



## 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 19, 2020**

Hearing Officer: Lona Webb

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

Handwritten initials in blue ink, possibly "SP", located to the right of the Air Quality Staff list.

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).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is required.

In order to limit the size of the meeting, each case on the contested portion of the docket has been assigned a time to be heard.

### **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. PABCO BUILDING PRODUCTS, LLC (Part 70 Operating Permit, Source ID: 11)**

**NOV #9442** – For failing to report permit deviations in the 1<sup>st</sup> Semi-annual Report for 2019 and the 2<sup>nd</sup> Semi-annual Report for 2019; and for failing to conduct and pass subsequent performance testing on Baghouses 2, 4, 16, 18, and 24 within five years of the previous test, as identified by Senior Air Quality Specialist Camon Liddell during a Full Compliance Evaluation conducted on June 9, 2020 at the gypsum mining and processing operation located at 8000 East Lake Mead Boulevard, in Clark County, Nevada.

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

Violation(s) alleged:

Recommended Penalty: \$63,000.00

- Violation #1 – 2017 Permit condition II.D.8
- 2017 Permit condition III.E.1.a
- 2017 Permit condition III.F.2.b
- 2017 Permit condition Table III-F-1
- Violation #2 – 2017 Permit condition III.D.8.d

*Continued from 9/17/2020*

**HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9442, WHICH INCLUDES A \$31,500.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.**

**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. AIMS BUILDING SERVICES LLC (DCOP #52528)**

**NOV #9453** – For failing to fully implement Best Available Control measures resulting in a fugitive dust plume to cross the property line; and for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Katrinka Byers during routine and follow-up inspections on July 27, 29, and 30, 2020 at the NWC @ North 5<sup>th</sup> & Ann construction project located on the northwest corner of North 5<sup>th</sup> Street and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,250.00

- Violation #1 – Section 94.11.3(c)
- Violation #2 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$5,250.00**

- Violation #1 – Section 94.11.3(c) – \$2,500.00**
- Violation #2 – Section 94.9.2 – \$2,750.00**

**2. AIMS BUILDING SERVICES LLC (DCOP #52313)**

**NOV #9471** – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway, as identified by Air Quality Supervisor David Dean and Air Quality Specialist Heath Richards during routine and follow-up inspections on August 14 and 17, 2020 at the Volunteer Plaza construction project located at 3500 Volunteer Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Section 94.11.6

**FOUND IN VIOLATION.**

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

3. **AMH NV3 DEVELOPMENT, LLC (DCOP #51098)**

**NOV #9457** – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during an inspection on August 11, 2020 at the Hammer & Lawrence construction project located southwest of Hammer Lane and Lawrence Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,250.00**

4. **BLATTNER ENERGY, INC. (DCOP #51660)**

**NOV #9477** – For failing to fully implement Best Available Control Measures resulting in fugitive dust plumes to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on September 11, 2020 at the Harry Allen Solar Project construction project located at 10500 US Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(b)

**FOUND IN VIOLATION.**

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

5. **CEMEX CONSTRUCTION MATERIALS PACIFIC, LLC (Source ID: 303)**

**NOV #9473** – For exceeding the 12-month aggregate throughput limit for the Con E Co and MTM plants, Emission Units: D06 through D08, as identified by Senior Air Quality Specialist Scott Rowsell while conducting a review of the 2020 1<sup>st</sup> semi-annual report submitted on July 28, 2020 of the ready-mix concrete manufacturing operation located at 4001 North Losee Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,050.00

Violation #1 – Permit condition 3.1.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,050.00**

6. **CENTURY COMMUNITIES OF NEVADA, LLC (DCOP #50514)**

**NOV #9481** – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk during a routine inspection on September 23, 2020 at the Craig & Camino construction project located southwest of Lone Mountain Road and Camino Al Norte, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,250.00**

7. **KB HOME LAS VEGAS INC. (DCOP #49391)**

**NOV #9470** – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk during an inspection on September 1, 2020 at the Village 4 at Tule Springs construction project located at East Deer Springs Way and Lawrence Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$2,750.00**

8. **PN II, INC. (DCOP #52412)**

**NOV #9474** – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Allan Gutierrez during an inspection on August 13, 2020 at the Robindale-Westwind construction project located at West Robindale Road and Westwind Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.6

**FOUND IN VIOLATION.**

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

9. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Part 70 Operating Permit, Source ID: 16539)**

**NOV #9468** – For exceeding the emission limitations for SO<sub>2</sub>, as identified by Senior Air Quality Specialist Scott Rowsell while conducting a review of the 2020 1<sup>st</sup> semi-annual report on September 2, 2020 of the power plant and flare operation known as Republic Services Renewable Energy, LLC, located at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,040.00

Violation #1 – 2017 Permit condition IV.B.1.c  
2017 Permit condition Table III-B-3  
2018 ATC condition IV.B.4  
2018 ATC Table IV-B-2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,040.00**

10. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #51615)**

**NOV #9472** – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway, as identified by Senior Air Quality Specialist Andrew Kirk during inspections on September 1, 3, and 8, 2020 at the Lynmar construction project located at Commerce Street and Dorrell Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

Violation #1 – Section 94.11.6

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$10,000.00**

**11. ROCHE CONSTRUCTORS, INC. (DCOP #52417)**

**NOV #9460** – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on August 6, 2020 at the Myrtle Tate Elementary School Replacement construction project located at 2450 Lincoln Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.11.6

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,000.00**

**12. ROSENDIN ELECTRIC, INC. (DCOP #51662)**

**NOV #9463** – For failing to fully implement Best Available Control measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Senior Air Quality Specialist Anita Karr during an inspection on July 17, 2020 at the Techren 5 construction project located southwest of US 95 and Black Hills Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(b)

**FOUND IN VIOLATION.**

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

**13. ROSENDIN ELECTRIC, INC. (DCOP #51354)**

**NOV #9465** – For failing to implement all control measures necessary to maintain soil stability 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 from the point of origin, as identified by Senior Air Quality Specialist Anita Karr and Air Quality Specialist Mike Englehart during a complaint investigation on June 18, 2020 and follow up inspections on June 23, 25, 26, and 30, 2020, and July 7, 8, 10, 13, 16, and 17, 2020 at the Techren 3 construction project located west of Highway 95 and SR 165, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$16,000.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(b)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$16,000.00**

**Violation #1 – Section 94.9.2 – \$7,500.00**

**Violation #2 – Section 94.11.3(b) – \$8,500.00**

**14. ROSENDIN ELECTRIC, INC. (DCOP #51354)**

**NOV #9480** – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week; and failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Mike Englehart and Senior Air Quality Specialist Andrew Kirk during routine and follow-up inspections on August 11, 12, 13, 17, 18, 19, 20, 21, 25, and 26, 2020 at the Techren 3 construction project located west of Highway 95 and SR 165, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$13,000.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(b)

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$13,000.00**

**Violation #1 – Section 94.9.2 – \$10,500.00**

**Violation #2 – Section 94.11.3(b) – \$2,500.00**

**15. SBH CONTRACTING, LLC (DCOP #48774)**

**NOV #9483** – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart during an inspection on September 16, 2020 at the Boulder Hills construction project located at Denali Street and Bryce Canyon Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$1,250.00**

**16. TERRIBLE HERBST, INC. (Source ID: 16688)**

**NOV #9458** – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Mike Murphy during an onsite Full Compliance Evaluation on July 16, 2020 of the gasoline dispensing operation known as Terrible Herbst #305 located at 4850 West Silverado Ranch Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,880.00

Violation #1 – 2019 Permit condition 4.2.4.b  
2019 Permit Table 4-1

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,880.00**

**17. TERRIBLE HERBST, INC. (Source ID: 9500)**

**NOV #9461** – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Josh Kelley during an offsite Partial Compliance Evaluation conducted on August 25, 2020 of the gasoline dispensing operation known as Terrible Herbst #174 located at 1101 West Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$9,850.00

Violation #1 – 2015 Permit condition IV.D.4.b

February 2020 Permit condition 4.2.4.b

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$9,850.00**

**18. TERRIBLE HERBST, INC. (Source ID: 16184)**

**NOV #9462** – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Josh Kelley during an offsite Partial Compliance Evaluation conducted on August 26, 2020 of the gasoline dispensing operation known as Terrible Herbst #329 located at 70 Falcon Ridge Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,120.00

Violation #1 – Permit condition 4.2.4.b

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$5,120.00**

**19. TERRIBLE HERBST, INC. (Source ID: 9758)**

**NOV #9464** – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests and initial vapor recovery system tests within 180 days of decommissioning of the Phase II vapor recovery system and issuance of the 2019 Permit, as identified by Air Quality Specialist Josh Kelley during an offsite Partial Compliance Evaluation conducted on August 26, 2020 of the gasoline dispensing operation known as Terrible Herbst #207 located at 6680 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,040.00

Violation #1 – 2019 Permit conditions 4.2.4.c and 4.2.4.b

2020 Permit condition 4.2.4.b

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,040.00**

**20. TERRIBLE HERBST, INC. (Source ID: 9154)**

**NOV #9466** – For failing to conduct initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the 2019 Permit, as identified by Air Quality Specialist Josh Kelley during an offsite Partial Compliance Evaluation conducted on August 27, 2020 of the gasoline dispensing operation known as Terrible Herbst #263 located at 598 North Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,000.00

Violation #1 – 2019 Permit condition 4.2.4.b

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$7,000.00**

**21. TITANIUM METALS CORPORATION (Part 70 Operating Permit, Source ID: 19)**

**NOV #9450** – For failing to report excess emissions associated with the discharge of carbon monoxide exceeding the limits of the 2019 Permit for five consecutive months; for allowing the discharge of an air contaminant in excess of an average of 20 percent opacity for a period of more than six consecutive minutes on 20 separate dates; for allowing the discharge of excess carbon monoxide emissions to exceed the 12-month rolling limit for six consecutive months; for failing to maintain records of the annual required tune ups demonstrating burner efficiency tests were conducted for the Kewaunee boiler (EU: B09) for 2018 and 2019; and for failing to conduct a performance test on the rental boiler (EU: B19) within 180 days after the issuance of the 2019 Permit, as identified by Senior Air Quality Specialist Mike Doyle during an onsite Full Compliance Evaluation conducted on June 19, 2020 of the combined titanium sponge and ingot facility located at 181 North Water Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$17,620.00

Violation #1 – 2019 Permit condition II.D.7.a and b

Violation #2 – 2019 Permit condition III.B.2.e

2012 Permit condition III.C.2.c

2019 Permit condition III.C.2.c

2019 Permit condition III.D.2.b

Violation #3 – 2019 Permit condition III.B.2.d

2019 Permit Table III-B-6

Violation #4 – 2012 Permit condition III.B.5.k

2012 Permit condition III.B.7.a.ix

2019 Permit condition III.B.5.j

2019 Permit condition III.B.7.a.xvii

Violation #5 – 2019 Permit condition III.B.6.f.i

*\*Continued on the next page.*



**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$17,620.00**

Violation #1 – 2019 Permit condition II.D.7.a and b	– \$2,000.00
Violation #2 – 2019 Permit condition III.B.2.e	– \$6,340.00
2012 Permit condition III.C.2.c	
2019 Permit condition III.C.2.c	
2019 Permit condition III.D.2.b	
Violation #3 – 2019 Permit condition III.B.2.d	– \$4,200.00
2019 Permit Table III-B-6	
Violation #4 – 2012 Permit condition III.B.5.k	– \$2,000.00
2012 Permit condition III.B.7.a.ix	
2019 Permit condition III.B.5.j	
2019 Permit condition III.B.7.a.xvii	
Violation #5 – 2019 Permit condition III.B.6.f.i	– \$3,080.00

C. CONTESTED CASES

*Construction and Vacant Land Violations:*

**RECESSED AT 9:15 a.m.**

**RESUMED AT 9:27 a.m.**

**1. BEAZER HOMES HOLDINGS LLC (DCOP #50314)**

**NOV #9476** – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line, as identified by Air Quality Specialist Cris Melo while performing a routine inspection during a Dust Advisory period on September 8, 2020 at the Solaris @ Indian Springs construction project located northeast of MacFarland Avenue and Boulder Lane, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Recommended Penalty: \$4,000.00

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$4,000.00**

**RECESSED AT 9:44 a.m.**

**RESUMED AT 9:55 a.m.**

**2. D.R. HORTON, INC. (DCOP #48839)**

**NOV #9456** – For allowing soil to be tracked out more than 50 feet onto a paved roadway; and for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, and for failing to install a trackout control device at all access points where paved and unpaved access intersect, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Katrinka Byers during a complaint investigation and follow-up inspections on July 24, 27, 28 and 30, 2020 at the Amber Owl I/II & Valley Vista PCL 3.5, 4.4 & 4.5 construction project located at Elkhorn Road and North Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,250.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

**AIR QUALITY PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT N.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$10,000.00**

**Violation #1 – Section 94.11.6 – \$2,000.00**

**Violation #2 – Section 94.9.2 – \$8,000.00**

*Stationary Sources Violations:*

**3. AQUATIC CO. (Part 70 Operating Permit, Source ID: 75)**

**NOV #9475** – For failing to demonstrate compliance with the minimum removal efficiency requirement of 95% for Volatile Organic Compounds on Emission Unit: A42 during a performance test, as identified by Senior Air Quality Specialist Jeff Robb during an offsite Partial Compliance Evaluation conducted on September 16, 2020 of the bathware manufacturing operation identified as Aquatic Co., located at 201 North Meadow Valley Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$9,320.00

Violation #1 – Permit condition III.C.3.e

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$9,120.00**

4. **SIERRA READY MIX LIMITED LIABILITY COMPANY (Source ID: 15791)**  
**NOV #9469** – For allowing the discharge of fugitive dust to extend beyond the lot line, and for causing or permitting the handling, transporting, or storage of any material in a manner which allowed controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell during an inspection while on routine patrol during the Dust Advisory period on September 8, 2020 of the dry/wet aggregate plant operation located 4.7 miles south of Prison Road near Jean, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,750.00

Violation #1 – Permit condition 2.2.7  
Permit condition 2.2.15

**SIERRA READY MIX LIMITED LIABILITY COMPANY CHANGED ITS PLEA TO NOT CONTESTING NOV #9469.**

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$6,750.00**

**RECESSED AT 10:55 a.m.**

**RESUMED AT 11:26 a.m.**

5. **GYP SUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**  
**NOV #9467** – For allowing fugitive dust emissions to become airborne and fugitive dust plumes to extend over 100 yards from the point of origin, without taking reasonable precautions; and for failing to cease truck loading operations after being made aware of fugitive dust emissions, as identified by Senior Air Quality Specialist Camon Liddell while conducting an inspection on routine patrol during the Dust Advisory period on September 8, 2020 of the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$20,000.00

Violation #1 – Permits condition III.C.3.dd  
Permits condition III.C.3.ee  
Permits condition III.C.3.ff  
Violation #2 – Permits condition III.D.3.a

**FOUND IN VIOLATION.  
PENALTY ASSESSED: \$18,000.00**

<b>Violation #1 – Permits condition III.C.3.dd</b>	<b>– \$10,000.00</b>
<b>Permits condition III.C.3.ee</b>	
<b>Permits condition III.C.3.ff</b>	
<b>Violation #2 – Permits condition III.D.3.a</b>	<b>– \$8,000.00</b>

**Asbestos Violations:**

**6. 211 S 13<sup>th</sup>, LLC AND LAS VEGAS APARTMENTS, LLC (Project #201040)**

**NOV #9439** – 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) from the Facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to ensure that all RACM that had been removed or stripped remained in a wet condition until collected and contained in preparation for disposal; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for 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 and Air Quality Specialist II Whitney Francis during an unannounced inspection of renovations on May 29, 2020 at a ten unit apartment complex located at 211 South 13<sup>th</sup> Street, in Clark County, Nevada.

Violation(s) alleged:	Recommended Penalty: \$29,250.00
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, §61.145(c)(8)	
Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iii)	
Violation #7 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv)	

**AIR QUALITY PRESENTED ADDITIONAL DOCUMENTS AS EXHIBITS C AND D.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$29,250.00**

<b>Violation #1 – Section 13.1, 40 CFR 61 Subpart M, §61.145(a)</b>	<b>– \$4,875.00</b>
<b>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)</b>	<b>– \$4,875.00</b>
<b>Violation #3 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(1)</b>	<b>– \$4,875.00</b>
<b>Violation #4 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(6)(i)</b>	<b>– \$4,875.00</b>
<b>Violation #5 – Section 13.1, 40 CFR 61 Subpart M, §61.145(c)(8)</b>	<b>– \$2,437.50</b>
<b>Violation #6 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iii)</b>	<b>– \$4,875.00</b>
<b>Violation #7 – Section 13.1, 40 CFR 61 Subpart M, §61.150(a)(1)(iv)</b>	<b>– \$2,437.50</b>

**III. ADJOURNMENT 1:52 p.m.**