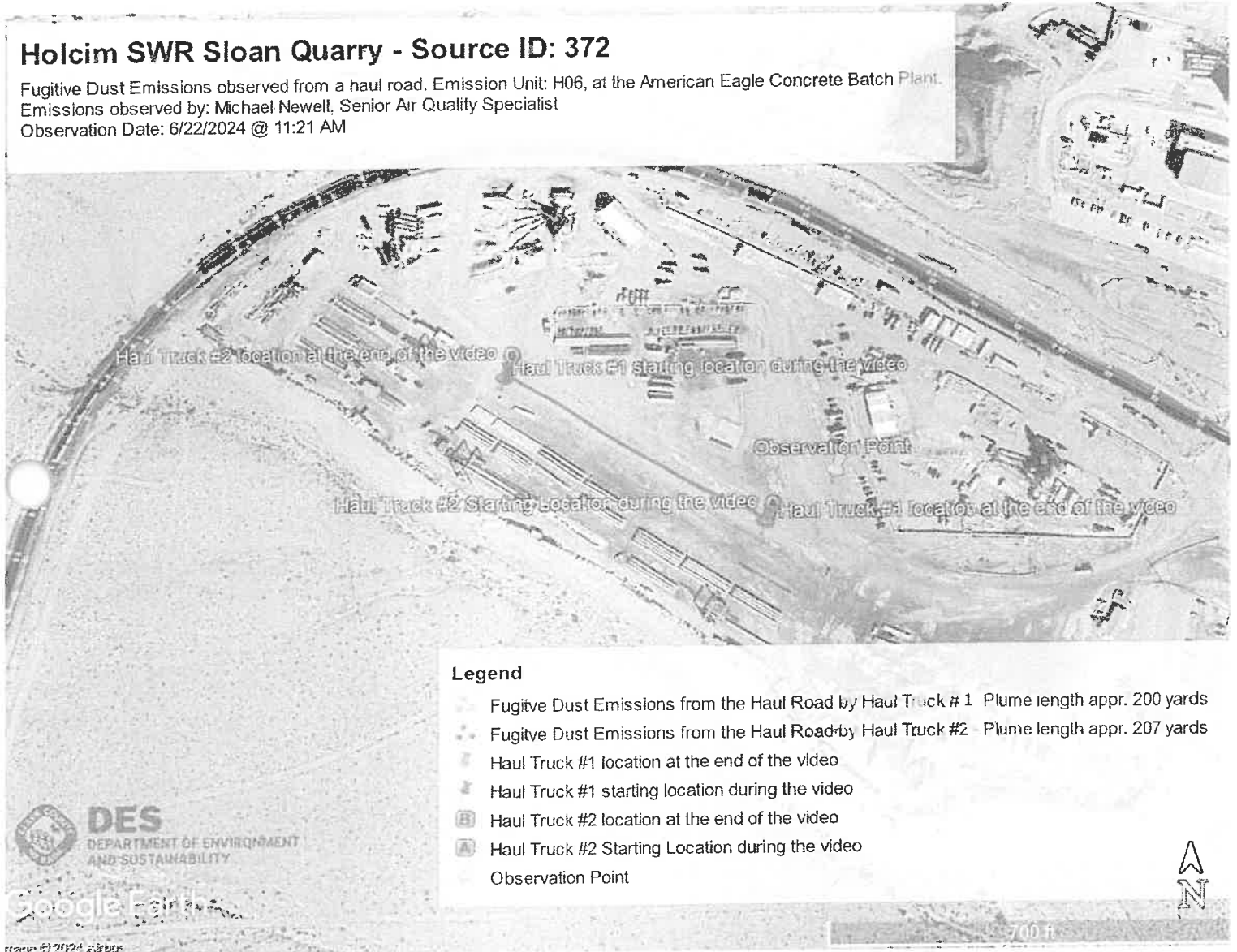
Videos

Video 1: Fugitive dust plumes emitting from a haul road (EU: H06) by two haul trucks. Video taken by Michael Newell at 11:21 AM.

Attachment 2

Holcim SWR Sloan Quarry - Source ID: 372

Fugitive Dust Emissions observed from a haul road. Emission Unit: H06, at the American Eagle Concrete Batch Plant.
Emissions observed by: Michael Newell, Senior Air Quality Specialist
Observation Date: 6/22/2024 @ 11:21 AM




Legend

- Fugitive Dust Emissions from the Haul Road by Haul Truck # 1 - Plume length appr. 200 yards
- Fugitive Dust Emissions from the Haul Road by Haul Truck #2 - Plume length appr. 207 yards
- Haul Truck #1 location at the end of the video
- Haul Truck #1 starting location during the video
- Haul Truck #2 location at the end of the video
- Haul Truck #2 Starting Location during the video
- Observation Point

Attachment 3

From: ken.kinnard@holcim.com
To: [KEN.KINNARD@HOLCIM.COM](mailto:ken.kinnard@holcim.com)
Cc: [AHMED.HAMADI@HOLCIM.COM](mailto:ahmed.hamadi@holcim.com); [KSTOCKTON@AERMLV.COM](mailto:kstockton@aermlv.com)
Subject: Holcim SWR Sloan Quarry., Source ID: 372 - Deficiency identified during Partial Compliance Evaluation - ACTION REQUIRED
Date: Monday, June 24, 2024 3:47:57 PM
Attachments: [image-001.png](#)
[image-002.png](#)

Large File Send Sent Files

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You shared files with
[KEN.KINNARD@HOLCIM.COM](mailto:ken.kinnard@holcim.com) [AHMED.HAMADI@HOLCIM.COM](mailto:ahmed.hamadi@holcim.com) [KSTOCKTON@AERMLV.COM](mailto:kstockton@aermlv.com)

File(s):

[AmericanEagle_Sloan_18208 \(1\).mp4](#)

Dear Mr. Ken Kinnard:

On Saturday, 6/22/2024, I met with Dennis, Site Supervisor at the American Eagle Concrete Batch Plant, and performed a Partial Compliance Evaluation (PCE) of Holcim SWR Sloan Quarry, Source ID: 372 (Facility), located at 5200 Sloan Road, Sloan, NV. During that PCE, I identified the following deficiency:

1. The Facility allowed controllable particulate matter from a haul road [Emission Unit (EU): H06] to become airborne. While observing the Facility from an on-site location, I observed two haul trucks create fugitive dust plumes approximately 207 yards in length while traveling over a haul road (EU: H06) within the Facility (See Attached Video). Therefore, the Facility was ***not compliant with permit conditions III.D.13 and III.B.31 of the current Part 70 Operating Permit.***

The deficiency noted above for Holcim SWR Sloan Quarry, Source ID: 372 are my preliminary findings and should be corrected immediately. The Division of Air Quality **may** issue a Notice of Violation even if the deficiency is corrected. Once the PCE report is internally finalized, you may receive further documentation which will officially identify all the deficiencies. If you have any questions regarding this matter, please contact me via email or call me at the telephone number below.

Also, if you need assistance to comply with your permit requirements or to understand the applicable Clark County Air Quality Regulations, you may contact our Small Business Assistance Program (SBAP), which is a free and confidential service, at (702) 455-5942, or by email at AQSAP@ClarkCountyNV.gov.

Please confirm receipt of this email by no later than 5pm on 6/27/2024.

Regards,

Michael Newell

Senior Air Quality Specialist, Compliance Section

Clark County Department of Environment and Sustainability

Division of Air Quality – Compliance Section

4701 West Russell Rd, Suite 200

Las Vegas, NV, 89118

Direct Line: 702-279-1323

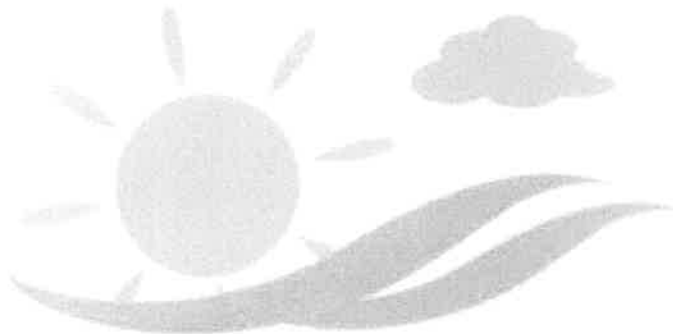
Email: michael.newell@clarkcountynv.gov

My Office Hours: Monday – Thursday, 7:00 a.m. – 5:30 p.m.

Clark County Offices are closed on Fridays

For assistance with reporting/permitting/compliance issues, contact:

Air Quality Small Business Assistance Program at ACSABP@ClarkCountyNV.gov or call 702-455-1634

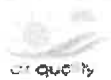


air quality



DES

DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



air quality



desert conservation
PROGRAM



sustainability

EXHIBIT 2



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY

4701 W. Russell Rd Suite 200
Las Vegas, NV 89118-2231
Phone (702) 455-5942
Fax (702) 383-9994

PART 70 OPERATING PERMIT

SOURCE ID: 372

Holcim - SWR, Inc.: Sloan Quarry
5300 Sloan Rd.
Las Vegas, NV 89124

ISSUED ON: November 6, 2019

EXPIRES ON: November 5, 2024

REVISED ON: July 13, 2022

Current action: Administrative Revision

Issued to:

Holcim - SWR, Inc.
4675 W. Teco Avenue
Suite 140
Las Vegas, Nevada 89118


Responsible Official:

William Snyder, Vice President General Manager
PHONE: (702) 649-6250 FAX: (702) 642-2213
EMAIL: wllllam.a.snyder@holclm.com

NATURE OF BUSINESS:

SIC codes 1442, "Construction Sand and Gravel"; 2951, "Hot Mix Asphalt"; & 3272, "Ready Mix Concrete"
NAICS codes 212321, "Construction Sand and Gravel"; 324121, "Hot Mix Asphalt"; & 327390, "Ready Mix Concrete"

Issued by the Clark County Department of Air Quality in accordance with Section 12.5 of the Clark County Air Quality Regulations.


Theodore A. Lendis, Permitting Manager

EXECUTIVE SUMMARY

Holcim - SWR Inc.: Sloan Quarry is categorized as a synthetic minor 80 source for PM₁₀; a synthetic minor source for PM_{2.5}, NO_x, SO₂, and CO; and a minor source for VOCs and HAP. However, the source will continue to be classified as a Part 70 source until otherwise proposed. Emissions of regulated air pollutants at the source result from operations of mining, blasting, and processing equipment. The “Construction Sand and Gravel” processes are grouped under SIC code 1442 and NAICS code 212321. The “Hot Mix Asphalt” process falls under SIC code 2951 and NAICS code 342121. The “Ready Mix Concrete” process is covered by SIC code 3727 and NAICS code 327390.

Sloan Quarry, owned by Holcim - SWR Inc., is located in Sloan, Nevada, which is in the Las Vegas Valley airshed (Hydrographic Area 212). The Las Vegas Valley is currently designated as attainment for all pollutants except ozone; Hydrographic Area 212 was designated “marginal nonattainment” for ozone on August 3, 2018, but the designation did not result in any new requirements. The source is a categorical source due to the operation of an asphalt plant. The source is not identified as a major source for greenhouse gases.

The existing facility is situated on a 530-acre site with limestone reserves totaling approximately 600 million tons. The source includes aggregate processing (sand and gravel), concrete batch production, concrete paver production, and asphalt concrete production. The source currently operates multiple crushers, screens, stackers, and transfer belts. Mining, blasting, and hauling also occur in normal operations. Other emission units associated with operations at the source are an asphalt drum mixer, oil heater, water heater, diesel generators, portable crushing and silos.

Based on the information submitted by the applicant and a technical review performed by DAQ staff, DAQ is issuing a minor revision to Part 70 Operating Permit to Sloan Quarry.

The following table identifies the source’s status based on its potential to emit each regulated air pollutant. These PTE values are not intended to be enforced as emission limits by direct measurement unless otherwise noted in Section III of this permit.

Table 1. Source-Wide Potential to Emit in Tons per Year

Pollutant	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP	H ₂ S	Pb
Source Total	92.68	33.13	52.31	68.27	19.15	15.41	2.67	0	0

Pursuant to AQR 12.5, all terms and conditions in Sections I–V of this permit, and all attachments, are federally enforceable unless explicitly denoted otherwise.

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I. ACRONYMS AND ABBREVIATIONS

Acronym	Term
AQR	Clark County Air Quality Regulation
ATC	Authority to Construct (certificate)
ATC/OP	Authority to Construct/Operating Permit
bhp	brake horsepower
BCC	Clark County Board of County Commissioners
CAO	Corrective Action Order
CE	control efficiency
CF	control factor
CFR	Code of Federal Regulations
CO	carbon monoxide
CPI-U	Consumer Price Index for All Urban Consumers
DAQ	Clark County Department of Air Quality
EF	emission factor
EPA	U.S. Environmental Protection Agency
EU	emission unit
HAP	hazardous air pollutant
hp	horsepower
MMBtu	millions of British thermal units
NO _x	nitrogen oxides
NOV	Notice of Violation
NRS	Nevada Revised Statutes
NSPS	New Source Performance Standards
NSR	New Source Review
OP	Operating Permit
PM _{2.5} / PM ₁₀	Particulate matter less than 2.5 / 10 microns in diameter
ppm	parts per million
ppmvd	parts per million, volumetric dry
PSD	Prevention of Significant Deterioration
psi	pounds per square inch
PTE	potential to emit
scf	standard cubic feet

SIP State Implementation Plan
SO₂ sulfur dioxide
TSD Technical Support Document
UST underground storage tank
VOC volatile organic compound

II. GENERAL CONDITIONS

A. GENERAL REQUIREMENTS

1. The permittee shall comply with all conditions of the Part 70 Operating Permit (OP). Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations (AQRs), Nevada law, and the Clean Air Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a renewal application. *[AQR 12.5.2.6(g)(1)]*
2. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall be unaffected and remain valid. *[AQR 12.5.2.6(f)]*
3. The permittee shall pay all permit fees pursuant to AQR 18. *[AQR 12.5.2.6(h)]*
4. This permit does not convey property rights of any sort, or any exclusive privilege. *[AQR 12.5.2.6(g)(4)]*
5. The permittee agrees to allow inspection of the premises to which this permit relates by any authorized representative of the Control Officer at any time during the permittee's hours of operation without prior notice. The permittee shall not obstruct, hamper, or interfere with any such inspection. *[AQR 4.1; AQR 5.1.1; AQR 12.5.2.8(b)]*
6. The permittee shall allow the Control Officer, upon presentation of credentials, to: *[AQR 4.1 & AQR 12.5.2.8(b)]*
 - a. Access and copy any records that must be kept under the conditions of the permit;
 - b. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - c. Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and
 - d. Document alleged violations using such devices as cameras or video equipment.
7. Any permittee who fails to submit relevant facts, or who has submitted incorrect information in a permit application, shall, upon becoming aware of such failure or incorrect submittal, promptly submit supplementary facts or corrected information. The permittee shall also provide any additional information necessary to address any requirements that become applicable to the source after it filed a complete application but before the release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR 12.5.2.4. *[AQR 12.5.2.2]*
8. Anyone issued a permit under AQR 12.5 shall post it in a location where it is clearly visible and accessible to facility employees and DAQ representatives. *[AQR 12.5.2.6(m)]*

B. MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS

1. No person shall begin actual construction of a new Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) from the Control Officer. *[AQR 12.4.1.1(a)]*
2. The permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[AQR 12.5.2.6(g)(3)]*
3. A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: *[AQR 12.5.2.10(a)]*
 - a. The permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal (except a complete application need not be received before a Part 70 general permit is issued pursuant to AQR 12.5.2.20); and
 - b. The conditions of the permit provide for compliance with all applicable requirements and the requirements of AQR 12.5.
4. The permittee shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of an applicable requirement. *[AQR 80.1 and 40 CFR Part 60.12]*
5. No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[AQR 12.5.2.6(i)]*
6. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. *[AQR 12.5.2.11(b)]*
7. For purposes of permit renewal, a timely application is a complete application that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. *[AQR 12.5.2.1(a)(2)]*

C. REPORTING, NOTIFICATIONS, AND INFORMATION REQUIREMENTS

1. The permittee shall submit all compliance certifications to the U.S. Environmental Protection Agency (EPA) and to the Control Officer. *[AQR 12.5.2.8(e)(4)]*
2. Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or the AQRs, shall contain a certification by a responsible official, with an original signature, of truth, accuracy, and completeness. This certification, and any other required under AQR 12.5, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. *[AQR 12.5.2.6(l)]*

3. The permittee shall furnish to the Control Officer, in writing and within a reasonable time, any information that the Control Officer may request to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records that the permit requires keeping. The permittee may furnish records deemed confidential directly to the Administrator, along with a claim of confidentiality. *[AQR 12.5.2.6(g)(5)]*
4. Upon request of the Control Officer, the permittee shall provide any information or analyses that will disclose the nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source, and the type or nature of control equipment in use. The Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to this report, the Control Officer may designate an authorized agent to make an independent study and report on the nature, extent, quantity, or degree of any air contaminants that are or may be discharged from the source. An agent so designated may examine any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[AQR 4.1]*
5. The permittee shall submit annual emissions inventory reports based on the following: *[AQR 18.6.1]*
 - a. The annual emissions inventory must be submitted to DAQ by March 31 of each calendar year (if March 31 falls on a Saturday or Sunday, or on a Nevada or federal holiday, the submittal shall be due on the next regularly scheduled business day);
 - b. The calculated actual annual emissions from each emission unit shall be reported even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the potential to emit (PTE) in the permit or an equivalent method approved by the Control Officer prior to submittal; and
 - c. As the first page of text, a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a responsible official of the company (a sample form is available from DAQ).
6. Stationary sources that emit 25 tons or more of nitrogen oxide (NO_x) and/or 25 tons or more of volatile organic compounds (VOCs) during a calendar year from emission units, insignificant activities, and exempt activities shall submit an annual emissions statement for both pollutants. This statement must include actual annual NO_x and VOC emissions from all activities, including emission units, insignificant activities, and exempt activities. Emissions statements are separate from, and additional to, the calculated annual emissions reported each year for all regulated air pollutants (i.e., the emissions inventory report). *[AQR 12.9.1]*

D. COMPLIANCE REQUIREMENTS

1. The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[AQR 12.5.2.6(g)(2)]*

2. Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any requirements from DAQ is guilty of a civil offense and shall pay a civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. *[AQR 9.1; NRS 445B.640]*
3. Any person aggrieved by an order issued pursuant to AQR 9.1 is entitled to review, as provided in Chapter 233B of the NRS. *[AQR 9.12]*
4. The permittee shall comply with the requirements of Title 40, Part 61 of the Code of Federal Regulations (40 CFR Part 61), Subpart M—the National Emission Standard for Asbestos—for all demolition and renovation projects. *[AQR 13.1(b)(8)]*
5. The permittee shall certify compliance with the terms and conditions contained in this Part 70 OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. *[AQR 12.5.2.8(e)]*
6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, NV 89118) and the Region 9 Administrator (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: *[AQR 12.5.2.8(e)]*
 - a. The identification of each term or condition of the permit that is the basis of the certification;
 - b. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period. These methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and
 - c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Section II.D.6(b) of this permit. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance was required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.
7. The permittee shall report to the Control Officer any startup, shutdown, malfunction, emergency, or deviation that causes emissions of regulated air pollutants in excess of any limits set by regulations or this permit. The report shall be in two parts, as specified below: *[AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]*

- a. Within 24 hours of the time the permittee learns of the event, the permittee shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at AQCompliance@ClarkCountyNV.gov.
 - b. Within 72 hours of the required notification, the permittee shall submit a detailed written report to DAQ containing the information required by AQR 25.6.3.
8. With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]
 9. The owner or operator of any source required to obtain a permit under AQR 12 shall report to the Control Officer emissions in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health and safety or the environment as soon as possible, but no later than 12 hours after the deviation is discovered, and submit a written report within two days of the occurrence. [AQR 25.6.2]

E. PERFORMANCE TESTING REQUIREMENTS

1. Upon request of the Control Officer, the permittee shall test (or have tests performed) to determine emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of those allowed by the AQRs is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. [AQR 4.2]
2. Upon request of the Control Officer, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. [AQR 4.2]
3. The permittee shall submit to the Control Officer for approval a performance testing protocol that contains testing, reporting, and notification schedules, test protocols, and anticipated test dates no less than 45 days, but no more than 90 days, before the anticipated date of the performance test unless otherwise specified in Section III.E of this permit. [AQR 12.5.2.8]
4. The permittee shall submit to EPA for approval any alternative test methods EPA has not already approved to demonstrate compliance with a requirement under 40 CFR Part 60. [40 CFR Part 60.8(b)]
5. The permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days of the end of the test. [AQR 12.5.2.8]

III. EMISSION UNITS AND APPLICABLE REQUIREMENTS

A. EMISSION UNITS

- The stationary source covered by this Part 70 OP consists of the emission units and associated appurtenances summarized in Tables III-A-1. [NSR—ATC, Section IV-A, Condition 1 (10/18/12), Title V OP (11/6/2019), Minor Revision Application (8/22/2019)]

Table III-A-1: Emissions Units List

ID	Rating	Description	Make	Model No.	Serial No.
Primary Feed Plant					
A001a		Blasting			
A001b		Drilling			
A001		Mining			
A02	2,100 tons/hr	Gyratory Crusher		54 x 88	720-76-1-800-3
A012		Stacker 3			
Secondary Feed Plant					
A013		VGf 2a			
A018	2,600 tons/hr	Screen S-1	Simplicity	8 x 24	3824-DM106DS-6801
A020	975 tons/hr	Crusher CR-2	Hazmag	APS-1430/KN	HU1789
A036		Conveyor System (2 belts)			
A025a	682 tons/hr	Screen S-2a	Terex	8 x 20	TRXV8203EDUFF2079
A034		Belt 7			
A026a	682 tons/hr	Screen S-3a	Terex	8 x 20	TRXV8203EDUFF2080
A035		Conveyor System (3 belts)			
A032	420 tons/hr	Crusher CR-3	Canica	155	155133-99
A037		Conveyor System (4 belts)			
A038c		Conveyor System (2 belts)			
A040		Conveyor System (2 belts)			
Overland Feed					
A041		Conveyor System (4 belts)			
A046		Conveyor System (2 belts)			
Wash Plant #1					
A080		Conveyor System (2 belts)			
A081b	640 tons/hr	Screen S-12	Cedar Rapids	6 x 20	049950
A081d	140 tons/hr	Crusher CR-10a	Unknown		Not in use
A081e		Conveyor System (2 belts)			
A081g		Conveyor System (3 belts)			
A084	350 tons/hr	Screen S-5	Cedar Rapids	7X20	TRXS7203JDUCJ1458
A093a	350 tons/hr	Screen S-6	Cedar Rapids	7 x 20	TRXS7203JDUGF2330
A102b	350 tons/hr	Screen S-7a	Cedar Rapids	7 x 20	TRXS7203JDUGF2331
A101	100 tons/hr	Screen S-9	Deister	5 x 10	860013

ID	Rating	Description	Make	Model No.	Serial No.
A089		Stockpile 1/4"			
A099		Conveyor System (3 belts)			
A091		Conveyor System (2 Belts)			
A106	175 tons/hr	Crusher 6a	Canica	100	100269-92S
A103	175 tons/hr	Crusher 7a	Canica	100	100269-93S
A107		Conveyor System (2 Belts)			
A107b		Stockpile			
A096a		Conveyor System (6 Belts)			
A092b	270 tons/hr	3 Deck Screen	Cedar Rapids	6 x 20	TSR54209GHUL152
A096	100 tons/hr	Size Screen #67/#4	Unknown		Not in use
A097		Conveyor System (2 Belts)			
A096b		Conveyor System (2 Belts)			
A096c		44" Sand Screw (spare)			
A113	330 tons/hr	Dewater Screen S10	Deister	6 x 12	910257
A114		Conveyor system (3 Belts)			
A110a		Aux Hopper			
A110b		Conveyor System (3 Belts)			
A110e		Filter Press Reject Stacker			
A110f	200 tons/hr	Reject Dewater Screen S-12	Unknown		Not in use
A110		Aux Refeed Hopper			
A111		Conveyor system (2 Belts)			
A111a		Conveyor system (4 Belts)			
Wash Plant #2					
A048		Conveyor system (5 Belts)			
A055	400 tons/hr	Screen S-4 (Wet)	Simplicity	8 x 20	3826-DM110-3395
A056	400 tons/hr	Screen S-8 (Wet)	Svedala	8 x 24	26A115
A059	150 tons/hr	Crusher CR-5 (VSI)	Canica	105	10517198
A061		Splitter BC22 & BC19			
A063	200 tons/hr	Screen S-11	TPH	8 x 16	CD12-20100
A068b		Stacker ST-5			
A067		Stacker 52			
A069		Stacker 24			
A071		Conveyor system (3 Belts)			
A120d		Conveyor system (2 Belts)			
A125	200 tons/hr	3 Size Screen	Terex	6 x 20	S174524
A125a		Conveyor system (2 Belts)			
A120b		Stockpile			
A121	350 tons/hr	Dewatering Screen	Deister	8 x 12	990483
A120	200 tons/hr	VSI Crusher CR-9	Canica	80	80400-01
A120h	200 tons/hr	VSI Crusher CR-9a	Canica	80	80400-02
A121A	350 tons/hr	3 Deck Wet Screen S-12	Cedar Rapids	6x20	049916
A122		Conveyor system (2 Belts)			
A077		Conveyor system (2 Belts)			
A050		Belt 13 (spare)			

ID	Rating	Description	Make	Model No.	Serial No.
A126a		Belt (spare) Wet			
A066		Coarse Material Washer (spare)			
A127	200 tons/hr	Dewater Screen (spare)	Deister	6 x 14	990483
Rip Rap/Miscellaneous Screening Plant					
H05c		Feeder			
H08	250 tons/hr	Screen	Trommel	Hercules	HT182
H02		Conveyor System			
H02a	250 tons/hr	Screen	Cedar Rapids	6 x 20	FSG620332
H09		Conveyor System			
H10		Reject Stacker			
H05		Conveyor System			
H11	250 tons/hr	5x16 3 Deck Screen	Simplicity	5 x 16	no info plate
H12		Conveyor System			
H13		Stacker			
H14		Stacker			
West Screen Plant					
B001a	550 tons/hr	Feed Hopper			
B001b		Conveyor System (2 Belts)			
B001c		Conveyor System (2 Belts)			
B001		Conveyor system (5 Belts)			
B006	220 tons/hr	Screen 1 ElJay	JCI	6x20	98HO2B32
B008	220 tons/hr	Screen 2 ElJay	JCI	6x20	409440
B013	220 tons/hr	Screen 3 (JCI)	JCI	6x20	50681
B051	220 tons/hr	Screen 4 (Wet Deck)	El Jay	6x20	34AO995
B053		Stacker 3			
B052	80 tons/hr	Dewater Screen	Diester	5 x 12	no info plate
B017		Stacker 2			
B033a		Conveyor system (2 Belts)			
B034	110 tons/hr	Cone Crusher (BH)	Sanvick	H6800	125892
B037		Conveyor system (2 Belts)			
B057	220 tons/hr	Screen SC-6	Cedar Rapids	6x20	34A0995
B027		Stacker ST4			
B059		Stacker ST7			
B062		Stacker ST6			
B057b		Conveyor Belt (recirc)			
B026		Conveyor system (6 Belts)			
Aux Refeed System					
B046a		Aux Refeed Hopper			
B056		Belt 9 (alt)			
Spare Units					
B003a		Reject Stacker (alt ops)			
B050		Stacking Conveyor (spare wet)			
B049		Stacking Conveyor (spare wet)			

ID	Rating	Description	Make	Model No.	Serial No.
B016		Belt 16 (spare)			
B064	400 tons/hr	Screen SC-5	Cedar Rapids	6x20	050540
B067		Stacker			
B011		Conveyor System			
B020		Conveyor System			
B035	110 tons/hr	Cone Crusher (BH)			
Type 2 Plant (Virgin and Recycle)					
C001a		Mining			
A012b	200 tons/hr	Jaw Crusher CR-10	Cedar Rapids	3054	47015
A012e		Conveyor system (2 Belts)			
C001	400 tons/hr	VGF			
C004		Conveyor system (2 Belts)			
C002	400 tons/hr	Jaw Crusher	TelSmith	5263 HIS	232M255
C005a	400 tons/hr	Screen 3 Cedar Rapids	Cedar Rapids	6 x 20	no info plate
C003b		Stacker 22			
C010b		Stacker 15			
C031		Conveyor system (2 Belts)			
C006		Splitter			
C008	275 tons/hr	Screen 1	Cedar Rapids		46980
C009	350 tons/hr	Screen 2	Cedar Rapids		46979
C012	200 tons/hr	Horz. Shaft Impact Crusher	TelSmith		232M255
C013		Conveyor system (2 Belts)			
C017		Conveyor system (3 Belts)			
C026		Conveyor system (3 Belts)			
C033		Stacker 18 (alt) ²			
C034		Stacker 19 (alt) ²			
C011		Belt 9 Spare			
C035		Belt 19 Spare			
Road Runner Portable Screen					
RS01		Hopper			
RS03	150 tons/hr	Road Runner Incline Screen	Road Runner	5 x 12	no info plate
RS05		Stacker 1			
RS07		Stacker 2			
RS09		Stacker 3			
Blending System					
BS01		Bin System (5 Bins)			
BS02		Conveyor System (3 Belts)			
D013d	475 tons/hr	Pugmill Mixer	Davis	1500 Dase	1069-1500
D013a		Dual Lime Silo Loading			
BS06a		Auxiliary Silo (Cement/Lime)			
BS06		Guppy Silo			
D013e		Conveyor System			

ID	Rating	Description	Make	Model No.	Serial No.
New Blending System					
BS15		Feed Hoppers (80T) 1 - 3			
BS16		Conveyor system			
BS18	400 tons/hr	Pugmill Mixer	Unknown		Not in use
BS20		Conveyor system			
Coyote Portable Plant					
CY01	250 tons/hr	Grizzly Feeder			
CY02		Conveyor System			
CY03	250 tons/hr	Screen	Cedar Rapids	6 x 20	49499
CY04		Conveyor System			
CY05		Conveyor System			
CY07		Conveyor System			
Power Generation					
A123	306 hp	Diesel Engine, DOM: pre 2006	Caterpillar	XQ225	8JJ00309
A123b	605 hp	Diesel Engine, DOM: 2008	Cummins	QSX15-G9	J080217074-F
A123c	300 kW	Electrical Generator	Caterpillar	WQ300	0GHJ00464
	480 hp	Diesel Engine, DOM: 08/2005	Caterpillar	C9	0GHJ00464
CY09	755 hp	Diesel Engine, DOM: 10/2006	Cummins	QSX15-G9	79346685
RS10	67 hp	Diesel Engine, DOM: pre 2006	Deutz	Unknown	A1412CHQR
Fugitives					
H06		Haul Roads			
G01		Stockpiles			
Miscellaneous					
MB01		Media Blasting			
FT01		Aboveground Gasoline Storage Tank (500 gal)			
FT02		Aboveground Gasoline Storage Tank (500 gal)			
Asphalt System					
D001		10 Hoppers System			
D011		2 RAP Hoppers System			
D007		Conveyor System (2 Belts)			
D008	360 tons/hr	Scalping Screen			
D012		Conveyor System (2 Belts)			
D014	450 tons/hr	Aztec Drum Mixer (BH)			
D016		6 Asphalt Silo System			
D020		Screw Conveyor			
D021		Storage			
D022		Conveyor System (2 Belts)			
D023		Conveyor System (2 Belts)			
D026	2.10	Diesel Hot Oil Heater 16			
D027	MMBtu/hr	Diesel Hot Oil Heater 17			

ID	Rating	Description	Make	Model No.	Serial No.
Silver Star Ready Mix Plant					
F001		Hopper 1			
F002		2 Conveyors System			
F004		4 Ground Hoppers Agg.			
F005		2 Conveyors System			
F012		Hopper 11			
F008		Hopper 8a			
F010		Hopper 9a			
F013		2 Conveyors System			
F014a	90 tons/hr	Central Mix			
F019		Batcher 18			
F015		Silo Fly Ash 15			
F017		Cement Silo 14			
F017a		Cement Silo 14a			
F018		Weigh Hopper			
F023	4.0 MMBtu/hr	Heater	Fire Storm		
Con-E-Co Concrete Batch Plant					
F025		Agg. Unloading Bellydump			
F026		4 Feed Hoppers System			
F027		Overhead Bins			
F027b		Weigh Hopper			
F027d		Conveyor Belt			
F028		Fly Ash Silo			
F029		Cement Silo			
F030		Guppy System (4 units)			
F031		Truck Loading			
Western Pacific Precast Ready Mix Plant (name changed from American Eagle)					
AE01		Hopper System (4 units)			
AE03		4-Compartment Bin			
AE05		Weigh Hopper			
AE06		2 Conveyors System			
AE07		Cement Silo			
AE08		Weigh Batcher			
AE09		Fly Ash Silo			
AE10	75 tons/hr	Mixer			
AE11		Truck Loadout			
CalPortland Plant 1					
STM01		Unloading Aggregate Belly dump			
STM02		Hopper System (4 units)			
STM06		5 Storage Bins System			
STM10		Weigh Hopper			
STM13		2 Cement Silos System			
STM14		Guppy Silo 11			

ID	Rating	Description	Make	Model No.	Serial No.
STM15		Fly Ash Silo 8			
STM16		Weigh Batcher			
STM18		Truck Loading			
CalPortland Plant 3					
STM44		Stacker			
STM43		Hopper			
STM50		Aggregate Bin			
STM56		Weigh Hopper			
STM57		Truck Loadout			
STM58		2 Cement Silos System			
STM60		Fly Ash Silo			
STM61		Weigh Batcher			
STM62		Truck Loading			
STM63		Guppy Silo			
STM64		Ash Guppy Silo			
STM65		Cement Silo			
Portable Crushing Plant					
PC00	500 tons/hr	VGF	Cedar Rapids	3054	4826
PC01	500 tons/hr	Jaw Crusher and Conveyor	Cedar Rapids	3054	4826
PC02	500 tons/hr	3-Deck Screen and Conveyors	Cedar Rapids	1316	416822047870-2
PC03	500 tons/hr	Cone Crusher and Conveyors	Cedar Rapids	1316	41682204787
PC04	500 tons/hr	Recycle Conveyor	Cedar Rapids	1316	41682204787
PC05	500 tons/hr	Conveyor and Stacker			
PC06	500 tons/hr	Conveyors and stacker			
PC07	500 tons/hr	Truck load/Unload			
PC08	1,556 VMT/yr	Haul Road (unpaved)			
PC09	605 HP	Diesel Engine, DOM: 2008	Cummins	QSX15-G9	79346685
	410 kW	Generator	Cummins	450DFEJ	H080217074-4

2. The units/activities in Table III-A-2 are listed as insignificant.

Table III-A-2: Insignificant Emission Units/Activities

Description
Wacker Light Plant, 12.1 hp Lombardini Diesel Engine, M/N: LTC4L, S/N: 5426621
Specialty Lighting Light Plant, 13 hp Kubota Diesel Engine, M/N: BTK64MH, S/N: L-99-8-1247
20,402 gallon Diesel AST
10,000 gallon Diesel AST
0.9 MMBtu/hr Water Heater, Natural Gas
0.9 MMBtu/hr Water Heater, Natural Gas
0.9 MMBtu/hr Power Flame Burner, Natural Gas

3. Nonroad Engines

Pursuant to 40 CFR Part 1068.30, nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source. Records of location changes for portable or transportable nonroad engines shall be maintained, and shall be made available to the Control Officer upon request.

Nonroad engines used on self-propelled equipment do not have this 12-month limitation or the associated recordkeeping requirements.

B. EMISSION LIMITS

- The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Tables III-B-1 through III-B-12 in any consecutive 12-month period. *[NSR—ATC, Section IV-A (10/18/12), Title V OP (11/6/2019), Minor Revision Application (8/22/2019)]*

Table III-B-1 Drilling and Blasting PTE (tons per year)

EU	Description	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
A001b	Drilling	2.55	0.15	0	0	0	0	0
A001a	Blasting	4.17	0.63	5.94	30.72	0	0	0

Table III-B-2: Primary Feed Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A001	Mining	5,000,000	0.00120	0.008	3.00	20.00
A02	Gyratory Crusher (crushing) ¹	2,500,000	0.00010	0.00054	0.13	0.68
A02a	End dump to Gyratory Crusher	5,000,000	0.000013	0.000046	0.03	0.12
A02b	Gyr. Crusher to Stacker 3	5,000,000	0.000013	0.000046	0.03	0.12
A012	Stacker 3 to Surge Pile	5,000,000	0.000013	0.000046	0.03	0.12

¹Approximately 50% of the five-million-ton throughput material is not processed/crushed by the gyratory crusher based on a closed side setting of 6.0 inches.

Table III-B-3: Secondary Feed Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A013	Tunnel Belt BC-4a 3 to VGF 2a	5,000,000	0.000013	0.000046	0.03	0.12
A016	VGF 2a drop to Belt 4 (BH) ¹	4,500,000	0.0011	0.0011	0.63	0.63
A018	Screen S-1 (Simplicity) (BH) ¹	5,000,000	0.0087	0.0087	5.52	5.52
A017	Belt 4 to Screen S-1 (BH) ¹	5,000,000				
A020	Crusher CR-2 (Hazemag) (BH) ¹	1,875,000	0.0024	0.0024	0.57	0.57
A019	Screen S-1 to Crusher CR-2 (BH) ¹	1,875,000				
A021	Crusher CR-2 to Belt 6 (BH) ¹	1,875,000				
A036	Screen S-1 Underbelt to Belt 5	3,125,000	0.000013	0.000046	0.02	0.07
A022	Belt 6 Split to Belt 44 and 45	2,625,000	0.000013	0.000046	0.02	0.06

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A025a	Screen S-2a (Cedar Rapids 8x20) (BH)	1,312,500	0.0087	0.0087	1.45	1.45
A023	Belt 44 to Screen S-2a (BH) ¹	1,312,500				
A027	Screen S-2a to Belt 46 (BH)	1,312,500				
A034	Screen S-2a underbelt to Belt 7	937,500	0.000013	0.000046	0.01	0.02
A026a	Screen S-3a (Cedar Rapids 8x20) (BH)	1,312,500	0.0087	0.0087	1.45	1.45
A024	Belt 45 to Screen S-3a (BH) ¹	1,312,500				
A028	Screen S-3a to Belt 47 (BH) ¹	1,312,500				
A035	Screen S-3a underbelt to Belt 7	937,500	0.000013	0.000046	0.01	0.02
A029	Belt 46 to Belt 8 (BH) ¹	437,500	0.0011	0.0011	0.06	0.06
A030	Belt 47 to Belt 8 (BH) ¹	437,500	0.0011	0.0011	0.06	0.06
A032	Crusher CR-3 (Canica VSI) (BH) ¹	875,000	0.0024	0.0024	0.27	0.27
A031	Belt 8 to Crusher CR-3 (BH) ¹	875,000				
A033	Crusher CR-3 to Belt 6 (BH) ¹	875,000				
A037	Belt 5 to Belt 43	3,125,000	0.000013	0.000046	0.02	0.07
A038	Belt 43 to Belt 7 or 62	3,125,000	0.000013	0.000046	0.02	0.07
A038a	Belt 62 to Belt 63	500,000	0.000013	0.000046	0.01	0.01
A038b	Belt 63 to Stockpile (Reject)	500,000	0.000013	0.000046	0.01	0.01
A038c	Belt 64 at H.S.I. oversize reject (alt) ²	250,000	0.000013	0.000046	0.01	0.01
A038d	Stacker to Stockpile of Truck (alt ops) ²	250,000	0.000013	0.000046	0.01	0.01
A040	Stacker 9 to Surge pile 2 (BH) ³	5,000,000	0.0011	0.0011	0.70	0.70
A039	Belt 7 to Stacker 9	5,000,000	0.000013	0.000046	0.03	0.12

¹"BH" denotes unit vented to baghouse. Emissions from baghouse points are computed based on 75% capture efficiency and 99.5% control efficiency.

²The emission unit is not included in the table subtotal. It is an alternate process that, if used, will decrease throughput from the remaining emission units.

³Baghouse on the stacker has a collection efficiency of 25%

Table III-B-4: Overland Feed System Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A041	Belt Feeds 1-3 to Tunnel Belt 10	3,500,000	0.000013	0.000046	0.02	0.08
A042	Belt 10 to Overland Belt 48 (BH) ¹	3,500,000	0.0011	0.0011	0.49	0.49
A043	Overland Belt 48 to Belts 11 and 50 (BH) ¹	3,500,000	0.0011	0.0011	0.49	0.49
A045	Belt 11 Stacker to Surge Pile (WP1)	2,250,000	0.000013	0.000046	0.01	0.05
A046	Belt 50 to Stacker 51	1,250,000	0.000013	0.000046	0.01	0.03
A046a	Stacker 51 to WP2 Side Surge Pile	1,250,000	0.000013	0.000046	0.01	0.03

¹BH denotes unit vented to baghouse. Emissions from baghouse points are computed based on 75% capture efficiency and 99.5% control efficiency.

Table III-B-5: Wash Plant #1 Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A080	VGf 3a through 4 to Belt 25	2,000,000	0.000013	0.000046	0.01	0.05
A081	Belt 25 Tunnel to Belt 74	2,000,000	0.000013	0.000046	0.01	0.05
A081b	Cedar Rapids Screen S-12 6x20	1,350,000	0.00005	0.00074	0.03	0.50
A081a	Belt 89 to Screen S-12	1,000,000				
A081f	Belt 90 to Screen S-12	350,000				
A082c	Screen S-12 to Cone Crusher	350,000	0.00054	0.00054	0.09	0.09
A081d	Cedar Rapids Cone Crusher CR10a					
A081e	Belt 90a to Belt 90 recirc	350,000	0.000013	0.000046	0.01	0.01
A081g	Screen S-12 Underbelt to Belt 73	1,000,000	0.000013	0.000046	0.01	0.02
A082b	Belt 73 to Belt 74	2,000,000	0.000013	0.000046	0.01	0.05
A083	Belt 74 to Belts 54, 55, 30 via Surge Bin	3,000,000	0.000013	0.000046	0.02	0.07
A084 ¹	Belt 54 to Wet Screen S-5	1,000,000	0.00	0.00	0.00	0.00
A093b ¹	Screens 5-7 to BC28	428,571	0.00	0.00	0.00	0.00
A085 ¹	Belt 55 to Wet Screen S-6	1,000,000	0.00	0.00	0.00	0.00
A093a ¹	Screens 5-7 to BC57	500,000	0.00	0.00	0.00	0.00
A086 ¹	Screens 5-7 to BC56	500,000	0.00	0.00	0.00	0.00
A093 ¹	Belt 30 to Telsmith Wet Screen S-7a	1,000,000	0.00	0.00	0.00	0.00
A102b ¹	Telsmith Wet Screen S-7a	1,000,000	0.00	0.00	0.00	0.00
A108 ¹	Wet Screen S-7a to twin Sand Screw	285,714	0.00	0.00	0.00	0.00
A086a ¹	Belt to Dewater Screen S-9	307,692	0.00	0.00	0.00	0.00
A101 ¹	DW Screen S-9 to Stacker BC29	307,692	0.00	0.00	0.00	0.00
A075 ¹	Belt 28 to Dewater Screen	428,571	0.00	0.00	0.00	0.00
A076 ¹	Dewater Screen to BC41	428,571	0.00	0.00	0.00	0.00
A089 ¹	Stacker BC29 to Stockpile 1/4" chips	307,692	0.00	0.00	0.00	0.00
A099 ¹	Belts 56 and 57 to Belt BC31 or Belt 41	1,000,000	0.00	0.00	0.00	0.00
A091 ¹	Belt 41 to Belt 36	1,000,000	0.00	0.00	0.00	0.00
A090 ¹	Belt 36 to Surge Bin SB5	1,000,000	0.00	0.00	0.00	0.00
A106 ¹	Canica VSI Crusher 6a	500,000	0.0024	0.0024	0.42	0.60
A103 ¹	Canica VSI Crusher 7a	500,000	0.0024	0.0024	0.42	0.60
A107	Belt 59 to Belt 39 (recirc)	1,000,000	0.000013	0.000046	0.01	0.02
A107a	Belt 39 to Belt 74	1,000,000	0.000013	0.000046	0.01	0.02
A107b	Aux Sand Refeed (Loader or Stockpile)	357,142	0.000013	0.000046	0.01	0.01
A103a ¹	Belt 37 to Belt 38	357,142	0.000013	0.000046	0.01	0.01
A106a ¹	Belt 38 to Splitter	1,057,143	0.000013	0.000046	0.02	0.02
A096a ¹	Belt 31 to Belt 40	771,429	0.00	0.00	0.00	0.00
A092 ¹	Belt 40 to Belt 33	771,429	0.00	0.00	0.00	0.00
A092a ¹	Belt 33 to Twin Shaft Coarse mat. Wash	771,429	0.00	0.00	0.00	0.00
A092b ¹	3 Deck Screen (wet process)	771,429	0.00	0.00	0.00	0.00
A092c ¹	Screen to Belt 34	342,857	0.00	0.00	0.00	0.00
A092d ¹	Screen to Belt 43 (alt)	285,714	0.00	0.00	0.00	0.00
A092e ¹	Screen to Stacker ST32	285,714	0.00	0.00	0.00	0.00
A096 ¹	Stacker ST32 to Size Screen #67/#4	285,714	0.00	0.00	0.00	0.00
A097 ¹	Belt BC34 to Stacker 35	285,714	0.00	0.00	0.00	0.00

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A098 ¹	Stacker 35 to Bin #4	285,714	0.00	0.00	0.00	0.00
A096b ¹	Belt 43 to Belt 44 (alt)	342,857	0.00	0.00	0.00	0.00
A096d ¹	Belt 44 to Belt 57 (alt)	342,857	0.00	0.00	0.00	0.00
A096c ¹	44" Sand Screw (spare)	285,714	0.00	0.00	0.00	0.00
A109 ¹	Screens 5, 6, and 7 to Twin 54" Screws	1,057,143	0.00	0.00	0.00	0.00
A113 ¹	Dewater Screen S10	1,057,143	0.00	0.00	0.00	0.00
A114 ¹	Belt 60 to Belt 61	1,046,154	0.00	0.00	0.00	0.00
A114a ¹	Belt 61 to Stacker 42	1,046,154	0.00	0.00	0.00	0.00
A115 ¹	Stacker 42 to Stockpile	1,046,154	0.00	0.00	0.00	0.00
A110a ¹	Loader to Aux Hopper	500,000	0.00	0.00	0.00	0.00
A110b ¹	Belt to Stacker	500,000	0.00	0.00	0.00	0.00
A110d ¹	Stacker to Stockpile	500,000	0.00	0.00	0.00	0.00
A110c ¹	Belt (spare)	400,000	0.00	0.00	0.00	0.00
A110e ¹	Filter Press Reject Stacker	400,000	0.00	0.00	0.00	0.00
A110f ¹	Filter Press Reject Dewater Screen S12	400,000	0.00	0.00	0.00	0.00
A110 ¹	Loader to Aux Refeed Hopper	168,750	0.000013	0.000046	0.01	0.01
A111 ¹	Belt 72 to Belt 74	168,750	0.000013	0.000046	0.01	0.01
A111a ¹	Filter Press discharge to Belt FP01	300,000	0.00	0.00	0.00	0.00
A111b ¹	Belt FP01 to Belt FP02	300,000	0.00	0.00	0.00	0.00
A111c ¹	Belt FP02 to Belt FP03	300,000	0.00	0.00	0.00	0.00
A111d ¹	Belt FP03 to Silt Pond	300,000	0.00	0.00	0.00	0.00

¹Wet process (no emissions) denotes emission units processing materials with >10% moisture in the ¼" minus materials.

Table III-B-6: Wash Plant #2 Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A048	VGF 1 and 2 to Belt 12	1,500,000	0.000013	0.000046	0.01	0.03
A049	Belt 12 Tunnel to Splitter Bin (Belt 20 & 22)	1,500,000	0.000013	0.000046	0.01	0.03
A051	Belt 22 to Belt 17	923,077	0.000013	0.000046	0.01	0.02
A053	Belt 20 to Belt 21	923,077	0.000013	0.000046	0.01	0.02
A055 ¹	Screen S-4 (Wet Deck Simplicity)	923,077	0	0	0	0
A052 ¹	Belt 17 to East Screen S-4	923,077	0	0	0	0
A062 ¹	Screens S-4 and S-8 to Belt 53	461,538	0	0	0	0
A070 ¹	Screens S-4 and S-8 to Belt 18a	461,538	0	0	0	0
A074 ¹	Screens S-4, S-8, S-13 to Screw Washer	692,308	0	0	0	0
A122b	Screens S-4 and S-8 to Belt 15	461,538	0	0	0	0
A056 ¹	Screen S-8 (Svedala Wet Deck)	923,077	0	0	0	0
A054 ¹	Belt 21 to West Screen S-8	923,077	0	0	0	0
A057 ¹	Screens S-4 and S-8 to Belt 14	346,154	0	0	0	0
A059 ¹	Crusher CR-5 (Canica VSI)	346,154	0	0	0	0
A058 ¹	Belt 14 to Crusher CR-5 or Belt 53	346,154	0	0	0	0
A060 ¹	Crusher CR-5 to Belt 19 (recirc.)	346,154	0	0	0	0
A061 ¹	Belt 19 to Splitter BC22 & BC20	346,154	0	0	0	0

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
A063 ¹	Belt 53 to Screen S-11 (6 x 16)	461,538	0	0	0	0
A068 ¹	Screen S-11 to Belt 24	230,769	0	0	0	0
A068a ¹	Screen S-11 to ST-5	230,769	0	0	0	0
A064 ¹	Screen S-11 to Stacker 52	461,538	0	0	0	0
A068b ¹	Stacker ST-5 to Stockpile (alt)	230,769	0	0	0	0
A067 ¹	Stacker 52 to Stockpile	461,538	0	0	0	0
A069 ¹	Stacker 24 to Stockpile	230,769	0	0	0	0
A071 ¹	Belt 18a to Belt 18b ¼" west	461,538	0	0	0	0
A071a	Belt 18b to Belt 18c	461,538	0	0	0	0
A071b ¹	Belt 18c to Stockpile or Re-Feed Hopper FH-2	461,538	0	0	0	0
A120d	Belt 72 to Belt 81	461,538	0	0	0	0
A122c	Belt 81 to Size Screen 5x16	461,538	0	0	0	0
A125	5x16 3 Size Screen Cedar Rapids	461,538	0	0	0	0
A125a	Screen Ubelt to Belt 78	461,538	0	0	0	0
A125b	Stacker 78 to Stockpile	461,538	0	0	0	0
A120b	Belt 79 to Stockpile	461,538	0	0	0	0
A065 ¹	Belt 15 (¼" east) to Dewater Screen	461,538	0	0	0	0
A121 ¹	Dewatering Screen	807,692	0	0	0	0
A075 ¹	Screw to Dewatering Screen	692,308	0	0	0	0
A121b	Dewatering Screen to Belt 73	807,692	0	0	0	0
A120e ¹	Belt 73 to VSI Crushers CR-9 and CR-9a (splitter)	807,692	0	0	0	0
A120 ¹	Canica VSI Crusher CR-9	461,538	0	0	0	0
A120h ¹	Canica VSI Crusher CR-9a	461,538	0	0	0	0
A120c ¹	Canica VSI Crushers CR-9 and CR-9a to Belt 77	807,692	0	0	0	0
A121A ¹	Belt 77 to 3x20 3 Deck Screen (wet deck)	807,692	0	0	0	0
A120a	6x20 3 Deck Wet Screen S-12	807,692	0	0	0	0
A120f	6x20 Screen to X-Belt, Wash Screw, and Recirc.	807,692	0	0	0	0
A122a	X-Belt to Stacker 78	230,769	0	0	0	0
A122	Stacker 78 to Stockpile ¼"	230,769	0	0	0	0
A077 ¹	Belt 65 to Stacker 66	692,308	0	0	0	0
A078 ¹	Stacker 66 to Stockpile	692,308	0	0	0	0
A050	Belt 13 (spare)	1,500,000	0.000013	0.000046	0.01	0.03
A126a	Belt (spare) Wet Process	461,538	0	0	0	0
A066 ¹	Coarse Material Washer (spare)	461,538	0	0	0	0
A127	Dewater Screen (spare)	461,538	0	0	0	0

¹Wet process (no emissions) denotes emission units processing materials with >10% moisture in the ¼" minus materials.

Table III-B-7: Rip Rap/Miscellaneous Screening Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
H05c	Loader to Feeder	150,000	0.000013	0.000046	0.01	0.01
H08	Trommel Screen Hurcules HT182	150,000	0.00005	0.00074	0.01	0.06
H02	Oversize Reject #1 - #4	150,000	0.000013	0.000046	0.01	0.01
H02a	Grizzly Screen (Loader or Conveyor Feed)	75,000	0.00005	0.00074	0.01	0.03
H09	Belt R1 to Belt R2	75,000	0.000013	0.000046	0.01	0.01
H10	Reject Stacker	32,500	0.000013	0.000046	0.01	0.01
H05	Fines Transfer Belt	32,500	0.000013	0.000046	0.01	0.01
H05a	Fines Reject Stacker	32,500	0.000013	0.000046	0.01	0.01
H11	5x16 3 Deck Screen	75,000	0.00005	0.00074	0.01	0.03
H11a	Belt R2 to 5x16 3 Deck Screen	75,000	0.000013	0.000046	0.01	0.01
H12	Fines Transfer Belt Stacker	32,500	0.000013	0.000046	0.01	0.01
H12a	Stacker to Stockpile	32,500	0.000013	0.000046	0.01	0.01
H13	Stacker to Stockpile	32,500	0.000013	0.000046	0.01	0.01
H14	Stacker to Stockpile (alt)	32,500	0.000013	0.000046	0.01	0.01

Table III-B-8: West Screen Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
B001a	Loader to Feed Hopper (alternate feed)	500,000	0.000013	0.000046	0.01	0.01
B001b	Belt to Belt Transfer (alternate feed)	500,000	0.000013	0.000046	0.01	0.01
B001c	Belt to Belt Transfer (alternate feed)	500,000	0.000013	0.000046	0.01	0.01
B001	Stockpile to Belt 1	1,500,000	0.000013	0.000046	0.01	0.03
B002	Belt 1 to Belt 3	1,500,000	0.000013	0.000046	0.01	0.03
B004	Belt 3 to Splitter Box (BH) ¹	1,500,000	0.0011	0.0011	0.21	0.21
B004a	Splitter to Belt 4 (BH) ¹	600,000	0.0011	0.0011	0.08	0.08
B006a	Splitter to Belt 5 (BH) ¹	600,000	0.0011	0.0011	0.08	0.08
B012a	Splitter to Belt 7	600,000	0.000013	0.000046	0.01	0.01
B022	Screen 1 to Belt 18	145,364	0.0087	0.0087	0.66	0.66
B006	Screen 1 ElJay (BH) ¹	600,000				
B005	Belt 4 to Screen 1	600,000	0.0087	0.0087	0.66	0.66
B024	Screen 2 to Belt 19	145,364				
B008	Screen 2 ElJay (BH) ¹	600,000				
B007	Belt 5 to Screen 2	600,000	0.0087	0.0087	0.66	0.66
B039	Screen 3 to Belt 8	145,364				
B013	Screen 3 (JCI) (BH) ¹	600,000				
B012	Belt 7 to Screen 3	600,000				
B013a	Screens 1-3 to Belt 10	300,000				
B013b	Screens 1-3 to Belt 20	300,000	0.000013	0.000046	0.01	0.01
B018	Screens 1-3 to Belt 17	600,000				
B051	Belt 17 to 6x20 Screen 4 (Wet Deck)	600,000				
B043a	Wet Screen 4 to Belt 10	136,364	0.00	0.00	0.00	0.00
B043b	Wet Screen 4 to Belt 20	136,364	0.00	0.00	0.00	0.00
B053a	Wet Screen 4 to Stacker 3 (3/8) ³	381,818	0.00	0.00	0.00	0.00

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
B021a	Wet Screen 4 to Wash Screw ³	218,182	0.00	0.00	0.00	0.00
B053	Stacker 3 to Stockpile (3/8)	381,818	0.00	0.00	0.00	0.00
B052	Wash Screwer to Dewater Screen	218,182	0.00	0.00	0.00	0.00
B047	Dewater Screen to Stacker 2 (CF)	218,182	0.00	0.00	0.00	0.00
B017	Stacker 2 to Stockpile (CF)	218,182	0.00	0.00	0.00	0.00
B033a	Belt 10 to Belt 11	300,000	0.000013	0.000046	0.01	0.01
B034	Belt 11 to Cone Crusher	300,000	0.0024	0.0024	0.09	0.09
B035	Cone Crusher Sanvick (BH) ¹	300,000				
B036	Cone Crusher to Belt 12	300,000				
B037	Belt 12 to Belt 9 (recirc)	300,000	0.000013	0.000046	0.01	0.01
B041	Belt 9 to Splitter Box	300,000	0.000013	0.000046	0.01	0.01
B033	Belt 20 (cross belt) to 6x20 Screen 6	600,000	0.000013	0.000046	0.01	0.01
B057	Cedar Rapids Screen SC-6 (6x20)	600,000	0.00074	0.00074	0.14	0.22
B057c	Screen SC-6 to Stacker ST4	381,818				
B058	Screen SC-6 to Stacker ST7 (#6)	300,000				
B060	Screen SC-6 to Stacker ST6 Rev	300,000				
B027	Stacker ST4 to Stockpile 1"	381,818	0.000013	0.000046	0.01	0.01
B059	Stacker ST7 to Stockpile (#6)	300,000	0.000013	0.000046	0.01	0.01
B062	Stacker ST6 to Stockpile or Belt 21 (recirc)	300,000	0.000013	0.000046	0.01	0.01
B057b	Belt 21 to Belt 11 (recirc)	300,000	0.000013	0.000046	0.01	0.01
B038	Belt 18 to Belt 13	145,364	0.000013	0.000046	0.01	0.01
B026	Belt 19 to Belt 13	145,364	0.000013	0.000046	0.01	0.01
B040	Belt 8 to Belt 13	145,364	0.000013	0.000046	0.01	0.01
B053b	Belt 13 to Belt 13a	436,364	0.000013	0.000046	0.01	0.01
B054	Belt 13a to Stacker 1	436,364	0.000013	0.000046	0.01	0.01
B031	Stacker 1 to Stockpile (CF)	436,364	0.000013	0.000046	0.01	0.01
Aux Refeed System						
B046a	Loader to Aux Refeed Hopper ²	100,000	0.000013	0.000046	0.01	0.01
B056	Feeder Belt to Belt 9 (alt) ²	100,000	0.000013	0.000046	0.01	0.01
Misc Spare Units						
B003a	Reject Stacker (alt ops) ²	400,000	0.000013	0.000046	0.01	0.01
B050	Stacking Conveyor (spare wet process) ³	600,000	0.00	0.00	0.00	0.00
B049	Stacking Conveyor (spare wet) ³	600,000	0	0	0.00	0.00
B016	Belt 16 (spare)	300,000	0.000013	0.000046	0.01	0.01
Alternate Type II Plant (AOS) - Production through this circuit will not add to PTE						
B064	Screen SC-5 Cedar Rapids (6x20)	600,000	0.00074	0.00074	0.22	0.22
B003	Belt 2 to Screen SC-5	600,000				
B067	Screen SC-5 Underbelt to Stacker	600,000	0.000013	0.000046	0.01	0.01
B011	Belt 6 to Stacker 8 (T2)	600,000	0.000013	0.000046	0.01	0.01
B045	Stacker 8 to Stockpile (T2)	600,000	0.000013	0.000046	0.01	0.01
B020	Belt 15 Recirc to Splitter	300,000	0.000013	0.000046	0.01	0.01
B035	Cone Crusher (BH) ¹	300,000	0.0024	0.0024	0.36	0.36

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
B034	Belt 11 to Cone Crusher	300,000				
B036	Cone Crusher to Belt 12	300,000				
B037	Belt 12 to Belt 9	300,000	0.000013	0.000046	0.01	0.01

¹BH denotes unit vented to baghouse. Emissions from baghouse points are computed based on 75% capture efficiency and 99.5% control efficiency.

²The emission unit is not included in the table subtotal. It is an alternate process that, if used, will decrease throughput from the remaining emission units.

³Wet process (no emissions) denotes emission units processing materials with >10% moisture in the ¼" minus materials.

Table III-B-9: Type 2 Plant (Virgin and Recycle) Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
C001a	Mining ¹	500,000	0.0012	0.008	0.30	2.00
A012b	Jaw Crusher CR-10	250,000	0.001	0.00054	0.13	0.07
A012e	Belt 70 to Belt 2a Overland	500,000	0.000013	0.000046	0.01	0.01
A010	Belt 2a to VGF Feeder or SP	500,000	0.000013	0.000046	0.01	0.01
A010a	Loader to VGF Feeder	500,000	0.000013	0.000046	0.01	0.01
C001	Loader to VGF	700,000	0.000013	0.000046	0.01	0.02
C003	VGF to Belt 3	700,000	0.000013	0.000046	0.01	0.02
A012d	VGF2 to Belt 70	250,000	0.000013	0.000046	0.01	0.01
C004	Belt 3 to Belt 4	700,000	0.000013	0.000046	0.01	0.02
C002	Jaw Crusher	700,000	0.0001	0.00054	0.04	0.19
C002b	VGF to Jaw Crusher	700,000				
C002a	Jaw Crusher CR-10 to BC70	700,000				
C002c	Jaw Crusher to Belt 3	700,000				
C005a	Screen 3 Cedar Rapids	700,000	0.00005	0.00074	0.02	0.26
C005b	Belt 4 to Screen 3	700,000				
C005c	Screen 3 to Stacker 22 (alt) ²	700,000				
C005d	Screen 3 to Stacker 15 (alt) ²	700,000				
C005e	Screen 3 to Underbelt	700,000				
C005f	Screen 3 to Belt 5	700,000				
C003b	Stacker 22 to Stockpile (alt) ²	350,000	0.000013	0.000046	0.01	0.01
C010b	Stacker 15 to Stockpile (alt) ²	262,500	0.000013	0.000046	0.01	0.01
C031	S3 Underbelt to Stacker	87,500	0.000013	0.000046	0.01	0.01
C036	Stacker to Stockpile	87,500	0.000013	0.000046	0.01	0.01
C006	Belt 5 to Belt 6 & 7 (splitter)	612,500	0.000013	0.000046	0.01	0.01
C008	Screen 1 Cedar Rapids	481,250	0.00005	0.00074	0.01	0.18
C007	Belt 6 to Screen 1	481,250				
C016	Screen 1 to Belt 14	481,250				
C009	Screen 2 Cedar Rapids	612,500	0.00005	0.00074	0.02	0.23
C008a	Belt 7 to Screen 2	612,500				

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
C009a	Screen1 & 2 to Belt 8	612,500				
C025	Screen 2 to Belt 21	612,500				
C012	Horz. Shaft Impact Crusher	350,000	0.0001	0.00054	0.02	0.09
C012b	Belt 8 to H.S.I. Crusher	350,000				
C012a	H.S.I. to Belt 11	350,000				
C013	Belt 11 to Belt 12	350,000	0.000013	0.000046	0.01	0.01
C013a	Belt 12 to Belt 6&7 (splitter)	350,000	0.000013	0.000046	0.01	0.01
C017	Belt 14 to Belt 18a	87,500	0.000013	0.000046	0.01	0.01
C022	Belt 18a to Stacker 17	87,500	0.000013	0.000046	0.01	0.01
C020	Stacker 17 to Stockpile	87,500	0.000013	0.000046	0.01	0.01
C026	Belt 21 to Belt 20	612,500	0.000013	0.000046	0.01	0.01
C027	Belt 20 to Belt 16	612,500	0.000013	0.000046	0.01	0.01
C019	Belt 16 to Stacker	612,500	0.000013	0.000046	0.01	0.01
C028	Stacker to Stockpile T2	612,500	0.000013	0.000046	0.01	0.01
C033	Stacker 18 (alt) ²	87,500	0.000013	0.000046	0.01	0.01
C034	Stacker 19 (alt) ²	87,500	0.000013	0.000046	0.01	0.01
C011	Belt 9 Spare	350,000	0.000013	0.000046	0.01	0.01
C035	Belt 19 Spare	350,000	0.000013	0.000046	0.01	0.01

¹Mining EF based on two conveyor drop points (controlled).

²The emission unit is not included in the table subtotals. It is an alternate process that, if used, will decrease throughput from the remaining emission units.

Table III-B-10: Road Runner Portable Screen Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
RS01	Loader to Hopper	50,000	0.000013	0.000046	0.01	0.01
RS03	Road Runner Incline Screen	50,000	0.00005	0.00074	0.01	0.02
RS02	Conveyor to Screen	50,000				
RS04	Screen to Stacker 1	50,000				
RS06	Screen to Stacker 2	50,000				
RS08	Screen to Stacker 3	33,333				
RS05	Stacker 1 to Stockpile	16,667	0.000013	0.000046	0.01	0.01
RS07	Stacker 2 to Stockpile	16,667	0.000013	0.000046	0.01	0.01
RS09	Stacker 3 to Stockpile	33,333	0.000013	0.000046	0.01	0.01

Table III-B-11: Blending System Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
BS01	Loader to Five Bin System	500,000	0.000013	0.000046	0.01	0.01
BS02	Belt Feeders to Belt	500,000	0.000013	0.000046	0.01	0.01
BS03	Splitter to Alt Stacker (pugmill bypass)	500,000	0.000013	0.000046	0.01	0.01

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
BS03a	Stacker to Stockpile (bypass)	500,000	0.000013	0.000046	0.01	0.01
D013d	Pugmill Mixer (supplement, water, and aggregate)	517,833	0.0055	0.0055	1.42	1.42
BS05a	Belt to Pugmill	500,000	0.000013	0.000046	0.01	0.01
BS05	Auger to Pugmill	8,333	0.000013	0.000046	0.01	0.01
D013a	Dual Lime Silo Loading	9,000	0.000051	0.00034	0.01	0.01
BS06a	Auxiliary Silo (Cement/Lime)	9,000	0.000051	0.00034	0.01	0.01
BS06	Guppy Silo	8,333	0.000051	0.00034	0.01	0.01
D013e	Belt Conveyor to Stacker	517,833	0.000013	0.000046	0.01	0.01
BS08	Stacker to Stockpile	517,833	0.000013	0.000046	0.01	0.01

Table III-B-12: Blending System Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
BS15	Loader to Feed Hoppers (80T) 1 - 3	400,000	0.000013	0.000046	0.01	0.01
BS16	Belt Feeders 1 – 3 to Conveyor Belt BS-BC01	400,000	0.000013	0.000046	0.01	0.01
BS17	Conveyor Belt BS-BC01 to Twin Shaft Pugmill	400,000	0.000013	0.000046	0.01	0.01
BS18	Pugmill Mixer (mixes water and aggregate)	400,000	0.000013	0.000046	0.01	0.01
BS19	Pugmill transfer to Conveyor Belt BS-BC02	400,000	0.000013	0.000046	0.01	0.01
BS20	Conveyor Belt BS-BC02 to Stacker BS-ST1	400,000	0.000013	0.000046	0.01	0.01
BS21	Stacker BS-ST1 to Stockpile	400,000	0.000051	0.000046	0.01	0.01

- The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-13 in any consecutive 12-month period [Title V Application Incorporated in the OP (08/08/2017)]

Table III-B-13: Coyote Portable Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
CY01	Loader to Grizzly	15,000	0.000013	0.000046	0.01	0.01
CY02	Conveyor to Conveyor	15,000	0.00001	0.000046	0.01	0.01
CY03	Conveyor to Screen	15,000	0.00005	0.00074	0.01	0.01
	Screen					
	Screen to Underbelt					
	Screen to Conveyor					
CY04	Conveyor 1 to Stacker 1	3,750	0.000013	0.000046	0.01	0.01
	Stacker 1 to Stockpile	3,750	0.000013	0.000046	0.01	0.01
CY05	Conveyor 2 to Stacker 2	7,500	0.000013	0.000046	0.01	0.01

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
	Stacker 2 to Stockpile	3,750	0.000013	0.000046	0.01	0.01
CY07	Underbelt Transfer to Stacker 3	3,750	0.000013	0.000046	0.01	0.01
	Stacker 3 to Stockpile	7,500	0.000013	0.000046	0.01	0.01

Note: Emissions units listed in this plant are not subject to 40 CFR Part 60, Subpart OOO, since they are not connected to any process subject to Subpart OOO.

- The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-14 in any consecutive 12-month period [NSR--ATC, Section IV-A, Condition 13 (10/18/12)]

Table III-B-14: Asphalt System Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
D001	Loader to Hoppers (10 ea.)	527,340	0.000013	0.000046	0.01	0.01
D002-6d	Belt Feeders 1-6d (10 ea)	527,340	0.000013	0.000046	0.01	0.01
D011	Loader to 2 RAP Hoppers	93,060	0.000013	0.000046	0.01	0.01
D007	Conveyor 5e to Conveyor 6	527,340	0.000013	0.000046	0.01	0.01
D009	Screen to Conveyor 8 (BH) ¹	527,340	0.0011	0.0011	0.07	0.07
D008	Conveyor 6 to Scalping Screen	527,340	0.000013	0.000046	0.01	0.01
D012	Belts 9 and 10 to Conveyor 11	93,060	0.000013	0.000046	0.01	0.01
D029	Conveyor 11a to Conv. 11	93,060	0.000013	0.000046	0.01	0.01
D010	Conveyor 8 to Drum Mixer	527,340	0.000013	0.000046	0.01	0.01
D013	Conveyor 11 to Drum Mixer	93,060	0.000013	0.000046	0.01	0.01
D015	Mixer to Drag Slat Conveyor	660,000	Enclosed	Enclosed	0.00	0.00
D016	Asphalt Silo 1 Loading	110,000	0.00006	0.00006	0.01	0.01
D019e	Asphalt Silo 1 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D017	Asphalt Silo 2 Loading	110,000	0.00006	0.00006	0.01	0.01
D019e	Asphalt Silo 2 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D019a	Asphalt Silo 3 Loading	110,000	0.00006	0.00006	0.01	0.01
D019f	Asphalt Silo 3 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D019b	Asphalt Silo 4 Loading	110,000	0.00006	0.00006	0.01	0.01
D019g	Asphalt Silo 4 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D019c	Asphalt Silo 5 Loading	110,000	0.00006	0.00006	0.01	0.01
D019h	Asphalt Silo 5 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D019i	Asphalt Silo 6 Loading	110,000	0.00006	0.00006	0.01	0.01
D019j	Asphalt Silo 6 Un-Loading	110,000	0.0005	0.0005	0.03	0.03
D020	Baghouse to Screw Conveyor	250	Enclosed	Enclosed	0.00	0.00
D021	Screw Conveyor to Storage	250	Enclosed	Enclosed	0.00	0.00
D024	Screw Conveyor 21 to 22	250	Enclosed	Enclosed	0.00	0.00
D022	Silo to Screw Conveyor 22	250	Enclosed	Enclosed	0.00	0.00
D023	Screw Conveyor 1 to Conveyor 2	250	Enclosed	Enclosed	0.00	0.00

¹BH denotes unit vented to baghouse. Emissions from baghouse points are computed based on 75% capture efficiency and 99.5% control efficiency.

4. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-15 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 14 (10/18/12)]

Table III-B-15: Asphalt Drum Mixer PTE (tons/year)¹

Fuel	Asphalt Throughput	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
Fuel Oil	660,000 tons/year	1.62	1.62	19.14	33.00	19.14	10.56	2.51
Diesel	660,000 tons/year	1.62	1.62	19.14	33.00	3.63	10.56	2.51
LPG	660,000 tons/year	1.62	1.62	12.87	33.00	1.22	10.56	2.51
EU PTE		1.62	1.62	19.14	33.00	19.14	10.56	2.87

¹Emission values based on maximum throughput of 450 tons/hr and 660,000 tons/yr. PTE is established using the fuel that results in the highest PTE (fuel oil). Emission factor (lb/ton) for PM = 0.0049 is based on performance test data plus a 25% margin. Emission factors (lb/ton) for NO_x = 0.058, CO = 0.10 are based on AP-42, Table 11.1-7 adjusted to reflect burner control system. Emission factor (lbs/ton) for SO₂ = 0.058 is based on AP-42 11.1-7 for fuel oil. Emission factors (lb/ton) for VOC = 0.032 and HAPs = 0.0076 are based on AP-42 11.1-7, 11.1-8, 11.1-9, and 1.5-1.

5. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-16 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 15 (10/18/12)]

Table III-B-16: PTE for Asphalt Hot Oil Heaters (tons/year)¹

EU	Fuel	Fuel Throughput	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
D026, D027	Propane ¹	147,294 gal/year	0.05	0.05	0.95	0.55	0.11	0.07	0.01
D026, D027	Diesel ²	131,400 gal/year	0.22	0.22	1.31	0.33	0.02	0.02	0.01
D026, D027	Nat. Gas	163,000 gal/year	0.05	0.05	1.25	0.55	0.01	0.04	0.02
EU PTE³			0.22	0.22	1.31	0.33	0.02	0.02	0.01

¹Emission factors from AP-42, Table 1.5-1.

²Emission factors from AP-42, Tables 1.3-1, 1.3-3, and 1.3-9.

³PTE established using the fuel that results in the highest PTE (diesel).

6. The permittee shall not exceed the hours/year limit, nor allow the actual emissions from each emission unit to exceed the PTE in Table III-B-17 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 18 (10/18/12) and NSR—ATC, Section IV-A, Condition 1 (1/31/14)]

Table III-B-17: Calculated PTE for Diesel Generators (tons/year)

EU	Rating	Conditions	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
A123	306 hp	2,000 hours/year	0.07	0.07	3.34	0.29	0.01	0.77	0.01
RS10	67 hp	500 hours/year	0.03	0.03	0.52	0.11	0.01	0.04	0.01
A123b	605 hp	1,250 hours/year	0.07	0.07	4.27	0.42	0.01	0.17	0.02
A123c	480 hp	1,250 hours/year	0.10	0.10	4.56	1.72	0.00	0.75	0.01
CY09	755 hp	2,500 hours/year	0.20	0.20	8.87	1.08	0.01	2.37	0.04

7. The permittee shall maintain the engines EU: A123 and A123c as follows, unless the manufacturer's specifications are more stringent: [40 CFR Part 63.6603(a)]
- Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent O₂; or
 - Reduce CO emissions by 70 percent or more.

8. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-18 in any consecutive 12-month period. *[Title V Application (00372_20160415_APP) Incorporated into the Title V]*

Table III-B-18: Silver Star Ready Mix Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
F001	Aggregate Unloading to Hopper 1	185,000	0.000013	0.000046	0.01	0.01
F002	Belt 2 to Stacker 3	185,000	0.000013	0.000046	0.01	0.01
F003	Stacker 3 to Stockpile	185,000	0.000013	0.000046	0.01	0.01
F004	Loader to 4 Comp Agg Ground Hoppers (rock/sand)	92,500	0.000013	0.000046	0.01	0.01
F007	Belt 7 to 4-Comp Agg. Bin 10	92,500	0.000013	0.000046	0.01	0.01
F009	Belt 8 to 4-Comp Agg. Bin 10	92,500	0.000013	0.000046	0.01	0.01
F011	Belt 9 to 4-Comp Agg. Bin 10	92,500	0.000013	0.000046	0.01	0.01
F005	Belt 5 to Belt 7	92,500	0.000013	0.000046	0.01	0.01
F006	Belt 6 to Belt 7	92,500	0.000013	0.000046	0.01	0.01
F012	Agg Bin 10 to Hopper 11	29,588	Enclosed	Enclosed	0.00	0.00
F008	Loader to Agg. Hopper 8a	92,500	0.000013	0.000046	0.01	0.01
F010	Loader to Agg. Hopper 9a	92,500	0.000013	0.000046	0.01	0.01
F013	Belt 12 to Belt 13	185,000	0.000013	0.000046	0.01	0.01
F014a	Loading Station Central Mix (BH) ¹	33,708	0.0011	0.0011	0.01	0.01
F019	Batcher 18 to Truck (BH) ¹	33,708	0.0011	0.0011	0.01	0.01
F015	Fly Ash 15 Loading (Bin vent) ¹	5,899	0.0049	0.0049	0.01	0.01
F017	Cement Silo 14 Loading (Bin vent) ¹	27,809	0.00034	0.00034	0.01	0.01
F017a	Cement Silo 14a Loading (Bin vent) ¹	27,809	0.00034	0.00034	0.01	0.01
F018	Weigh Batcher Loading 18 (Bin vent) ¹	33,708	0.0049	0.0049	0.02	0.02
F016	Ash Silo to Weigh Hopper 18	5,899	0.000735	0.0049	0.01	0.01

¹BH and Bin vent denote units vented to baghouses and bin vents. Emissions from baghouse and bin vent points are computed based on 75% capture efficiency and 99.5% control efficiency.

9. The permittee shall not exceed the hours/year limit, nor allow the actual emissions from the emission unit to exceed the PTE in Table III-B-19 in any consecutive twelve month period. *[Title V Application (00372_20160415_APP) Incorporated into the Title V]*

Table III-B-19: Silver Star Ready Mix Plant Hot Water Heater PTE (tons/year)

EU	Production Limit	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
F023 ¹	1,200 hrs/yr	0.13	0.13	0.09	0.18	0.01	0.01	0.01

¹NO_x emissions based on 30 ppm and CO emissions on 100 ppm. All other values based on AP-42.

10. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-20 in any consecutive 12-month period. *[NSR—ATC, Section IV-A, Condition 22 (10/18/12)]*

Table III-B-20: Con-E-Co Concrete Batch Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
F025	Agg. Unloading Belly dump	80,580	0.000013	0.000046	0.01	0.01
F026	Loader to Feed hoppers 1 - 3	80,580	0.000013	0.000046	0.01	0.01
F026a	Loader to Aux. Feed hopper	80,580	0.000013	0.000046	0.01	0.01
F027	Belts 1 - 3 to Overhead Bins	80,580	0.000013	0.000046	0.01	0.01
F027a	Aux Belt to Overhead Bins	80,580	0.000013	0.000046	0.01	0.01
F027b	Overhead Bins to Weigh hopper	80,580	0.000013	0.000046	0.01	0.01
F027c	Weigh hopper to Belt	80,580	0.000013	0.000046	0.01	0.01
F027d	Belt to Loadout Aggs	80,580	0.000013	0.000046	0.01	0.01
F028	Fly Ash Silo Loading (Bin vent)	15,300	0.0049	0.0049	0.01	0.01
F028a	Fly Ash Silo to Weigh Batcher	15,300	Enclosed	Enclosed	0.00	0.00
F029	Cement Silo Loading (Bin vent)	15,300	0.00034	0.00034	0.01	0.01
F029a	Cement Silo to Weigh Batcher	15,300	Enclosed	Enclosed	0.00	0.00
F030	Aux Guppy Loading 1-4	77,175	0.00034	0.00034	0.01	0.01
F031	Transit Truck Loading (BH) ¹	20,400	0.03	0.0263	0.07	0.07

¹BH denotes unit vented to baghouse. Emissions from baghouses are computed based on 75% capture efficiency and 99.5% control efficiency.

11. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-21 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 22 (10/18/12)]

Table III-B-21: Western Pacific Precast Ready Mix Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
AE01	Loader to Ground Hopper	66,702	0.000013	0.000046	0.01	0.01
	Ground Hopper to Conveyor	66,702	0.000013	0.000046	0.01	0.01
AE01a	Loader to Ground Hopper	66,702	0.000013	0.000046	0.01	0.01
	Ground Hopper to Conveyor	66,702	0.000013	0.000046	0.01	0.01
AE02	Loader to Ground Hopper	66,702	0.000013	0.000046	0.01	0.01
	Ground Hopper to Conveyor	66,702	0.000013	0.000046	0.01	0.01
AE02a	Loader to Ground Hopper	66,702	0.000013	0.000046	0.01	0.01
	Ground Hopper to Conveyor	66,702	0.000013	0.000046	0.01	0.01
AE03	Conveyor to 4-Compartment Bin	66,702	0.000013	0.000046	0.01	0.01
AE04	4-Compartment Bin to Weigh Hopper	266,809	0.000013	0.000046	0.01	0.01
AE05	Weigh Hopper to Conveyor	266,809	0.000013	0.000046	0.01	0.01
AE06	Conveyor to Conveyor	266,809	0.000013	0.000046	0.01	0.01
	Conveyor to Collecting Cone	266,809	0.000013	0.000046	0.01	0.01
AE07	Cement Silo Loading (Bin Vent)	38,617	0.00034	0.00034	0.01	0.01
	Cement Silo to Weigh Batcher	38,617	Enclosed	Enclosed	0.00	0.00
AE07a	Cement Silo Loading (Bin Vent)	38,617	0.00034	0.00034	0.01	0.01
	Cement Silo to Weigh Batcher	38,617	Enclosed	Enclosed	0.00	0.00
AE08	Cement Guppy Silo to Weigh Batcher (Bin Vent)	214,500	0.00034	0.00034	0.01	0.01

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
AE09	Fly Ash Silo Loading (Bin Vent)	14,043	0.0049	0.0049	0.01	0.01
	Fly Ash Silo to Weigh Batcher	14,043	Enclosed	Enclosed	0.00	0.00
AE10	Cement/Fly Ash Weigh Batcher to Collecting Mixer	52,660	0.0011	0.0011	0.03	0.03
AE11	Mixer to Truck Loadout (BH)	52,660	0.0263	0.0263	0.18	0.18

12. The permittee shall not allow the actual emissions from the listed activities (H06) related to vehicle miles traveled to exceed the PTE in Table III-B-22 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 23 (10/18/12) and Title V Application (00372_20160415_APP) Incorporated into the Title V OP]

Table III-B-22: Haul Road PTE

EU	Process	Road Length (miles)	Throughput (VMT/yr)	PM _{2.5} PTE (ton/yr)	PM ₁₀ PTE (ton/yr)
H06	Aggregate	0.5	32,866	2.06	13.71
	Aggregate Haul Out	0.55	29,822		
	Type 2	0.35	10,889		
	Mine Haul	0.30	6,666		
	Asphalt	0.475	25,080		
	Portable Screen Hauling	1.0	1,100		
	Blending Systems	0.6	2,000		
	Silver Star Ready Mix	1.0	11,236		
	Silver Star Ready Mix Aggregate	1.0	1,775		
	American Eagle Ready Mix Aggregate	0.5	2,965		
	American Eagle Ready Mix Concrete	0.5	8,278		
	Rip Rap	3.0	18,000		
	Cyclone Sand	0.6	600		
	Ready-Mix Hauling	0.5	2,500		
	Admixture Haul	0.5	227		
	Cal Portland Hauling	1.0	30,000		
Coyote Portable Haul Road	1.0	48,667			

13. The permittee shall not exceed the limit on acres at any given time, nor allow the actual emissions from this activity to exceed the PTE in Table III-B-23 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 24 (10/18/12)]

Table III-B-23: Source-wide Stockpile Area PTE for PM_{2.5} and PM₁₀ (tons/year)

EU	Description	Acres	PM _{2.5}	PM ₁₀
G01	Entire Plant	51.0	2.32	15.45

14. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-24 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 29 (10/18/12)]

Table III-B-24: CalPortland Plant 1 Emissions

EU	Description	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
STM01	Unloading Aggregate Belly dump	642,135	0.000013	0.000046	0.01	0.01
STM02	Loader to Aggregate Hopper 1a	160,534	0.000013	0.000046	0.01	0.01
STM03	Loader to Aggregate Hopper 2a	160,534	0.000013	0.000046	0.01	0.01
STM04	Loader to Aggregate Hopper 3a	160,534	0.000013	0.000046	0.01	0.01
STM04A	Loader to Aux. Hopper	160,534	0.000013	0.000046	0.01	0.01
STM06	Belt 1 to 5 Comp Storage Bin (T.P.)	160,534	0.000013	0.000046	0.01	0.01
STM07	Belt 2 to 5 Comp Storage Bin	160,534	0.000013	0.000046	0.01	0.01
STM08	Belt 3 to 5 Comp Storage Bin	160,534	0.000013	0.000046	0.01	0.01
STM08a	Belt 4 to Weigh Hopper	160,534	0.000013	0.000046	0.01	0.01
STM10	Weigh Hopper 5 to Underbelt 6	642,135	0.000013	0.000046	0.01	0.01
STM13	Cement Silo 7 Loading (bin vent) ¹	48,263	0.00034	0.00034	0.01	0.01
STM13a	Cement Silo 7a Loading (bin vent) ¹	48,263	0.00034	0.00034	0.01	0.01
STM14	Guppy Silo 11 Loading (bin vent) ¹	96,525	0.00034	0.00034	0.01	0.01
STM15	Fly Ash Silo 8 Loading (bin vent) ¹	20,475	0.0049	0.0049	0.01	0.01
STM16	Cement to Weigh Batcher (bin vent) ¹	96,525	0.01	0.01	0.12	0.12
STM17	Fly Ash to Weigh Batcher (bin vent) ¹	96,525	0.01	0.01	0.12	0.12
STM18	Transit Truck Loading Station (BH) ¹	117,000	0.0087	0.0087	0.19	0.56
STM18a	Belt 6 to Transit Truck	117,000	0.0011	0.0074	0.06	0.43

¹"BH" and "bin vent" denote units vented to baghouses and bin vents. Emissions from baghouse and bin vent points are computed based on 75% capture efficiency and 99.5% control efficiency.

15. The permittee shall not allow the actual emissions from each emission unit/activity to exceed the PTE in Table III-B-25 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 30 (10/18/12)]

Table III-B-25: Cal Portland Plant 3 Emissions

EU	Description	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
STM44	Radial Stacker	474,000	0.000013	0.000046	0.01	0.01
STM43	Drive over Hopper	474,000	0.000013	0.000046	0.01	0.01
STM45	Hopper to Agg. Belt 1	94,800	0.000013	0.000046	0.01	0.01
STM46	Hopper to Agg. Belt 2	94,800	0.000013	0.000046	0.01	0.01
STM47	Hopper to Agg. Belt 3	94,800	0.000013	0.000046	0.01	0.01
STM48	Hopper to Agg. Belt 4	94,800	0.000013	0.000046	0.01	0.01
STM49	Hopper to Agg. Belt 5	94,800	0.000013	0.000046	0.01	0.01
STM55	Agg. Bin (5 compartment)	474,000	0.000013	0.000046	0.01	0.01
STM50	Belt 6 to Agg. Bin	94,800	0.000013	0.000046	0.01	0.01
STM51	Belt 7 to Agg. Bin	94,800	0.000013	0.000046	0.01	0.01
STM52	Belt 8 to Agg. Bin	94,800	0.000013	0.000046	0.01	0.01

EU	Description	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
STM53	Belt 9 to Agg. Bin	94,800	0.000013	0.000046	0.01	0.01
STM54	Belt 10 to Agg. Bin	94,800	0.000013	0.000046	0.01	0.01
STM56	Bin to Weigh Hopper	474,000	Enclosed	Enclosed	0.00	0.00
STM57	Belt A13 to Truck Loadout	474,000	0.000051	0.00034	0.01	0.08
STM58	Cement Silo #1 Loading	20,000	0.000051	0.00034	0.01	0.01
STM59	Cement Silo #2 Loading	20,000	0.000051	0.00034	0.01	0.01
STM60	Fly Ash Silo Loading	30,000	0.000735	0.0049	0.01	0.07
STM61	Silos to Weigh Batcher	90,000	0.000360	0.0024	0.02	0.11
STM62	Truck Loading (BH) ¹	90,000	0.0087	0.0087	0.10	0.10
STM63	Guppy Silo (bin vent) ¹	60,000	0.0034	0.00034	0.03	0.01
STM64	Ash Guppy Silo (bin vent) ¹	30,000	0.0049	0.0049	0.02	0.02
STM65	Cement Silo (bin vent) ¹	20,000	0.0034	0.00034	0.01	0.01

¹"BH" and "bin vent" denote units vented to baghouses and bin vents. Emissions from baghouse and bin vent points are computed based on 75% capture efficiency and 99.5% control efficiency.

16. The permittee shall not allow the actual emissions from the media blasting activity to exceed the PTE in Table III-B-26 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 33 (10/18/12)]

Table III-B-26: Media Blasting PTE ¹ (tons/year)

EU	Description	Conditions	PM _{2.5}	PM ₁₀
MB01	Media Blasting Operations, 48"x28"x28" ²	1,000 hrs/year	0.25	0.25

¹Based on a sand mass flow rate of 721.7 lbs/hr and controlled PM_{2.5}/ PM₁₀ EF = 0.69 lb/1,000 lb abrasive.

²Enclosure vented to a dust collector.

17. The permittee shall not allow the actual emissions from the gasoline dispensing activities to exceed the PTE in Table III-B-27 in any consecutive 12-month period. [NSR—ATC, Section IV-A, Condition 34 (10/18/12)]

Table III-B-27: Gasoline Dispensing VOC PTE (tons per year)

EU	Description	Throughput	VOC PTE
FT01	500-gallon aboveground gasoline storage tank	12,000 gal/year	0.52
FT02	500-gallon aboveground gasoline storage tank		

18. The permittee shall not allow the actual emissions from the portable crushing plant to exceed the PTE in Tables III-B-28 and III-B-29 in any consecutive 12-month period. [Minor Revision Application (8/22/2019)]

Table III-B-28: Portable Crushing Plant Emissions

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
PC00	VGF	350,000	0.000013	0.0011	0.01	0.19
PC01	Jaw Crusher	350,000	0.0001	0.0024	0.02	0.42
	Conveyor	350,000	0.000013	0.0011	0.01	0.19

EU	Transfer Points	Tons/Year	PM _{2.5} EF (lbs/ton)	PM ₁₀ EF (lbs/ton)	PM _{2.5} (tons/yr)	PM ₁₀ (tons/yr)
PC02	3-Deck Screen and Conveyors	350,000	0.00005	0.0087	0.01	1.52
PC03	Cone Crusher and Conveyors	350,000	0.0001	0.0024	0.02	0.42
PC04	Recycle Conveyor	350,000	0.000013	0.0011	0.01	0.19
PC05	Conveyor	175,000	0.000013	0.0011	0.01	0.10
	Stacker	175,000	0.000013	0.0011	0.01	0.10
PC06	Conveyor	175,000	0.000013	0.0011	0.01	0.10
	Conveyor	175,000	0.000013	0.0011	0.01	0.10
	Stacker	175,000	0.000013	0.0011	0.01	0.10
PC07	Truck load/Unload	350,000	0.000085	0.0001	0.02	0.02
PC08	Haul Road (unpaved)	1,556 VMT/yr	1.14 lb/VMT	7.57 lb/VMT	0.09	0.59

Table III-B-29: Portable Crushing Plant Engine Emissions (EU: PC09)

EU	Rating	Conditions	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP
PC09	605 hp	1,250 hours/year	0.07	0.07	4.27	0.42	0.01	0.17	0.01

19. Unless specified otherwise below, the permittee shall not discharge into the atmosphere from any emission unit, exclusive of blasting activities, any air contaminant in excess of an average of 20% opacity for more than 6 consecutive minutes. [AQR 26.1]
20. The permittee shall not allow fugitive emissions from the fly ash and cement silo loading (EUs: F015, F017, F017a, F028, STM13, STM13a, STM15, STM58, STM59, STM60, STM63, STM64, STM65, AE07, & AE09) in excess of an average opacity of 20% for a period of more than six consecutive minutes. [AQR 26.1]
21. The permittee shall not allow visible emissions from the asphalt plant in excess of an average of 20% opacity (EUs: D001–D027). [40 CFR Part 60.92(a)(2) and 40 CFR Part 60.11]
22. The permittee shall not discharge from the asphalt plant (EUs: D001–D027) into the atmosphere any gases that contain particulate matter in excess of 0.04 grains per dry standard cubic foot (g/dscf). [40 CFR Part 60.92(a)(1)]
23. The permittee shall operate wet processes (>10% moisture in the ¼” minus materials) (EUs: A084–A76, A103a–A111d, & A055–A078) in such a manner that no visible emissions are observed at any time. [AQR 12.5.2.3]
24. The permittee shall not allow fugitive emissions from screens, conveyors, and transfer points that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, to exhibit an average opacity greater than 10% based on five, 6-minute averages. This is applicable to the emission units listed in Table III-B-30. [40 CFR Part 60.672(b), 40 CFR Part 60.675 (c)(3) and 40 CFR Part 60.11]

Table III-B-30: 40 CFR Part 60, Subpart OOO—10% Opacity Applicable EUs (Pre-April 22, 2008)

EU	Description
Secondary Aggregate Plant	
A013	Tunnel Belt BC-4a 3 to VGF 2a
A016	VGF 2a drop to Belt 4 (BH)
A018	Screen S-1 (Simplicity) (BH)
A017	Belt 4 to Screen S-1 (BH)
A020	Screen S-1 to Crusher CR-2 (BH)
A036	Screen S-1 underbelt to Belt 5
A022	Belt 6 Split to Belt 44 and 45
A023	Belt 44 to Screen S-2a (BH)
A027	Screen S-2a to Belt 46 (BH)
A034	Screen S-2a underbelt to Belt 7
A024	Belt 45 to Screen S-3a (BH)
A028	Screen S-3a to Belt 47 (BH)
A035	Screen S-3a underbelt to Belt 7
A029	Belt 46 to Belt 8 (BH)
A030	Belt 47 to Belt 8 (BH)
A032	Crusher CR-3 (BH)
A033	Crusher CR-3 to Belt 6 (BH)
A037	Belt 5 to Belt 43
A038	Belt 43 to Belt 7 or 62
A038a	Belt 62 to Belt 63
A039	Belt 7 to Stacker 9
Overland Feed System	
A041	Belt Feeds 1-3 to Tunnel Belt 10
A042	Belt 10 to Overland Belt 48 (BH)
A043	Overland Belt 48 to Belts 11 and 50 (BH)
A046	Belt 50 to Stacker 51
Wash Plant #1	
A080	VGF 3a through 4 to Belt 25
A081	Belt 25 Tunnel to Belt 74
A107a	Belt 39 to Belt 74
A083	Belt 74 (mod) to Belts 54, 55, and 30 via Surge Bin
A111	Belt 72 to Belt 74
Wash Plant #2	
A048	VGF 1 and 2 to Belt 12
A049	Belt 12 Tunnel to Splitter Bin (Belt 20 & 22)
A050	Belt 13 (spare)
A051	Belt 22 to Belt 17
A053	Belt 20 to Belt 21
A059	Crusher CR-5 (Canica VSI)

EU	Description
A061	Belt 19 to Splitter BC22 & BC20
West Screen Plant	
B001	Stockpile to Belt 1
B002	Belt 1 to Belt 3
B004	Belt 3 to Splitter (BH)
B004a	Splitter to Belt 4 (BH)
B006a	Splitter to Belt 5 (BH)
B006	Screen 1 ElJay (BH)
B005	Belt 4 to Screen 1
B022	Screen 1 to Belt 18
B008	Screen 2 ElJay (BH)
B007	Belt 5 to Screen 2
B024	Screen 2 to Belt 19
B013	Screen 3 (JCI) (BH)
B012	Belt 7 to Screen 3
B013a	Screens 1-3 to Belt 10
B13b	Screens 1-3 to Belt 20
B018	Screens 1-3 to Belt 17
B039	Screen 3 to Belt 8
B033	Belt 20 (crossbelt) to 6x20 Screen 6
B037	Belt 12 to Belt 9
B041	Belt 9 to Splitter Box
B035	Cone Crusher (BH)
B020	Belt 15 Recirc to Splitter
B051	Belt 17 to 6x20 Screen 4 (Wet Deck)
B038	Belt 18 to Belt 13
B026	Belt 19 to Belt 13
B040	Belt 8 to Belt 13
B053b	Belt 13 to Belt 13a
B031	Stacker 1 to Stockpile (CF)
B003a	Reject Stacker (alt ops)
B011	Belt 6 to Stacker 8 (T2)
Type 2 Plant (Virgin and Recycle)	
A012d	VGF2 to Belt 70
A012e	Belt 70 to Belt 2a Overland
A010a	Loader to VGF Feeder
C003	VGF to Belt 3
C004	Belt 3 to Belt 4
C005a	Screen 3 Cedar Rapids
C005b	Belt 4 to Screen 3
C005c	Screen 3 to Stacker 22 (alt)
C005d	Screen 3 to Stacker 15 (alt)
C005e	Screen 3 to Underbelt
C005f	Screen 3 to Belt 5

EU	Description
C031	S3 Underbelt to Stacker
C006	Belt 5 to Belt 6 & 7 (splitter)
C008	Screen 1 Cedar Rapids
C007	Belt 6 to Screen 1
C016	Screen 1 to Belt 14
C009	Screen 2 Cedar Rapids
C009a	Screen1 & 2 to Belt 8
C025	Screen 2 to Belt 21
C013	Belt 11 to Belt 12
C013a	Belt 12 to Belt 6&7 (splitter)
C017	Belt 14 to Belt 18a
C022	Belt 18a to Stacker 17
C027	Belt 20 to Belt 16
C019	Belt 16 to Stacker
C011	Belt 9 Spare
C035	Belt 19 Spare
Portable Crushing Plant	
PC02	3-Deck Screen and Conveyors
PC03	Cone Crusher and Conveyors
PC04	Recycle Conveyor
PC05	Conveyor and Stacker
PC06	Conveyors and stacker

25. The permittee shall not allow fugitive emissions from crushers that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, to exhibit an average opacity greater than 15% based on five 6-minute averages. This applies to the units listed in Table III-B-31. [40 CFR Part 60.672(b), 40 CFR Part 60.675 (c)(3) and 40 CFR Part 60.11]

Table III-B-31: 40 CFR Part 60, Subpart OOO—Applicable EUs Pre-April 22, 2008 (15% Opacity)

EU	Description
Primary Feed (Mountain Top)	
A02	Gyratory Crusher (crushing) and associated transfers
Secondary Aggregate Plant	
A020	Crusher CR-2 (Hazemag) (BH) and associated transfers
A032	Crusher CR-3 (Canica VSI) (BH) and associated transfers
Wash Plant #2	
A059	Crusher CR-5 (Canica VSI) and associated transfers
West Screen Plant	
B035	Cone Crusher (BH) and associated transfers
Type 2 Plant (Virgin and Recycle)	
A012b	Jaw Crusher CR-10 and associated transfers

EU	Description
C002	Jaw Crusher and associated transfers
C012	Horz. Shaft Impact Crusher and associated transfers
Portable Crushing Plant	
PC01	Jaw Crusher and Conveyor

26. The permittee shall not allow fugitive emissions from screens, conveyors, and transfer points that commenced construction modification, or reconstruction after April 22, 2008, not connected to baghouses, to exhibit an average opacity greater than 7% based on five 6-minute averages. This applies to the units listed in Table III-B-32. [40 CFR Part 60.672(b), 40 CFR Part 60.675 (c)(3) and 40 CFR Part 60.11]

Table III-B-32: 40 CFR Part 60, Subpart OOO—Applicable EUs Post-April 22, 2008 (7% Opacity)

EU	Description
Secondary Aggregate Plant	
A025a	Screen S-2a (Cedar Rapids 8x20) (BH)
A026a	Screen S-3a (Cedar Rapids 8x20) (BH)
A038c	Belt 64 at H.S.I. oversize reject (alt ops)
Wash Plant #2 and ¼" Crushing and Screening	
A120d	Belt 72 to Belt 81
A120e	Belt 73 to VSI Crushers CR-9 and CR-9a (splitter)
A120a	6x20 3 Deck Wet Screen S-12
A120f	3 Deck Size Screen transfers to BC-81 and recirc.
A121A	Belt 77 to 6x20 3 Deck Screen
A125	3 Deck Screen 5x16
A120g	Belt 80 (spare)
A122a	X-Belt to Stacker 78
A122b	Belt 74 (spare)
A122c	Belt 81 to Screen 5x16
A122d	Belt 82 (spare)
A124	Belt (spare)
Rip Rap/Miscellaneous Screening	
H08	Trommel Screen Hurcules HT182
H02	Oversize Reject #1 - #4
H05	Fines Transfer Belt
West Screen Plant	
B016	Belt 16 (spare)
B054	Belt 13a to Stacker 1
B047	7 x 20 Dewater Screen to Stacker 2 (CF)
B046a	Loader to Aux Refeed Hopper w/Feeder (alt)
Type 2 Plant (Virgin and Recycle)	
A010	Belt 2a to VGF Feeder or SP
C009	Screen 2 Cedar Rapids

EU	Description
C008a	Belt 7 to Screen 2
C026	Belt 21 to Belt 20
Road Runner Portable Screen	
RS01	Loader to Hopper
RS03	Road Runner Incline Screen
RS02	Conveyor to Screen
RS04	Screen to Stacker 1
RS06	Screen to Stacker 2
RS08	Underbelt Transfer to Stacker 3
Blending System	
BS02	Belt Feeders to Belt
BS03	Splitter to Alt Stacker (pugmill bypass)
D013d	Pugmill Mixer (mixes supplement, water, and aggregate)
BS05a	Belt to Pugmill
D013e	Belt Conveyor to Stacker

27. The permittee shall not allow visible emissions from crushers that commenced construction, modification, or reconstruction after April 22, 2008, and that are not connected to baghouses, to exhibit an average opacity greater than 12% based on five 6-minute averages. This applies to the units listed in Table III-B-33. [40 CFR Part 60.672(b), 40 CFR Part 60.675 (c)(3) and 40 CFR Part 60.11]

Table III-B-33: 40 CFR Part 60, Subpart OOO—Applicable EUs Post-April 22, 2008 (12% Opacity)

EU	Description
Wash Plant #1	
A103	VSI CR-7a and associated transfers
A106	VSI Crusher CR-6a and associated transfers
Wash Plant #2	
A120h	Canica VSI Crusher CR-9a and associated transfers
A120	Canica VSI Crusher CR-9 and associated transfers

28. The permittee shall not allow visible emissions from baghouses at the crushing and screening plants to exhibit an average opacity greater than 7% based on five 6-minute averages (EUs: A015, A016, A018, A017, A019, A020, A021, A025a, A023, A027, A026a, A024, A028, A029, A030, A032, A031, A033, A040, A042, A043, B004, B004a, B006a, B006, B008, B013, & B035). [40 CFR Part 60.672(b), 40 CFR Part 60.675 (c)(3) and 40 CFR Part 60.11]
29. The permittee shall not discharge into the atmosphere emissions from any stack subject to Subpart OOO of 40 CFR Part 60 that contain particulate matter in excess of 0.05 g/dscm (EUs: A015, A016, A018, A017, A019, A020, A021, A025a, A023, A027, A026a, A024, A028, A029, A030, A032, A031, A033, A040, A042, A043, B004, B004a, B006a, B006, B008, B013, B035, D009, D014, F014a, & F031). [40 CFR Part 60.672(a)]

30. The permittee shall not cause, suffer, or allow the source to discharge air contaminants (or other material) in quantities that will cause a nuisance, including excessive odors. *[AQR 40 & AQR 43]*
31. The permittee shall not cause or permit the handling, transporting, or storage of any material in a manner that allows or may allow controllable particulate matter to become airborne. *[AQR 41.1.2]*

Fugitive Dust

32. The permittee shall not cause or allow fugitive dust from trackout, which includes accumulation of mud or dirt on curbs, gutters, sidewalks, or paved surfaces, or from the handling, transport, or storage of any material in a manner that allows visible emissions of particulate matter to: *[AQR 94.14(a) & AQR 94.14(e)]*
 - a. Exceed 20% opacity using the Time Averaged Method (AQR 94.15.2) or the Intermittent Emissions Method (AQR 94.15.3);
 - b. Exceed 50% opacity using the Instantaneous Method (AQR 94.15.4);
 - c. Extend more than 100 feet; or
 - d. Cross a property line.
33. The permittee shall not allow fugitive dust emissions from unpaved parking lots or storage areas of more than 5,000 square feet to exceed: *[AQR 92.4(a)]*
 - a. 20% opacity based on the Opacity Test Method (AQR 92.6.1); or
 - b. 50% opacity based on the Instantaneous Method (AQR 92.6.2).
34. The permittee shall not allow a fugitive dust plume from an unpaved parking lot or storage area of more than 5,000 square feet to cross a property line. *[AQR 92.4(b)]*

C. OPERATIONAL LIMITS

Aggregate/Asphalt Processing

1. The permittee shall limit the amount of material mined and processed through the primary feed (EU: A02a) at this source to 5,000,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 3, Section III-A, Condition 3 (11/09/05)]*
2. The permittee shall limit the amount of material processed at the secondary plant (EU: A040) to 5,000,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 3, Section III-A, Condition 3 (11/09/05)]*
3. The permittee shall limit the blasting area (EU: A001a) to 35,000 square feet per blast. *[NSR—ATC/OP Modification 6, Section III-A, Table III-A-12 (06/25/08)]*
4. The permittee shall limit the number of blasts to 175 blasts per any consecutive 12-month period, monitored and calculated at the end of each month (EU: A001a). *[NSR—ATC/OP Modification 6, Section III-A, Table III-A-12 (06/25/08)]*

5. The permittee shall limit the amount of blasting agent (EU: A001a) used to 1,500 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 6, Section III-A, Table III-A-13 (06/25/08)]*
6. The permittee shall limit the number of holes drilled for blasting (EU: A001b) to 7,500 in any consecutive 12-month period, monitored and calculated at the end of each month. *[Title V Application (06/19/2018) incorporated into the Title V OP]*
7. The permittee shall limit the throughput of Wash Plant 1 (EU: A080) to 2,000,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 3, Section III-A, Condition 5 (11/09/05)]*
8. The permittee shall limit the throughput of Wash Plant 2 (EU: A048) to 1,500,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 10, Section IV-B, Condition 5 (04/30/10)]*
9. The permittee shall limit the throughput of the Trommel Screen System (EU: H05c) to 150,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC Section IV-B, Condition 3 (01/27/11)]*
10. The permittee shall limit the throughput of the Grizzly Screen (EU: H02a) to 75,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC Section IV-A, Condition 10 (10/17/12)]*
11. The permittee shall limit the throughput of the West Screen Plant (EU: B001) to 1,500,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 5, Section III-A, Condition 6 (11/05/07)]*
12. The permittee shall limit the throughput of material mined and processed through the Type II Plant (Virgin and Recycle) (EU: C001) to 700,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 4, Section III-A, Conditions 7&8 (12/11/06)]*
13. The permittee shall limit the amount of material mined for the Type II Plant (EU: C001a) to 500,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 4, Section III-A, Condition 7 (12/11/06)]*
14. The permittee shall limit the throughput in the Asphalt Plant (EU: D014) to 660,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC/OP Modification 4, Section III-A, Condition 9 (12/11/06)]*
15. The permittee shall limit the combined amount of diesel fuel used in the hot oil heaters (EUs: D026 & D027) to 131,400 gallons per any consecutive 12-month period. *[Title V Application (dated 09/01/2015) incorporated into the Title V OP]*
16. The permittee shall limit the combined amount of propane fuel used in the hot oil heaters (EUs: D026 & D027) to 147,294 gallons per any consecutive 12-month period. *[Title V Application (dated 09/01/2015) incorporated into the Title V OP]*

17. The permittee shall limit the throughput in the Road Runner Portable Screen Plant (EU: RS01) to 50,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC Modification 9, Section IV-B, Condition 2 (05/11/09)]*
18. The permittee shall limit the throughput in the Blending System (EU: BS01) to 500,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[NSR—ATC Section IV-B, Condition 4 (01/27/11)]*
19. The permittee shall limit the throughput in the New Blending System (EU: BS15) to 400,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[Title V Application (dated 02/27/2014) incorporated into the Title V OP]*
20. The permittee shall limit the throughput in the Coyote Portable Plant (EU: CY01) to 15,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[Title V Application 08/08/2017 incorporated into the Title V OP]*
21. The permittee shall limit the vehicle miles traveled (VMT) associated with all plants and processes to 232,671 in any consecutive 12-month period (EU: H06). *[Title V Application (dated 04/15/2016) Incorporated into the Title V OP]*
22. The permittee shall limit the sum of all stockpile areas at any given time to 51.0 acres (EU: G01). *[NSR—ATC/OP Modification 6, Section III-A, Table III-A-20 (06/25/08)]*

Silver Star Ready Mix Plant

23. The permittee shall limit the throughput in the Silver Star Ready Mix Plant (EU: F001) to 185,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[Title V Application ((dated 04/15/2016) Incorporated into the Title V OP]*
24. The permittee shall limit the operation of the Fire Storm water heater to 1,200 hours in any consecutive 12-month period (EU: F023). *[Title V Application ((dated 04/15/2016) Incorporated into the Title V OP]*

Con-E-Co Concrete Batch Plant

25. The permittee shall limit the amount of concrete processed through the Con-E-Co Concrete Batch Plant to 50,000 cubic yards in any consecutive 12-month period, monitored and calculated at the end of each month. Washed aggregate and rock usage (EU: F025) shall be limited to 80,850 tons in any consecutive 12-month period. *[NSR—ATC Section IV-B, Condition 1 (03/08/11)]*

Western Pacific Precast Plant

26. The permittee shall limit the throughput in the Western Pacific Precast Plant (EU: AE01) to 266,809 tons in any consecutive 12-month period, monitored and calculated at the end of each month. *[Title V Application (06/19/2018) Incorporated into the Title V OP]*

CalPortland Plant 1

27. The permittee shall limit the throughput of material processed at CalPortland Plant One to 642,135 tons in any consecutive 12-month period, monitored and calculated at the end of each month (EU: STM01). *[Title V Application 05/25/2017 incorporated into the Title V OP]*

CalPortland Plant 3

28. The permittee shall limit the production of concrete products to 474,000 tons in any consecutive 12-month period, monitored and calculated at the end of each month (EU: STM44). *[Title V Application 05/25/2017 incorporated into the Title V OP]*

Overland Feed System

29. The permittee shall shut down the stackers in the Overland Feed System (EUs: A045 and A046a) during the duration of a Construction Notice or Dust advisory. *[HOO December 14, 2019]*

Diesel-Powered Units

30. The permittee shall limit the operation of engine (EU: A123) to 2,000 hours in any consecutive 12-month period. *[NSR—ATC, Condition IV-B-25 (10/17/12)]*
31. The permittee shall limit the operation of engine (EU: RS10) to 500 hours in any consecutive 12-month period. *[NSR—ATC Mod 9, Condition IV-B-4 (05/11/09)]*
32. The permittee shall limit the operation of engine (EU: A123b) to 1,250 hours in any consecutive 12-month period. *[Title V Renewal Application (05/25/2017)]*
33. The permittee shall limit the operation of engine (EU: A123c) to 1,250 hours in any consecutive 12-month period. *[Title V Renewal Application (05/25/2017)]*
34. The permittee shall limit the operation of engine (EU: CY09) to 2,500 hours in any consecutive 12-month period. *[Title V Application (08/24/2017) incorporated into the Title V OP]*

Media Blasting Unit

35. The permittee shall limit the operation of the media blasting unit (EU: MB01) to 1,000 hours in any consecutive 12-month period. *[Minor Title V Revision (dated 05/26/2011) incorporated into the Initial Title V OP]*

Gasoline Dispensing/Storage

36. The permittee shall limit the combined throughput of gasoline for the fuel tanks (EUs: FT01 & FT02) to 12,000 gallons in any consecutive 12-month period. *[Minor Title V Revision (dated 08/25/2011) incorporated into the Title V OP]*

Portable Crushing Plant

37. The permittee shall limit the throughput of the portable crushing plant (EUs: PC00 through PC08) to 350,000 tons in any consecutive 12-month period. *[Minor Revision Application, August 22, 2019]*
38. The permittee shall limit the hours of operation of the engine at the portable crushing plant (EU: PC09) to 1,250 hours in any consecutive 12-month period. *[Minor Revision Application, August 22, 2019]*

D. EMISSION CONTROLS

Aggregate, Concrete, and Asphalt Processing

1. Wherever a baghouse is used to control emissions from process equipment, the permittee shall ensure that baghouse is in use at all times the process equipment is operating. (For clarification, Table III-D-1 identifies applicable baghouse control devices.) *[NSR—ATC/OP Modification 4, Section III-B, Condition 1 (12/11/06)]*

Table III-D-1: List of Emission Units with Baghouse Control

EU	EUs and Transfer Points Controlled by Baghouse	Baghouse ID
A016	VGF drop to Belt 4	DC1
A018	Belt 4 to Screen S-1, Screen S-1 (Simplicity)	
A020	Screen to Crusher CR-2, Crusher CR-2 (Hazemag), Crusher CR-2 to Belt 6	
A025a	Belt 45 to Screen S-2a, Screen S-2a (Cedar Rapids 8x20), Screen S-2a to Belt 46	
A026a	Belt 45 to Screen S-3a, Screen S-3a (Cedar Rapids 8x20), Screen S-3a to Belt 47	
A029	Belt 46 to Belt 8, Belt 47 to Belt 8	
A032	Belt 8 to Crusher CR-3, Crusher CR-3 (Canica VSI), Crusher CR-3 to Belt 6	
A040	Stacker 9 to Surge pile 2	
A042	Belt 10 to Overland Belt 48	
A043	Overland Belt 48 to Belts 11 and 50	DC4
B004	Belt 3 to Splitter Box	DC2
B004a	Splitter to Belt 4	
B006a	Splitter to Belt 5	
B006	Screen 1 (EIJay)	
B008	Screen 2 (EIJay)	
B013	Screen 3 (JCI)	
B035	Cone Crusher (Sanvick)	
D009	Screen to Conveyor 8	Aztec 200-hp (twin) Pulsejet
D014	Aztec Drum Mixer	Aztec 200-hp (twin) Pulsejet
F014a	Loading Station Central Mix	C&W Baghouse 10 hp
F019	Batcher 18 to Truck	
F031	Transit Truck Loading	WAMFLO
AE11	Transit Truck Loading	
STM18	Transit Truck Loading Station	STM18
STM62	Transit Truck Loading Station	STM62

DC1 – Fabric Filter Air Systems 200-hp Pulsejet SN5316
 DC2 – Fabric Filter Systems 125-hp Pulsejet SN 5315

2. The permittee shall ensure that an effective seal is installed around the baghouses installed on emissions units, as indicated in Table III-D-1, and the pressure drop across each baghouse cell shall be maintained as follows: *[NSR—ATC/OP Modification 4, Section III-B, Condition 41 (12/11/06)]*
 - a. Between 1” and 8” water column for the baghouse on EU: F014a; and

- b. Between 1” and 6” water column for all other baghouses.
3. The permittee shall operate fly ash silo loading, cement silo loading, and weigh batcher loading associated with the concrete batch plants with bin vent dust filters that have a manufacturer’s minimum control efficiency of 99.5% (EUs: F015, F016, F017, F017a, F019, F027b, F028, F029, F30, AE05, AE07, AE08, AE09, STM08a, STM13, STM14, STM15, STM16, STM56, STM58, STM60, STM61, STM63, STM64, & STM65). *[NSR—ATC 372 Condition IV-C-10 (01/27/11)]*
 4. The permittee shall utilize an automated air-to-fuel ratio control system that optimizes burner performance in the asphalt plant drum mixer. The system shall be maintained and calibrated according to the specifications of the manufacturer, and the control system shall be employed at all times when the drum mixer is operated (EU: D014). *[NSR—ATC/OP Modification 4, Section III-B, Condition 28 (12/11/06)]*
 5. The permittee shall maintain a water spray system in good operating condition, as verified by daily inspection, and use it during the processing of material as needed to mitigate fugitive emissions. This shall include, but not be limited to, crushing, screening, transfer points, drop points, and stacker points, but shall exclude washed product processing. The permittee shall investigate and correct any problems with the control equipment before resuming operations. The Control Officer at any time may require additional water sprays at pertinent locations if an inspection by the Control Officer indicates that the opacity limit is being exceeded. *[NSR—ATC/OP Modification 6, Section IV-B, Condition 46 (06/25/08), Part 70 OP Minor Revision (8/22/2019)]*
 6. The permittee shall install and operate a dust abatement injection system on the secondary stacker (EU: A043), that will inject a mixture of Earthbind 100, or a product with similar specifications set forth in Exhibit 1 of the HOO, and water to the material product stream at all times the secondary stacker operates. *[HOO November 14, 2019]*
 7. The permittee shall operate and maintain the dust abatement injection system with Earthbind 100 or similar product, in good working order in accordance with the manufacturer’s specifications (manufacturer’s O&M manual), at all times the secondary stacker (EU: A043) is in operation. *[HOO November 14, 2019]*

Fugitive Emissions

8. The permittee shall take continual measures to control fugitive dust (e.g., wet, chemical, or organic suppression, enclosures, etc.) at all mining and aggregate processing operations, material transfer points, stockpiles, truck loading stations, and haul roads throughout the source. The Control Officer may at any time require additional water sprays or other controls at pertinent locations if a DAQ inspection indicates that opacity limits are being exceeded. *[NSR—ATC/OP Modification 4, Section III-B, Condition 19 (12/11/06), Part 70 OP Minor Revision (8/22/2019)]*
9. The permittee shall sweep and/or rinse paved roads accessing or located on the site as necessary to remove all observable deposits so as to not exceed the opacity limit established by this permit. *[NSR—ATC/OP Modification 4, Section III-B, Condition 35 (12/11/06)]*

10. The permittee shall control fugitive emissions on unpaved roads accessing or located on the site by treating with chemical or organic dust suppressant(s); watering, paving, or graveling them; or using an alternative, Control Officer-approved control measure so as to not exceed the opacity limit established by this permit. *[NSR—ATC/OP Modification 4, Section III-B, Condition 36 (12/11/06), Part 70 OP Minor Revision (8/22/2019), Part 70 OP Minor Revision (8/22/2019)]*
11. The permittee shall control fugitive dust emissions from screens, crushers, conveyors, storage piles, transfer points, and nonmetallic mineral processing equipment not connected to baghouse controls or part of the wet process by operational water sprays to prevent exceeding opacity standards. *[NSR—ATC/OP Modification 4, Section III-B, Condition 23 (12/11/06), Part 70 OP Minor Revision (8/22/2019)]*
12. The permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. *[NSR—ATC/OP Modification 5, Section IV-B, Condition 20 (11/05/07), Part 70 OP Minor Revision (8/22/2019)]*
13. The permittee shall not cause or allow the discharge of fugitive dust in excess of 100 yards from the point of origin or beyond the lot line of the property on which the emissions originate, whichever is less. *[NSR—ATC/OP Modification 4, Section III-B, Condition 20 (12/11/06)]*
14. The permittee shall control fugitive dust emissions from any disturbed open area or disturbed vacant lot owned or operated by the permittee by paving, applying gravel, applying a dust palliative, or applying water to form a crust. *[NSR—ATC/OP Modification 5, Section IV-B, Condition 51 (11/05/07)]*
15. The permittee shall control particulate matter emissions from any unpaved parking lot owned or operated by the permittee by paving, by applying a dust palliative, or by an alternative method approved by the Control Officer, regardless of the number of days of use.
16. Where a stationary source, or a portion thereof, is to be closed or idled for 30 days or more, long-term stabilization of disturbed areas shall be implemented within 10 days following the cessation of active operations. Long-term stabilization includes, but is not limited to, one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, denying unauthorized access, or any other effective control measure(s) to prevent fugitive dust from becoming airborne. *[NSR—ATC/OP Modification 4, Section III-B, Condition 44 (12/11/06)]*

Fugitive Dust

17. The permittee shall not allow mud or dirt to accumulate on a paved surface where trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches. *[AQR 94.14(d)]*
18. The permittee shall immediately clean any trackout, including trackout less than 50 feet in length or 0.25 inches in depth, and maintain the surface to eliminate emissions of fugitive dust by removing all accumulations of mud or dirt on curbs, gutters, sidewalks, or paved surfaces that cause visible emissions in excess of the emission limits and standards in this permit. *[AQR 94.14(e)]*
19. Except as otherwise required in this section, all trackout shall be cleaned up by the end of the workday or evening shift, regardless of length or depth. *[AQR 94.14(f)]*

20. The permittee shall not use blower devices or dry rotary brushes to remove deposited mud, dirt, or rock from a paved surface. Rotary brushes may be used when sufficient water is applied to limit visible emissions consistent with the emissions limits in this permit. [AQR 94.14(a)(1)-(3), (b) and (c)]
21. For stockpiles over eight feet high, the permittee shall: [AQR 94.14(g)]
 - a. Locate the stockpile more than 100 yards from occupied buildings unless approved in advance by the Control Officer.
 - b. Blade a road to the top of the stockpile to allow water truck access, or use another means to provide equally effective dust control at the top of the stockpile.
22. The permittee shall implement one or more of the following to maintain fugitive dust control on all disturbed soils to the extent necessary to pass the Drop Ball Test described in AQR 94.15.5: [AQR 94.12(b)]
 - a. Maintain in a sufficiently damp condition to prevent loose particles of soil from becoming dislodged;
 - b. Crust over by application of water;
 - c. Completely cover with clean gravel;
 - d. Treat with a dust suppressant; or
 - e. Treat using another method approved in advance by the Control Officer.
23. The permittee shall not allow unpaved parking lots or storage areas of more than 5,000 square feet to exceed the following, as determined by Section 92.6.3, except in areas on which clean gravel has been applied. The permittee shall demonstrate compliance as required by the Control Officer. [AQR 92.4(a)]
 - a. 0.33 oz/ft² silt loading; or
 - b. 6% silt content.
24. The permittee shall control fugitive dust emissions from unpaved parking lots and storage areas of more than 5,000 feet by: [AQR 92.3.4]
 - a. Paving, as defined in AQR 0;
 - b. Applying alternate asphalt paving, as defined in AQR 92.2;
 - c. Uniformly applying and maintaining clean gravel to a depth of two inches; or
 - d. Applying and maintaining an alternative control measure with prior written approval from the Control Officer.
25. Control measures outlined in this permit, and other measures needed for maintaining dust control, shall be implemented 24 hours a day, 7 days a week. [AQR 94.13(b)]

Drilling and Blasting (EUs: A001a and A001b)

26. Blasting shall not occur when wind gusts of 25 mph or more are forecast, or when DAQ has issued a construction or dust advisory. [Part 70 OP Minor Revision (8/22/2019)]

27. The permittee shall plan for blasting by considering weather conditions, as provided by the National Weather Service, and any DAQ-issued construction or dust advisories. *[Part 70 OP Minor Revision (8/22/2019)]*
28. Blasting shall be planned to facilitate a continuous process, in consideration of wind forecasts and any DAQ-issued construction or dust advisories, with the blast fired as soon as possible following the completion of loading. *[Part 70 OP Minor Revision (8/22/2019)]*
29. Document current and predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes. *[Part 70 OP Minor Revision (8/22/2019)]*
30. The permittee shall have a water truck available and utilized during all drilling and blasting operations to minimize emissions. *[Part 70 OP Minor Revision (8/22/2019)]*

Water Heaters

31. The permittee shall combust only natural gas or propane in the water heater (EU: F023).
32. The permittee shall maintain and operate the water heater (EU: F023) with burners rated for emission rates of 30 ppm of NO_x, corrected to 3% oxygen. *[NSR—ATC/OP Modification 6, Section IV-B, Condition 51 (06/25/08)]*
33. The permittee shall maintain and operate the water heater (EU: F023) with burners rated for emission rates of 100 ppm of CO, corrected to 3% oxygen. *[NSR—ATC/OP Modification 6, Section IV-B, Condition 51 (06/25/08)]*

Diesel Engines

34. The permittee shall combust only diesel fuel in any engine (EUs: A123, A123b, A123c, RS10, CY09, & PC09). *[40 CFR Part 60.4207(a) & 40 CFR Part 63.6604]*
35. The permittee shall operate and maintain each engine in accordance with the manufacturer's specifications (EUs: A123, A123b, A123c, RS10, CY09, & PC09). *[NSR—ATC Section IV-D, Condition 1 (1/31/14) and Title V Application 05/25/2017 incorporated into the Title V OP, Part 70 OP Minor Revision (8/22/2019)]*
36. The permittee shall operate each engine with a turbocharger and aftercooler (EUs: A123, A123c, RS10, & PC09). *[NSR—ATC Section IV-C, Condition 17 (10/18/12), Part 70 OP Minor Revision (8/22/2019)]*
37. The permittee shall control crankcase emissions on the engine (EUs: A123 & A123c) in accordance with one of the following conditions: *[40 CFR Part 63, Subpart ZZZZ]*
 - a. A closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere; or
 - b. An open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.
38. The permittee shall operate the engines with a turbocharger and air cooler (EUs: A123b & CY09). *[NSR—ATC Section IV-D, Condition 1 (1/31/14) and Title V Application (08/24/2017) incorporated into the Title V OP]*

39. The permittee shall maintain the engine (EU: RS10) as follows, unless the manufacturer's specifications are more stringent: *[NSR—ATC Section IV-C, Condition 20 (10/18/12) & 40 CFR Part 63.6625(i)]*
- a. Change oil and filter every 500 hours of operation or annually, whichever comes first;
 - b. Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and
 - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

Media Blasting Unit

40. The permittee shall control media blasting operations by performing all blasting in an enclosure and venting the enclosure to a dust collector. *[NSR—ATC Section IV-C, Condition 21 (10/18/12)]*

Gasoline Dispensing/Storage

41. The permittee shall implement control technology requirements pursuant to 40 CFR Part 63, Subpart CCCCC, as follows:
- a. The permittee shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Preventative measures to be taken include, but are not limited to, the following: *[NSR—ATC Section IV-C, Condition 22 (10/18/12) & 40 CFR Part 63.11116]*
 - i. Minimize gasoline spills;
 - ii. Clean up spills as expeditiously as practicable;
 - iii. Cover all open gasoline containers and all gasoline storage tank fill pipes with a gasketed seal when not in use; and
 - iv. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

General Emission Controls

42. The permittee must comply with control requirements contained in this section. If there is inconsistency between standards or requirements, the most stringent standard or requirement shall apply. *[NSR—ATC Section IV-C, Condition 23 (10/18/12)]*

E. MONITORING

Water Heaters

1. The permittee shall conduct burner efficiency tests in accordance with the manufacturer's specifications and specifications for good combustion practices at least once per calendar year (EU: F023). *[NSR—ATC Section IV-D, Condition 1 (10/18/12)]*

2. The permittee shall not be required to perform a burner efficiency test if the actual hours of operation are zero. This requires that an hour meter be installed, and written records must begin to be kept prior to the beginning of the calendar year for which the option is to be exercised. (EU: F023). *[NSR—ATC Section IV-D, Condition 3 (10/18/12)]*
3. The permittee shall operate the water heater with a nonresettable hour meter, or other device approved in advance by the Control Officer, and monitor the hours of operation (EU: F023). *[NSR—ATC Section IV-D, Condition 2 (10/18/12)]*

Diesel Engines

4. The permittee shall operate the engines (EUs: A123, A123b, A123c, RS10, & CY09) with a nonresettable hour meter and monitor the duration of operation. *[Title V Renewal Application (05/25/2017)]*

Aggregate, Concrete, and Asphalt Processing

5. The permittee shall use EPA Test Method 9 to comply with the opacity requirements of 40 CFR Part 60, Subpart I and Subpart OOO. *[40 CFR Parts 60.93, 60.675 and 40 CFR Part 60.11]*
6. The permittee shall use EPA Test Method 5 to comply with the particulate matter standards of 40 CFR 60, Subpart I and Subpart OOO. *[40 CFR Parts 60.93, 60.675 & 40 CFR Part 60.11]*
7. The permittee shall maintain a weigh-belt immediately after the primary crusher (EU: A02) to monitor throughput. This weigh belt shall conform to ASTM International standards and be operated, maintained, and calibrated according to the manufacturer's specifications. *[Title V Application (dated 02/04/2013) incorporated into the Title V OP]*
8. The permittee shall monitor the material throughput of each process that has a production limit identified in Section III-B of this permit. The throughput shall be monitored and recorded at least monthly. *[NSR—ATC Section IV-D, Condition 6 (10/18/12)]*
9. The permittee shall monitor the amount of diesel and propane fuel used in the hot oil heaters (EUs: D026 & D027). *[Title V Application (dated 09/01/2015) incorporated into the Title V OP]*
10. The permittee shall operate a continuous automated particle sampler (Beta Attenuation or EPA-approved equivalent) pursuant to 40 CFR Part 53. The automated particle sampler shall be capable of speciation and located in a site approved by the Control Officer. *[NSR—ATC Modification 10, Section IV-D, Condition 7 (04/30/10)]*
11. The permittee shall conduct daily monitoring of the pressure drop across each baghouse cell with the installation and operation of a pressure differential (Magnehelic®) gauge per manufacturer's specifications (EU: A015, A016, A018, A017, A019, A020, A021, A025a, A023, A027, A026a, A024, A028, A029, A030, A032, A031, A033, A040, A042, A043, B004, B004a, B006a, B006, B008, B013, B035, D009, D014, F014a, & F031). *[NSR—ATC Modification 10, Section IV-D, Condition 8 (04/30/10)]*
12. The permittee shall use truck-mounted pressure gauges to monitor the operation pressure of silo bin vents during each loading activity, to not exceed the loading pressure of 12 psi. *[Title V Application (dated 02/04/2013) incorporated into the Title V OP]*

13. The permittee shall conduct daily visual observations of bin vents, baghouses, and/or stack discharges to verify that visible emissions are not present. If there are visible emissions, the permittee shall cease operations producing the emissions until the problem is corrected. *[NSR—ATC Modification 10, Section IV-D, Condition 9 (04/30/10)]*
14. The permittee shall conduct monthly visual inspections of the baghouse and bin vent interior for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within five working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until repairs to the baghouse are completed. *[NSR—ATC Modification 10, Section IV-D, Condition 10 (04/30/10)]*
15. The permittee shall conduct a daily visual emissions check for visible emissions from emissions units while they are in operation. *[NSR—ATC Section IV-D, Condition 11 (10/18/12)]*
16. If the permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the check was made, the location, and the results of the visible emissions check. *[NSR—ATC Section IV-D, Condition 12 (10/18/12)]*
17. If the permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the permittee shall:
 - a. Take immediate action to correct the causes of visible emissions that appear to exceed allowable opacity limits; or
 - b. If practical, have a certified visible emissions observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Part 60, Appendix A-4, “Test Methods 6 through 10B: Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources.”
18. Visible emissions checks do not require a certified observer, except where visible emissions appear to exceed the allowable opacity limit and exceed 30 seconds in duration, and an EPA Method 9 observation is made to establish it does not exceed the standard. *[NSR—ATC Section IV-D, Condition 14 (10/18/12)]*
19. The permittee shall conduct daily inspections on all water spray systems used during the material processing to verify they are working effectively and to make corrections where spray systems are not operating effectively. *[NSR—ATC Section IV-D, Condition 15 (10/18/12)]*
20. Post-construction monitoring activities shall be subject to DAQ ambient monitoring policy, the EPA interim document for continuous PM₁₀ monitoring, and the relevant provisions of 40 CFR Parts 50, 51, 52, 53, and 58. *[NSR—ATC Section IV-C, Condition 16 (10/18/12)]*

Portable Crushing Plant

21. The permittee shall use EPA Test Method 9 to comply with the opacity requirements of 40 CFR Part 60, Subpart OOO. *[40 CFR Parts 60.672, 60.675 and 40 CFR Part 60.11]*
22. The permittee shall monitor the throughput of the portable crushing plant (EUs: PC00 through PC07) *[Part 70 OP Minor Revision (8/22/2019), AQR 12.5.2.6(d)];*

23. The permittee shall install a nonresettable hour meter and monitor the hours of operation of the diesel engine (EU: PC09) [Part 70 OP Minor Revision (8/22/2019), AQR 12.5.2.6(d)];
24. The permittee shall monitor the VMT of the haul road (EU: PC08) [Part 70 OP Minor Revision (8/22/2019), AQR 12.5.2.6(d)];

Drilling and Blasting

25. The permittee shall monitor the number of drilled holes (EU: A001b) and calculate, on a monthly basis, as a consecutive 12-month total. [AQR 12.5.2.6(d)]
26. The permittee shall monitor the blasting area (EU: A001a) in square feet. [AQR 12.5.2.6(d)]
27. The permittee shall monitor the number of blast per year (EU: A001a) and calculate, on a monthly basis, as a consecutive 12-month total. [AQR 12.5.2.6(d)]
28. The permittee shall monitor the amount of ANFO explosive in tonnage and calculate, on a monthly basis, the usage as a consecutive 12-month total (EU: A001a). [AQR 12.5.2.6(d)]

Compliance Assurance Monitoring

29. Only emission units at the source with precontrol emissions exceeding 100 tons per year are subject to the CAM rule (Table III-E-1 lists the emission unit at the facility that is subject to the CAM rule). [AQR 12.5.2.6(d)]

Table III-E-1: Emission Units Subject to CAM

EU	Description	Control Device	Precontrol PM ₁₀ Emissions (tpy)
D014	Astec Drum Mixer	Baghouse	161.70

30. Measurements of baghouse pressure drop and a daily Method 9 were chosen as CAM indicators. Table III-E-2 presents the key elements of this monitoring approach. [AQR 12.5.2.6(d)]

Table III-E-2: CAM Monitoring Approach—PM₁₀

CAM Element	Indicator 1	Indicator 2
Indicator	Pressure drop (Δp) across baghouse.	Daily Method 9 (opacity)
Measurement Approach	Pressure drop is measured each operating day. An internal inspection of the baghouse is performed monthly.	An EPA Method 9 is conducted daily.
Indicator Range	The baghouse pressure drop will be monitored for compliance, and be between 1.0 and 6.0 inches of water when the drum mixer is operating.	Opacity is limited to 20% for an aggregate 6-minute period during any 60-minute period.
Action Threshold	The action threshold for Δp is outside of 2.0 to 6.0 inches of water. Action thresholds trigger an inspection and corrective action, or documentation that the system is operating normally.	Not applicable.
QIP Thresholds	None selected.	More than three (3) excursions within a semiannual reporting period.

CAM Element	Indicator 1	Indicator 2
Performance Criteria Data Representativeness	Filterable PM ₁₀ emissions are measured every 5 years using a Method 5.	Observations are made at the baghouse exhaust.
Verification of Operational Status	Not applicable.	Not applicable.
QA/QC Practices and Criteria	The pressure gauge will be calibrated or replaced annually.	The visible emissions observer will be familiar with baghouse operations and visible emissions.
Monitoring Frequency	Daily.	Daily.
Data Collection Procedures	The pressure drop is measured each operating day and the baghouse exterior inspected. An internal inspection of the baghouse is performed monthly.	A Method 9 test is performed and documented daily.
Averag Period	Not applicable.	Opacity is limited to 20% for an aggregate 6-minute period during any 60-minute period.

F. TESTING

- Performance testing is subject to 40 CFR Part 60 (as amended) and *Clark County Department of Air Quality Guideline for Source Testing (9/19/2019)*. Performance testing shall be the instrument for determining compliance with emission limitations set forth in this OP. [AQR 12.5.2.8(a)]
- Compliance with the PM₁₀, NO_x, and CO emissions standards specified in this OP for the asphalt plant drum mixer shall be demonstrated at least once every five years with the EPA methods referenced in Table III-F-1 (EU: D014). The automated burner optimizing system shall be calibrated at least during every performance test. [AQR 12.5.2.8(a)]

Table III-F-1: Asphalt Drum Mixer Performance Testing Requirements (EU: D014)¹

Test Point	Pollutant	Method	Frequency
Exhaust Outlet Stack	PM	EPA Method 5	Every 5 Years
Exhaust Outlet Stack	NO _x	EPA Method 7E	Every 5 Years
Exhaust Outlet Stack	CO	EPA Method 10 analyzer	Every 5 Years
Stack Gas Parameters	—	EPA Methods 1, 2, 3 or 3A, and 4	Every 5 Years

¹Refer to Table III-C-1 for baghouse identification.

- Compliance with the opacity and particulate matter standards specified in Table III-F-2 for baghouse stacks shall be demonstrated in accordance with 40 CFR Part 60, Appendix A: Method 9 (Standards for Opacity) conducted and recorded every 5 years and 40 CFR Part 60, Appendix A: Reference Method 5 or 17 (PM concentration), conducted and recorded initially and at least once every five years. [AQR 12.5.2.8(a) and 40 CFR Part 60.93]

Table III-F-2: Opacity and PM Testing Standards and Frequencies

Baghouse ID	Applicable Limits		Stack Test Frequency
	Opacity	PM Limit	
DC1	7% - Subpart OOO	0.05 g/dscm - Subpart OOO	Every 5 Years
DC2	7% - Subpart OOO	0.05 g/dscm - Subpart OOO	Every 5 Years
DC3	7% - Subpart OOO	0.05 g/dscm - Subpart OOO	Every 5 Years
DC4	7% - Subpart OOO	0.05 g/dscm - Subpart OOO	Every 5 Years
Astec 200 hp (twin) Pulsejet	20% - Subpart I	0.04gr/dscf - Subpart I	Every 5 Years
WAMFLO Process F	20%	(not subject to NSPS)	Every 5 Years
C&W 10 hp Process F	20%	(not subject to NSPS)	Every 5 Years

4. The permittee shall conduct additional performance tests when any emission unit increases its hourly production rate beyond the rate permitted and at which performance testing was conducted, or when any equipment addition or modification increases the potential to emit. *[AQR 12.5.2.8(a)]*
5. The permittee shall conduct performance testing on the diesel-powered engine (EUs: A123 & A123c) to demonstrate compliance with the emission standards in this permit according to the following conditions: *[AQR 12.5.2.8(a) & 40 CFR Part 63, Subpart ZZZZ]*
 - a. Testing shall be in accordance with the provisions of 40 CFR Part 63.7(a)(2) and the performance testing requirements in 40 CFR Part 63, Subpart ZZZZ, Tables 4 and 5, as applicable;
 - b. Initial performance tests on the engine (EUs: A123 & A123c) shall be conducted no later than 180 days after the issuance date of this permit for affected sources subject to the requirements of 40 CFR Part 63.6595; and
6. The permittee shall conduct performance testing on the portable crushing plant (EUs: PC01 through PC06) to demonstrate compliance with the emission standards in this permit according to the following conditions: *[AQR 12.5.2.8(a) & 40 CFR Part 60, Subpart OOO]*
 - a. Testing shall be in accordance with the provisions of 40 CFR Part 60 and the performance testing requirements in 40 CFR Part 60, Subpart OOO, as applicable;
 - b. Initial performance tests on affected emission units shall be conducted within 60 days of achieving the maximum production rate at which the source will be operated, but no later than 180 days after initial start-up.
 - c. Subsequent Method 9 performance testing shall be conducted upon written notification from the Control Officer. *[AQR 4.2]*

G. RECORDKEEPING

1. All records and logs required by this document shall be kept by the permittee and made available to the Control Officer for inspection immediately upon request. *[AQR 12.5.2.8(a)]*
2. All records and logs, or copies, shall be kept on-site for a minimum of five years from the date the measurement or data was entered. *[AQR 12.5.2.8(a)]*

3. The permittee shall maintain the following records on-site for reporting: *[AQR 12.5.2.8(a)]*
 - a. Monthly, consecutive 12-month total production of materials by each process/plant, as listed in Section III-C of this permit;
 - b. Monthly, consecutive 12-month total hours of operation of each engine (EUs: A123, A123b, A123c, RS10, & CY09);
 - c. Monthly, consecutive 12-month total amount of diesel and propane fuel used in the hot oil heaters (EUs: D026 & D027);
 - d. Monthly, consecutive 12-month total amount of blasting agent, number of holes drilled, number of blasts, and square feet of area blasted (EUs: A001a & A001b);
 - e. Monthly, consecutive 12-month total hours of operation of the propane-fired water heater (EU: F023);
 - f. Monthly, consecutive 12-month total VMT of on-site haul roads (EU: H06);
 - g. Monthly, total area of stockpiles at a time (EU: G01);
 - h. Monthly, consecutive 12-month hours of operation of the media blasting unit (EU: MB01);
 - i. Monthly, consecutive 12-month total throughput of gasoline (EUs: FT01 & FT02);
 - j. Monthly, consecutive 12-month total throughput at the portable crushing plant (EUs: PC00 through PC07)
 - k. Monthly, consecutive 12-month total VMT at the portable crushing plant haul road (EU: PC08);
 - l. Monthly, consecutive 12-month total hours of operation of the portable crushing plant engine (EU: PC09); and
 - m. Annual emissions for each unit and for each plant in tons per year. (Reported annually)
4. The permittee shall maintain records on-site that include, at a minimum: *[AQR 12.5.2.8(a)]*
 - a. Total amount of diesel fuel purchased (in gallons) for all engines (EUs: A123, A123b, A123c, RS10, & CY09);
 - b. Inspection logs from Method 9 observations *[40 CFR Part 60.676(f)]*;
 - c. The dates and times of visible emissions checks, the name of the person conducting the check, the results of the check, and the type of corrective action taken (if required);
 - d. Logs from daily water spray inspections;
 - e. Log of dust control measures applied to roads, surfaces, lots, etc.;

- f. Daily amount of blasting agent, number of holes drilled, number of blasts, and square feet of area blasted (EUs: A001a & A001b);
 - g. Logs of recorded current and predicted weather as required for blasting in Condition III-D-20 on days when blasting occurs;
 - h. Purchase records of Earthbind 100, or a product with similar specification, that will be used with the dust abatement injection system; [*HOO November 14, 2019*]
 - i. Manufacturer's engine data showing compliance with the emission standards;
 - j. Daily readings of pressure drop across each baghouse;
 - k. Monthly baghouse and bin vent inspections;
 - l. Instances of the required daily opacity readings on bin vents, baghouses, and/or stack discharges where visible emissions were observed, and descriptions of any action taken;
 - m. A minimum of hourly readings of the automated air-to-fuel ratio control system that optimizes burner performance on the asphalt plant drum mixer (EU: D014) during operation;
 - n. Maintenance on all emission control devices;
 - o. Ambient air monitoring station data;
 - p. Records of burner efficiency tests (EU: F023);
 - q. Monthly throughput on the weigh belt after the primary crusher (EU: A02);
 - r. Annual emissions for each emission unit in tons per year; and
 - s. Results of performance testing.
5. For all inspections, visible emission checks, and testing required under monitoring, the logs, reports, and records shall include at least the date and time, the name of the person performing the action, the results or findings, and the type of corrective action taken (if required). [*AQR 12.5.2.8(a)*]
 6. The permittee is required to comply with the recordkeeping requirements of 40 CFR Part 60, Subpart OOO and I. [*40 CFR Part 60.676 and 40 CFR 60.92*]
 7. Records and data required by this permit and maintained by the permittee may be audited, at the permittee's expense, at any time by a third party selected by the Control Officer. [*AQR 12.5.2.8(a)*]

H. REPORTING

1. All report submissions shall be addressed to the attention of the Control Officer. [*AQR 12.5.2.8(e)(4)*]
2. All reports shall contain the following: [*AQR 12.5.2.6(d)*]

- a. A certification statement on the first page, e.g., "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete" (a sample form is available from DAQ); and
 - b. A certification signature from a responsible official of the company and the date of certification.
3. The permittee shall submit semiannual reports to the Control Officer. [AQR 12.5.2.6(d)]
 4. The following requirements apply to semiannual reports: [AQR 12.5.2.6(d)]
 - a. The report shall include each item listed in Section III-G-3 of this permit.
 - b. The report shall include semiannual summaries of any permit deviations, their probable cause(s), and corrective or preventative action(s) taken.
 5. Regardless of the date of issuance of this permit, the source shall comply with the schedule for report submissions outlined in Table III-H-1. [AQR 12.5.2.6(d)]

Table III-H-1: Required Report Submission Dates

Required Report	Applicable Period	Due Date
Semiannual report for 1st six-month period	January, February, March, April, May, June	July 30 each year ¹
Semiannual report for 2 nd six-month period; any additional annual records required	July, August, September, October, November, December	January 30 each year ¹
Annual Compliance Certification Report	Calendar year	January 30 each year ¹
Annual Emissions Inventory Report	Calendar year	March 31 each year ¹
Annual Emissions Statement ²	Calendar year	March 31 each year ¹
Notification of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As required	Within 24 hours of when permittee learns of the event.
Report of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As required	Within 72 hours of notification to DAQ.
Deviation Report without Excess Emissions	As required	Along with semiannual reports. ¹
Excess Emissions that Pose a Potential Imminent and Substantial Danger	As required	Within 12 hours of the permittee learns of the event
Performance Testing Protocol	As required	No less than 45 days, but no more than 90 days, before the anticipated test date ¹
Performance Testing	As required	Within 60 days of the end of the test. ¹

¹If the due date falls on a Saturday, Sunday, or federal or Nevada holiday, the submittal is due on the next regularly scheduled business day.

² Required only for stationary sources that emit 25 tons or more of nitrogen oxide (NO_x) and/or emit 25 tons or more of volatile organic compounds (VOC) during a calendar year.

6. The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit conditions, permit requirements, and requirements of applicable federal regulations. *[AQR 4.4 & AQR 12.5.2.6(d)]*
7. This source is required to comply with the reporting and notification requirements of 40 CFR Part 60, Subpart OOO, and 40 CFR Part 60, Subpart I. *[40 CFR Part 60.676]*

I. MITIGATION

The source has no federal offset requirements associated with this permitting action. *[AQR 59.1.1]*

IV. OTHER REQUIREMENTS

The permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a chlorofluorocarbon or hydrochlorofluorocarbon compound as a working fluid unless such fluid has been approved for sale in such use by the EPA Administrator. The permittee shall keep records of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on-site. *[40 CFR Part 82]*

V. PERMIT SHIELD

Compliance with the terms contained in this permit shall be deemed compliance with the applicable requirements (Table V-1) in effect on the date of permit issuance. *[AQR 12.5.2.9]*

Table V-1: Applicable Requirements Related to Permit Shield

Citation	Title
40 CFR Part 60, Subpart IIII	"Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"
40 CFR Part 63, Subpart ZZZZ	"National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"
40 CFR Part 60, Subpart OOO	"Standards of Performance for Nonmetallic Mineral Processing Plants"
40 CFR Part 60, Subpart I	"Standards of Performance for Hot Mix Asphalt Facilities"
40 CFR Part 64.2	"Compliance Assurance Monitoring: Applicability."
40 CFR Part 98, Subpart C	"Mandatory Greenhouse Gas Reporting: General Stationary Fuel Combustion Sources"
AQR 26.1	"Emission of Visible Air Contaminants: Opacity Limits"
AQR 45.1	"Idling of Diesel Powered Motor Vehicles: Diesel Powered Motor Vehicle Idling"

ATTACHMENT 1
APPLICABLE REGULATIONS

1. NRS, Chapter 445B.
2. Applicable AQR sections, as listed in the table below.

Citation	Title
AQR 0	"Definitions"
AQR 4	"Control Officer"
AQR 5	"Interference with Control Officer"
AQR 8	"Persons Liable for Penalties – Punishment: Defense"
AQR 9	"Civil Penalties"
AQR 10	"Compliance Schedules"
AQR 11	"Ambient Air Quality Standards"
AQR 12.4	"Authority to Construct Application and Permit Requirements for Part 70 Sources"
AQR 12.5	"Part 70 Operating Permit Requirements"
AQR 18	"Permit and Technical Service Fees"
AQR 25	"Affirmative Defense for Excess Emissions due to Malfunctions, Startup, and Shutdown"
AQR 26	"Emission of Visible Air Contaminants"
AQR 28	"Fuel Burning Equipment"
AQR 29	"Sulfur Contents of Fuel Oil"
AQR 40	"Prohibitions of Nuisance Conditions"
AQR 41	"Fugitive Dust"
AQR 42	"Open Burning"
AQR 43	"Odors in the Ambient Air"
AQR 60	"Evaporation and Leakage"
AQR 70	"Emergency Procedures"
AQR 80	"Circumvention"

3. CAAA authority: 42 U.S.C. § 7401, et seq.
4. Applicable 40 CFR sections, as listed in the table below.

Citation	Title
40 CFR Part 52.21	"Prevention of significant deterioration of air quality."
40 CFR Part 52.1470, Subpart DD	"Approval and Promulgation of Implementation Programs: Nevada"
40 CFR Part 60, Subpart A	"Standards of Performance for New Stationary Sources: General Provisions"
40 CFR Part 60, Subpart I	"Standards of Performance for Hot Mix Asphalt Facilities"
40 CFR Part 60, Subpart OOO	"Standards of Performance for Nonmetallic Mineral Processing Plants"
40 CFR Part 60, Subpart IIII	"Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"
40 CFR Part 60, Appendix A-4	"Test Methods 6 through 10B"
40 CFR Part 63, Subpart ZZZZ	"National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"
40 CFR Part 70	"Federal Operating Permit Programs"
40 CFR Part 82	"Protection of Stratospheric Ozone"

EXHIBIT 3



Notice of Violation Response Form

Issued to: Holcim - SWR, Inc.

NOV #: 10048 Return form by: 9/5/2024

Items below are to be completed by the Respondent

Responsible Official: Ken Kinard

Title: Quarry Manager

Phone Number: 702-740-7387

Email Address: ken.kinnard@holcim.com

Mailing Address: 5300 Sloan Road, Sloan, NV 89054

Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
 We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Facts
- Penalty
- Both

Signature of Authorized Person

Date: 08/14/2024

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at aqenforcement@clarkcountynv.gov.

EXHIBIT 4

1 **BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER**
2 **CLARK COUNTY, NEVADA**

3 In the Matter of the Notice of Violation # 10048
4 Issued to
5 Holcim-SWR, Inc.,

6 *Respondent.*

**EXPLANATION IN SUPPORT OF
CONTEST OF THE FACTS AND
PENALTY IN NOTICE OF
VIOLATION # 10048**

Hearing Date: September 19, 2024

Hearing Time: 9:00 A.M.

8 Respondent Holcim-SWR, Inc. ("**Holcim**"), by and through its counsel, the law firm of
9 Holland & Hart LLP, hereby files this Explanation in Support of its Contest of the Facts and
10 Penalty in Notice of Violation # 10048 ("**NOV**"), issued by The Department of Environment
11 and Sustainability's Division of Air Quality ("**DAQ**") concerning Part 70 Operating Permit,
12 Source ID: 372 (originally issued on November 6, 2019 and last modified on July 13, 2022)
13 ("**2022 Permit**").

14 **EXPLANATION**

15 Holcim respectfully requests that the Air Pollution Control Hearing Officer ("**Hearing**
16 **Officer**") reject the facts and penalty presented in the NOV for the following reasons, which
17 Holcim intends to argue fully at the September 19, 2024 hearing:

- 18 1. DAQ failed to assess the dust emissions in question using any of the opacity
19 methods established under the 2022 Permit, derived from Air Quality
20 Regulations ("**AQR**") 92 and 94 (collectively, "**Permit Opacity Provisions**").
- 21 2. Should DAQ present the argument that the Permit Opacity Provisions are
22 somehow stayed, invalidated, or otherwise unenforceable, DAQ failed to
23 perform, at minimum, the proper notice and comment period for such a formal
24 permit revision.
- 25 3. DAQ failed to address *how* Holcim failed to implement reasonable precautions
26 concerning the emissions in question.

27 Here, establishing the NOV violations and assessing the proper penalty hinges on
28 whether Holcim violated the 2022 Permit and AQRs or failed to take reasonable precautions to

1 mitigate said emissions. DAQ has not done that. And absent the proper assessment under the
2 Permit Opacity Provisions, or any assessment concerning the reasonable precautions in place,
3 DAQ has no means to establish that Holcim committed the alleged violation. Therefore, the
4 facts here call for the Hearing Officer to reject the NOV, and the corresponding recommended
5 penalty, entirely. Holcim asks for a decision accordingly.

6 Holcim thanks the Hearing Officer for its time and consideration.

7 DATED September 9, 2024.

8 **HOLLAND & HART LLP**

9 */s/ Monique S. Jammer*

10 Monique S. Jammer (Nevada Bar No. 15420)
11 9555 Hillwood Drive, Second Floor
12 Las Vegas, Nevada 89134
13 Phone (702) 222-2606
14 msjammer@hollandhart.com

15 *Attorney for Appellant Holcim-SWR, Inc.*

EXHIBIT 5

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BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #10048) ORDER
Issued to)
HOLCIM – SWR, INC., Respondent.)
_____)

The above-entitled matter was heard on September 19, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and HOLCIM – SWR, INC. (**HOLCIM**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #10048 was issued by Air Quality to Respondent HOLCIM on August 13, 2024, for alleged violations of Part 70 Operating Permit, Source ID: 372, issued on November 6, 2019, revised and reissued on April 16, 2020 (**2020 Permit**), November 24, 2021 (**2021 Permit**), and July 13, 2022 (**2022 Permit**), and the Clark County Air Quality Regulations (**AQRs**). HOLCIM operates a stationary source consisting of a sand and gravel, hot mix asphalt, and ready-mix concrete facility at 5300 Sloan Road, in Clark County, Nevada (**Facility**). The violation(s) alleged in the NOV include:

(a) Violation of 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne and 2022 Permit condition III.D.12 for allowing fugitive dust to become airborne without taking reasonable precautions.

2. The penalty recommended by Air Quality in NOV #10048 was \$1,875.00.

3. The Hearing Officer finds that the violations alleged in NOV #10048 occurred in that HOLCIM violated 2022 Permit conditions III.B.31 and III.D.12.

///

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #10048) ORDER
Issued to)
HOLCIM – SWR, INC., Respondent.)
_____)

The above-entitled matter was heard on September 19, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and HOLCIM – SWR, INC. (**HOLCIM**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

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2. The penalty recommended by Air Quality in NOV #10048 was \$1,875.00.

3. The Hearing Officer finds that the violations alleged in NOV #10048 occurred in that HOLCIM violated 2022 Permit conditions III.B.31 and III.D.12.

///



RECEIVED CC DAQ
2024 AUG 19 AM 9:25

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Notice of Violation Response Form

Issued to: Holcim - SWR, Inc.

NOV #: 10048 Return form by: 9/5/2024

Items below are to be completed by the Respondent

Responsible Official: Ken Kinard

Title: Quarry Manager

Phone Number: 702-740-7387

Email Address: ken.kinnard@holcim.com

Mailing Address: 5300 Sloan Road, Sloan, NV 89054

Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Facts
- Penalty
- Both

Signature of Authorized Person

Date: 08/14/2024

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at aqenforcement@clarkcountynv.gov.

1 **BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER**

2 **CLARK COUNTY, NEVADA**

3 In the Matter of the Notice of Violation # 10048
4 Issued to
5 Holcim-SWR, Inc.,
6
7 *Respondent.*

**EXPLANATION IN SUPPORT OF
CONTEST OF THE FACTS AND
PENALTY IN NOTICE OF
VIOLATION # 10048**

Hearing Date: September 19, 2024

Hearing Time: 9:00 A.M.

8 Respondent Holcim-SWR, Inc. ("**Holcim**"), by and through its counsel, the law firm of
9 Holland & Hart LLP, hereby files this Explanation in Support of its Contest of the Facts and
10 Penalty in Notice of Violation # 10048 ("**NOV**"), issued by The Department of Environment
11 and Sustainability's Division of Air Quality ("**DAQ**") concerning Part 70 Operating Permit,
12 Source ID: 372 (originally issued on November 6, 2019 and last modified on July 13, 2022)
13 ("**2022 Permit**").

14 **EXPLANATION**

15 Holcim respectfully requests that the Air Pollution Control Hearing Officer ("**Hearing**
16 **Officer**") reject the facts and penalty presented in the NOV for the following reasons, which
17 Holcim intends to argue fully at the September 19, 2024 hearing:

- 18 1. DAQ failed to assess the dust emissions in question using any of the opacity
19 methods established under the 2022 Permit, derived from Air Quality
20 Regulations ("**AQR**") 92 and 94 (collectively, "**Permit Opacity Provisions**").
- 21 2. Should DAQ present the argument that the Permit Opacity Provisions are
22 somehow stayed, invalidated, or otherwise unenforceable, DAQ failed to
23 perform, at minimum, the proper notice and comment period for such a formal
24 permit revision.
- 25 3. DAQ failed to address *how* Holcim failed to implement reasonable precautions
26 concerning the emissions in question.

27 Here, establishing the NOV violations and assessing the proper penalty hinges on
28 whether Holcim violated the 2022 Permit and AQRs or failed to take reasonable precautions to

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mitigate said emissions. DAQ has not done that. And absent the proper assessment under the Permit Opacity Provisions, or any assessment concerning the reasonable precautions in place, DAQ has no means to establish that Holcim committed the alleged violation. Therefore, the facts here call for the Hearing Officer to reject the NOV, and the corresponding recommended penalty, entirely. Holcim asks for a decision accordingly.

Holcim thanks the Hearing Officer for its time and consideration.

DATED September 9, 2024.

HOLLAND & HART LLP

/s/ Monique S. Jammer
Monique S. Jammer (Nevada Bar No. 15420)
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
Phone (702) 222-2606
msjammer@hollandhart.com

Attorney for Appellant Holcim-SWR, Inc.



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

August 13, 2024

FEDERAL EXPRESS TRK #7779 5102 3382

Ahmed Hamadi, Vice President, General Manager, and Responsible Official

E-mail: ahmed.hamadi@holcim.com

Ken Kinnard, Quarry Manager and Responsible Official

E-mail: ken.kinnard@holcim.com

Holcim - SWR, Inc.

4675 West Teco Avenue, Suite 140

Las Vegas, NV 89118

FEDERAL EXPRESS TRK #7779 5097 3547

Kevin Peart, President

Holcim - SWR, Inc.

1687 Cole Boulevard

Lakewood, CO 80401

NOTICE OF VIOLATION #10048

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Holcim - SWR, Inc. (**Holcim**), for the violation of Clark County Air Quality Regulations (**AQRs**) and permit conditions as alleged below and recommends a civil penalty of One Thousand Eight Hundred Seventy-Five and no/100 Dollars (\$1,875.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein by reference.

I. FACTS

- A. On November 6, 2019, Air Quality issued a Part 70 Operating Permit, Source ID: 372 (**2019 Permit**), to Aggregate Industries SWR, Inc., which authorized the operation of a sand and gravel, hot mix asphalt, and ready-mix concrete facility known as Aggregate Industries SWR, Inc. Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada (**Facility**). On April 16, 2020, the permit was reopened and revised to include a portable crushing and screening plant and associated diesel engine and haul road, remove the subsequent performance testing requirement for two engines, and incorporate the permit-applicable requirements of a Hearing Officer's Order (**HOO**) dated December 14, 2019, for Notices of Violation #9307 and #9312, including a restriction on the operation of certain stackers during

wind events and the requirement to install and operate a dust abatement system (**2020 Permit**). On November 24, 2021, the permit was reopened and revised to include PM_{2.5} emissions for the processing operations, recently promulgated fugitive dust requirements, and emissions statements from stationary sources of NO_x and/or VOCs (**2021 Permit**). On July 13, 2022, Air Quality issued an administrative revision to the permit (**2022 Permit**) changing the company name to Holcim - SWR, Inc. and the source name to Holcim - SWR Inc.: Sloan Quarry.

B. On Saturday, June 22, 2024, Senior Air Quality Specialist Michael Newell (**Newell**) arrived in the Sloan region of Clark County to perform surveillance. At approximately 11:10 a.m., Newell entered the area of the Holcim quarry designated as the American Eagle Concrete Batch Plant to conduct an inspection. At approximately 11:21 a.m., Newell observed one haul truck leaving the Facility and a second haul truck entering the Facility over a dry haul road, Emission Unit (**EU**): H06, causing significant fugitive dust emissions. The fugitive dust emissions extended approximately 200 yards and 207 yards in length, respectively (**Exh. B: Att. 1, Video 1; and Att. 2, Map 1**). Newell's on-site observations are documented within the Partial Compliance Evaluation (**Evaluation**), attached hereto as **Exhibit B** and incorporated herein. During the Evaluation, Newell identified the following deficiency:

1. Holcim allowed controllable particulate matter from the Haul Road (EU: H06) to become airborne on June 22, 2024 (**Exh. B: Att. 1, Video 1; and Att. 2, Map 1**).

Newell met with Plant Supervisor Dennis (**Dennis**). Newell notified Dennis of his observations. Newell asked Dennis if there was a water truck onsite to water the haul road (EU: H06). Dennis informed Newell that the water truck was at a nearby American Eagle Facility. Dennis told Newell that he would radio the water truck driver to return to the Facility and water the haul road (EU: H06) immediately. Newell informed Dennis he would check the haul road again in 15 minutes and departed the Facility to perform additional surveillance in the Sloan region. At approximately 11:45 a.m., upon returning to the Facility, Newell observed a water truck operating on the haul road, EU: H06.

C. On June 24, 2024, Newell emailed Ken Kinnard (**Kinnard**), Quarry Manager and Responsible Official for Holcim, and Ahmed Hamadi (**Hamadi**), Vice President, General Manager, and Responsible Official for Holcim, a summary of the deficiency identified during his inspection (**Exh. B, Att. 3**).

D. Holcim was issued one prior Notice of Violation (**NOV**) for violations of requirements in the same or similar category: #9987 for allowing controllable particulate matter to become airborne. This NOV was adjudicated after June 22, 2022, which is within two years of the discovery action.

II. VIOLATION(S)

Violation 1:

1. By allowing controllable particulate matter from the Haul Road (EU: H06) to become airborne, Holcim violated 2022 Permit condition III.B.31 (Deficiency I.B.1).

2022 Permit condition III.B.31 states:

“31. The permittee shall not cause or permit the handling, transporting, or storage of any material in a manner that allows or may allow controllable particulate matter to become airborne. [AQR 41.1.2]”

and/or

2. By allowing fugitive dust to become airborne without taking reasonable precautions, Holcim violated 2022 Permit condition III.D.12.

2022 Permit condition III.D.12 states:

“12. The permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [NSR-ATC/OP Modification 5, Section IV-B, Condition 20 (11/05/07), Part 70 OP Minor Revision (8/22/2019)]”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any Permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- One prior NOV with violations in the same or similar category was issued to Holcim as described in Paragraph I.D above, adjudicated after June 22, 2022, which is within two years of the discovery action.

Air Quality recommends a civil penalty in the amount of \$1,875.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, September 19, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by September 5, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.


Shibi Paer (Aug 13, 2024 12:33 PDT)

for

Marci Henson
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #10048
- B. Air Quality Nonmetallic Mineral Inspection Form, with attachments, dated July 3, 2024

sjg



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

Exhibit A

**NOV # 10048
 Penalty Calculation Table
 Holcim - SWR, Inc.**

Viol.	Date(s)	Violation Description	EUs or CDs	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
1	June 22, 2024	Allowed controllable particulate matter to become airborne.	EU: H06	2022 Permit condition III.B.31	Exh. B	Complex/ Moderate	\$ 1,500	1	One prior NOV ² (+25% per NOV)	25%	\$ 375.00	\$ 1,875.00
		Allowed fugitive dust to become airborne without taking reasonable precautions.		2022 Permit condition III.D.12								

Total Penalty: \$ 1,875.00

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

² One prior NOV: #9987, adjudicated after June 22, 2022, which is within two years of the discovery action.

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.640]

Exhibit B

Date: <u>06/22/24</u>	
Time In: <u>11:08 am</u>	Time Out: <u>11:45 am</u>
Full Compliance Evaluation <input type="checkbox"/> Partial Compliance Evaluation <input checked="" type="checkbox"/>	
Initial Inspection <input checked="" type="checkbox"/> Follow-up Inspection <input type="checkbox"/>	
On-site <input checked="" type="checkbox"/> Off-site <input type="checkbox"/>	
Evaluation Period: <u>6/22/2024</u>	



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

NONMETALLIC MINERAL INSPECTION FORM

Source ID: 372			Company Name: Holcim SWR Inc.		
Source Name: Holcim SWR Sloan Quarry (Facility)			Address: 4675 West Teco Avenue, Suite 140		
Address: 5300 Sloan Road			City: Las Vegas		
City: Sloan	State: NV	Zip: 89124	State: NV	Zip: 89118	
Site Contact: Dennis, Site Supervisor			Responsible Official: Ahmed Hamadi, VP & General Manager		
Phone:	Ext.		Phone: (702) 649-6250	Ext.	
E-mail: not provided			E-mail: ahmed.hamadi@holcim.com		

Applicable Permit(s):

Part 70 Operating Permit, issued on November 6, 2019, revised on July 13, 2022 (Permit).

PERMIT RENEWAL		COMMENTS
1. Was the permittee deficient in submitting a timely application of renewal per AQR Section 12.1.3.1? (at least 120 days, but no more than 270 days before the date of permit expiration)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
PERMIT POSTING		
2. Was the permittee deficient in posting a current copy of the air quality permit per AQR Section 12.13?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
EMISSION UNITS		
3. Any unpermitted emission units on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
4. Any discrepancies with permitted emission units (serial number, model number, horsepower rating, etc.)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
NONROAD ENGINES		
5. Was the permittee deficient in maintaining records of location changes for all nonroad engines?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
EMISSION LIMITATIONS		
6. Any observations of opacity exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
7. Any short-term or annual emission exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
OPERATIONAL LIMITATIONS		
8. Any production, operational, or throughput exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
9. Any stockpile area exceedances of permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
CONTROL REQUIREMENTS		
10. Was the permittee deficient in maintaining the water suppression systems in good operating condition?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
11. Any fugitive dust plumes observed in excess of 100 yards or crossing property lines?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	See Deficiency #1.
12. Any track-out observed extending more than 50 feet in length or more than 0.25 inches in depth?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
13. Was the permittee deficient in covering all loaded trucks before leaving the facility?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
14. Was the permittee deficient in maintaining and operating all baghouses and/or bin vents according to the permit?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
15. Was the permittee deficient in maintaining the baghouse pressure drops within permit limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	

16. Was the permittee deficient in operating any engine(s) with a turbocharger and/or aftercooler?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
17. Was the permittee deficient in conducting the required maintenance on any engine(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
18. Was the permittee deficient in treating unpaved haul roads to control visible emissions?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
19. Was the permittee deficient in enclosing conveyor(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
20. Was a fuel type other than the type(s) specified in the permit combusted in any emission unit?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
21. Was the permittee deficient in implementing long-term stabilization of disturbed surfaces when the area was closed for more than 30 days?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
22. Was the permittee deficient in causing or allowing the handling, transportation, or storage of any material in a manner that allowed or may allow controllable particulate matter to become airborne?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	See Deficiency #1.
MONITORING		
23. Was the permittee deficient in conducting required visual emission checks? (e.g. facility, emission units, baghouse, bin vent, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
24. Was the permittee deficient in conducting required visual inspections of the water spray systems?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
25. Was the Permittee deficient in conducting monthly visual inspections of the baghouse(s) interior and/or bin vent(s) for air leaks?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
26. Was the permittee deficient in monitoring the pressure drop of the baghouse(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
27. Was the permittee deficient in monitoring production, operational, and/or throughput limits?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
28. Was the permittee deficient in monitoring the stockpile area?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
29. Was the permittee deficient in installing required nonresettable hour meters on engines and/or boilers?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
30. Was the permittee deficient in conducting required burner efficiency testing?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
31. Was the permittee deficient in maintaining all required standard operating procedures on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
TESTING		
32. Was the permittee deficient in conducting required performance testing on or before the due date?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
33. Was the permittee deficient in submitting complete, accurate, and timely performance testing protocols and reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
RECORDKEEPING		
34. Was the permittee deficient in maintaining all required records completely, accurately, and on-site (or accessible from on-site)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
REPORTING		
35. Was the permittee deficient in submitting complete, accurate, and timely annual emission inventory and/or semiannual reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
36. Was the permittee deficient in submitting complete, accurate, and timely deviation reports to DAQ?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
ENFORCEMENT HISTORY		
37. Did the permittee have any enforcement actions during the evaluation period? (Notice of Violations and/or Warning Notices)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	See Enforcement History.
SENSITIVE AREAS OF CONCERN		
38. Did an emission violation occur within 1,000 feet of a school, hospital, or residential area, or determined to have affected a school, hospital, or residential area?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	
39. Did a PM ₁₀ /PM _{2.5} related violation occur during a Construction Notice and/or Dust Advisory?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	

GENERAL COMMENTS

Narrative:

On 6/22/2024, I performed surveillance on facilities located in the Sloan region of Clark County. At approximately 11:08 am, I entered the area of the Holcim SWR Sloan Quarry, designated as the American Eagle Concrete Batch Plant to observe operations at the Facility. When I arrived, I observed both a haul truck parked near the concrete batch area and a loader moving aggregate material into a stockpile. Approximately 5-10 minutes later, the loader began loading aggregate material into the haul truck. As the haul truck was leaving the Facility, it drove over a dry haul road [Emission Unit (EU): H06] causing significant fugitive dust emissions. At 11:21 am, I began recording the haul truck as it was leaving the Facility. During the time I was recording the first haul truck leaving the Facility, a second haul truck entered the Facility using the same haul road (EU: H06). The second haul truck created a large dust plume approximately 207 yards in length as it drove over the dry haul road (EU: H06) (**See Attachment 1: Video 1 and Attachment 2: Map 1**).

After the second haul truck parked, I was able to locate a Plant Supervisor, Dennis (last name not provided) and discuss with him my findings. I asked Dennis if there was a water truck onsite to water the haul road (EU: H06). Dennis told me that the water truck was at a nearby American Eagle Facility. Dennis told me that he would radio the water truck driver to return to the Facility and water the haul road (EU: H06) immediately. Additionally, Dennis told me that the haul truck that I saw entering the Facility was the last haul truck for the day and that the Facility would shutdown after the final haul truck was loaded. I told Dennis that I would return to the Facility in approximately 15 minutes to see if the haul road (EU: H06) was watered. I departed from the Facility to perform additional surveillance on facilities located in the Sloan region. After approximately 15 minutes, I returned to the Facility and I observed a water truck watering the haul road (EU: H06).

On 9/14/2023, American Eagle Ready Mix LLC submitted a permit application to the Clark County Division of Air Quality requesting to permit the American Eagle Concrete Batch Plant at Holcim SWR Sloan Quarry as its own Facility. The permit for the American Eagle Concrete Batch Plant is still pending and has not been issued yet. In regards to this, on 6/24/2024, I sent an email listing the deficiency found during the onsite PCE to Mr. Ahmed Hamadi and Ken Kinnard, Responsible Officials for Holcim SWR Inc, and to Mr. Kyle Stockton, Responsible Official for American Eagle Ready Mix LLC (**See Attachment 3**).

Deficiency:

1. The Facility allowed controllable particulate matter from a haul road (EU: H06) to become airborne. While observing the Facility from an on-site location, I observed two haul trucks create fugitive dust plumes approximately 207 yards and 200 yards in length while traveling over a haul road (EU: H06) within the Facility (**See Attachment 1: Video 1 and Attachment 2: Map 1**); therefore, the Facility was **not compliant with permit conditions III.B.31, III.D.8, III.D.12 and III.D.13 of the Permit**.

Note: This deficiency is recommended for formal enforcement action.

Enforcement History:

Holcim SWR Inc. was issued Notice of Violation (NOV) #9987 for violating permit conditions III.B.31 and III.C.29 of the Permit by allowing the handling of material from stockpiles and stackers (Emission Units (EUs): A045 and A046a) in a manner which allowed controllable particulate matter to become airborne. NOV #9987 was adjudicated on 5/29/2024, and the Facility was ordered to pay \$2,875 by no later than 6/28/2024. Additionally, \$515 was held in abeyance and would be waived if the Facility did not violate any additional Air Quality Regulations before 5/23/2025.

ICIS ENTRY DATE: 7/3/2024

*Noted deficiencies could result in enforcement action under AQR Section 7.

Michael Newell
Compliance Officer

06/25/24
Date

Mike Murphy
Senior Review

07/02/24
Date

Scott Jelinek
Supervisor Review

07/03/24
Date

Attachments

Attachment 1: Video 1.

Attachment 2: Map 1.

Attachment 3: Deficiencies email sent to Mr. Kinnard, Mr. Hamadi, and Mr. Stockton on 6/24/2024.

Attachment 1

Videos

Video 1: Fugitive dust plumes emitting from a haul road (EU: H06) by two haul trucks. Video taken by Michael Newell at 11:21 AM.

Attachment 2

Holcim SWR Sloan Quarry - Source ID: 372

Fugitive Dust Emissions observed from a haul road, Emission Unit: H06, at the American Eagle Concrete Batch Plant.
Emissions observed by: Michael Newell, Senior Air Quality Specialist
Observation Date: 6/22/2024 @ 11:21 AM

Haul Truck #2 location at the end of the video
Haul Truck #1 starting location during the video
Observation Point
Haul Truck #2 Starting Location during the video
Haul Truck #1 location at the end of the video

Legend

- Fugitive Dust Emissions from the Haul Road by Haul Truck # 1 - Plume length appr. 200 yards
- Fugitive Dust Emissions from the Haul Road by Haul Truck #2 - Plume length appr. 207 yards
- Haul Truck #1 location at the end of the video
- Haul Truck #1 starting location during the video
- Haul Truck #2 location at the end of the video
- Haul Truck #2 Starting Location during the video
- Observation Point



Google Earth

Image © 2024 Airbus



700 ft

Attachment 3

From: [Michael Newell](#)
To: KEN.KINNARD@HOLCIM.COM
Cc: AHMED.HAMADI@HOLCIM.COM; KSTOCKTON@AERMLV.COM
Subject: Holcim SWR Sloan Quarry., Source ID: 372 - Deficiency identified during Partial Compliance Evaluation - ACTION REQUIRED
Date: Monday, June 24, 2024 3:47:57 PM
Attachments: [image001.png](#)
[image002.png](#)

Large File Send Sent Files

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You shared files with

KEN.KINNARD@HOLCIM.COM AHMED.HAMADI@HOLCIM.COM KSTOCKTON@AERMLV.COM.

File(s):

AmericanEagle_Sloan_18208 (1).mp4

Dear Mr. Ken Kinnard:

On Saturday, 6/22/2024, I met with Dennis, Site Supervisor at the American Eagle Concrete Batch Plant, and performed a Partial Compliance Evaluation (PCE) of Holcim SWR Sloan Quarry, Source ID: 372 (Facility), located at 5200 Sloan Road, Sloan, NV. During that PCE, I identified the following deficiency:

1. The Facility allowed controllable particulate matter from a haul road [Emission Unit (EU): H06] to become airborne. While observing the Facility from an on-site location, I observed two haul trucks create fugitive dust plumes approximately 207 yards in length while traveling over a haul road (EU: H06) within the Facility (See Attached Video). Therefore, the Facility was ***not compliant with permit conditions III.D.13 and III.B.31 of the current Part 70 Operating Permit.***

The deficiency noted above for Holcim SWR Sloan Quarry, Source ID: 372 are my preliminary findings and should be corrected immediately. The Division of Air Quality **may** issue a Notice of Violation even if the deficiency is corrected. Once the PCE report is internally finalized, you may receive further documentation which will officially identify all the deficiencies. If you have any questions regarding this matter, please contact me via email or call me at the telephone number below.

Also, if you need assistance to comply with your permit requirements or to understand the applicable Clark County Air Quality Regulations, you may contact our Small Business Assistance Program (SBAP), which is a free and confidential service, at (702) 455-5942, or by email at AQSBAP@ClarkCountyNV.gov.

Please confirm receipt of this email by no later than 5pm on 6/27/2024.

Regards,

Michael Newell

Senior Air Quality Specialist, Compliance Section

Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance Section
4701 West Russell Rd, Suite 200
Las Vegas, NV, 89118
Direct Line: 702-279-1323
Email: michael.newell@clarkcountynv.gov

My Office Hours: Monday – Thursday, 7:00 a.m. – 5:30 p.m.

Clark County Offices are closed on Fridays

For assistance with reporting/permitting/compliance issues, contact:

Air Quality Small Business Assistance Program at AQSBAP@ClarkCountyNV.gov or call 702-455-1634





DES

DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY



air quality



desert conservation
PROGRAM



sustainability



August 15, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 777951023382

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	A.AMY	Delivery Location:	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; No Signature Required		LAS VEGAS, NV,
		Delivery date:	Aug 15, 2024 09:39

Shipping Information:

Tracking number:	777951023382	Ship Date:	Aug 14, 2024
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
LAS VEGAS, NV, US,		Las Vegas, NV, US,	

Reference NOV #10048

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.



October 10, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 777950973547

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	E.BRISTER	Delivery Location:	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; No Signature Required		LAKEWOOD, CO,
		Delivery date:	Aug 15, 2024 13:36

Shipping Information:

Tracking number:	777950973547	Ship Date:	Aug 14, 2024
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
LAKEWOOD, CO, US,		Las Vegas, NV, US,	

Reference NOV #10048

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.