



Air Pollution Control Hearing Officer Annotated Docket

Virtual Meeting via Webex

9:00 a.m. – January 20, 2022

Hearing Officer: Christine T. Smith

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

A handwritten signature in blue ink, likely belonging to Shibi Paul, the Compliance and Enforcement Manager.

With 24-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

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

II. NOTICES OF VIOLATION

A. NON-CONTESTED CASES: The Hearing Officer may approve or disapprove Air Quality staff's proposed order levying the recommended penalty. If the proposed order is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. **BOYD MARTIN CONSTRUCTION LLC (DCOP #54297)**

NOV #9638 – For allowing soil to be tracked out more than 50 feet onto a paved roadway; and for failing to maintain a trackout control device in an effective condition at all access points where paved and unpaved access intersect, as identified by Air Quality Specialist Carlton Monroe and Katrinka Byers, during routing and follow-up inspections on October 7 and 13, 2021, and a follow-up inspection during a Dust Advisory period on October 11, 2021, at Centennial Subaru construction project located 6392 Centennial Center Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Violation #1 – Section 94.14(d)

Violation #2 – Section 94.13(b)

Recommended Penalty: \$3,250.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,250.00

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

Violation #2 – Section 94.13(b) - \$1,000.00

2. **CIRCLE K STORES INC. (Minor Source Permit, Source ID: 9013)**

NOV #9650 – For failing to conduct and maintain a record of Phase I and Phase II vapor recovery system inspections; and for failing to maintain Phase I vapor recovery equipment in good working order by allowing debris and liquid in the spill bucket of the fill adapter for the unleaded gasoline underground storage tank, and failing to maintain Phase II vapor recovery equipment in good working order by allowing torn rubber emission control devices on the nozzles of dispensers #2 and #9, as identified by Air Quality Specialist Michael Newell and Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on December 7, 2021 of the gasoline dispensing operation known as Circle K Store #5399 located at 2308 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,070.00

- Violation #1 – 2015 Permit condition II.D.2
 - 2015 Permit conditions IV.C.3(a through g)
 - 2015 Permit conditions IV.C.4(a through i)
 - 2015 Permit condition IV.E.2.a
 - 2020 Permit conditions 4.1.3(a through g)
 - 2020 Permit conditions 4.1.4(a through g)
 - 2020 Permit condition 4.3.2.b
 - 2020 Permit condition 4.3.4
- Violation #2 – 2020 Permit condition 2.1.6.d
 - 2020 Permit condition 2.1.7.c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,070.00

- Violation #1 – 2015 Permit condition II.D.2** **- \$2,445.00**
 - 2015 Permit conditions IV.C.3(a through g)**
 - 2015 Permit conditions IV.C.4(a through i)**
 - 2015 Permit condition IV.E.2.a**
 - 2020 Permit conditions 4.1.3(a through g)**
 - 2020 Permit conditions 4.1.4(a through g)**
 - 2020 Permit condition 4.3.2.b**
 - 2020 Permit condition 4.3.4**
- Violation #2 – 2020 Permit condition 2.1.6.d** **- \$625.00**
 - 2020 Permit condition 2.1.7.c**

3. **D.R. HORTON, INC. (DCOP #52919)**

NOV #9631 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Air Quality Specialist Katrinka Byers while performing a routine inspection during a Dust Advisory period on October 18, 2021 at the Sonora Ranch construction project located at West Craig Road and Camino Al Norte, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

- Violation #1 – Section 94.14(a)(4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

4. **LOPER MARKETS, INC. (Minor Source Permit, Source ID: 16689)**

NOV #9626 – For failing to conduct and maintain a record of Phase I vapor recovery system inspections from October 1 through October 20, 2021; and for failing to maintain the Phase I vapor recovery system in good working order and vapor tight, and operating the P/V vent valve in a manner that did not follow manufacturer’s specifications, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on October 20, 2021 at the gasoline dispensing operation known as Rainbow Market #9 located at 5075 East Washington Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,750.00
Violation #1 – 2020 Permit conditions 4.1.3(a through h)
2020 Permit condition 4.3.2.b
Violation #2 – 2020 Permit condition 2.1.6.d
2020 Permit condition 2.1.6.i

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

Violation #1 – 2020 Permit conditions 4.1.3(a through h) - \$500.00
2020 Permit condition 4.3.2.b
Violation #2 – 2020 Permit condition 2.1.6.d - \$1,250.00
2020 Permit condition 2.1.6.i

5. **PN II, INC. (DCOP #53258)**

NOV #9636 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet; and for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Katrinka Byers while performing a routine inspection during a Dust Advisory period on October 25, 2021, and follow-up inspections on October 26 and November 1, 2021 at the Binion 50 construction project located at East Deer Springs Way and Losee Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$10,750.00
Violation #1 – Section 94.14(a)(3)
Violation #2 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,750.00

Violation #1 – Section 94.14(a)(3) - \$5,500.00
Violation #2 – Sections 94.13(a) and (b) - \$5,250.00

6. **PRECISION AGGREGATE PRODUCTS, LLC (Synthetic Minor Source Permit, Source ID: 15694)**

NOV #9634 – For modifying the source without a minor source permit authorizing the modification, as identified by Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on November 3, 2021 of the construction sand and gravel, and ready-mix concrete manufacturing operation located at the BLM Community Pit in Mesquite, Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,500.00
Violation #1 – 2021 Permit condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

7. **REPUBLIC DUMPCO, INC. (Part 70 Operating Permit, Source ID: 395, consolidated with Source ID: 16539)**

NOV #9600 – For failing to submit the 2020 Annual Compliance Certification (ACC) for Source ID: 16539 for the period of January 1, 2020 through June 18, 2020; for failing to identify intermittent compliance for 47 permit conditions for Source ID: 395 in the 2019 and 2020 ACC reports; for failing to report deviations that did not result in excess emissions in the 2019 2nd semi-annual report and 2020 1st and 2nd semi-annual reports; for failing to limit the throughput of landfill gas to the open combustion flare, Emission Unit (EU): G27, to 187,200,000 cubic feet in the consecutive 12-month period of November 2018 through October 2019; for failing to conduct and maintain records of biweekly material sampling for moisture testing; for failing to maintain the pH of the media in the desulfurization system control device between 7.9 and 9.0 from December 13 through 18, 2020; for allowing controllable particulate emissions to become airborne from the operation of a bulldozer on the landfill slope; for failing to conduct and maintain records of daily inspections on the vapor recovery equipment, EU: W06, from August 3, 2019 through May 6, 2021; for failing to conduct subsequent vapor recovery system performance tests within three years of the previous successful tests; and for failing to submit the final test report within 60 days after completing performance tests on November 1, 2019 for the baghouse that controls emissions from a cone crusher, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on May 6 and 7, 2021 of its Municipal Waste Management facility known as the Apex Regional Landfill located at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$32,680.00
Violation #1 – 16539 2017 Permit conditions II.D.6(a through c)	
Violation #2 – 395 October 2018 Permit and 2020 Permit condition II.D.6.c	
Violation #3 – 395 October 2018 Permit and 2020 Permit condition II.D.8 395 October 2018 Permit condition III.F.4.b 2020 Permit condition III.F.6.b	
Violation #4 – 395 October 2018 Permit condition III.B.2.k	
Violation #5 – 395 October 2018 Permit conditions III.B.3(f through h) 395 October 2018 Permit conditions III.C.8(a through c) 395 October 2018 Permit condition III.C.9 2020 Permit conditions III.B.3(j through l) 2020 Permit conditions III.C.16(a through c) 2020 Permit condition III.C.17	
Violation #6 – 2020 Permit condition III.B.3.rr	
Violation #7 – 2020 Permit condition III.B.3.hhh	
Violation #8 – 395 October 2018 Permit condition III.C.12 395 October 2018 Permit conditions III.E.6(a through f) 395 October 2018 Permit condition III.E.11 2020 Permit condition III.C.23 2020 Permit condition III.E.3 2020 Permit conditions III.E.5(rr through ww)	
Violation #9 – 2020 Permit condition III.D.6.g 2020 Permit condition III.D.7.a 2020 Permit Table III-D-2	

**Continued on the next page.*

REPUBLIC DUMPCO, INC. continued

Violation #10 – 395 October 2018 Permit condition II.E.5
395 October 2018 Permit condition III.D.14
395 October 2018 Permit condition III.F.6
395 October 2018 Permit Table III-F-1
2020 Permit condition II.E.5
2020 Permit condition III.D.21
2020 Permit condition III.F.7
2020 Permit Table III-F-1

Continued from 11/18/2021

FOUND IN VIOLATION.

PENALTY ASSESSED: \$32,680.00

Violation #1 – 16539 2017 Permit conditions II.D.6(a through c)	- \$2,500.00
Violation #2 – 395 October 2018 Permit and 2020 Permit condition II.D.6.c	- \$5,000.00
Violation #3 – 395 October 2018 Permit and 2020 Permit condition II.D.8	- \$5,000.00
395 October 2018 Permit condition III.F.4.b	
2020 Permit condition III.F.6.b	
Violation #4 – 395 October 2018 Permit condition III.B.2.k	- \$1,000.00
Violation #5 – 395 October 2018 Permit conditions III.B.3(f through h)	- \$3,160.00
395 October 2018 Permit conditions III.C.8(a through c)	
395 October 2018 Permit condition III.C.9	
2020 Permit conditions III.B.3(j through l)	
2020 Permit conditions III.C.16(a through c)	
2020 Permit condition III.C.17	
Violation #6 – 2020 Permit condition III.B.3.rr	- \$2,100.00
Violation #7 – 2020 Permit condition III.B.3.hhh	- \$2,000.00
Violation #8 – 395 October 2018 Permit condition III.C.12	- \$2,000.00
395 October 2018 Permit conditions III.E.6(a through f)	
395 October 2018 Permit condition III.E.11	
2020 Permit condition III.C.23	
2020 Permit condition III.E.3	
2020 Permit conditions III.E.5(rr through ww)	
Violation #9 – 2020 Permit condition III.D.6.g	- \$4,000.00
2020 Permit condition III.D.7.a	
2020 Permit Table III-D-2	
Violation #10 – 395 October 2018 Permit condition II.E.5	- \$5,920.00
395 October 2018 Permit condition III.D.14	
395 October 2018 Permit condition III.F.6	
395 October 2018 Permit Table III-F-1	
2020 Permit condition II.E.5	
2020 Permit condition III.D.21	
2020 Permit condition III.F.7	
2020 Permit Table III-F-1	

8. **ROBERTSON'S READY MIX, LTD., A CALIFORNIA LIMITED PARTNERSHIP (Synthetic Minor Source Permit, Source ID: 15387)**

NOV #9627 – For allowing the discharge of fugitive dust from the facility grounds to travel more than 100 yards from the point of origin beyond the lot line, and handling material in a manner that allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Mike Murphy during routine patrol on October 25, 2021 before a Dust Advisory went into effect, of the non-metallic mineral processing operation located south of Sloan and east of I-15 near Jean, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

Violation #1 – 2021 Permit condition 2.2.11
2021 Permit condition 2.2.19

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,750.00**

9. **ROME AND COMMERCE, LLC (DCOP #53738)**

NOV #9640 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Damon Lindsay and Mike Englehart, and Senior Air Quality Specialist Katrinka Byers during a complaint investigation on November 15, 2021, and follow-up inspections on November 16 and 17, 2021, at the Senna construction project located at Cinnamon Hazelnut Street and Toasted Almond Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,250.00

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

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,250.00**

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

NOV #9628 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Heath Richards, Mike Englehart, and Damon Lindsay during routine and follow-up inspections on September 30, 2021 and October 1, 4, 5, and 6, 2021 at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$20,750.00

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

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$20,750.00**

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

NOV #9641 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross a property line; and for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Damon Lindsay and Heath Richards while performing a routine inspection during a Dust Advisory period on October 11, 2021, a follow-up inspection during a Construction Notice period on October 12, 2021, follow-up inspections on October 13, 14, 19, and 27, 2021, and a complaint investigation on October 26, 2021 at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$34,250.00

Violation #1 – Section 94.14(a)(3)

Section 94.14(a)(4)

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$34,250.00

Violation #1 – Section 94.14(a)(3) - \$9,000.00

Section 94.14(a)(4)

Violation #2 – Sections 94.13(a) and (b) - \$25,250.00

12. SMITH'S FOOD AND DRUG CENTERS, INC. (Minor Source Permit, Source ID: 17753)

NOV #9629 – For failure to conduct initial vapor recovery system tests within 180 days of facility startup, as identified by Air Quality Specialist Patricia Ringgenberg during an onsite full compliance evaluation on October 12, 2021 of the gasoline dispensing operation known as Smith's Food and Drug Store #381 located at 830 South Boulder Highway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,200.00

Violation #1 – Permit condition IV.D.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,200.00

13. TRI POINTE HOMES NEVADA, INC. (DCOP #51316)

NOV #9647 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk during routine and follow-up inspections on December 2 and 6, 2021 at the Silverado Ranch & Arville construction project located at West Silverado Boulevard and Hinson Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

TRI POINTE HOMES NEVADA, INC. CHANGED ITS PLEA TO CONTESTING THE PENALTY.

AIR QUALITY REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED TRI POINTE HOMES NEVADA, INC.'S CASE TO MARCH 17, 2022.

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **BENTAR DEVELOPMENT, INC. (DCOP #50816)**

NOV #9639 – For allowing tracked out soil to extend greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Allan Gutierrez, during routine and follow-up inspections on October 19 and 20, 2021 at Showboat Park Apartments construction project located northeast of Atlantic Street and Oakey Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,250.00

Violation #1 – Section 94.14(d)

AIR QUALITY PRESENTED PHOTOGRAPHS 1 THROUGH 5 AS EXHIBIT 1, AND PHOTOGRAPHS 6 AND 7 AS EXHIBIT 2.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

2. **HOLIDAY SALES, INC. AND JOHN RUBBICO (DCOP n/a)**

NOV #9649 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities; for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line; and for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Cris Melo and Damon Lindsay during a routine patrol on October 13, 2021, a complaint investigation on October 23, 2021, and a complaint investigation during a Dust Advisory period on October 25, 2021 at the Halloween Town Pumpkin Patch–Blue Diamond construction project located at Blue Diamond Road and South Tenaya Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Section 94.4.1(a)

Violation #2 – Section 94.14(a)(4)

Violation #3 – Sections 94.13(a) and (b)

HOLIDAY SALES, INC. AND JOHN RUBBICO CHANGED ITS PLEA TO CONTESTING THE FACTS AND PENALTY.

AIR QUALITY PRESENTED PHOTOGRAPHS 1 THROUGH 4 AS EXHIBIT 1, PHOTOGRAPHS 5 THROUGH 8 AS EXHIBIT 2, AND PHOTOGRAPHS 9 AND 10 AS EXHIBIT 3.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

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

Violation #2 – Section 94.14(a)(4) - \$3,000.00

Violation #3 – Sections 94.13(a) and (b) - \$1,500.00

RECESS AT 10:55 a.m.

RESUMED AT 11:07 a.m.

3. TAND, INC. (DCOP #52878)

NOV #9630 – For constructing soil stockpiles greater than eight feet in height within 100 yards of occupied buildings, as identified by Air Quality Specialist Carlton Monroe, during routine and follow-up inspections on October 7, 2021 and October 13, 14, and 15, 2021 at the Ann Road Improvements CC-215 to Durango Dr. construction project located on Ann Road between CC-215 and Durango Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,500.00

Violation #1 – Section 94.14(g)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

4. TOPNOTCH SERVICES, INC. (DCOP #52059)

NOV #9648 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during routine and follow-up inspections on December 4, 6 and 7, 2021 at the Warm Springs & Redwood construction project located at the northwest corner of Warm Springs Road and Redwood Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

RECESS AT 12:39 p.m.

RESUMED AT 12:50 p.m.

Stationary Sources Violations:

5. APEX MATERIALS LLC (Source ID: n/a)

NOV #9635 – For operating a source of air pollutants, without having obtained a minor source permit that authorized such operation, as identified by Senior Air Quality Specialist Camon Liddell during an onsite partial compliance evaluation on November 4, 2021 of the unpermitted facility located at Parcel #122-04-010-004 in the Apex area, northwest of North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$27,000.00

Violation #1 – Section 12.1.3.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$27,000.00

6. **FOLIOT FURNITURE PACIFIC INC. (Minor Source Permit, Source ID: 16587)**
NOV #9644 – For allowing visible emissions from the Dantherm Dust Collection System, Emission Unit (EU): B01, and failing to promptly repair a leak in the duct work; and for failing to conduct and maintain inspection records of the spray booth, EU: A01, and manometer for the spray booth, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation of the furniture manufacturing operation located at 7000 South Placid Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,355.00

- Violation #1 – Permit condition IV.B.7
Permit condition IV.B.8
- Violation #2 – Permit condition IV.C.6
Permit condition IV.E.1.b
Permit condition IV.C.5
Permit condition IV.E.1.c

FOLIOT FURNITURE PACIFIC INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED FOLIOT FURNITURE PACIFIC INC.'S CASE TO MARCH 17, 2022.

7. **POWDER COATING PLUS, INC. (Registered Source ID: 18075)**
NOV #9637 – For conducting sand blasting operations without an effective enclosure or other such dust control device, and in a manner that dispersed excessive sand and dust, and failed to prevent particulate matter to become airborne, as identified by Air Quality Specialist Pat Ringgenberg during a complaint investigation on November 22 and 23, 2021 of the powder coat/paint stripping operation located at 5325 South Valley View Boulevard, Suite 107, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Section 41.1.2
Section 41.1.3

AIR QUALITY PRESENTED PHOTOGRAPHS 1 THROUGH 7 AS EXHIBIT 1.

AIR QUALITY PRESENTED POWDER COATING PLUS, INC.'S WEBSITE:
<https://www.lvpcp.com/> AS EXHIBIT 2.

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,000.00

RECESS AT 2:35 p.m.

RESUMED AT 2:43 p.m.

**8. ROBERTSON'S READY MIX, LTD., A CALIFORNIA LIMITED PARTNERSHIP
(Synthetic Minor Source Permit, Source ID: 15387)**

NOV #9633 – For modifying the source without a permit authorizing the modification; for failing to conduct and maintain records of the daily water spray system inspections; for failing to monitor and maintain onsite records of monthly, consecutive 12-month total vehicle miles traveled on unpaved roads; and for failing to report deviations in the 1st and 2nd semi-annual reports of 2019, 2020, and 2021, as identified by Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on October 20, 2021 of the non-metallic mineral processing operation located south of Sloan and east of I-15 near Jean, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$20,575.85

Violation #1 – 2021 Permit condition 5.1.10

Violation #2 – 2017 Permit condition IV.C.6

2017 Permit condition IV.E.1.b

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.1.6

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.3.1.b

Violation #3 – 2017 Permit condition IV.C.8

2017 Permit condition IV.E.2.b

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.1.8

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.3.1.h

Violation #4 – 2017 Permit condition II.C.6.c

2017 Permit condition II.C.8

2017 Permit condition IV.E.2.e

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.3.1.o

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit and 2021 Permit condition 4.4.6.c

April 2019 Permit, May 2019 Permit, August 2019 Permit,
2020 Permit condition 4.4.8

2021 Permit condition 4.4.9

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$19,875.85

Violation #1 – 2021 Permit condition 5.1.10	- \$4,045.85
Violation #2 – 2017 Permit condition IV.C.6	- \$11,735.00
2017 Permit condition IV.E.1.b	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.1.6	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.3.1.b	
Violation #3 – 2017 Permit condition IV.C.8	- \$1,845.00
2017 Permit condition IV.E.2.b	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.1.8	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.3.1.h	
Violation #4 – 2017 Permit condition II.C.6.c	- \$2,250.00
2017 Permit condition II.C.8	
2017 Permit condition IV.E.2.e	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.3.1.o	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit and 2021 Permit condition 4.4.6.c	
April 2019 Permit, May 2019 Permit, August 2019 Permit,	
2020 Permit condition 4.4.8	
2021 Permit condition 4.4.9	

9. VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION (Source ID: n/a)

NOV #9643 – For allowing the discharge of such quantities of air contaminants from the facility to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Mike Murphy during a complaint investigation on December 6, 2021 of the wastewater treatment facility known as Valley Heights Wastewater Treatment Plant located at 3719 River Heights Lane, in Logandale, Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

 Violation #1 – Section 43.1
 Section 40.1

VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION'S CASE TO MARCH 17, 2022.

10. VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION (Source ID: n/a)

NOV #9645 – For allowing the discharge of such quantities of air contaminants from the facility to cause excessive odors constituting a nuisance, as identified by Air Quality Specialist Martin Tull during a complaint investigation on December 7, 2021 of the wastewater treatment facility known as Valley Heights Wastewater Treatment Plant located at 3719 River Heights Lane, in Logandale, Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 43.1
Section 40.1

VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION'S CASE TO MARCH 17, 2022.

11. VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION (Source ID: n/a)

NOV #9646 – For allowing the discharge of such quantities of air contaminants from the facility to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Camon Liddell during a complaint investigation on December 13, 2021 of the wastewater treatment facility known as Valley Heights Wastewater Treatment Plant located at 3719 River Heights Lane, in Logandale, Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 43.1
Section 40.1

VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED VALLEY HEIGHTS HOMEOWNERS' ASSOCIATION'S CASE TO MARCH 17, 2022.

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

NOV #9642 – For failing to conduct and maintain records of daily baghouse pressure drops during the time period of January 3, 2019 to December 1, 2021; for failing to conduct and maintain records of daily visible emissions checks of the facility during the time period of January 3, 2019 to December 1, 2021; and for failing to conduct and maintain records of monthly baghouse interior inspections for 19 months from March 2019 through October 2021, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on December 1, 2021 of the gypsum processing operation located at 13555 North Highway 95, in Clark County, Nevada.

**Continued on the next page.*

WESTERN MINING AND MINERALS, INC., continued

Violation(s) Alleged:

Recommended Penalty: \$6,792.50

Violation #1 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.13
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.i

Violation #2 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.1
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.a

Violation #3 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.14
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.j

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,792.50

Violation #1 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.13 - \$4,145.00
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.i

Violation #2 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.1 - \$2,072.50
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.a

Violation #3 – 2019 Permit, 2020 Permit, and 2021 Permit condition 4.1.14 - \$ 575.00
2019 Permit, 2020 Permit, and 2021 Permit condition 4.3.1.j

III. ADJOURNMENT 4:37 p.m.