




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 22, 2023

Hearing Officer: Holly Fic
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager 
Anna Sutowska, Air Quality Supervisor
Ross Grover, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

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 9:04 a.m.

II. NOTICES OF VIOLATION

A. POST-HEARING CASES

1. **CONSOLIDATED RESORTS DBA TAHITI VILLAGE (Minor Source Permit, Source ID: 15657)**

NOV #8041 – For exceeding the allowed operating hours, production limitations, and emission limitations; and for failing to perform subsequent performance testing of two Bryan boilers as documented during a full compliance evaluation conducted on April 20, 2011 at the Tahiti Village Facility located at 7200 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Violations #1 & 2 – Permit Condition IV-A-1
Permit Condition IV-A-4
Permit Condition III-B

Violation #3 – Permit Condition IV-F-1
Permit Condition IV-F-2

HEARING OFFICER APPROVED AND SIGNED THE AMENDED ORDER FOR NOV #8041.

2. **HARD ROCK HOTEL AND CASINO (Minor Source Permit, Source ID: 510)**

NOV #8646 – For exceeding NOx emission limits on Emission Units (EUs): A06, A07, A08, A09 and A10; and for exceeding CO emission limits on EU: A10, identified during a performance test on the exhaust streams of six identical natural-gas-fired hot water boilers on October 7 through 10, 2014 at the Facility located at 4455 Paradise Road, in Clark County, Nevada.

Violation(s) Alleged:

- Violation #1 – Permit Condition IV-A-2-b
Permit Condition IV-A-2-c
- Violation #2 – Permit Condition IV-A-2-c

HEARING OFFICER APPROVED AND SIGNED THE AMENDED ORDER FOR NOV #8646.

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. (Minor Source Permit, Source ID: 17977)**

NOV #9802 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of Phase II vapor recovery system inspections, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on January 9, 2023 of the gasoline dispensing operation known as 7-Eleven #38470 located at 6510 South Rainbow Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,235.00

- 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 f)
Permit condition 4.3.2.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,235.00

- Violation #1 – Permit condition 4.1.3(a through g) – \$1,070.00**
Permit condition 4.3.2.b
- Violation #2 – Permit condition 4.1.4(a through f) – \$2,165.00**
Permit condition 4.3.2.b

2. **7-ELEVEN, INC. (Minor Source Permit, Source ID: 17967)**

NOV #9806 – 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 Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on January 9, 2023 of the gasoline dispensing operation known as 7-Eleven #38301 located at 3005 North Boulder Highway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,565.00

- 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 f)
Permit condition 4.3.2.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,565.00

- Violation #1 – Permit condition 4.1.3(a through g) – \$1,190.00**
Permit condition 4.3.2.b
- Violation #2 – Permit condition 4.1.4(a through f) – \$2,375.00**
Permit condition 4.3.2.b

3. **APEX MATERIALS LLC (Portable Synthetic Minor Source Permit, Source ID: 18145)**

NOV #9825 – For allowing controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Mike Murphy while performing a complaint investigation during a Construction Notice period on February 21, 2023 of the portable sand and gravel operation known as Cedarapids Jaw & 1150 Plants currently located on Highway 159 Parcel #175-08-701-002, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Permit condition 2.2.5

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

4. **BEAZER HOMES HOLDINGS LLC (DCOP #55140)**

NOV #9823 – For allowing soil to be tracked out greater than 50 feet onto a paved surface; and for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Canduella Rowsell while performing a complaint investigation during a Construction Notice period on February 15, 2023, at the Rosa I construction project, located at North Rancho Drive and Holly Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,250.00

- Violation #1 – Section 94.14(d)
- Violation #2 – Section 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

- Violation #1 – Section 94.14(d) – \$1,750.00**
- Violation #2 – Section 94.14(a)(3) – \$3,500.00**

5. **CT EQUIPMENT, INC. (DCOP #54751)**

NOV #9817 – For failing to obtain a Dust Control Operating Permit (DCOP) prior to engaging in construction activities; and for failing to install and maintain signage onsite for projects requiring a DCOP, as identified by Air Quality Specialist Mike Englehart while performing routine and follow-up inspections on January 3, 24, 25, 26, 2023 and February 1, 2023, at the GVG #73 construction project, located at the northwest corner of Arville Street and West Silverado Ranch Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,250.00

Violation #1 – Section 94.4.1(a)

Violation #2 – Section 94.11(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,250.00

Violation #1 – Section 94.4.1(a) – \$2,750.00

Violation #2 – Section 94.11(a) – \$500.00

6. **CUSTOM BUILDING PRODUCTS, LLC (Minor Source Permit, Source ID: 15726)**

NOV #9801 – For failing to conduct and maintain records of daily monitoring of the pressure drop across the baghouse at the Prism System, Emission Units: B11, B12, and B13, via installation and operation of a pressure differential (Magnehelic) gauge; and for failing to conduct and maintain records of daily visual emission checks of the Facility, as identified by Air Quality Specialist Michael Newell during an onsite full compliance evaluation on November 9, 2022 of the mortar manufacturing operation located at 3115 East Lone Mountain Road, Suite 1000, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,252.50

Violation #1 – April 2021 Permit condition 4.1.9

April 2021 Permit condition 4.3.1.f

April 2021 Permit condition 4.3.1.g

November 2021 Permit condition 4.1.9

November 2021 Permit condition 4.3.1.f

November 2021 Permit condition 4.3.1.g

Violation #2 – November 2020 Permit condition 4.1.1

November 2020 Permit condition 4.3.1.a

April 2021 Permit condition 4.1.2

April 2021 Permit condition 4.3.1.a

November 2021 Permit condition 4.1.2

November 2021 Permit condition 4.3.1.a

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FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,252.50

- Violation #1 – April 2021 Permit condition 4.1.9 – \$2,715.00**
 - April 2021 Permit condition 4.3.1.f**
 - April 2021 Permit condition 4.3.1.g**
 - November 2021 Permit condition 4.1.9**
 - November 2021 Permit condition 4.3.1.f**
 - November 2021 Permit condition 4.3.1.g**
- Violation #2 – November 2020 Permit condition 4.1.1 – \$537.50**
 - November 2020 Permit condition 4.3.1.a**
 - April 2021 Permit condition 4.1.2**
 - April 2021 Permit condition 4.3.1.a**
 - November 2021 Permit condition 4.1.2**
 - November 2021 Permit condition 4.3.1.a**

7. D.R. HORTON, INC. (DCOP #54321)

NOV #9814 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell during a routine inspection on January 30, 2023, at the Village at Tule Springs V1 Stockpile construction project, located north of CC-215 and Revere Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

8. DAX CONTRACTING, LLC D/B/A BLUE HERON (DCOP #54050)

NOV #9812 – 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 Damon Lindsay while performing a complaint investigation during a Construction Notice period on December 27, 2022, at the Prado construction project, located at the southwest corner of Tenaya Way and Coley Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,875.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,875.00

9. **DEPCOM POWER, INC. (DCOP #55377)**

NOV #9818 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross a property line, as identified by Senior Air Quality Specialist Camon Liddell and Air Quality Specialist Noel Crandall while performing complaint investigations during a Construction Notice period on January 23, 2023, at the Dry Lake Solar-15601 construction project, located at 15601 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Sections 94.14(a)(3) and (4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

10. **FLOWERS BAKING COMPANY OF HENDERSON, LLC (Synthetic Minor Source Permit, Source ID: 17320)**

NOV #9810 – For failing to operate the Catalytic Oxidizer (Emission Unit: C03) at all times the baking processes were in operation, as identified by Senior Air Quality Specialist Camon Liddell during an offsite partial compliance evaluation on January 26, 2023 of the commercial bakery that manufactures and distributes various bakery products located at 501 Conestoga Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,280.00

Violation #1 – 2022 Permit condition 2.2.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,280.00

11. **GRIND MODE 2 LLC (Minor Source Permit, Source ID: 9847)**

NOV #9803 – For failing to conduct and pass subsequent vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on December 6, 2022 of the gasoline dispensing operation located at 2901 North Rancho Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,110.00

Violation #1 – 2020 Permit condition 4.2.4.b
2020 Permit Table 4-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,110.00

12. M CON, INC. (DCOP #56156)

NOV #9827 – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell while performing a complaint investigation during a Dust Advisory period on February 21, 2023, at the 4700 Rancho Self Storage construction project, located at 4700 North Rancho Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Section 94.14(d)

M CON, INC. CHANGED ITS PLEA TO CONTESTING THE PENALTY.

NOV #9827 WAS HEARD AT THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$1,500.00 PENALTY, \$250.00 OF WHICH BE HELD IN ABEYANCE UNTIL 3/22/2024. IF M CON, INC. DOES NOT VIOLATE AQRs BEFORE 3/22/2024 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.

13. MULBERRY PARK LLC (Project #221092)

NOV #9799 – For failing to thoroughly inspect the facility for the presence of asbestos-containing materials prior to commencing renovation activities, as identified by Air Quality Specialist II Kevin Adoor during routine patrol on December 27, 2022 at Building 15 of the Mulberry Park Apartments located at 730 Center Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,200.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,200.00

14. NAV-LVH, LLC (Minor Source Permit, Source ID: 101)

NOV #9798 – For failing to monitor and maintain records of quarterly visual emissions checks for the emergency generators (Emission Units (EUs): A13, A14, A17, A18, A19, A20, A22, A23, A24, and A27) and fire pumps (EUs: A11 and A28) from February 20, 2020 through December 6, 2022, as identified by Air Quality Specialist Michael Newell during an onsite full compliance evaluation on November 29, 2022 of the gaming, lodging, dining, and entertainment services operation known as Westgate Las Vegas Resort & Casino, located at 3000 Paradise Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$750.00

Violation #1 – 2019 Permit condition 4.1.1
2019 Permit condition 4.3.1.a
2020 Permit condition 4.1.1
2020 Permit condition 4.3.1.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$750.00

15. **NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 512) NOV #9809** – For failing to conduct monitoring of the pressure drop by operating Baghouse DC-23 without a Magnehelic gauge, as identified by Senior Air Quality Specialist Camon Liddell during an onsite partial compliance evaluation on January 11, 2023 while observing a performance test on two baghouses at the concrete manufacturing with sand and gravel, and gasoline dispensing operation located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,325.00

Violation #1 – November 2022 Permit condition 4.1.19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,325.00

16. **PICERNE CONSTRUCTION CORP. (DCOP #54476)**

NOV #9815 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell during a routine inspection at the Ann-Simmons construction project, located at 5500 North Simmons Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

17. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #54024)**

NOV #9824 – 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 Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers while performing routine and follow-up inspections on February 8 through 10, 2023, at the Marble Mesa construction project, located at Lake Las Vegas Parkway and Highland Shores Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$14,750.00

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

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$14,750.00

Violation #1 – Sections 94.13(a) and (b) – \$11,000.00

Violation #2 – Section 94.14(d) – \$3,750.00

18. S&S FUELS MANAGEMENT IV, LLC (General Permit, Source ID: 18056)

NOV #9821 – For failing to conduct initial vapor recovery system tests within 180 days of facility startup; and for failing to install a vapor recovery system pressure vacuum vent valve, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on February 8, 2023 of the gasoline dispensing operation known as S&S Fuels 419 located at 4325 West Sahara Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,320.00

Violation #1 – 2020 General Permit condition 4.2.4.a

Violation #2 – 2020 General Permit condition 2.1.6.j

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,320.00

Violation #1 – 2020 General Permit condition 4.2.4.a – \$5,070.00

Violation #2 – 2020 General Permit condition 2.1.6.j – \$1,250.00

19. SPECICHEM, LLC (Minor Source Permit, Source ID: 16907)

NOV #9807 – For failing to maintain the pressure drop across the baghouse, Emission Units: A03 through A06, within a range of 3.0 to 8.0 inches of water column; for failing to conduct and maintain records of daily visual emission checks during the time period of July 24, 2021 through September 30, 2022; for failing to conduct and maintain records of monthly bin vent and baghouse interior inspections; and for failing to conduct and maintain records of daily baghouse pressure drops on 18 separate dates in July 2021, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on January 11, 2023 of the concrete repair mortar and grout manufacturing operation known as Specchem located at 3930 East Lone Mountain Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,402.50

Violation #1 – 2017 Permit condition IV.B.7

2021 Permit condition IV.B.7

2022 Permit condition 2.2.4

Violation #2 – 2017 Permit condition II.D.2

2017 Permit condition IV.C.1

2017 Permit condition IV.E.1.a

2021 Permit condition II.D.2

2021 Permit condition IV.C.1

2021 Permit condition IV.E.1.a

2022 Permit condition 4.1.2

2022 Permit condition 4.3.1.a

2022 Permit condition 4.3.3

Violation #3 – 2017 Permit condition II.D.2

2017 Permit condition IV.C.7

2017 Permit condition IV.E.1.c

2021 Permit condition II.D.2

2021 Permit condition IV.C.7

2021 Permit condition IV.E.1.c

2022 Permit condition 4.1.8

2022 Permit condition 4.3.1.c

2022 Permit condition 4.3.3

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Violation #4 – 2017 Permit condition II.D.2
2017 Permit condition IV.C.6
2017 Permit condition IV.E.1.c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,402.50

Violation #1 – 2017 Permit condition IV.B.7 – \$477.50
2021 Permit condition IV.B.7
2022 Permit condition 2.2.4

Violation #2 – 2017 Permit condition II.D.2 – \$725.00
2017 Permit condition IV.C.1
2017 Permit condition IV.E.1.a
2021 Permit condition II.D.2
2021 Permit condition IV.C.1
2021 Permit condition IV.E.1.a
2022 Permit condition 4.1.2
2022 Permit condition 4.3.1.a
2022 Permit condition 4.3.3

Violation #3 – 2017 Permit condition II.D.2 – \$615.00
2017 Permit condition IV.C.7
2017 Permit condition IV.E.1.c
2021 Permit condition II.D.2
2021 Permit condition IV.C.7
2021 Permit condition IV.E.1.c
2022 Permit condition 4.1.8
2022 Permit condition 4.3.1.c
2022 Permit condition 4.3.3

Violation #4 – 2017 Permit condition II.D.2 – \$585.00
2017 Permit condition IV.C.6
2017 Permit condition IV.E.1.c

20. TRI POINTE HOMES NEVADA, INC. (DCOP #50831)

NOV #9811 – 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 onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell while performing a routine inspection during a Construction Notice period on December 27, 2022, at the Tule Springs 3.07 construction project, located at Deer Springs Way and Gliding Eagle Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Sections 94.13(a) and (b)
Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Sections 94.13(a) and (b) – \$1,750.00
Violation #2 – Section 94.14(d) – \$1,750.00

21. WARMINGTON APARTMENT COMMUNITIES, INC. (DCOP #54554)

NOV #9822 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell during a routine inspection on January 30, 2023, at the Sync Apartments construction project, located at 7089 Aliante Parkway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. BERVIN OATS, INDIVIDUALLY (Project Number 56140)

NOV #9797 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to extend more than 100 feet and cross a property line; for failing to employ BACM 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 engaging in construction activities, as identified by Air Quality Specialists Canduella Rowsell, Damon Lindsay, and Richard Wyse while performing a complaint investigation during a Construction Notice period on December 1, 2022, and follow-up inspections on December 6, 8, 9, and 10, 2022, at the Lot Cleanup construction project (Parcel #139-15-301-001), located at Revere Street and Rossmoyne Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,062.50

Violation #1 – Sections 94.14(a)(3) and (4)

Violation #2 – Sections 94.13(a) and (b)

Violation #3 – Section 94.4.1(a)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$5,062.50 PENALTY: \$3,000.00 FOR VIOLATION #1, \$1,562.50 FOR VIOLATION #2, AND \$500.00 FOR VIOLATION #3. \$1,000.00 OF THE PENALTY FOR VIOLATION #1, AND \$562.50 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 3/22/2024. IF BERVIN OATS DOES NOT VIOLATE AQRs BEFORE 3/22/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,562.50 WILL BE WAIVED.

2. **BRITIM, INC. (DCOP #51544)**

NOV #9808 – 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 onto a paved surface, as identified by Air Quality Specialists Canduella Rowsell and Damon Lindsay while performing complaint investigations on December 29 and 30, 2022, at the Bonano construction project, located at the southeast corner of Apricot Lane and Roberta Lane, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

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

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Sections 94.13(a) and (b) – \$2,750.00

Violation #2 – Section 94.14(d) – \$1,250.00

RECESS AT 10:15 a.m.

RESUMED AT 10:30 a.m.

3. **EAGLE VALLEY HOLDINGS, LLC AND CHRIS DARLING, INDIVIDUALLY (DCOP #56096)**

NOV #9813 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross the property line, as identified by Air Quality Specialist Damon Lindsay while performing a complaint investigation during a Construction Notice period on December 27, 2022, at the Egan Crest Estates construction project, located at the northeast corner of Egan Crest Drive and Ann Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Sections 94.14(a)(3) and (4)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$3,000.00 PENALTY, \$1,000.00 OF WHICH BE HELD IN ABEYANCE UNTIL 3/22/2024. IF EAGLE VALLEY HOLDINGS, LLC AND CHRIS DARLING DO NOT VIOLATE AQRs BEFORE 3/22/2024 AND PAY THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,000.00 WILL BE WAIVED.

4. **GOLD ROSE CONSTRUCTION, LLC (DCOP #55317)**

NOV #9819 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross a property line; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Canduella Rowsell while performing a complaint investigation during a Construction Notice period on February 6, 2023, and a complaint investigation on February 21, 2023, at the Balmoral Estates construction project, located at 5588 West Deer Springs Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Sections 94.14(a)(3) and (4)

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$5,000.00 PENALTY: \$3,500.00 FOR VIOLATION #1, AND \$1,500.00 FOR VIOLATION #2. \$500.00 OF THE PENALTY FOR VIOLATION #1, AND \$500.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 3/22/2024. IF GOLD ROSE CONSTRUCTION, LLC DOES NOT VIOLATE AQRs BEFORE 3/22/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,000.00 WILL BE WAIVED.

Stationary Sources Violations:

5. **CIRCLE K STORES INC. (Minor Source Permit, Source ID: 9541)**

NOV #9805 – 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 Air Quality Specialist Michael Newell during an onsite full compliance evaluation on December 27, 2022 of the gasoline dispensing operation known as Circle K Store #1791 located at 3901 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,025.00

Violation #1 – 2020 Permit condition 4.1.3(a through g)

2020 Permit condition 4.3.2.b

2020 Permit condition 4.3.4

Violation #2 – 2020 Permit condition 4.1.4(a through d, f, and g)

2020 Permit condition 4.3.2.b

2020 Permit condition 4.3.4

AIR QUALITY AMENDED NOV #9805 TO EXCLUDE VIOLATION OF 2020 PERMIT CONDITION 4.1.3(A THROUGH G) FOR FAILING TO CONDUCT PHASE I VAPOR RECOVERY SYSTEM INSPECTIONS FROM VIOLATION #1 AND 2020 PERMIT CONDITION 4.1.4(A THROUGH D, F, AND G) FOR FAILING TO CONDUCT DAILY PHASE II VAPOR RECOVERY SYSTEM INSPECTIONS FROM VIOLATION #2, REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$2,512.50

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,512.50

Violation #1 – 2020 Permit condition 4.3.2.b – \$710.00

2020 Permit condition 4.3.4

Violation #2 – 2020 Permit condition 4.3.2.b – \$1,802.50

2020 Permit condition 4.3.4

6. **THE PRIMADONNA COMPANY, LLC D/B/A PRIMM VALLEY CASINO RESORTS (Synthetic Minor Source Permit, Source ID: 617)**

NOV #9791 – For installing and operating a 320 kW diesel-fired WhisperWatt emergency generator and a rental 238 hp diesel-fired Clarke fire pump engine for more than 12 months at a single location without first obtaining a revised permit authorizing the modification; and for failing to maintain the Phase II vapor recovery equipment in good working order and in accordance with the manufacturer’s specifications by operating the nozzles of pumps #1, #3, #9, #13, #16, #20, and #24 with damaged boot faces, the nozzles of pumps #18 and #20 with damaged face seals, and pump #10 with the gasoline hose touching the ground when the nozzle was placed in the dispenser at Whiskey Pete’s Chevron, as identified by Air Quality Specialist Ryan O’Connor during an onsite full compliance evaluation on November 16 and 17, 2022 of Primm Valley Resort Casino, Whiskey Pete’s Casino, Buffalo Bill’s Casino, The Primm Valley Resort Garage, and the Primm Valley Resort Gasoline operations, located at 31900 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$29,370.00

- Violation #1 – 2021 Permit condition 5.1.10
2022 Permit condition 5.1.10
- Violation #2 – 2022 Permit condition 2.2.12.c
2022 Permit condition 2.2.12.b

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$29,370.00**

- Violation #1 – 2021 Permit condition 5.1.10 – \$26,370.00**
2022 Permit condition 5.1.10
- Violation #2 – 2022 Permit condition 2.2.12.c – \$3,000.00**
2022 Permit condition 2.2.12.b

7. **UNIVERSAL URETHANE, INC. (Synthetic Minor (80) Source Permit, Source ID: 859)**

NOV #9826 – For failing to submit the 2022 2nd semiannual report within 30 calendar days after the semiannual calendar period, as identified by Senior Air Quality Specialist Camon Liddell during an offsite review of the 2022 2nd semiannual report on February 7, 2023 for the automotive parts manufacturing operation located at 4201 East Lone Mountain Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,605.00

- Violation #1 – May 2022 Permit condition 4.4.6.b

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,605.00**

8. **WHITTLESEA BLUE CAB COMPANY (Minor Source Permit, Source ID: 9441)**

NOV #9816 – For commencing construction of and operating a 335 hp Caterpillar diesel powered emergency generator without a minor source permit authorizing such construction and operation, as identified by Air Quality Specialist Michael Newell during an onsite full compliance evaluation on January 11, 2023 of the gasoline dispensing operation and auto body repair facility known as Whittlesea Blue Cab located at 2000 Industrial Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,000.00

- Violation #1 – Permit condition 5.1.10

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,000.00**

Asbestos Violations:

9. AIM HIGHER SUPPORTIVE SERVICES, INC. (Project #221089)

NOV # 9804 – For failing to thoroughly inspect the facility for the presence of asbestos-containing materials prior to commencing renovation activities; and for failing to notify Air Quality 10 working days prior to commencement of renovation activities at the facility, as identified by Air Quality Specialist II Kevin Adoor on November 30, 2022 when he observed renovations while on routine patrol at a commercial building located at 1311 West Owens Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

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)

AIM HIGHER SUPPORTIVE SERVICES, INC. DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

Violation #1 – Section 13.1, 40 CFR §61.145(a) – \$2,500.00

Violation #2 – Section 13.1, 40 CFR §61.145(b)(1)– \$2,500.00

Section 13.1, 40 CFR §61.145(b)(3)(i)

10. AJANI HUNT, INDIVIDUALLY AND DIANA ORDONEZ, INDIVIDUALLY (Project #221091)

NOV #9800 – 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) 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; and for failing to label waste container with warning labels, as identified by Air Quality Specialist II Kevin Adoor on December 14, 2022 during a complaint investigation at the Royal Crest Arms Condominiums located at 585 Royal Crest Circle, Unit 19, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,000.00

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)

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FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

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|--|---------------------|
| Violation #1 – Section 13.1, 40 CFR §61.145(a) | – \$1,000.00 |
| Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) | – \$1,000.00 |
| Section 13.1, 40 CFR §61.145(b)(3)(i) | |
| Violation #3 – Section 13.1, 40 CFR §61.145(c)(1) | – \$1,000.00 |
| Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i) | – \$1,000.00 |
| Violation #5 – Section 13.1, 40 CFR §61.145(c)(8) | – \$500.00 |
| Violation #6 – Section 13.1, 40 CFR §61.150(a) | – \$1,000.00 |
| Section 13.1, 40 CFR §61.150(a)(1)(iii) | |
| Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv) | – \$500.00 |

11. CASA LAS VEGAS LLC D/B/A ADG REALTY, GLOBAL AGENCY LLC, HOME REMODEL, LLC, BILLY HOANG, INDIVIDUALLY, AND FRANKLIN K. L. PANG REVOCABLE LIVING TRUST (Project #231001)

NOV #9820 – 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) 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 deposit asbestos-containing waste material at an approved asbestos landfill; and for failing to maintain asbestos waste shipment records, as identified by Air Quality Specialist II Kevin Adoor on January 4, 2023 during routine patrol, and on January 24, 2023 during a follow-up inspection at an apartment complex located at 214 South 14th Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$9,800.00

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| 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(b)(1) |
| Violation #9 – Section 13.1, 40 CFR §61.150(d)(1) |

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FOUND IN VIOLATION.

PENALTY ASSESSED: \$9,800.00

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|--|---------------------|
| Violation #1 – Section 13.1, 40 CFR §61.145(a) | – \$1,400.00 |
| Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) | – \$1,400.00 |
| Section 13.1, 40 CFR §61.145(b)(3)(i) | |
| Violation #3 – Section 13.1, 40 CFR §61.145(c)(1) | – \$1,400.00 |
| Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i) | – \$1,400.00 |
| Violation #5 – Section 13.1, 40 CFR §61.145(c)(8) | – \$700.00 |
| Violation #6 – Section 13.1, 40 CFR §61.150(a) | – \$1,400.00 |
| Section 13.1, 40 CFR §61.150(a)(1)(iii) | |
| Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv) | – \$700.00 |
| Violation #8 – Section 13.1, 40 CFR §61.150(b)(1) | – \$700.00 |
| Violation #9 – Section 13.1, 40 CFR §61.150(d)(1) | – \$700.00 |

III. ADJOURNMENT 1:15 p.m.

Signature: 
Shibi Paul (Mar 27, 2023 12:36 PDT)

Email: SPaul@ClarkCountyNV.gov