



# Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – March 16, 2016

Hearing Officer: Frank J. Cremen

Staff: *PR* Chuck Richter, Acting Compliance and Enforcement Manager  
*LK* Lea Kain, Air Quality Supervisor

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. MATTERS REQUIRING HEARING OFFICER ACTION**

**A. SETTLEMENT**

**1. CRESCENT PEAK QUARRIES, LLC (Source ID: 17185)**

NOV #8751 – For installing and operating 5 emission units without a Minor Source Permit; for exceeding the annual limitation for vehicle miles traveled; for conducting required performance testing after the deadline; for failing to maintain records of haul roads; and for failing to comply with applicable emission limitations, operating limitations and other requirements of 40 CFR Part 63, Subpart ZZZZ, identified during a full compliance evaluation conducted on November 5, 2015 for the period of February 9 through November 5, 2015 of the Eldorado facility, located at 2477 R.S. and US Highway 165 Road, in Clark County, Nevada.

Violation(s) alleged

- Violation #1 - Section 12.1.4.1(r)  
*Permit Condition II-A-8*
- Violation #2 - Section 12.1.4.1(r)  
*Permit Condition IV-A-1*
- Violation #3 – Section 12.1.4.1(r)  
*Permit Condition IV-D-2-b*
- Violation #4 - Section 12.1.4.1(r)  
*Permit Condition IV-E-5-a*
- Violation #5 - Section 13.2  
*40 CFR Part 63, Subpart ZZZZ*  
*Subsection 63.6595(a)*

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$6,750.00 PENALTY, \$4,250.00 OF WHICH BE HELD IN ABEYANCE FOR A TOTAL OF 12 MONTHS OF THIS SETTLEMENT AGREEMENT TO ENSURE CRESCENT PEAK QUARRIES, LLC IS IN COMPLIANCE, AND ASSESSED A \$2,500.00 PENALTY. IF CRESCENT PEAK QUARRIES, LLC COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.**

B. NON-CONTESTED NOTICES OF VIOLATION WITH AGREEMENT: The Hearing Officer may approve or disapprove the agreed settlement. If disapproved, the Notice of Violation will be scheduled for another hearing. Non-contested Notices of Violation are undisputed matters and may be taken together unless there is a request to take one separately.

1. **MACNAK-KORTE GROUP, LLC (DCP #44452)**

NOV #8756 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; identified during a compliance inspection on December 31, 2015 of the Nellis AFB FY14 240PN Dormitory construction site, located at 781 Fitzgerald Boulevard, Nellis AFB, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,000.00  
Violation #1 – Subsection 94.9.2

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

2. **WELLS CARGO, INC. (Source ID: 12)**

NOV #8753 - For installing and operating emission equipment without obtaining prior authorization; for creating a fugitive dust plume which traveled greater than 100 yards; for failure to conduct the initial performance tests before its regulatory deadline; and for failure to submit the semi-annual report within 30 days following the end of the reporting period, as identified during a full compliance evaluation conducted on September 8, 10 and 11, 2015 of the Wells Cargo, Inc. facility, located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,700.00  
Violation #1 - Section 12.1.4.1(r)  
*Permit Condition II-A-9*  
Violation #2 - Section 12.1.4.1(c) & (f)  
*Permit Condition IV-B-2*  
Violation #3 – Section 12.1.4.1(d) & (m)  
*Permit Condition IV-D-1-a through d*  
Violation #4 - Section 12.1.4.1(d)(3)(A)  
*Permit Condition II-C-8-a through c*

**FOUND IN VIOLATION.**  
**PENALTY ASSESSED: \$4,700.00**

Violation #1 - Section 12.1.4.1(r) <i>Permit Condition II-A-9</i>	- \$1,000.00
Violation #2 - Section 12.1.4.1(c) & (f) <i>Permit Condition IV-B-2</i>	- \$2,000.00
Violation #3 – Section 12.1.4.1(d) & (m) <i>Permit Condition IV-D-1-a through d</i>	- \$500.00
Violation #4 - Section 12.1.4.1(d)(3)(A) <i>Permit Condition II-C-8-a through c</i>	- \$1,200.00

C. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION

**Asbestos, Construction, and Vacant Land NOV's:**

1. **CENTURY COMMUNITIES OF NEVADA, LLC (DCP #45330)**

NOV #8755 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week, allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for allowing a dust plume to extend 100 feet or more, horizontally or vertically, or crossed the property line, on December 14 and 16, 2015 at the Meadow Ridge (Horse & Jones) construction site located at Horse Drive and Jones Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 94.9.2

Violation #2 – Subsection 94.11.3

**FOUND IN VIOLATION.**

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

**Violation #1 – Subsection 94.9.2 - \$2,000.00**

**Violation #2 – Subsection 94.11.3 - \$2,000.00**

2. **HOWARD HUGHES PROPERTIES, INC. (DCP #44233)**

NOV#8750 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for failing to include all areas subject to construction activities in their Dust Control Permit; identified during routine compliance inspections on September 4, 8 and 9, 2015 of the V13 W. Spruce Park Dr. & Orchard Park Dr. construction site, located at Town Center Drive and Griffith Peak Drive in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Subsection 94.9.2

Violation #2 – Subsection 94.4.1

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$3,750.00**

**Violation #1 – Subsection 94.9.2 - \$3,000.00**

**Violation #2 – Subsection 94.4.1 - \$750.00**

**Stationary Sources NOVs:**

**3. GYPSUM RESOURCES, LLC (Source ID: 17286)**

NOV #8731 – For failing to operate pollution control equipment as stipulated in their permit and generating fugitive dust plumes which traveled greater than 100 yards on multiple occasions; for failing to pave interior plant haul roads as permitted; for exceeding opacity limits as determined during a Visible Emissions Evaluation (VEE); for exceeding annual throughput production limitations; for failing to take reasonable precautions to prevent fugitive dust; for failing to utilize water sprays in the process; for failure to maintain personnel onsite certified to conduct VEEs; for failure to conduct initial performance testing before the regulatory deadline; for failing to conduct required inspections and monitoring; for failure to maintain monthly records of vehicle miles traveled (VMT); for failure to maintain monthly records of generator activity; for exceeding annual throughput for the blasting area, the ANFO usage, the truck loading usage, and VMT; for failing to comply with New Source Review permitting requirements; and for operating without a Part 70 Operating Permit as identified during a full compliance evaluation conducted on July 16 and 21, 2015 for the period of September 10, 2013 through July 21, 2015 at the Blue Diamond Hill Gypsum non-metallic mineral processing plant, located at 14000 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$331,900.00

- Violation #1 - Section 12.1.4.1(r)  
*Permit Condition IV-B-4*
- Violation #2 - Section 12.1.4.1(r)  
*Permit Conditions II-A-9 and IV-A-1-a*
- Violation #3 – Section 26.1.1 and Section 12.1.4.1(f)  
*Permit Condition IV-A-2-a*
- Violation #4 - Section 12.1.4.1(c) & (f)  
*Permit Condition IV-A-3-b*  
*Settlement Agreement/Order*
- Violation #5 - Section 12.1.4.1(c) & (f)  
*Permit Condition IV-B-1*
- Violation #6 - Section 12.1.4.1(c) & (f)  
*Permit Condition IV-B-2*
- Violation #7 - Section 12.1.4.1(c) & (f)  
*Permit Condition IV-B-4*
- Violation #8 - Section 12.1.4.1(d)  
*Permit Condition IV-C-18*
- Violation #9 - Section 12.1.4.1(d) & (m)  
*Permit Condition IV-D-2-a*
- Violation #10 - Section 12.1.4.1(d)(2)  
*Permit Condition IV-E-4-a*
- Violation #11 - Section 12.1.4.1(d)(2)  
*Permit Condition IV-E-5-c*
- Violation #12 - Section 12.1.4.1(d)(2)  
*Permit Condition IV-E-5-d*
- Violation #13 - Section 12.1.4.1(d)(2)  
*Permit Condition II-C-6-b-iii*
- Violation #14 - Section 12.3
- Violation #15 - Section 12.5

*Continued from 1/20/16*

**CONTINUED AT THE REQUEST OF GYPSUM RESOURCES, LLC.**

4. **LHOIST NORTH AMERICA OF ARIZONA (Source ID: 3)**

NOV #8757 – For failure to report deviations within a specified time frame; for exceeding permitted emission limitation for Carbon Monoxide; for exceeding permitted emission limitation for Sulfur Dioxide; for exceeding permitted emission limitation for opacity; for conducting required relative accuracy test audit after deadlines stipulated in AQR; for submitting the emission testing protocol later than required by AQR and their Part 70 Permit; and for submitting permit-required monthly production reports late, as identified during a full compliance evaluation conducted on September 22 and 25, 2015 of the Lhoist North America of Arizona facility, located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$22,000.00

- Violation #1 - Section 12.5.2.6(d)(4)(B)  
*Permit Condition II-D-7-a*  
*Permit Condition II-D-7-b*
- Violation #2 - Section 12.5.2.6(g)(1)  
*Permit Condition III-B-1-c*
- Violation #3 – Section 12.5.2.6(g)(1)  
*Permit Condition III-B-1-c*
- Violation #4 - Section 12.5.2.6(g)(1)  
*40 CFR Part 63, Subpart AAAAA,*  
*Subsection 63.7090*  
*Permit Condition III-B-1-g*
- Violation #5 - Section 12.5.2.6(g)(1)  
*Permit Condition III-C-23*
- Violation #6 - Section 12.5.2.6(g)(1)  
*Permit Condition III-D-9*
- Violation #7 - Section 12.5.2.6(g)(1)  
*Permit Condition III-F-9*

**CONTINUED AT THE REQUEST OF LHOIST NORTH AMERICA OF ARIZONA.**

5. **LOAD TECHNOLOGY, INC. (Source ID: 17618)**

NOV #8752 – For installing and operating a diesel engine/generator without first obtaining a permit that authorizes such construction and operation; for failing to provide information to Air Quality within a timely manner; and for failing to comply with applicable testing requirements, emission limitations, operating limitations and other requirements of 40 CFR Part 63, Subpart ZZZZ, identified during a full compliance evaluation conducted on March 5, 2015 for the period of May 26, 2011 to March 5, 2015 of the Load Technology, Inc. facility, located at 525 Commerce Circle, in Mesquite, Clark County, Nevada.

*\*Continued on next page.*



***LOAD TECHNOLOGY, INC. continued***

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 12.1.3.1

Violation #2 – Section 12.1.3.5

Violation #3 – Section 13.2

*40 CFR Part 63, Subpart ZZZZ,*

*Subsection 63.6595(a)*

**BOTH PARTIES AGREED TO SETTLE NOV. AIR QUALITY AGREES TO ACCEPT THE SETTLEMENT AGREEMENT.**

**HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$4,000.00 PENALTY, \$3,000.00 OF WHICH BE HELD IN ABEYANCE FOR A TOTAL OF 12 MONTHS OF THIS SETTLEMENT AGREEMENT TO ENSURE LOAD TECHNOLOGY, INC. IS IN COMPLIANCE, AND ASSESSED A \$1,000.00 PENALTY. IF LOAD TECHNOLOGY, INC. COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.**

**6. REPUBLIC DUMPCO, INC. (Source ID: 395)**

NOV #8759 – For exceeding permitted emission limitation for PM<sub>10</sub>, as identified during a review of the performance test report for tests conducted on Emission Units: A04/A09, A58, A62, A79/A104a, and A151 between December 1 and 3, 2015, of the Republic Dumpco, Inc. facility, located east of the Interstate 15 and US Highway 93 junction, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

Violations #1 - 5 - Section 12.5.2.6(g)(1)

*Permit Condition III-B-1-g*

**CONTINUED AT THE REQUEST OF REPUBLIC DUMPCO, INC.**

**7. SOUTHERN NEVADA LITEWEIGHT (Source ID: 540)**

NOV #8754 – For failing to comply with applicable emission limitations, operating limitations and other requirements of 40 CFR Part 63, Subpart ZZZZ, identified during a full compliance evaluation conducted on October 19 and November 10, 2015 for the period of March 23, 2013 through November 10, 2015 of the Southern Nevada Liteweight facility, located 8 miles south of Sloan Avenue and 7 miles east of Interstate 15, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 13.2

*40 CFR Part 63, Subpart ZZZZ,*

*Subsection 63.6595(a)*

**FOUND IN VIOLATION.**

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

**8. ZOZO NELLIS, LLC (Source ID: 17375)**

NOV #8732 – For failing to maintain Stage I vapor recovery equipment according to the manufacturer’s specifications and causing vapors to escape the system; for failing to maintain Stage II vapor recovery equipment according to the manufacturer’s specifications and causing vapors to escape the system; and for failing to conduct initial vapor recovery system testing required by the permit, as identified during a full compliance evaluation conducted on May 14, 2015 of the ZOZO Nellis, located at 6101 West Vegas Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

- Violation #1 – Section 12.1.4.1(f)  
*Permit Condition IV-B-1-b-iii*
- Violation #2 – Section 12.1.4.1(f)  
*Permit Condition IV-B-1-d-ii*
- Violation #3 – Section 12.1.4.1(d)  
*Permit Condition III-D-2*

*Continued from 1/20/16*

**ZOZO NELLIS, LLC FAILED TO APPEAR.**

**FOUND IN VIOLATION.**

**PENALTY ASSESSED: \$6,000.00**

- Violation #1 – Section 12.1.4.1(f) - \$2,000.00**  
*Permit Condition IV-B-1-b-iii*
- Violation #2 – Section 12.1.4.1(f) - \$2,000.00**  
*Permit Condition IV-B-1-d-ii*
- Violation #3 – Section 12.1.4.1(d) - \$2,000.00**  
*Permit Condition III-D-2*

**III. ADJOURNMENT 9:26 a.m.**