




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 18, 2024

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

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. (Minor Source Permit, Source ID: 9332)

NOV #9935 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of daily Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Michael Newell during an on-site full compliance evaluation on October 26, 2023, of the gasoline dispensing facility known as 7-Eleven #29643 located at 15 North Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$4,180.00
Violation #1 – Permit condition 4.1.3(a through g) Permit condition 4.3.2.b
Violation #2 – Permit condition 4.1.4(a through g) Permit condition 4.3.2.b

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,180.00**

Violation #1 – Permit condition 4.1.3(a through g) -\$1,685.00
Permit condition 4.3.2.b
Violation #2 – Permit condition 4.1.4(a through g) -\$2,495.00
Permit condition 4.3.2.b

2. **ALLIANCE ENVIRONMENTAL GROUP, LLC (Project Number: 232007)**

NOV #9941 – For failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Materials (RACM) at the Facility; and for failing to adequately wet all removed RACM and ensure it remained wet, as identified by Air Quality Specialist II Whitney Francis while performing an inspection on September 27, 2023 at St. Francis de Sales Roman Catholic Church located at 1111 North Michael Way, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$3,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

- Violation #1 – Section 13.1, 40 CFR §61.145(b)(1) - \$1,500.00**
Section 13.1, 40 CFR §61.145(b)(3)(i)
- Violation #2 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$1,500.00**

3. **CHARGER CONSTRUCTION, LLC (DCOP #56704)**

NOV #9944 – 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 during a routine inspection on October 25, 2023, at the Hoover Jefferson MOB construction project, located at 1941 Jefferson Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

4. **D.R. HORTON, INC. (DCOP #54323)**

NOV #9958 – 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 Nahulu Kahananui during a routine inspection on December 11, 2023, and follow-up inspection on December 12, 2023, at the Villages at Tule Springs Village 1 Phases 1 & 2 construction project, located at CC 215 and Revere Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$4,750.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,750.00

5. **EDWARD HOMES, INC. (DCOP #55131)**

NOV #9942 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Air Quality Specialist Allan Gutierrez during a routine inspection prior to the Construction Notice period on November 6, 2023, at the Mountains Edge Townhomes construction project, located at Levi Avenue and Rainbow Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.14(a)(4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

6. **GREATER NEVADA AUTO AUCTIONS, LLC (Minor Source Permit, Source ID: 15839)**

NOV #9948 – For failing to train and certify employees in their roles as painters, not meeting the requirements of 40 CFR 63 Subpart HHHHHH within 180 days of their hire date; for allowing open containers to be used for the disposal of Volatile Organic Compound (VOC) containing products and leaving two VOC containing product containers open to vent to the atmosphere in one of the paint mixing rooms left open to the ambient air; and for failing to conduct and maintain records of pressure drop readings across the spray booth exhaust filters of the Spray Paint Booths, Emission Units (EUs): A01 and A02, and Spray-Prep Booths, EUs: A03 and A04, and of the filters of the Spray Paint Booths, EUs: A01 and A02, and Spray-Prep Booths, EUs: A03 and A04, as identified by Senior Air Quality Specialist Camon Liddell and Air Quality Specialists Jeremy Shockley and Joshua Frye during an on-site full compliance evaluation on November 16, 2023, of the wholesale automobile auctioneer operating various reconditioning facilities, including a surface coating operation, equipped with two spray paint booths, known as Manheim Nevada located at 6600 Auction Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,030.00

Violation #1 – Permit condition 2.2.7

Permit condition 2.2.8

Violation #2 – Permit condition 2.2.9

Permit condition 2.2.11

Violation #3 – Permit condition 4.1.6

Permit condition 4.1.7

Permit condition 4.3.2.b

Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,030.00

Violation #1 – Permit condition 2.2.7

-\$500.00

Permit condition 2.2.8

Violation #2 – Permit condition 2.2.9

-\$500.00

Permit condition 2.2.11

Violation #3 – Permit condition 4.1.6

-\$4,030.00

Permit condition 4.1.7

Permit condition 4.3.2.b

Permit condition 4.3.4

7. **GTI 1, INC. (Construction Project #57496)**

NOV #9959 – 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 Richard Wyse during routine patrol resulting in an inspection on December 15, 2023, at the Nellis Lot Clean Up construction project (parcel number 140-17-810-011), located at East Cartier Avenue and Nellis Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

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

NOV #9938 – For failing to maintain records of the daily pressure drop readings for baghouses DC2 and DC4; and for failing to conduct and maintain records of monthly baghouse inspections, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site compliance review of the 2023 1st semiannual report and associated records on November 16, 2023, 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: \$2,827.50

Violation #1 – 2022 Permit condition III.G.4.j

Violation #2 – 2022 Permit condition III.E.14

2022 Permit condition III.G.4.k

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,827.50

Violation #1 – 2022 Permit condition III.G.4.j

-\$1,282.50

Violation #2 – 2022 Permit condition III.E.14

-\$1,545.00

2022 Permit condition III.G.4.k

9. **JCORD, LLC (Project #231072)**

NOV #9956 – For failing to notify Air Quality of a new start date 10 working days before commencement of demolition activities, as identified by Air Quality Specialist II Kevin Adoor during a post abatement inspection on December 19, 2023, at three commercial buildings located at 3889 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 13.1, 40 CFR §61.145(b)(3)(iv)(B)(2)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

10. LAS VEGAS PAVING CORPORATION (Synthetic Minor Source Permit, Source ID: 104)

NOV #9949 – For operating Afterburner #1, Emission Unit: E03, below the minimum operating temperature of 1,400 degrees Fahrenheit while materials were being processed in the drum dryer, as identified by Senior Air Quality Specialist Camon Liddell and Air Quality Specialists Jeremy Shockley and Joshua Frye during an on-site full compliance evaluation on November 30, 2023, of the commercial manufacture of asphalt and aggregate products, and soil decontamination process operations, located at 3401 North 5th Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,960.00

Violation #1 – Permits condition 2.2.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,960.00

11. MAGNUS ORNAMENTAL METALS LLC

NOV #9955 – For conducting sand blasting operations without an effective enclosure or other such dust control device, and in a manner that dispersed excessive sand and dust that crossed property boundaries, and by failing to prevent particulate matter from becoming airborne, as identified by Senior Air Quality Specialist Camon Liddell while performing a complaint investigation on December 20, 2023, of the architectural metal fabrication facility located at 3850 West Ponderosa Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Sections 41.1.2 and 41.1.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

12. MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #56180)

NOV #9945 – For allowing soil to be tracked out greater than 50 feet in length onto a paved roadway; and for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Air Quality Specialist Nahulu Kahananui while performing a complaint investigation on November 6, 2023, at the Gowan Industrial construction project, located at the northeast corner of West Gowan Road and North Commerce Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

Violation #1 – Section 94.14(d)

Violation #2 – Section 94.14(a)(4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

Violation #1 – Section 94.14(d)

-\$1,250.00

Violation #2 – Section 94.14(a)(4)

-\$2,500.00

13. MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #55348)

NOV #9953 – 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 Canduella Rowsell while performing a routine inspection on December 6, 2023, and a follow-up inspection on December 7, 2023, at the Ainsley At Paradise construction project, located at 3900 Paradise Road, 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

14. OCHOA DEVELOPMENT CORPORATION (DCOP #54396)

NOV #9952 – 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 Canduella Rowsell during a routine inspection on December 12, 2023, at the Sunrise 96 construction project, located at 4375 South Eastern Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

15. REBEL LAND AND DEVELOPMENT, LLC (Minor Source Permit, Source ID: 9397)

NOV #9939 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of daily Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Michael Newell and Air Quality Specialist Jeremy Shockley during an on-site full compliance evaluation on November 1, 2023, of the gasoline dispensing facility known as Rebel #2144 located at 6060 West Tropicana Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,865.00

Violation #1 – Permit condition 4.1.3(a through g)
Permit condition 4.3.2.b

Violation #2 – Permit condition 4.1.4(a through g)
Permit condition 4.3.2.b

AIR QUALITY AMENDED NOV #9939 TO EXCLUDE VIOLATION OF PERMIT CONDITIONS 4.1.3(A THROUGH G) FOR FAILING TO CONDUCT PHASE I VAPOR RECOVERY SYSTEM INSPECTIONS FROM VIOLATION #1 AND PERMIT CONDITIONS 4.1.4(A THROUGH G) FOR FAILING TO CONDUCT DAILY PHASE II VAPOR RECOVERY SYSTEM INSPECTIONS FROM VIOLATION #2, REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$1,932.50

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,932.50

Violation #1 – Permit condition 4.3.2.b

-\$395.00

Violation #2 – Permit condition 4.3.2.b

-\$1,537.50

16. REPUBLIC POLYMERS, LLC (DCOP #56066)

NOV #9960 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialists Noel Crandall and Richard Wyse during a routine inspection on December 6, 2023, and follow-up inspections on December 12, and 15, 2023, at the Las Vegas Polymer Center construction project, located on 5491 Accurate Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,312.50

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

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,312.50

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

-\$1,562.50

Violation #2 – Section 94.14(d)

-\$3,750.00

17. TAB CONTRACTORS, INC. (Construction Project #57486)

NOV #9954 – 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 Nahulu Kahananui while performing routine patrol on December 12, 2023, at the CNLV 24” Cut in Valve construction project, located at East Centennial Parkway and Palmer Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

18. WELLS CARGO, INC. (Synthetic Minor Source Permit, Source ID: 12)

NOV #9932 – For allowing particulate matter to become airborne from the process of purging fine material from the fines silo, Emission Unit: HM98, and for failing to operate the baghouse effectively to control particulate matter at all times the equipment was operating, as identified by Senior Air Quality Specialist Michael Newell, and Air Quality Specialists Jeremy Shockley and Joshua Frye during a complaint investigation on October 24, 2023, at the aggregate processing and asphalt manufacturing operation located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

Violation #1 – Permit condition 2.2.48

Permit condition 2.2.12

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962)

NOV #9907 – For failing to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11, and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Sections 94.5(n)(1) and (2)
Section 94.13(b)

Continued from 11/16/2023

ASSURED DEVELOPMENT, INC. REQUESTED A CONTINUANCE OF NOV #9907.

HEARING OFFICER CONTINUED ASSURED DEVELOPMENT, INC.’S CASE TO MARCH 21, 2024.

2. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391)

NOV #9946 – 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 Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada

Violation(s) Alleged:

Recommended Penalty: \$5,937.50

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

ATLAS HOLDINGS INTERNATIONAL LLC REQUESTED A CONTINUANCE OF NOV #9946.

HEARING OFFICER CONTINUED ATLAS HOLDINGS INTERNATIONAL LLC’S CASE TO MARCH 21, 2024.

3. J&J CONTRACTING LLC (DCOP #57477)

NOV #9957 – 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 Canduella Rowsell during an initial inspection on December 14, 2023, and a follow-up inspection on December 18, 2023, at the Fascino construction project, located at 8780 Haven Street, in Clark County, Nevada.

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J&J CONTRACTING LLC continued

Violation(s) Alleged: Recommended Penalty: \$2,500.00
Violation #1 – Sections 94.13(a) and (b)

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,500.00**

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

4. KALB INDUSTRIES OF NEVADA, LTD. (DCOP #55923)

NOV #9943 – 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 during a routine inspection on October 26, 2023, at the Centennial Lamb Retail Center construction project, located at the corner of East Centennial Parkway and North Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,250.00
Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$1,250.00 PENALTY, \$250.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL 1/18/2025. IF KALB INDUSTRIES OF NEVADA, LTD. DOES NOT VIOLATE AQRs BEFORE 1/18/2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$250.00 WILL BE WAIVED.

5. ROCHE CONSTRUCTORS, INC. (DCOP #56717)

NOV #9951 – 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 Canduella Rowsell during a routine inspection on December 13, 2023, at the CCSD Ruby Thomas ES Replacement construction project, located at 1560 Cherokee Lane, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,500.00
Violation #1 – Sections 94.13(a) and (b)

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,500.00**

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

Stationary Sources Violations:

6. CLARK COUNTY DEPARTMENT OF AVIATION (Minor Source Permit, Source ID: 108)

NOV #9936 – For failing to perform annual Burner Efficiency Tests (BETs) on the Bryan Boiler, Emission Unit (EU): A05, during calendar years 2021 and 2022; and for failing to perform BETs twice each calendar year for EUs: A01 through A04 and A15 through A21 during calendar years 2021 and 2022 for a total of 23 instances, as identified by Air Quality Specialist Ryan O'Connor during an on-site full compliance evaluation on August 22, 2023, of the passenger airport operation known as Harry Reid International Airport located at 5757 Wayne Newton Boulevard, in Clark County, Nevada.

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CLARK COUNTY DEPARTMENT OF AVIATION continued

Violation(s) Alleged: Recommended Penalty: \$36,000.00
Violation #1 – 2019 Permit condition 4.1.8
2022 Permit condition 4.1.9
2023 Permit condition 4.1.9
Violation #2 – 2019 Permit condition 4.1.10
2022 Permit condition 4.1.11
2023 Permit condition 4.1.11

CLARK COUNTY DEPARTMENT OF AVIATION REQUESTED A CONTINUANCE OF NOV #9936.

HEARING OFFICER CONTINUED CLARK COUNTY DEPARTMENT OF AVIATION'S CASE TO MARCH 21, 2024.

7. **DESIMONE GAMING INC. (Minor Source Permit, Source ID: 17921)**
NOV #9931 – For installing a 20,000 gallon unleaded gasoline underground storage tank (UST) and a 12,000 gallon premium unleaded gasoline UST without first obtaining a revised permit authorizing the modification, and by installing and operating a 120 hp Clarke fire pump without first obtaining a revised permit authorizing the modification; and for operating the fire pump, Emission Unit: A02, without a functioning nonresettable hour meter, as identified by Senior Air Quality Specialist Michael Newell during an on-site full compliance evaluation on September 6, 2023, of the gasoline dispensing facility and casino hotel known as Railroad Pass Travel Center located at 1550 Railroad Pass Casino Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$4,880.00
Violation #1 – 2022 Permit condition 5.1.10
Violation #2 – 2018 Permit condition IV.C.5
2022 Permit condition 4.1.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,880.00

Violation #1 – 2022 Permit condition 5.1.10	-\$3,880.00
Violation #2 – 2018 Permit condition IV.C.5	-\$1,000.00
2022 Permit condition 4.1.6	

8. **GYPSUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**
NOV #9937 – For exceeding the Particulate Matter (PM) emission rate and concentration limit for the baghouse collection system Control Device (CD): D01 during performance testing conducted on August 8, 2023, and operating the baghouse collection system on August 9 and 14, 2023 after a failed performance test and before a passing performance test was conducted; for failing to limit Saturday operations to 10 hours per day on May 20 and 27, 2023, June 3, 2023, and September 30, 2023; for failing to maintain a minimum moisture content of 1.5 percent and 2.5 percent in materials as determined from weekly moisture testing at three locations consisting of 22 samples; for allowing an uncovered and loaded on-road haul truck to leave the facility; for failing to have a certified opacity reader on-site at all times the Facility was operating for a total of 144 days; and for installing and operating an unpermitted Cummins, diesel-fired, continuous-duty, 2,992 horsepower engine during the period of July 26, 2023, through August 29, 2023, and an unpermitted Cummins, diesel fired, continuous-duty, 1,350 horsepower engine during the period of September 20, 2023, through October 12, 2023, without first obtaining an Authority to Construct permit from the Control Officer, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on October 19, 2023, consisting of a review of the performance test results reports for two baghouses and the 24-Hour Excess Emissions Notification and 72-Hour Deviation Report, and an off-site partial compliance evaluation on November 28, 2023, consisting of a compliance review of the 2023 1st semi-annual report, 2023 2nd quarter compliance audit report, 2023 3rd quarter compliance audit report, and two 24-Hour Excess Emissions Notifications and 72-Hour Deviation Reports, of the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$26,274.00

- Violation #1 – 2022 Permit condition III.C.1(d and e)
- Violation #2 – 2022 Permit condition III.C.2.b
- Violation #3 – 2022 Permit condition III.C.3(a and b)
- Violation #4 – 2022 Permit condition III.C.3.y
- Violation #5 – 2022 Permit condition III.D.5
- Violation #6 – 2022 Permit condition II.B.1

GYPSUM RESOURCES, LLC DID NOT CONTEST NOV #9937.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$26,274.00

- | | |
|--|---------------------|
| Violation #1 – 2022 Permit condition III.C.1(d and e) | -\$4,080.00 |
| Violation #2 – 2022 Permit condition III.C.2.b | -\$1,560.00 |
| Violation #3 – 2022 Permit condition III.C.3(a and b) | -\$3,300.00 |
| Violation #4 – 2022 Permit condition III.C.3.y | -\$3,500.00 |
| Violation #5 – 2022 Permit condition III.D.5 | -\$2,680.00 |
| Violation #6 – 2022 Permit condition II.B.1 | -\$11,154.00 |

Asbestos Violations:

9. **AAYLS LLC AND ANGEL RODRIGUEZ, INDIVIDUALLY (Project #231035)**

NOV #9899 – 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 Material (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 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; for failing to label waste containers with warning labels; for failing to maintain asbestos waste shipment records; for failing to deposit asbestos-containing waste material at an approved asbestos landfill; and for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on May 25, 2023, and follow-up inspections on May 26 and 30, and June 20, and July 5, 2023 at a commercial building located at 1221 North Decatur Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$33,500.00

- Violation #1 – Section 13.1, 40 CFR §61.145(a)
- Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)
Section 13.1, 40 CFR §61.145(b)(3)(i)
- Violation #3 – Section 13.1, 40 CFR §61.145(c)(1)
- Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)
- Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)
- Violation #6 – Section 13.1, 40 CFR §61.150(a)
Section 13.1, 40 CFR §61.150(a)(1)(iii)
- Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)
- Violation #8 – Section 13.1, 40 CFR §61.150(d)(1)
- Violation #9 – Section 13.1, 40 CFR §61.150(b)(1)
- Violation #10 – Section 4.1(d)(1)

Continued from 9/21/2023 and 11/16/2023

HEARING OFFICER CONTINUED AAYLS LLC AND ANGEL RODRIGUEZ’S CASE TO MARCH 21, 2024. YOLANDA RODRIGUEZ, STATING THAT SHE IS THE OWNER OF AAYLS, LLC, ATTENDED THE HEARING. LUZ MARIA RODRIGUEZ AGUIRRE, MANAGING MEMBER OF AAYLS, LLC, WAS NOT IN ATTENDANCE. HEARING OFFICER REQUESTED THAT BOTH YOLANDA RODRIGUEZ AND LUZ MARIA RODRIGUEZ AGUIRRE ATTEND THE MARCH 21, 2024 HEARING. ALSO, YOLANDA RODRIGUEZ MUST PROVIDE OWNERSHIP DOCUMENTATION PRIOR TO THE HEARING.

III. ADJOURNMENT 10:38 a.m.

Signature: 
Shibi Paul (Jan 22, 2024 10:51 PST)

Email: SPaul@ClarkCountyNV.gov