




## Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – January 9, 2013

Hearing Officer: Terry Vaeth

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

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

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

**II. MATTERS REQUIRING HEARING OFFICER ACTION**

**A. AMENDED APPROVED SETTLEMENT**

**1. CONSOLIDATED RESORTS DBA TAHITI VILLAGE**

NOV #8041 – For exceeding the allowed operating hours, production limitations, and emission limitations; and for failing to perform subsequent performance testing of two Bryan boilers as documented during a full compliance evaluation conducted on April 20, 2011 at the Tahiti Village facility (Source 15657) located at 7200 South Las Vegas Boulevard in Clark County, Nevada.

Violation(s) alleged: AQR Subsection 12.0.3(a)

Violations #1 & 2 – Permit Conditions IV-A-1, IV-A-4, & III-B

Violation #3 – Permit Conditions IV-F-1 & IV-F-2

**CONSOLIDATED RESORTS DBA TAHITI VILLAGE NEGOTIATED A SETTLEMENT AGREEMENT WHICH WAS APPROVED BY THE HEARING OFFICER ON SEPTEMBER 26, 2012. THIS SETTLEMENT AGREEMENT CONTAINED DATES WHEN SPECIFIC ACTIONS SHOULD BE COMPLETED. CONSOLIDATED RESORTS DBA TAHITI VILLAGE REQUESTED THE DUE DATE BE EXTENDED TO MARCH 1, 2013 TO ASSURE THE BOILER TUBES ARE REPAIRED, AND AIR QUALITY AGREED. AN AMENDED SETTLEMENT AGREEMENT WAS PREPARED TO EXTEND THE DUE DATE.**

**HEARING OFFICER APPROVED PROPOSED AMENDED SETTLEMENT AND EXTENDED THE DUE DATE TO MARCH 1, 2013. NO ADDITIONAL PENALTY WAS ASSESSED.**

B. SETTLEMENT

1. **CITY OF LAS VEGAS WATER POLLUTION CONTROL FACILITY**

NOV #8344 – For exceeding the short-term emission limits for NO<sub>x</sub> and CO on two 930-hp Waukesha blower engine emission units (D03 and D04) as specified in the operating permit identified during review of a performance test report submitted to Air Quality on February 14, 2012 at the City of Las Vegas Water Pollution Control facility (Source: 402) located at 6005 East Vegas Valley Drive, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.0.3(a)  
Violation #1 – Permit Condition II-B

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT, WHICH INCLUDES A \$6,000 PENALTY THAT IS SUSPENDED. IF CITY OF LAS VEGAS WATER POLLUTION CONTROL FACILITY COMPLIES WITH THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT THROUGH DECEMBER 31, 2013, THE SUSPENDED AMOUNT WILL BE WAIVED.**

C. NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT: The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

1. **D. R. HORTON, INC.**

NOV #8372 – For failure to implement Best Available Control Measures and allowing a dust plume to extend more than 100 feet, horizontally or vertically, from the point of origin and crossing a property line, identified during a complaint inspection on October 9, 2012 at the Rome & Mustang construction site located at 6254 West Rome Boulevard, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3  
Subsection 94.9.1

Recommended Penalty: \$4,500

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$4,500**

D. CONTESTED NOTICES OF VIOLATION

1. **NP RED ROCK, LLC**

NOV #8370 – For exceeding annual operational limitations for a 16.0 MMBtu/hr. boiler, Emission Unit (EU) A02; for exceeding annual emission limitations for EU A02; and for failing to keep adequate records for each time the emergency engines (EUs B01 through B05) were operated; which was identified during a full compliance evaluation conducted on April 26 and May 27, 2012 of the Red Rock Casino and Spa (Source: 15487), located at 11011 West Charleston Boulevard, in County, Nevada.

***NP RED ROCK, LLC continued***

Violation(s) alleged: Subsection 12.8.1

Recommended Penalty: \$10,000

- Violation #1 – Permit Condition IV-A-3-a
- Violation #2 – Permit Condition IV-A-2-b
- Violation #3 – Permit Condition IV-E-3-h

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$10,000**

***E. ACTION REQUIRED***

**1. GEORGIA-PACIFIC GYPSUM, LLC**

NOV #8366 - For failing to conduct subsequent performance testing of six baghouses; Emission Units (BH-04, BH-05, BH-08, BH-09, BH-30, and BH-34) within the five-year period as specified in the Part 70 Operating Permit, identified during review of a performance test report submitted to Air Quality on July 9, 2012 for the Georgia Pacific Gypsum facility (Source: 593) located in the Apex Valley, in Clark County, Nevada.

Violation(s) alleged: Subsection 19.4.1.3

Recommended Penalty: \$24,000

- Violation #1 – Permit Condition III-D-2

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

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT, WHICH INCLUDES A \$16,000 PENALTY.**

**2. IRON HORSE CONSTRUCTION, INC.**

NOV #8350 – For failing to implement Best Available Control Measures resulting in fugitive dust from dry, unstable soils and trackout onto a paved roadway, identified during complaint inspections on March 12 and 13, 2012 at the Paxton Walk Stockpile construction site located east of John Herbert Boulevard, north of Centennial Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1

Recommended Penalty: \$1,000

**IRON HORSE CONSTRUCTION, INC. AGREES NOT TO CONTEST THIS NOV.**

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$1,000**

**3. IRON HORSE CONSTRUCTION, INC.**

NOV #8354 – For failing to implement Best Available Control Measures resulting in a plume of fugitive dust from wind blowing dry, unstable soil and crossing property line, identified during a site inspection on April 10, 2012 at the Paxton Walk Stockpile construction site located east of John Herbert Boulevard, north of Centennial Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1  
Subsection 94.11.3

Recommended Penalty: \$3,000

**IRON HORSE CONSTRUCTION, INC. AGREES NOT TO CONTEST THIS NOV.**

**FOUND IN VIOLATION.**

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

**4. UNITED STATES AIR FORCE, NELLIS AFB, 99<sup>TH</sup> AIR BASE WING**

NOV #8029 – For exceeding the 12-month rolling average hourly operational limitations for a 15 kW primary generator, Emission Unit (EU) G066; for unloading gasoline from a cargo tank truck into two gasoline storage tanks (EUs J001 and J002) without being connected to a Phase I vapor recovery hose; for failing to have a functional manometer installed on a paint spray booth (EU C001); and for constructing and operating 13 internal combustion engines (ICEs) without a permit authorizing such construction and operation identified during a full compliance evaluation conducted on February 8-10, 14-16, and 22, and March 14, 16 and 17, 2011 of the Creech Air Force Base facility (Source: 473) as part of Nellis AFB, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.0.3(a)  
Subsection 12.1.3.1

Recommended Penalty: \$39,000

Violation #1 – Permit Condition VI-B-2-e

Violation #2 – Permit Conditions IV-B-3 (b, j(iii), and l)

Violation #3 – Permit Condition VIII-C-1

Violation #4 – Permit Condition II-9

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

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT, WHICH INCLUDES A \$13,000 PENALTY.**

**III. ADJOURNMENT**

**10:45 a.m.**