



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 8, 2018

Hearing Officer: Lona Webb

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

A handwritten signature in blue ink, appearing to be "S.P.", located to the right of the Air Quality Staff list.

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.

1. NEVADA SYSTEM OF HIGHER EDUCATION (Source ID: 634)

NOV #9124 – For installing and operating two unpermitted emission units (EUs); for installing and operating an EU with a higher rating than permitted; for installing and operating cooling tower pumps with higher ratings than permitted; for exceeding annual hours of operation limitations for 12 EUs; for failing to conduct and maintain records of total dissolved solids of the cooling tower circulation water; for submitting the 1st 2016 semi-annual report to the Control Officer 43 days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; for submitting the 2nd 2016 semi-annual report to the Control Officer two days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; submitting the 1st 2017 semi-annual report to the Control Officer four days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers; and for submitting the 2nd 2017 semi-annual report to the Control Officer 16 days late and failing to include a summary of the incinerator usage and hours of operation for the cooling towers, as identified by Senior Air Quality Specialist Camon Liddell and Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on April 23, 24 and 25, 2018 of the colleges, universities, and professional schools operation identified as the UNLV Campus at 4505 South Maryland Parkway, in Clark County, Nevada.

**Continued on the next page.*

NEVADA SYSTEM OF HIGHER EDUCATION *continued*

Violation(s) alleged:

Recommended Penalty: \$10,650.00

- Violation #1 – 2018 Permit Condition II-A-8
- Violation #2 – 2016 Permit Conditions IV-A-3-a and c
- Violation #3 – 2016 Permit Condition IV-C-7
2018 Permit Condition IV-C-7
2016 & 2018 Permit Condition IV-E-1-c
- Violation #4 – October 2015 Permit Condition II-C-7-b
October 2015 Permit Condition II-C-7-c
2016 & 2018 Permit Condition II-C-6-b
2016 & 2018 Permit Condition II-C-6-c

Continued from 9/19/18

NEVADA SYSTEM OF HIGHER EDUCATION REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED NEVADA SYSTEM OF HIGHER EDUCATION TO JANUARY 17, 2019.

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. **7-ELEVEN, INC. (Source ID: 9448)**

NOV #9174 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests on or before the three year anniversary date of the previous performance test, and failing to conduct and pass vapor recovery system tests on or before 180 days following replacement of two underground gasoline storage tanks; and for failing to maintain the Phase I Vapor Recovery System by operating the pressure/vacuum vent valve without the cap, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on August 15, 2018 of the gasoline dispensing operation identified as 7-Eleven #27438 at 8080 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

- Violation #1 – 2017 Permit Condition IV-D-4-a
2017 Permit Condition IV-D-4-b
Permit Table IV-D-1
- Violation #2 – 2017 Permit Condition IV-B-1-b-xi

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

- Violation #1 – 2017 Permit Condition IV-D-4-a - \$2,000.00**
2017 Permit Condition IV-D-4-b
Permit Table IV-D-1
- Violation #2 – 2017 Permit Condition IV-B-1-b-xi - \$250.00**

2. **AMES CONSTRUCTION, INC. (DCOP #48230)**

NOV #9155 – For failing to apply control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during inspections on June 14 and 15, 2018 at the Garnet Interchange construction project near the intersection of I-15 and US-93, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

3. **BENCHMARK CONTRACTING, INC. D/B/A COBBLESTONE CONSTRUCTION (DCOP #48440)**

NOV #9162 – For failing to employ control measures necessary to stabilize site soils 24 hours a day, seven days a week, as identified during a routine inspection by Air Quality Specialist Ross Grover on July 17, 2018 and a complaint investigation by Senior Air Quality Specialist Anita Karr on July 18, 2018 at the Vegas Verdes Elementary School Two Story Addition construction project at 4000 West El Parque Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. **CENTURY COMMUNITIES OF NEVADA, LLC (DCOP #48768)**

NOV #9167 – For causing plumes of fugitive dust from project activities to cross a property line and impact adjacent residential areas, as identified by Air Quality Specialist Cris Melo during a complaint investigation on July 31, 2018 at the Sedona construction project near North 5th Street and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

5. **COSTCO WHOLESALE CORPORATION (Source ID: 9899)**

NOV #9181 – For exceeding the annual operational limitation for gasoline throughput, as identified by Air Quality Specialist Mike Murphy during an offsite partial compliance evaluation conducted on August 21, 2018 of the gasoline dispensing operation identified as Costco Gasoline #673 at 791 Marks Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit Condition IV-A-3-a

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

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

NOV #9158 – For failing to apply control measures necessary to maintain soil stability on all disturbed soils 24 hours a day, seven days a week, as identified during a routine inspection by Air Quality Specialist Ross Grover on July 21, 2018 at the Chartan and Bermuda (Heritage Estates) construction project at the intersection of Chartan Avenue and Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

7. **GRANITE CONSTRUCTION COMPANY (DCOP #49477)**

NOV #9184 – For failing to fully stabilize site soils resulting in plumes of wind-blown fugitive dust that traveled more than 100 feet from the point of origin, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on August 14, 2018 at the Mustang-Hen construction project at 1627 Athol Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(b)

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. **HI-AM, INC. (Source ID: 9739)**

NOV #9177 – For failing to submit the 2016 annual emissions inventory report on time and failing to submit the 2017 annual emissions inventory report; for failing to conduct and maintain records of Phase I vapor recovery system daily inspections; and for failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful vapor recovery system tests and for failing to conduct and pass vapor recovery system tests within 180 days of modifying existing equipment, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on August 8, 2018 of the gasoline dispensing operation identified as HI-AM at 1625 North Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – June 2015 Permit Condition II-C-3-a-ii

Violation #2 – May and June 2015 Permit Conditions IV-C-3-a through g

May and June 2015 Permit Condition IV-E-2-a

Violation #3 – June 2015 Permit Conditions IV-D-4-a and b

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – June 2015 Permit Condition II-C-3-a-ii

- \$500.00

Violation #2 – May and June 2015 Permit Conditions IV-C-3-a through g

- \$500.00

May and June 2015 Permit Condition IV-E-2-a

Violation #3 – June 2015 Permit Conditions IV-D-4-a and b

- \$2,000.00

9. **J. A. TIBERTI CONSTRUCTION CO., INC. D/B/A J. A. TIBERTI CONSTRUCTION (DCOP #47283)**

NOV #9186 – For failing to stabilize site soils resulting in plumes of fugitive dust that traveled more than 100 feet from the point of origin; and for allowing mud or dirt extending more than 50 feet in length to be tracked out onto a paved roadway, as identified by Air Quality Specialist Elizabeth Rubio while performing a routine inspection during a Construction Notice wind event on August 20, 2018 at the Southwest Regional Park construction project at 8400 West Robindale Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(b)

Violation #2 – Section 94.11.6

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 94.11.3(b) - \$2,000.00

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

10. **KB HOME LAS VEGAS, INC. (DCOP # 48651)**

NOV #9157 – For failing to apply control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Ross Grover during inspections on June 26 and July 6, 2018 at the Autumn Winds construction project near the intersection of West Russell Road and Edmond Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

11. **KB HOME LAS VEGAS, INC. (DCOP # 48433)**

NOV #9159 – For allowing tracked out soil debris onto a paved road that resulted in fugitive dust from vehicular traffic, as identified during a routine inspection by Air Quality Specialist Cris Melo, on July 16, 2018 at the Aurora Heights construction project near the intersection of East Deer Springs Way and Goldfield Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

12. KB HOME LAS VEGAS, INC. (DCOP #49391)

NOV #9188 – For failing to fully implement Best Available Control Measures that resulted in fugitive dust from construction activities to cross a property boundary, as identified by Air Quality Specialist Cris Melo while performing a routine inspection during a Construction Notice wind event on August 20, 2018 at the Village 4 at Tule Springs construction project near East Deer Springs Way and Lawrence Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

13. MOUNTAIN PINE CONSTRUCTION (Project #182011)

NOV #9164 – For failing to submit a National Emission Standards for Hazardous Air Pollutants Notification form 10 working days before commencing demolition activities, as identified during an inspection by Air Quality Specialist Whitney Francis on August 7, 2018 at a facility owned and/or operated by Mountain Pine Construction at 1401 Boulder City Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1)

Section 13.1, 40CFR61 Subpart M, 61.145(b)(3)(i)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

14. PARDEE HOMES OF NEVADA (DCOP #47791)

NOV #9163 – For failing to fully implement Best Available Control Measures in the handling of a material that resulted in plumes of fugitive dust to travel more than 100 feet from the point of origin, as identified by Air Quality Specialist Cris Melo during a routine inspection on July 24, 2018 at the Tule Springs Village 3 construction project near Deer Springs Way and Revere Street, 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

15. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48584)

NOV #9168 – For failing to stabilize site soils resulting in plumes of fugitive dust that crossed the property line, as identified by Air Quality Specialist Cris Melo during a complaint investigation on July 31, 2018 at the Breccia Bay construction project near Ann Road and Camino Al Norte, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

16. SEDONA RANCH INVESTMENT, LLC (DCOP #49383)

NOV #9182 – For handling a material in a manner which resulted in plumes of fugitive dust to travel more than 100 feet from the point of origin, as identified by Air Quality Specialist Mike Englehart during a routine inspection on August 9, 2018 at the Sedona Ranch Investment, LLC construction project near North 5th Street and East Ann Road, 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

17. SIERRA READY MIX (DCOP #49270)

NOV#9183 – For failing to fully stabilize site soils resulting in plumes of wind-blown fugitive dust that crossed the property line, as identified by Air Quality Specialist Cris Melo during a complaint investigation on August 22, 2018 at the Moccasin Batch Plant construction project at 10021 Moccasin Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

18. SWINERTON BUILDERS (DCOP #48472)

NOV #9160 – For failing to employ control measures necessary to stabilize site soils 24 hours a day, seven days a week, as identified during routine inspections by Air Quality Specialists Andrew Kirk and Katrinka Byers on July 18 and 25, 2018 at the Techren Solar Facility construction project at Black Hills Drive and US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

19. SWINERTON BUILDERS (DCOP #48472)

NOV #9179 – For failing to employ control measures necessary to stabilize site soils 24 hours a day, seven days a week, as identified during routine and follow-up inspections by Air Quality Specialists Andrew Kirk and Katrinka Byers on August 10 and 11, 2018 at the Techren Solar Facility construction project near Black Hills Drive and US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

20. THE FISHEL COMPANY (DCOP #49434)

NOV #9175 – For failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified during routine inspections by Air Quality Specialist Elizabeth Rubio on July 13 and 17, 2018 at a parcel located at 7930 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 94.9.2

Recommended Penalty: \$2,000.00

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

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. BRAVO UNDERGROUND, INC. (DCOP #48631)

NOV #9161 – For failing to install a Dust Control Operating Permit Sign prior to commencing construction activities; and for failing to implement control measures necessary to stabilize site soils 24 hours a day, seven days a week, as identified during a routine inspection by Air Quality Specialist Cris Melo on July 30, 2018 at the VTS 12 IN TO 27 IN SEWER CONNECTION construction project on Centennial Parkway and Commerce Street, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 94.7.7.1
Violation #2 – Section 94.9.2

Recommended Penalty: \$1,250.00

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,125.00**
Violation #1 – Section 94.7.7.1 - \$125.00
Violation #2 – Section 94.9.2 - \$1,000.00

Asbestos Violations:

2. CLOVELLY, LLC AND NRS LIVING TRUST (Project #181036)

NOV #9150 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation or demolition activities, as identified during an inspection by Air Quality Specialist Kevin Adoor on July 19, 2018 at a facility owned and/or operated by Clovelly, LLC and NRS Living Trust at 2029 Paradise Road, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)

Recommended Penalty: \$2,000.00

CLOVELLY, LLC AND NRS LIVING TRUST IS NOT CONTESTING NOV #9150.

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

Stationary Sources Violations:

3. NEWAGE LAKE LAS VEGAS, LLC (Source ID: 15164)

NOV #9166 – For exceeding the total dissolved solids (TDS) concentration of cooling tower recirculation water; for failing to conduct and maintain records of daily visual emissions checks; for failing to conduct monthly monitoring and maintain records of operational hours of the emergency generator; for failing to conduct monthly monitoring and maintain records of TDS concentration of the cooling tower recirculation water; and for failing to submit the 2017 annual emissions inventory report, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on July 31, 2018 of the resort hotel without a casino operation at 1610 Lake Las Vegas Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

- Violation #1 – 2016 Permit Condition IV-B-7
- Violation #2 – 2014 and 2016 Permit Condition IV-C-1
2014 and 2016 Permit Condition IV-E-1-a
- Violation #3 – 2014 and 2016 Permit Condition IV-C-5
2014 and 2016 Permit Condition IV-E-2-a
- Violation #4 – 2014 and 2016 Permit Condition IV-C-6
2014 Permit Condition IV-E-1-c
2016 Permit Condition IV-E-1-d
- Violation #5 – 2016 Permit Condition II-C-5-a-ii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,150.00

- Violation #1 – 2016 Permit Condition IV-B-7 - \$500.00**
- Violation #2 – 2014 and 2016 Permit Condition IV-C-1 - \$500.00**
2014 and 2016 Permit Condition IV-E-1-a
- Violation #3 – 2014 and 2016 Permit Condition IV-C-5 - \$500.00**
2014 and 2016 Permit Condition IV-E-2-a
- Violation #4 – 2014 and 2016 Permit Condition IV-C-6 - \$400.00**
2014 Permit Condition IV-E-1-c
2016 Permit Condition IV-E-1-d
- Violation #5 – 2016 Permit Condition II-C-5-a-ii - \$250.00**

4. REBEL LAND AND DEVELOPMENT, LLC (Source ID: 15218)

NOV #9165 – For failing to conduct subsequent vapor recovery system testing within three years of the previous successful testing, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Scott Rowsell on July 31, 2018 of the gasoline dispensing operation identified as Rebel Store #2190 at 9390 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit Condition IV-D-4-b

REBEL LAND AND DEVELOPMENT, LLC REQUESTED A CONTINUANCE FOR NOVS #9165, 9176, 9178 AND 9180.

HEARING OFFICER CONTINUED REBEL LAND AND DEVELOPMENT, LLC'S CASES TO JANUARY 17, 2019.

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

NOV #9176 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating Emission Unit (EU): A01 with debris in the spill bucket and a broken cap, and operating without adapters designed to prevent overtightening and loosening during normal operation on EUs: A01 and A03, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on August 13, 2018 of the gasoline dispensing operation identified as Rebel Store #2180 at 4880 West Russell Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – 2015 Permit Condition IV-D-4-b
Permit Table IV-D-1

Violation #2 – 2015 Permit Condition IV-B-1-b-iv
2015 Permit Condition IV-B-1-b-viii

SEE #4 ABOVE.

6. **REBEL LAND AND DEVELOPMENT, LLC (Source IDs: 9493, 9202, 16451, 9759, 9856, 9398, 9074, 9395, 9396, 9397, 9665, 9520, 9517, 9677, 9695, 9001, 9020, 9061, 9126, 9153, 9229, 9865, 9765, 15315, 9802, 9834, 15135, 9943, 9901, 15027, 9940, 15310, 16259, 9755, 9166, 9050, 16195, 9286)**

NOV #9178 – For failing to conduct and pass subsequent Phase I and, if required, Phase II vapor recovery system tests within three years of the previous tests, as identified by Air Quality Specialist Tim Fogarty during a complete review of the vapor recovery testing records of Rebel Land and Development, LLC as of August 10, 2018 of the gasoline dispensing operations identified as Rebel Stores #: 2049, 2121, 2135, 2137, 2138, 2139, 2141, 2142, 2143, 2144, 2152, 2153, 2156, 2157, 2158, 2159, 2160, 2161, 2166, 2167, 2168, 2169, 2173, 2176, 2177, 2179, 2182, 2183, 2185, 2187, 2188, 2189, 2191, 2192, 2194, 2195, 2198, and 3083 at multiple locations throughout the Las Vegas Valley in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$38,000.00

Violation #1 – Permit Condition IV-D-4-b

SEE #4 ABOVE.

7. **REBEL LAND AND DEVELOPMENT, LLC (Source ID: 9065)**

NOV #9180 – For failing to conduct and maintain records of daily inspections of the Phase II vapor recovery system; for failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating with liquid in the spill buckets of Emission Units (EUs): A02 and A03, failing to install Phase I vapor recovery equipment in accordance with the manufacturer's specifications by operating with a loose adapter on EU: A02, failing to install adapters designed to prevent the loosening or overtightening of fittings on EUs: A01, A02 and A03, failing to install Phase II vapor recovery equipment in accordance with the manufacturer's specifications by operating dispenser #17 with a loose spout tip, and failing to maintain Phase II vapor recovery equipment in good working order by operating dispenser #7 with a torn face plate seal, as identified by Air Quality Specialist Mike Murphy during a full compliance evaluation conducted on July 23, 2018 of the gasoline dispensing operation identified as Rebel Store #2162 at 7100 West Lake Mead Boulevard, in Clark County, Nevada.

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REBEL LAND AND DEVELOPMENT, LLC continued

Violation(s) alleged: Recommended Penalty: \$4,500.00
Violation #1 – 2015 Permit Conditions IV-C-4-a through i
2015 Permit Condition IV-E-2-a
Violation #2 – 2015 Permit Condition IV-D-4-b
Permit Table IV-D-1
Violation #3 – 2015 Permit Condition IV-B-1-b-iv
2015 Permit Condition IV-B-1-b-iii
2015 Permit Condition IV-B-1-b-viii
2015 Permit Condition IV-B-1-d-ii
2015 Permit Condition IV-B-1-d-iii

SEE #4 ABOVE.

8. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Source ID: 16539)**
NOV #9149 – For exceeding the sulfur dioxide emission limitation; for exceeding the nitrogen oxide mass emission limitation; and for failing to demonstrate compliance with sulfur dioxide emission rate limitation during performance tests, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Mike Doyle on June 4, 2018 of the electrical services and other electrical power generation operation at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$30,000.00
Violation #1 – 2017 Part 70 Permit Condition III-B-1-c
2018 ATC Permit Condition IV-B-4
Violation #2 – 2017 Part 70 Permit Conditions III-B-1-b and c
2018 ATC Permit Conditions IV-B-3 and 4
Violation #3 – 2018 ATC Permit Condition IV-B-4

REPUBLIC SERVICES RENEWABLE ENERGY, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED REPUBLIC SERVICES RENEWABLE ENERGY, LLC TO NOVEMBER 27, 2018.

9. **S & S FUELS MANAGEMENT LLC (Source ID: 15061)**
NOV #9169 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on July 13, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #39598 at 3970 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,000.00
Violation #1 – 2015 Permit Condition IV-D-4-b

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

10. S & S FUELS MANAGEMENT LLC (Source ID: 9883)

NOV #9170 – For failing to conduct and maintain records of daily inspections of the vapor recovery equipment; for failing to conduct and pass subsequent Phase I vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating with fluid in the spill bucket, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on July 19, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #39601 at 3320 North Las Vegas Boulevard, 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 Condition IV-E-2-a

Violation #2 – 2018 Permit Condition IV-D-4-d
Permit Table IV-D-1

Violation #3 – 2018 Permit Condition IV-B-1-b-iv

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,150.00

Violation #1 – 2015 Permit Conditions IV-C-3-a through g - \$500.00
2015 Permit Condition IV-E-2-a

Violation #2 – 2018 Permit Condition IV-D-4-d - \$1,500.00
Permit Table IV-D-1

Violation #3 – 2018 Permit Condition IV-B-1-b-iv - \$150.00

11. S & S FUELS MANAGEMENT LLC (Source ID: 9131)

NOV #9171 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in good working order by operating with fluid in the spill buckets, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on July 16, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #39604 at 6495 South Pecos Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,250.00

Violation #1 – Permit Condition IV-D-4-b
Permit Table IV-D-1

Violation #2 – Permit Condition IV-B-1-b-iv

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,900.00

Violation #1 – Permit Condition IV-D-4-b - \$1,750.00
Permit Table IV-D-1

Violation #2 – Permit Condition IV-B-1-b-iv - \$150.00

12. **S & S FUELS MANAGEMENT LLC (Source ID: 9790)**

NOV #9172 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on July 10, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #39606 at 5095 South Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-D-4-b
Permit Table IV-D-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

13. **S & S FUELS MANAGEMENT LLC (Source ID: 9861)**

NOV #9173 – For failing to conduct and maintain records of daily inspections of the vapor recovery equipment; for failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests within three years of the previous tests; and for failing to maintain Phase I vapor recovery equipment in accordance with the manufacturer's specifications by operating without a cap on the pressure/vacuum vent valve, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on July 17, 2018 of the gasoline dispensing operation identified as 7-Eleven Store #39602 at 1680 West Sunset Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – 2018 Permit Conditions IV-C-3-a through g
2018 Permit Condition IV-E-2-a

Violation #2 – 2015 Permit Condition IV-D-4-b
Permit Table IV-D-1

Violation #3 – 2018 Permit Condition IV-B-1-b-xi

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$2,650.00 PENALTY: \$500.00 FOR VIOLATION #1, \$2,000.00 FOR VIOLATION #2, AND \$150.00 FOR VIOLATION #3. \$1,000.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 1/17/2019. IF S & S FUELS MANAGEMENT LLC SUCCESSFULLY CONDUCTS AND PASSES THE VAPOR RECOVERY SYSTEM TESTS AND SUBMITS THE TEST RESULTS PRIOR TO THE 1/17/2019 HEARING OFFICER MEETING, THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

III. ADJOURNMENT

10:03 a.m.