



# 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 16, 2016**

Hearing Officer: Frank J. Cremen

Staff: Ralph McCullers, Compliance and Enforcement Manager  
Lea Kain, Air Quality Supervisor

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 settlement agreements at this time.

B. NON-CONTESTED CASES: The Hearing Officer may approve or disapprove the non-contested agreements. If a non-contested agreement is disapproved, the Notice of Violation will be rescheduled for hearing at a subsequent meeting. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

### 1. ACE CAB, LLC (Source ID: 1028)

NOV#8817 – For failure to maintain Volatile Organic Compound containers in securely closed vessels; for failure to operate and maintain Phase I and Phase II vapor recovery equipment; for failure to maintain a valid certification for surface coating personnel; and failure to monitor pressure drop across the spray booth filter system as identified during a full compliance evaluation conducted on June 21 and July 6, 2016 at 5010 South Valley View Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – Permit Condition IV-B-11
- Violation #2 - Permit Condition IV-B-14-b-iv  
Permit Condition IV-B-14-d-iii
- Violation #3 - Permit Condition IV-B-8
- Violation #4 - Permit Condition IV-C-5

*\*Continued to next page.*

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$6,000.00**

- |   |                     |
|---|---------------------|
| <b>Violation #1 – Permit Condition IV-B-11</b>      | <b>- \$2,000.00</b> |
| <b>Violation #2 - Permit Condition IV-B-14-b-iv</b> | <b>- \$2,000.00</b> |
| <b>Permit Condition IV-B-14-d-iii</b>               |                     |
| <b>Violation #3 - Permit Condition IV-B-8</b>       | <b>- \$1,000.00</b> |
| <b>Violation #4 - Permit Condition IV-C-5</b>       | <b>- \$1,000.00</b> |

**2. MONTEVISTA HOSPITAL (Source ID: 17153)**

NOV #8812 – For failing to obtain a Minor Source Permit modification prior to installing and operating an emissions source as identified during a full compliance evaluation conducted on June 3, 2016 at 5900 West Rochelle Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 12.1.3.1

**FOUND IN VIOLATION.**

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

**3. SAN DIEGO GAS & ELECTRIC COMPANY – DESERT STAR ENERGY CENTER (Source ID: 652)**

NOV #8808 – For exceeding emissions 3-hour NOx limitations for Emissions Units A01 and A02 on three occasions, as identified during a full compliance evaluation conducted on April 12, 2016 at the Desert Star Energy Center facility at 701 El Dorado Valley Drive, in Boulder City, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Permit Condition IV-B-1-c  
Permit Table III-B-3

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$6,000.00**

C. CONTESTED CASES

***Asbestos, Construction, and Vacant Land Violations:***

1. **BROADHERST INVESTMENT TRUST, II (DCP #40578)**

NOV#8802 – For failing to pay permit fees required to renew the permit within 90 days of invoice, as identified on March 30, 2016 of the Lot Clean Up at 6131 North Hollywood Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,102.00

Violation #1 – Subsection 18.16.3

*Rescheduled from 9/21/16, and Continued from 10/18/16*

**BROADHERST INVESTMENT TRUST, II REQUESTED ANOTHER CONTINUANCE.**

**HEARING OFFICER DENIED SECOND REQUEST FOR A CONTINUANCE AND REVOKED BROADHERST INVESTMENT TRUST, II, DCP #40578, DUE TO NONPAYMENT OF FEES.**

2. **RICHMOND AMERICAN HOMES (DCP #43079)**

NOV #8891 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified on a routine inspection during a Construction Notice on September 13 and 15, 2016 at the Granite Falls construction site at Iron Mountain and Bradley Roads, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.9.2

**RICHMOND AMERICAN HOMES IS NOT CONTESTING NOV #8891.**

**FOUND IN VIOLATION.**

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

3. **RICHMOND AMERICAN HOMES (DCP #43842)**

NOV #8892 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified on a routine inspection during a Construction Notice on September 13 and 15, 2016 at the Verona Estates construction site at Grand Teton and Buffalo Drives, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.9.2

**RICHMOND AMERICAN HOMES IS NOT CONTESTING NOV #8892.**

**FOUND IN VIOLATION.**

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

**Stationary Sources Violations:**

**4. UNILEVER MANUFACTURING (US), INC. (Source ID: 6)**

NOV #8885 – For failure to comply with the permit condition prohibiting the creation of nuisance odors, as documented on August 22, 2016 at 1001 Olsen Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 - Permit Condition IV-B-12

**UNILEVER MANUFACTURING (US), INC. AND AIR QUALITY REQUESTED A CONTINUANCE.**

**HEARING OFFICER CONTINUED UNILEVER MANUFACTURING (US), INC.'S CASE TO JANUARY 18, 2017.**

**5. TRONOX, LLC (Source ID: 95)**

NOV #8656 – For failure to apply for a Title V Operating Permit in a timely manner; operating a major source of Hazardous Air Pollutants (HAP) without a Title V Operating Permit; exceeding permitted HAP emission limits; and failure to report actual emissions from Manganese Dioxide process at 560 West Lake Mead Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,347,000.00

Violation #1 – Sections 19.5.2 and 12.5.2.1(a)(1)

Violation #2 – Sections 19.5.2 and 12.5.2.11(d)

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

Violation #4 – Permit Condition IV-F-2-c

*Continued from 5/18/16, 7/20/16 and 10/18/16*

**BOTH PARTIES AGREE TO SETTLE NOV #8656, AIR QUALITY AGREES TO ACCEPT THE CONDITIONS WHICH ARE INCORPORATED INTO THE SETTLEMENT AGREEMENT.**

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A PENALTY OF \$585,000.00, \$80,000.00 OF WHICH BE SUSPENDED. THE \$505,000.00 PENALTY IS TO BE PAID WITHIN 30 DAYS OF THE SIGNED ORDER. IF TRONOX, LLC FULLY COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.**

**III. ADJOURNMENT            9:10 a.m.**