




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 17, 2022

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

The Presentation Room is accessible to individuals with disabilities. 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. 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.

1. UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING (Part 70 Operating Permit, Source ID: 473)

NOV #9740 – For modifying the source with four new diesel-fired emergency generators and one reclassified diesel-fired generator, without first obtaining an Authority to Construct from the Control Officer authorizing the modification; and for failing to install adaptors that are designed to prevent the over-tightening or loosening of fittings during normal delivery operations on Emission Units: J001 and J002, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on May 3, 2022 of the operations of ancillary equipment and activities at the federally-owned military installation known as Creech Air Force Base located along East Highway 95 North, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$23,378.72
Violation #1 – April 2020 Permit and 2021 Permit condition II.B.1
Violation #2 – 2021 Permit condition III.A.4.g.vii

Continued from 9/15/2022

UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING REQUESTED A CONTINUANCE OF NOV #9740.

HEARING OFFICER CONTINUED UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING'S CASE TO JANUARY 19, 2023.

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. **AMAZON.COM SERVICES LLC (Minor Source Permit, Source ID: 17987)**

NOV #9750 – For installing and operating an emission unit without a minor source permit authorizing the modification, as identified by Air Quality Specialist Michael Newell during an onsite full compliance evaluation on August 8, 2022 of the general warehousing and storage facility located at 6001 North East Tropical Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$880.00

Violation #1 – 2019 Permit condition 5.1.8
2020 Permit condition 5.1.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$880.00

2. **BOYD MARTIN CONSTRUCTION LLC (DCOP #53966)**

NOV #9748 – For allowing soil to be tracked out more than 50 feet onto a paved surface; and for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, as identified by Senior Air Quality Specialist Andrew Kirk during a routine inspection on August 23, 2022, at the CCSD Harmon ES Addition construction project located at 5351 Hillsboro Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.14(d)
Violation #2 – Section 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 94.14(d) - \$1,500.00
Violation #2 – Section 94.13(a) and (b) - \$1,500.00

3. **CARDINAL PAINT AND POWDER, INC. (Minor Source Permit, Source ID: 17990)**

NOV #9760 – For installing a K2 Engineering 6CMT Milling System without first obtaining a revised permit authorizing the modification, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on September 29, 2022 of the facility for the manufacture, distribution, development, and sale of industrial powder coatings and related sundries known as Cardinal Paint and Powder located at 1900 Aerojet Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$650.00

Violation #1 – 2022 Permit condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$650.00

4. **DANNY RYAN PRECISION CONTRACTING, INC., D/B/A ADEP PRECISION CONTRACTING (Project #220339)**

NOV #9742 – For failing to remove all Regulated Asbestos-Containing Material (RACM) from the Facility; for failing to adequately wet all RACM and ensure it remained wet; and for allowing visible emissions of asbestos-containing waste material while the Facility was open to the outside air, as identified by Air Quality Specialist II Whitney Francis during a routine inspection on August 2, 2022 of the 110 house abatement and demolition project located at 2833 Wilmington Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$600.00

- Violation #1 – Section 13.1, 40 CFR §61.145(c)(1)
- Violation #2 – Section 13.1, 40 CFR §61.145(c)(6)(i)
- Violation #3 – Section 13.1, 40 CFR §61.150(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$600.00

- Violation #1 – Section 13.1, 40 CFR §61.145(c)(1) - \$200.00**
- Violation #2 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$200.00**
- Violation #3 – Section 13.1, 40 CFR §61.150(a) - \$200.00**

5. **HOLCIM – SWR, INC. (Part 70 Operating Permit, Source ID: 372)**

NOV #9753 – For operating a Subpart ZZZZ-applicable Caterpillar 434-hp diesel-fired engine, Emission Unit: CY09, without conducting initial performance tests to demonstrate compliance with emission limitations, as identified by Senior Air Quality Specialist Scott Rowsell during an offsite partial compliance evaluation on September 20, 2022 of the sand and gravel, hot mix asphalt, and ready mix concrete facility known as Holcim – SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,870.00

- Violation #1 – Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6595(a)(1)
Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6612(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,870.00

6. **LAYTON CONSTRUCTION COMPANY, LLC (DCOP #54359)**

NOV #9751 – 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 fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross a property line, as identified by Senior Air Quality Specialist Andrew Kirk, Air Quality Specialist Canduella Rowsell, and Air Quality Specialist Damon Lindsay during complaint investigations and follow-up inspections on September 10, 12, 14, 15, and 16, 2022, at the Mountain View Hospital ED Expansion & Parking Garage construction project located at 3100 North Tenaya Way with a staging area located at 6140 North Rainbow Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$12,500.00

- Violation #1 – Sections 94.13(a) and (b)
- Violation #2 – Section 94.14(a)(3)
Section 94.14(a)(4)

****Continued on the next page.***

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,500.00

Violation #1 – Sections 94.13(a) and (b) - \$8,500.00

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

7. MAVERIK, INC. (Minor Source Permit, Source ID: 17961)

NOV #9762 – For failing to conduct and maintain records of Phase I vapor recovery system inspections, as identified by Air Quality Specialist Ryan O’Connor during an onsite full compliance evaluation on October 6, 2022 of the gasoline dispensing operation known as Maverik #568 located at the southwest corner of Bermuda Road and Warm Springs Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,370.00

Violation #1 – 2018 Permit condition IV.C.3(a through g)
2018 Permit condition IV.E.2.a
2019 Permit condition 4.1.4(a through h)
2019 Permit condition 4.3.2.b
2019 Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,370.00

8. OS CONSTRUCTION SERVICES, INC. (DCOP #55178)

NOV #9761 – For allowing soil to be tracked out greater than 50 feet onto a paved surface; 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 Noel Crandall and Senior Air Quality Specialist Andrew Kirk while performing a complaint investigation on September 20, 2022 and a routine inspection on October 4, 2022, at the Cheyenne/Commerce construction project, located at the northeast corner of Cheyenne Avenue and Commerce Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,250.00

Violation #1 – Section 94.14(d)
Violation #2 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,250.00

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

Violation #2 – Sections 94.13(a) and (b) - \$1,000.00

9. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #51841)**

NOV #9749 – For failing to employ Best Available Control Measures as needed for the purpose of maintaining dust control while performing sawing/cutting activities, as identified by Air Quality Specialist Allan Gutierrez during a routine inspection on August 17, 2022, at the Pewter Valley construction project, located at Pyle Avenue and Haven Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

10. **R&O CONSTRUCTION COMPANY (DCOP #55355)**

NOV #9757 – For allowing soil to be tracked out more than 50 feet onto a paved surface, as identified by Air Quality Specialist Noel Crandall during a routine inspection on September 21, 2022, at the Tropical Commerce III construction project located on the southeast corner of East Tropical Parkway and Mount Hood Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

11. **TBC-THE BORING COMPANY (DCOP #53816)**

NOV #9755 – 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 Katrinka Byers and Air Quality Specialist Mike Englehart during a routine inspection on September 23, 2022, and a follow-up inspection on September 24, 2022, at the Resorts World – LVCC Connector construction project located at 300 Convention Center Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,750.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

12. **TOUCHSTONE INDEPENDENCE, LLC (DCOP #54714)**

NOV #9756 – For allowing soil to be tracked out more than 50 feet onto a paved surface, as identified by Air Quality Specialist Nahulu Kahananui during a routine inspection on September 26, 2022, at the Independence construction project located northeast of Cabana Drive and East Desert Inn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

13. TURANO NEVADA BAKING LLC (Synthetic Minor Source Permit, Source ID: 17908)

NOV #9747 – For failing to operate the catalytic oxidizer, Emission Union (EU): D01, with a minimum Volatile Organic Compounds destruction efficiency of 85%, at all times when the baking process, EU: A01, was in operation, operating the catalytic oxidizer, EU: D01, below the minimum temperature of 600°F while the baking process, EU: A01, was in operation, and operating the catalytic oxidizer, EU: D01, without an audible and visible alarm when the oxidizer catalyst temperature is below 600°F; and for exceeding the actual emissions from EU: D01 during the baking process, EU: A01, of 1.75 lbs/hr from 2:20 p.m. to 3:35 p.m. on April 27, 2022, and from 9:25 p.m. on May 24, 2022 to 12:35 p.m. on May 25, 2022, as identified by Senior Air Quality Specialists Jeff Robb and Scott Rowsell during an onsite partial compliance evaluation on June 15, 2022 of the commercial of bread and bread products manufacturer located at 409 East Bruner Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,560.00

- Violation #1 – Permit condition 2.2.6
Permit condition 4.1.11
- Violation #2 – Permit condition 3.2.3
Permit Table 3-3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,560.00

- Violation #1 – Permit condition 2.2.6 - \$2,280.00**
Permit condition 4.1.11
- Violation #2 – Permit condition 3.2.3 - \$2,280.00**
Permit Table 3-3

14. XTREME MANUFACTURING, LLC (Minor Source Permit, Source ID: 17985)

NOV #9759 – For installing a 144-hp Clarke fire pump with associated John Deere engine, and two spray painting booths without first obtaining a revised permit authorizing the modification, as identified by Air Quality Specialists Ryan O’Connor and Michael Newell, and Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on September 8, 2022 of the new and used high reach forklifts and cubed steel structures manufacturer and vendor known as Xtreme Manufacturing located at 8370 Eastgate Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – November 2019 Permit condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **BLACKSTONE CONSTRUCTION LLC (DCOP #55104)**

NOV #9752 – 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 a complaint investigation on August 30, 2022, and a follow-up inspection on September 7, 2022, at The Loop construction project, located at the southeast corner of Lamb Boulevard and Centennial Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Stationary Sources Violations:

2. **ABC INDUSTRIAL LAUNDRY, LLC (Minor Source Permit, Source ID: 15652)**

NOV #9758 – For installing and operating a 2.5 MMBtu/hr Natural Gas Dryer without first obtaining a revised permit authorizing the modification; and for failing to conduct and maintain a record of the annual 2021 burner efficiency testing on two Natural Gas Boilers, Emission Units: A48 and A50, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on September 28, 2022 of the laundry service operation known as Universal Laundries & Linen located at 240 North Spectrum Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,135.00

Violation #1 – 2019 Permit condition 5.1.9

Violation #2 – 2019 Permit condition 4.1.6

2019 Permit condition 4.3.1.e

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,635.00

Violation #1 – 2019 Permit condition 5.1.9 - \$1,635.00

Violation #2 – 2019 Permit condition 4.1.6 - \$1,000.00

2019 Permit condition 4.3.1.e

3. **MGM RESORTS INTERNATIONAL (Part 70 Operating Permit, Source ID: 825)**

NOV #9729 – For failing to accurately report Intermittent Compliance in the 2020 Annual Compliance Certification (ACC) and 2021 ACC for the 2019 Permit, January 2021 Permit and November 2021 Permit condition III.E.6.b; for failing to report deviations without excess emissions for late performance testing on Emission Unit: MB049 in the 2020 2nd semi-annual monitoring report, 2021 1st semi-annual monitoring report, and 2021 2nd semi-annual monitoring report; and for failing to conduct and pass performance testing within 90 days of the five year anniversary date of the last performance test, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on June 13, 2022 of the 11 hotel/casino and event arena facilities located in Clark County, Nevada.

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MGM RESORTS INTERNATIONAL continued

Violation(s) Alleged: Recommended Penalty: \$43,185.63
Violation #1 – January 2021 Permit and November 2021 Permit condition II.D.6.c
Violation #2 – 2019 Permit, January 2021 Permit and November 2021 Permit condition II.D.8
Violation #3 – Permits condition III.E.6.b

Continued from 9/15/2022

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9729, WHICH INCLUDES A \$20,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

4. NEVADA DEPARTMENT OF TRANSPORTATION (Source ID: 17646)

NOV #9746 – For removing the Phase II vapor recovery system without a permit revision that authorized the modification; and for failing to conduct initial vapor recovery system tests within 180 days of removing the Phase II vapor recovery system and subsequent vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on August 11, 2022 of the maintenance facility including gasoline dispensing operation located at 4615 West Sunset Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$10,780.00
Violation #1 – 2020 Permit condition 5.1.10
Violation #2 – 2020 Permit conditions 4.2.4.a and 4.2.4.b
2020 Permit Table 4-1
2017 Permit condition IV.D.4.b
2017 Permit Table IV-D-1

NEVADA DEPARTMENT OF TRANSPORTATION NOV #9746 WAS HEARD AT THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,130.00

Violation #1 – 2020 Permit condition 5.1.10	- \$2,480.00
Violation #2 – 2020 Permit conditions 4.2.4.a and 4.2.4.b	- \$4,650.00
2020 Permit Table 4-1	
2017 Permit condition IV.D.4.b	
2017 Permit Table IV-D-1	

Asbestos Violations:

5. **JGKM, LLC AND JORDAN NGUYEN, INDIVIDUALLY (Project #221070)**

NOV #9754 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on September 14, 2022 when he observed a 20 cubic yard dumpster on 7th Street in front of a commercial building located at 820 South 7th Street, Las Vegas, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

JGKM, LLC AND JORDAN NGUYEN, INDIVIDUALLY, DID NOT CONTEST NOV #9754.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

III. ADJOURNMENT 10:30 a.m.