



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 18, 2021

Hearing Officer: Lona Webb

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

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

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. 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. 7-ELEVEN, INC. (Source ID: 9853)

NOV #9610 – For failing to conduct and maintain records of Phase I and Phase II vapor recovery equipment inspections, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on August 10, 2021 at the gasoline dispensing operation known as 7-Eleven Store #32826, located at 920 North Buffalo Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,745.00

Violation #1 – 2019 Permit conditions 4.1.3(a through g),
2019 Permit conditions 4.1.4(a through g)
2019 Permit conditions 4.3.2(a through d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,745.00

2. **CAESARS ENTERTAINMENT, INC. (Part 70 Operating Permit Source ID: 257)**
NOV #9613 – For failing to report intermittent compliance for six permit conditions in the 2019 and 2020 Annual Compliance Certification reports; for failing to report deviations for six permit conditions in the 1st and 2nd 2019 semi-annual reports, and in the 1st and 2nd 2020 semi-annual reports; and for failing to conduct a burner efficiency test on boiler, Emission Unit (EU): FL01, in 2019, and a burner efficiency test on boiler, EU: CP01, in 2020, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on August 2 and 3, 2021 at eleven hotel/casino and other facilities located at various locations throughout Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$12,000.00

Violation #1 – 2019 Permit condition II.D.6.c

Violation #2 – 2018 Permit condition II.D.8
2019 Permit condition II.D.8

Violation #3 – 2018 Permit and 2019 Permit conditions III.B.4.c and III.B.6.a.iii
2018 Permit and 2019 Permit conditions III.E.5.c and III.E.7.a.iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,000.00

3. **CIRCLE K STORES INC. (Source ID: 9436)**
NOV #9614 – For failing to conduct and maintain a record of Phase I and Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on August 27, 2021 at the gasoline dispensing operation known as Circle K Store #1365 located at 3200 East Fremont Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – 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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

4. **EMD ACQUISITION LLC D/B/A BORMAN SPECIALTY MATERIALS (Part 70 Operating Permit Source ID: 95)**
NOV #9621 – For exceeding the mass emission limits for PM and PM_{2.5} during a performance test on Emission Unit (EU): MN02, and PM_{2.5} during a performance test on EU: MN03, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation on August 4, 2021 of its inorganic chemical manufacturing operation located at 560 West Lake Mead Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$16,720.00

Violation #1 – 2020 Permit condition III.B.1.h

2020 Permit Table III-B-2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$16,720.00

5. **ENCOMPASS HEALTH REHABILITATION HOSPITAL OF HENDERSON, LLC (Source ID: 645)**

NOV #9617 – For replacing the diesel emergency generator, Emission Unit: B01, with a larger diesel generator, without first obtaining a permit revision authorizing such modification, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on September 14, 2021 at the health care facility known as HealthSouth Rehabilitation Hospital of Henderson located at 10301 North Jeffreys Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,595.00

Violation #1 – 2019 Permit condition II.A.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,595.00

6. **NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit Source ID: 512)**

NOV #9618 – For allowing controllable particulate matter originating from Stacker 97, Emission Unit: A026, to become airborne and fugitive dust emissions to exceed 200 yards in length from the point of origin and cross the property line, as identified by Senior Air Quality Specialist Scott Rowsell during routine patrol on September 16, 2021 at the concrete manufacturing with sand and gravel facility and gasoline dispensing operation, known as Nevada Ready Mix located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,750.00

Violation #1 – 2021 Permit condition 2.2.42

2021 Permit condition 2.2.50

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,750.00

7. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #53304)**

NOV #9623 – 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 during a follow-up inspection on September 22, 2021 at the Silver Shadow construction project located at Lone Mountain Road and Losee Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,750.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

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

NOV #9615 – 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, as identified by Air Quality Specialists Damon Lindsay, Heath Richards, and Mike Englehart, during follow-up inspections on August 16, 17, 19, 20, 23, 24, 25, 26, 27, 30, and 31, 2021, and a complaint investigation on August 18, 2021, at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$44,750.00

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

Violation #2 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$44,750.00

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

NOV #9625 – 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, Heath Richards, and Mike Englehart, during routine and follow-up inspections on September 7, 8, 9, 10, 13, 14, and 15, 2021, and a complaint investigation on September 16, 2021, at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$27,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$27,500.00

10. **SIERRA READY MIX LIMITED LIABILITY COMPANY (Synthetic Minor Source Permit Source ID: 15791)**

NOV #9612 – For handling material in a manner that allowed controllable particulate matter to become airborne from the conveyors, stackers and a screen, as identified by Senior Air Quality Specialist Scott Rowsell during routine patrol on August 28, 2021 of the sand and gravel operation located 4.7 miles south of Prison Road near Jean, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,750.00

Violation #1 – Permit condition 2.2.15

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

11. SOUTHERN GLAZER'S WINE AND SPIRITS, LLC (Source ID: 15122)

NOV #9624 – For failing to conduct and maintain a record of monthly visual emissions checks from the Facility from November 2018 through September 2021 (excluding October 2020); and failing to conduct and maintain a record of daily gasoline spill inspections, and inspections of covers on gasoline containers and fill-pipes after each fuel delivery, Emission Unit: D01, from September 11, 2018 through October 11, 2021, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on October 12, 2021 of the warehouse for the storage and distribution of alcoholic beverages with gasoline service station at 8400 South Jones Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$805.00

- Violation #1 – 2018 Permit condition 4.1.1
2018 Permit condition 4.3.1.a
- Violation #2 – 2016 Permit condition IV.C.8.a
2016 Permit condition IV.C.8.b
2016 Permit condition IV.E.1.d
2018 Permit condition 4.1.8.a
2018 Permit condition 4.1.8.b
2018 Permit condition 4.3.1.b

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$805.00**

12. SUNRISE HOSPITAL AND MEDICAL CENTER, LLC (Source ID: 147)

NOV #9622 – For failing to conduct burner efficiency tests on Emission Units (EUs): A01, A02, and A03, and EUs: A04, A05 and A06 twice each calendar year, as identified by Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on September 22, 2021 of the general medical and surgical hospital facility known as Sunrise Hospital and Medical Center located at 3186 South Maryland Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$9,000.00

- Violation #1 – 2018 Permit condition IV.C.7
2020 Permit condition 4.1.10

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$9,000.00**

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **TBC – THE BORING COMPANY (DCOP #54191)**

NOV #9619 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Allan Gutierrez during a routine inspection on September 2, 2021, at the Not-A-Boring Competition construction project located at 300 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Stationary Sources Violations:

2. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 9882)**

NOV #9611 – For failing to conduct and pass initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the November 2019 Permit, as identified by Air Quality Specialist Mike Murphy during an offsite partial compliance evaluation on August 17, 2021 of the gasoline dispensing operation known as Rebel Store #2180 located at 4880 West Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,600.00

Violation #1 – November 2019 Permit condition 2.1.6

November 2019 Permit condition 4.2.4.b

Section 13.2, 40 CFR Part 63, Subpart CCCCCC, §63.11120(a)(2)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,500.00

3. **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.**

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

REPUBLIC DUMPCO, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED REPUBLIC DUMPCO, INC.'S CASE TO JANUARY 20, 2022.

Asbestos Violations:

4. DALLASWHITE CORPORATION AND FORCE ENVIRONMENTAL, INC. (Project #211053)

NOV #9606 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Materials (RACM) at the Facility; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM; for allowing visible emissions and failing to seal all Asbestos-Containing Waste Material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified by Air Quality Specialist II Kevin Adoor during an inspection while on routine patrol on May 25, 2021 at a commercial building constructed in 1963 and located at 1548 East Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$26,812.50
Violation #1 – Section 13.1, 40 CFR 61 Subpart M, §61.145(a)	
Violation #2 – Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(1) Section 13.1, 40 CFR 61 Subpart M, §61.145(b)(3)(i)	
Violation #3 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(1)	
Violation #4 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(6)(i)	
Violation #5 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a) Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iii)	
Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv)	

Continued from 9/16/2021

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9606, WHICH INCLUDES A \$26,812.50 PAYMENT TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

III. ADJOURNMENT 10:05 a.m.