



Air Pollution Control Hearing Officer Meeting Annotated

Clark County Building Department – Presentation Room
4701 West Russell Road, Las Vegas, NV

9:00 a.m. – January 16, 2025

Hearing Officer: Holly Fic
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Satyra George, Senior Air Quality Specialist

The Presentation Room is accessible to individuals with disabilities. With a 48-hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling: (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. CENTURYLINK COMMUNICATIONS, LLC (Source ID: n/a)

NOV #10105 – For allowing the discharge of such quantities of air contaminants from the mobile diesel-fired generator to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Camon Liddell during a complaint investigation on October 28, 2024, at a mobile diesel-fired generator located on Edna Avenue between Cimmaron Road and Durango Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$625.00

Violation #1 – Sections 43.1 and 40.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$625.00

2. LHOIST NORTH AMERICA OF ARIZONA, INC. (Part 70 Operating Permit, Source ID: 3)

NOV #10106 – For failing to maintain the differential pressure drop across the baghouses, DC-04, DC-05, DC-20, DC-30(N), DC-36, DC-37, DC-5006, DC-5007, K4-DC-516, DC-8001, DC-8002, DC-8003, DC-8004, DC-CA-04, D-DC-4217, D-DC-50122, D-DC-505, D-DC-520, D-DC-526, K2-DC-505N, K2-DC-506S, K4-DC-340, K4-DC-509, and K4-DC-519, within the permitted differential pressure range for each baghouse; and for failing to document and maintain logs of predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full

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LHOIST NORTH AMERICA OF ARIZONA, INC. continued

compliance evaluation on October 24, 2024 of the lime and lime products manufacturing operation known as Lhoist North America of Arizona Apex Plant located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,625.00
Violation #1 – Permit Condition 2.2.8
Permit Table 2-1
Violation #2 – Permit Condition 2.2.3
Permit Condition 4.3.1.c
Permit Condition 4.3.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,625.00

Violation #1 – Permit Condition 2.2.8 - \$4,815.00
Permit Table 2-1
Violation #2 – Permit Condition 2.2.3 - \$810.00
Permit Condition 4.3.1.c
Permit Condition 4.3.6

3. NP RED ROCK LLC (Minor Source Permit, Source ID: 15487)

NOV #10107 – For failing to conduct and maintain records of quarterly visual emissions checks for the fire pump engine, Emission Unit (EU): B03, and the emergency gensets, EUs: B01, B02, B04, and B05; and for failing to conduct and maintain records of generator run logs for the emergency gensets, EUs: B01, B02, B04, and B05, and the fire pump engine, EU: B03, as identified by Air Quality Specialist Tina Tope and Air Quality Supervisor Scott Jelinek during an onsite full compliance evaluation on October 17, 2024 at the gaming and lodging operation known as Red Rock Casino Resort and Spa, located at 11011 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,572.50
Violation #1 – Permit Condition 4.1.2
Permit Condition 4.3.1.a
Permit Condition 4.3.3
Violation #2 – Permit Condition 4.1.14
Permit Condition 4.3.1.g
Permit Condition 4.3.1.h
Permit Condition 4.3.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,572.50

Violation #1 – Permit Condition 4.1.2 - \$967.50
Permit Condition 4.3.1.a
Permit Condition 4.3.3
Violation #2 – Permit Condition 4.1.14 - \$4,605.00
Permit Condition 4.3.1.g
Permit Condition 4.3.1.h
Permit Condition 4.3.3

4. **PRECISION AGGREGATE PRODUCTS, LLC (Minor Source Permit, Source ID: 15897)**
NOV #10110 – For modifying Emission Unit: A01 without first obtaining a revised permit authorizing the modification, as identified by Senior Air Quality Specialist Michael Newell and Air Quality Specialists Tina Tope and Adam Mancini during an onsite full compliance evaluation on October 31, 2024, of the portable nonmetallic mineral processing/concrete batching operation, currently located at 5857 East Flamingo Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – November 2022 Permit Condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

5. **SG VEGAS OWNER LLC (Minor Source Permit, Source ID: 18229)**
NOV #10112 – For installing and operating three 5.0 MMBtu/hr Thermal Solutions boilers without first obtaining a revised permit authorizing the modification, as identified by Senior Air Quality Specialist Michael Newell during an onsite full compliance evaluation on November 18, 2024, of the commercial building known as Showcase V located at 3747 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,397.00

Violation #1 – Permit Condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,397.00

6. **TERRA FIRMA ORGANICS, INCORPORATED (Minor Source Permit, Source ID: 16706)**
NOV #10111 – For failing to conduct and maintain records of daily visual emissions checks; for failing to monitor and maintain records of daily throughput of organic material processed at the Facility; and for failing to conduct and maintain records of daily visual inspections of the water spray system at the Facility, as identified by Senior Air Quality Specialist Michael Newell and Air Quality Specialists Tina Tope and Adam Mancini during an onsite full compliance evaluation on October 23, 2024, of the mulch manufacturing operation known as Terra Firma Organics, located at 5355 Beesley Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,077.50

Violation #1 – 2021 Permit Condition 4.1.1

2021 Permit Condition 4.3.1.a

Violation #2 – 2021 Permit Condition 4.1.6

2021 Permit Condition 4.3.1.d

Violation #3 – 2021 Permit Condition 4.1.5

2021 Permit Condition 4.3.1.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,077.50

Violation #1 – 2021 Permit Condition 4.1.1 - \$1,487.50

2021 Permit Condition 4.3.1.a

Violation #2 – 2021 Permit Condition 4.1.6 - \$615.00

2021 Permit Condition 4.3.1.d

Violation #3 – 2021 Permit Condition 4.1.5 - \$2,975.00

2021 Permit Condition 4.3.1.b

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **GVS CONSTRUCTION LLC (DCOP #55865)**

NOV #10108 – 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 while performing a complaint investigation during a Construction Notice period on October 28, 2024, at the Skylark-Custom Home construction project, located on the southwest corner of Eldora Avenue and South Bronco Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

GVS CONSTRUCTION LLC DID NOT CONTEST NOV #10108.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

2. **J&E EXCAVATION LLC (Construction Project #58566)**

NOV #10115 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialist Katrinka Byers and Air Quality Specialists Noel Crandall and Mike Englehart while performing routine patrol prior to a Construction Notice period on October 16, 2024, and a follow-up inspection on November 14, 2024, at the J&E Excavation construction project (parcel number 139-28-711-000), located at the southwest corner of West McWilliams Avenue and H Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

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

Violation #2 – Section 94.4.1(a)

J&E EXCAVATION LLC REQUESTED A CONTINUANCE OF NOV #10115.

HEARING OFFICER CONTINUED J&E EXCAVATION LLC'S CASE TO MARCH 13, 2025.

3. **MINERO LLC D/B/A MINERO GENERAL CONTRACTOR (DCOP #57514)**

NOV #10109 – 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 obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Mike Englehart during routine and follow up inspections on October 29 and 31, 2024, at the Starbucks - Craig & Allen construction project, located at 3555 West Craig Road, in Clark County, Nevada.

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Violation(s) Alleged:

Recommended Penalty: \$3,500.00

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

Violation #2 – Section 94.4.1(a)

HEARING OFFICER ASSESSED A \$3,500.00 PENALTY, \$500.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 1/16/2026. IF MINERO LLC D/B/A MINERO GENERAL CONTRACTOR DOES NOT VIOLATE AQRs BEFORE 1/16/2026 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$500.00 WILL BE WAIVED.

Stationary Sources Violations:

4. HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 372)

NOV #10056 – For failing to identify Intermittent Compliance for eight permit conditions in the 2022 and 2023 Annual Compliance Certification reports; for failing to report permit deviations in the 2022 1st and 2nd semiannual reports, and 2023 1st and 2nd semiannual reports that did not result in excess emissions; for failing to document and maintain logs of predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes; and for failing to conduct and maintain records of monthly baghouse inspections for the CalPortland 1 plant baghouse, STM18, as identified by Senior Air Quality Specialist Scott Rowsell during an on-site full compliance evaluation on May 8 and 9, and June 5, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim - SWR Inc. Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$9,772.50

Violation #1 – 2021 Permit Condition II.D.6.c

2022 Permit Condition II.D.6.c

Violation #2 – 2021 Permit Condition II.D.8

2021 Permit Condition III.H.4.b

2022 Permit Condition II.D.8

2022 Permit Condition III.H.4.b

Violation #3 – 2021 Permit Condition III.D.29

2021 Permit Condition III.G.2

2021 Permit Condition III.G.4.g

2022 Permit Condition III.D.29

2022 Permit Condition III.G.2

2022 Permit Condition III.G.4.g

Violation #4 – 2022 Permit Condition III.E.14

2022 Permit Condition III.G.2

2022 Permit Condition III.G.4.k

Continued from 9/19/2024

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AIR QUALITY REPLACED DOCUMENTS IN EXHIBIT B, ATTACHMENT 18 TO INCLUDE COPIES WITH HEADER INFORMATION ORIGINALLY CUT OFF IN THE NOV ATTACHMENT.

AIR QUALITY AMENDED NOV #10056 TO EXCLUDE THE MONTH OF SEPTEMBER 2023 FROM VIOLATION #4, REDUCING THE TOTAL RECOMMENDED PENALTY AMOUNT TO \$9,757.50.

FOUND IN VIOLATION. HEARING OFFICER ASSESSED A \$9,757.50 PENALTY: \$4,500.00 FOR VIOLATION #1, \$1,875.00 FOR VIOLATION #2, \$1,387.50 FOR VIOLATION #3, AND \$1,995.00 FOR VIOLATION #4. \$637.50 OF THE PENALTY FOR VIOLATION #3 WILL BE HELD IN ABEYANCE UNTIL 1/16/2026. IF HOLCIM - SWR, INC. DOES NOT VIOLATE AQRs BEFORE 1/16/2026 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$637.50 WILL BE WAIVED.

5. REPUBLIC DUMPCO, INC. (Part 70 Operating Permit, Source ID: 395)

NOV #10095 – For failing to submit a sufficient corrective action analysis and corresponding implementation timeline with each of the 75-day notifications for 160°F wellhead temperature exceedances that will take longer than 120 days to correct; for failing to correct wellhead temperature exceedances for five wells that exceeded the 160°F permitted limit within the 120-day regulatory timeline; for failing to limit drilling operations to 4,680 holes per consecutive 12-month period from October 2023, through June 2024; and for operating the open combustion flare, Emission Unit (EU): G27, when the enclosed combustion flare, EU: W11, was operating for 29 non-consecutive days from January 1, 2024, through May 29, 2024, as identified by Senior Air Quality Specialist Michael Newell during an off-site partial compliance evaluation on September 5, 2024 at the Municipal Waste Management facility known as Apex Regional Landfill, located at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) Alleged:	Recommended Penalty: \$17,060.00
Violation #1 – Section 13.2, 40 CFR Part 63, Subpart AAAAA, § 63.1981(j)(2) Section 13.2, 40 CFR Part 63, Subpart AAAAA, § 63.1981(h)(7)	
Violation #2 – 2022 Permit Condition III.B.3.aa 2022 Permit Condition III.B.3.dd.ii Section 13.2, 40 CFR Part 63, Subpart AAAAA, § 63.1960(a)(4)(i)(B)	
Violation #3 – 2022 Permit Condition III.B.1.h 2022 Permit Condition III.B.2.e	
Violation #4 – 2022 Permit Condition III.B.2.o	

NOV #10095 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

REPUBLIC DUMPCO, INC. REQUESTED A CONTINUANCE OF NOV #10095.

HEARING OFFICER CONTINUED REPUBLIC DUMPCO, INC.’S CASE TO MARCH 13, 2025.

6. STATE OF NEVADA DEPARTMENT OF CORRECTIONS (Minor Source Permit Source ID: 00475)

NOV #10113 – For failing to conduct and maintain records of Phase I vapor recovery system inspections after each delivery; and for failing to conduct and pass vapor recovery system tests on the above ground storage tank, Emission Unit: D01, on or before the anniversary date of the previous passing tests, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on November 6, 2024 at the medium security state prison known as Southern Desert Correctional Center, located at 20825 Cold Creek Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,745.00

- Violation #1 – 2018 Permit Condition II.D.2
- 2018 Permit Condition IV.C.8(a through g)
- 2018 Permit Condition IV.E.1.b
- 2022 Permit Condition 4.1.10(a through g)
- 2022 Permit Condition 4.3.1.i
- 2022 Permit Condition 4.3.3
- Violation #2 – 2022 Permit Condition 4.2.1
- 2022 Permit Condition 4.2.4.b
- 2022 Permit Table 4-1

NOV #10113 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

STATE OF NEVADA DEPARTMENT OF CORRECTIONS DID NOT CONTEST NOV #10113.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,745.00

- Violation #1 – 2018 Permit Condition II.D.2 - \$870.00**
- 2018 Permit Condition IV.C.8(a through g)**
- 2018 Permit Condition IV.E.1.b**
- 2022 Permit Condition 4.1.10(a through g)**
- 2022 Permit Condition 4.3.1.i**
- 2022 Permit Condition 4.3.3**
- Violation #2 – 2022 Permit Condition 4.2.1 - \$1,875.00**
- 2022 Permit Condition 4.2.4.b**
- 2022 Permit Table 4-1**

7. **TURANO NEVADA BAKING LLC (Synthetic Minor Source Permit, Source ID: 17908)**
NOV #10083 – For failing to operate the Natural Gas-Fired Catalytic Oxidizer, Emission Unit (EU): D01, with a minimum volatile organic compound (VOC) destruction efficiency of 85 percent during a performance test on May 1, 2024, and operating EU: D01 between May 1, 2024, and September 12, 2024, after the failed test; and for exceeding the VOC emission rate of 1.75 lb/hr during a performance test of EU: D01 on May 1, 2024, and operating EU: D01 between May 1, 2024, and September 12, 2024, after the failed test, as identified by Senior Air Quality Specialist Camon Liddell during an off-site partial compliance evaluation of the commercial manufacturer of bread and bread products located at 490 East Bruner Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$16,800.00

Violation #1 – July 2022 Permit Condition 2.2.6

Violation #2 – July 2022 Permit Condition 3.2.3

July 2022 Permit Table 3-3

Continued from 11/21/2024

NOV #10083 WAS MOVED TO THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

AIR QUALITY UPDATED THE HEARING OFFICER THAT NOV #10083 WAS RESCINDED.

HEARING OFFICER REMOVED NOV #10083 FROM THE CALENDAR.

III. ADJOURNMENT 10:42 a.m.