



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – November 15, 2017

Hearing Officer: Lona Webb

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Jeffrey Robb, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

The Presentation Room is accessible to individuals with disabilities. With 48-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. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

There are no signed settlement agreements at this time.

B. 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. CAMERON GENERAL CONTRACTORS (DCOP #47611)

NOV #9025 – For failure to implement control measures which resulted in fugitive dust from construction activities that crossed the property line; and failure to maintain site soils in a stabilized condition 24 hours a day, seven days a week as identified on July 17 and 18, 2017 at the Cactus Valley Retirement Community construction site at 11088 Amigo Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 94.11.3

Violation #2 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Subsection 94.11.3 - \$2,000.00

Violation #2 – Subsection 94.9.2 - \$1,000.00

2. **GREENWAY MEDICAL, LLC (Source ID: n/a)**
NOV #9037 – For causing a marijuana nuisance odor as documented in the Minor Stationary Source Compliant Investigation Report conducted on September 22, 2017 at 4844 Cecile Avenue, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 43.1

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00

3. **MADRAS DURANGO, LLC (Source ID: 17624)**
NOV #9007 – For failing to conduct initial performance testing within 180 days of startup, as identified during a partial compliance evaluation conducted on July 6, 2017 of the gasoline dispensing operation identified as Citi Stop at 7690 South Durango Drive, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Permit Condition IV-D-4-a

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00

4. **MARTIN HARRIS CONSTRUCTION, LLC (DCOP #45586)**
NOV #8996 – For allowing tracked out soil debris greater than 50 feet and ¼ inch in depth on paved roadways, as identified during routine and follow-up inspections on June 14 and 15, 2017 at the Northgate Distribution Center construction site at 4410 and 4490 Nexus Way, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 94.11.6

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,000.00

5. **MARTIN HARRIS CONSTRUCTION, LLC (DCOP #40789)**
NOV #9021 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit; and failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on June 30, July 5 and 6, 2017 at the Northgate Distribution Center Bldg 8 & 9 construction site at 5550 Donovan Way, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 94.11.6
Violation #2 – Subsection 94.9.2

Recommended Penalty: \$7,000.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,000.00
Violation #1 – Subsection 94.11.6 - \$6,000.00
Violation #2 – Subsection 94.9.2 - \$1,000.00

6. **NEVADA GENERAL CONSTRUCTION (DCOP #45354)**

NOV #9016 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; failing to fully implement control measures that resulted in a fugitive dust plume which exceeded the opacity standard; and for allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit, as identified during routine and follow-up inspections on April 18, June 21 and July 7, 2017 at the Somerset Losee Addition – Phase II construction site at 4650 Losee Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – Subsection 94.9.2
- Violation #2 – Subsection 94.11.1
- Violation #3 – Subsection 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

- Violation #1 – Subsection 94.9.2 - \$1,000.00**
- Violation #2 – Subsection 94.11.1 - \$2,000.00**
- Violation #3 – Subsection 94.11.6 - \$3,000.00**

7. **PN II, INC. (DCOP #46949)**

NOV #8999 – For allowing a fugitive dust plume which traveled over the property boundary, as identified during a routine inspection on May 5, 2017 at the Estates at Tule Springs construction site at the northwest corner of Buffalo and Grand Teton Drives, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Subsection 94.11.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #45546)**

NOV #9010 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during a routine inspection on June 13, 2017 at the Horizon Park 3 construction site at Gilmore Avenue and Fuselier Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

9. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #46245)**

NOV #9026 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; and for allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit, as identified during routine inspection on July 7, 2017 at the Granite Falls 3 construction site at the southwest corner of Bradley Road and Sheleheda Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

- Violation #1 – Subsection 94.9.2
- Violation #2 – Subsection 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

- Violation #1 – Subsection 94.9.2 - \$1,000.00**
- Violation #2 – Subsection 94.11.6 - \$2,000.00**

10. **RYLAND HOMES NEVADA, LLC (DCOP #43122)**

NOV #9011 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on July 7 and 10, 2017 at the Aragon construction site at Buffalo and Diablo Drives, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

11. **SHIRON DEVELOPMENT, LLC (DCOP #46750)**

NOV #9027 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; for allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit; and failing to fully implement control measures that resulted in a fugitive dust plume which exceeded the opacity standard, as identified during routine inspection on July 27, 2017 at the Vue at Centennial construction site at 7350 West Centennial Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

- Violation #1 – Subsection 94.4.1
- Violation #2 – Subsection 94.9.2
- Violation #3 – Subsection 94.11.6
- Violation #4 – Subsection 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

- Violation #1 – Subsection 94.4.1 - \$0.00**
- Violation #2 – Subsection 94.9.2 - \$1,000.00**
- Violation #3 – Subsection 94.11.6 - \$1,000.00**
- Violation #4 – Subsection 94.11.1 - \$2,000.00**

12. **WILLIAM LYON HOMES, INC. (DCOP #43733)**

NOV #9005 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; for failing to have the site superintendent successfully complete Dust Class; and for failing to post the Dust Control Permit sign, as identified during routine and follow-up inspections on June 20 and 21, 2017 at the Brookshire construction site at 8216 Broad Branch Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Subsection 94.9.2
- Violation #2 – Subsection 94.7.6.1
- Violation #3 – Subsection 94.7.7.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Subsection 94.9.2 - \$2,000.00**
- Violation #2 – Subsection 94.7.6.1 - \$250.00**
- Violation #3 – Subsection 94.7.7.1 - \$250.00**

C. CONTESTED CASES

Asbestos and Construction Violations:

1. **BUGGS AND ASSOCIATES, LLC (Project #172009)**

NOV #8992 – For failing to submit notification prior to commencing demolition activities, as identified during a routine site inspection on May 30, 2017 at the facilities located northwest of West Carey Avenue and North Commerce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

- Violation #1 – Section 13.1

BUGGS AND ASSOCIATES, LLC PRESENTED ADDITIONAL DOCUMENTS AS EXHIBIT D.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,000.00

2. **D. R. HORTON, INC. (DCOP #47246)**

NOV #8998 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week as identified during routine and follow-up inspections on May 4 and 9, 2017 at the Villages Unit 3A-1, Phase 2 construction site at the southeast corner of Walnut Road and Tropical Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Subsection 94.9.2

D. R. HORTON, INC. IS NOT CONTESTING NOV #8998.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

3. **D. R. HORTON, INC. (DCOP #46975)**

NOV #9015 – For failure to maintain site soils in a stabilized condition 24 hours a day, seven days a week; and failure to implement control measures which resulted in fugitive dust from construction activities that crossed the property line as identified on June 23, 26 and 30, 2017 at the Chartan & Bermuda (Heritage Estates) construction site, located at Chartan Avenue and Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 94.9.2

Violation #2 – Subsection 94.11.3

D. R. HORTON, INC. IS NOT CONTESTING NOV #9015.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Subsection 94.9.2 - \$2,000.00

Violation #2 – Subsection 94.11.3 - \$2,000.00

4. **DC BUILDING GROUP (DCOP #47369)**

NOV #9001 – For failure to implement control measures which resulted in fugitive dust from construction activities that crossed the property line; and failure to maintain site soils in a stabilized condition 24 hours a day, seven days a week as identified during routine and follow-up inspections on May 10 and 11, 2017 at the Ala Charter School construction site near Ann Road and Donna Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 94.11.3

Violation #2 – Subsection 94.9.2

DC BUILDING GROUP PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 7.

AIR QUALITY RECOMMENDED AMENDING NOV #9001, VIOLATION #1 SUBSECTION 94.11.3, WHICH OCCURRED ON MAY 10, 2017 DOWN TO SUBSECTION 94.9.2, AND CITE DC BUILDING GROUP FOR VIOLATION #2 SUBSECTION 94.9.2 ON MAY 10 AND 11, 2017 REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$2,000.00.

HEARING OFFICER FOUND DC BUILDING GROUP IN VIOLATION AND APPROVED AIR QUALITY'S RECOMMENDED PENALTY OF \$2,000.00.

5. DC BUILDING GROUP (DCOP #47369)

NOV #9018 – For failing to fully implement control measures that resulted in a fugitive dust plume which exceeded the opacity standard; and failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on June 27 and 29, 2017 at the Ala Charter School construction site at the southeast corner of Ann Road and Donna Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 94.11.1

Violation #2 – Subsection 94.9.2

DC BUILDING GROUP PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 8.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Subsection 94.11.1 - \$2,000.00

Violation #2 – Subsection 94.9.2 - \$1,000.00

6. ENVIRONMENTAL ASSURANCE (Project #171061)

NOV #9003 – For failing to submit notification prior to commencing demolition activities, as identified during routine site inspection on June 19, 2017 at a facility at 1000 North Rancho Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 13.1

ENVIRONMENTAL ASSURANCE IS NOT CONTESTING NOV #9003.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

7. HAND CONSTRUCTION COMPANY (DCOP #45630)

NOV #9004 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on June 8, 22 and 26, 2017 at the Boulder Pines Apartments construction site at 4315 and 4405 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

RECESS: 10:43 a.m.

RESUMED: 10:47 a.m.

8. THE KORTE COMPANY (DCOP #45794)

NOV #9012 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections on June 29 and July 18, 2017 at the Fremont and 9th Apartments construction site at 901 Fremont Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.9.2

THE KORTE COMPANY PRESENTED ADDITIONAL DOCUMENTS AS EXHIBITS 7 THROUGH 13).

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

9. URBAN JUNGLE CONTRACTORS, LTD. (Project #170021)

NOV #8995 – For failing to submit notification prior to commencing demolition activities, as identified during routine site inspection on January 10, 2017 at a facility at 1524 Nevada Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 13.1

URBAN JUNGLE CONTRACTORS, LTD. IS NOT CONTESTING NOV #8995.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

Stationary Sources Violations:

10. MAJID, INC. (Source ID: 9073)

NOV #9014 – For failure to maintain Phase I & II vapor recovery equipment in good working order; failure to maintain inspection records onsite; and failure to submit the 2016 annual report before March 31, 2017 as identified during a full compliance evaluation conducted on July 28, 2017 of the gasoline dispensing operation identified as Mike's Food Mart located at 1196 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Permit Condition IV-B-1-b-iv

Permit Conditions IV-B-1-d-ii and iii

Violation #2 – Permit Condition IV-E-2-a

Violation #3 – Permit Condition II-C-3-a-ii

***Continued on the next page.**

MAJID, INC. DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – Permit Condition IV-B-1-b-iv Permit Conditions IV-B-1-d-ii and iii	- \$2,000.00
Violation #2 – Permit Condition IV-E-2-a	- \$500
Violation #3 – Permit Condition II-C-3-a-ii	- \$0

11. MESQUITE MART, LLC (Source ID: 17932)

NOV #9008 – For installing and operating emission units without obtaining a permit authorizing such installation and operation, as identified during a partial compliance evaluation conducted on July 14, 2017 of the unpermitted gasoline dispensing operation at 121 South Falcon Ridge Parkway, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$6,000.00
Violation #1 – Section 12.1.3.1	

AIR QUALITY PRESENTED ADDITIONAL DOCUMENTS AS EXHIBITS 3 AND 4.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

12. SIAS AM PM MINI MARKET (Source ID: 9410)

NOV #9009 – For failure to maintain Phase I & II vapor recovery equipment in good working order; failure to conduct Pressure Vacuum Vent valve test within three years of previous successful test; failure to maintain inspection records onsite; and failure to submit the 2016 annual report before March 31, 2017 as identified during a full compliance evaluation conducted on July 18, 2017 of the gasoline dispensing operation identified as Sia's AM/PM Mini Market at 6801 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$4,500.00
Violation #1 – Permit Condition IV-B-1-b-iv Permit Conditions IV-B-1-d-ii and iii	
Violation #2 – Permit Condition IV-D-4-b	
Violation #3 – Permit Condition IV-E-2-a	
Violation #4 – Permit Condition II-C-3-a-ii	

SIAS AM PM MINI MARKET ADDITIONAL DOCUMENTS AS EXHIBIT 3.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Permit Condition IV-B-1-b-iv Permit Conditions IV-B-1-d-ii and iii	- \$2,000.00
Violation #2 – Permit Condition IV-D-4-b	- \$1,000.00
Violation #3 – Permit Condition IV-E-2-a	- \$500.00
Violation #4 – Permit Condition II-C-3-a-ii	- \$0.00

13. TERRIBLE HERBST, INC. (Source ID: 17910)

NOV #8987 – For failure to obtain a Minor Source Permit prior to construction and operation of a gasoline dispensing operation, as identified during a partial compliance evaluation conducted on May 19, 2017 of the unpermitted Terrible Herbst, Inc. gasoline dispensing operation at 7560 Oso Blanca Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Section 12.1.3.1

Continued from 9/20/2017

TERRIBLE HERBST, INC. CHANGED ITS PLEA TO NON-CONTESTED.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

14. WS-DYNOCO PETROLEUM MANAGEMENT, LLC (Source ID: 16822)

NOV #9017 – For failure to maintain and post a copy of the Permit onsite; failure to submit a renewal application at least 120 days but not more than 270 days before expiration date; exceeding the permitted gasoline throughput limitation; failure to maintain Phase I vapor recovery equipment according to manufacturer's specifications; failure to conduct Pressure/Vacuum Vent valve performance tests within 30 days of startup; failed to conduct and pass subsequent vapor recovery tests; and failure to conduct and maintain records of daily inspections onsite, as identified during a full compliance evaluation conducted on July 14, 2017 of the gasoline dispensing operation identified as Wesley's Chevron at 3685 North Moapa Valley Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,750.00

Violation #1 – Permit Condition II-A-6

Violation #2 – Section 12.1.3.2(b)

Violation #3 – Permit Condition IV-A-3-a

Violation #4 – Permit Condition IV-B-1-b-iii

Violation #5 – Permit Condition IV-D-4-a

Permit Condition IV-D-5-a

Violation #6 – Permit Condition IV-E-2

Permit Condition IV-E-5-a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

Violation #1 – Permit Condition II-A-6 - \$0.00

Violation #2 – Section 12.1.3.2(b) - \$250.00

Violation #3 – Permit Condition IV-A-3-a - \$2,000.00

Violation #4 – Permit Condition IV-B-1-b-iii - \$1,500.00

Violation #5 – Permit Condition IV-D-4-a - \$2,000.00

Permit Condition IV-D-5-a

Violation #6 – Permit Condition IV-E-2 - \$250.00

Permit Condition IV-E-5-a

Vacant Land Violations:

15. MADISON / CHEWY L.L.C. (Parcel 123-29-601-025)

NOV#9019 – For constructing and operating an unpaved storage area within hydrographic basin 212, 216 or 217, as identified during routine inspections conducted on March 28 through October 2, 2017 at the parcel located at the northwest corner of Tropical Parkway and Range Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$94,500.00

Violation #1 – Subsection 92.3.1.1

MADISON / CHEWY L.L.C. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED MADISON / CHEWY L.L.C.'S CASE TO JANUARY 17, 2018.

III. ADJOURNMENT 12:15 a.m.