



Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. – March 21, 2024

Hearing Officer: Holly Fic
Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager SP
Anna Sutowska, Air Quality Supervisor
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. BOYD MARTIN CONSTRUCTION LLC (DCOP #55244)

NOV #9975 – 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 while performing a routine inspection on February 12, 2024, for the Maverick Store #674 construction project, located at 1970 Losee Road, in Clark County, Nevada.

Violation(s) Alleged:
Violation #1 – Section 94.14(d)

Recommended Penalty: \$1,750.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,750.00

2. **CEMEX CONSTRUCTION MATERIALS SOUTH, LLC (Synthetic Minor Source Permit, Source ID: 677)**

NOV #9961 – For failing to maintain the pressure drop within the range of 2.0 to 8.0 inches of water column for three Dust Collectors controlling three Mixers (Emission Units (EUs): B14b, B22b, and B34b); for operating the Dust Collector controlling the Mixer (EU: B34b) in a manner which allowed controllable particulate matter to become airborne on December 14, 2023; for failing to conduct and maintain records of daily visual observations of three Dust Collectors controlling three Mixers (EUs: B14b, B22b, and B34b); for failing to conduct and maintain records of monthly visual inspections for air leaks of six Bin Vents controlling six Cement Silos (EUs: B10, B11, B18, B19, B32, and B33); for failing to conduct and maintain records of monthly internal inspections for three Dust Collectors controlling three Mixers (EUs: B14b, B22b, and B34b), monthly external inspections for three Dust Collectors controlling three Mixers (EUs: B14b, B22b, and B34b), and annual internal inspections for three Dust Collectors controlling three Mixers (EUs: B14b, B22b, and B34b) in 2022; and for failing to conduct and maintain records of daily pressure drop readings for the Dust Collectors controlling three Mixers (EUs: B14b, B22b and B34b), as identified by Air Quality Specialist Joshua Frye and Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on December 11 and 14, 2023 of the concrete block manufacturing operation located at 5030 North Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,412.50

- Violation #1 – 2021 Permit condition 2.2.5
2022 Permit condition 2.2.5
- Violation #2 – 2022 Permit condition 2.2.22
- Violation #3 – 2021 Permit condition 4.1.10
2021 Permit condition 4.3.1.a
2021 Permit condition 4.3.3
2022 Permit condition 4.1.12
2022 Permit condition 4.3.1.a
2022 Permit condition 4.3.3
- Violation #4 – 2021 Permit condition 4.1.12
2021 Permit condition 4.3.1.b
2021 Permit condition 4.3.3
2022 Permit condition 4.1.14
2022 Permit condition 4.3.1.b
2022 Permit condition 4.3.3
- Violation #5 – 2021 Permit condition 4.1.8
2021 Permit condition 4.3.1.b
2021 Permit condition 4.3.3
2022 Permit conditions 4.1.9.a through d
2022 Permit condition 4.1.10
2022 Permit condition 4.3.1.b
2022 Permit condition 4.3.3
- Violation #6 – 2021 Permit condition 4.1.7
2021 Permit condition 4.3.1.f
2021 Permit condition 4.3.3
2022 Permit condition 4.1.8
2022 Permit condition 4.3.1.f
2022 Permit condition 4.3.3

**Continued on the next page.*

CEMEX CONSTRUCTION MATERIALS SOUTH, LLC continued

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,412.50

Violation #1 – 2021 Permit condition 2.2.5	- \$640.00
2022 Permit condition 2.2.5	
Violation #2 – 2022 Permit condition 2.2.22	- \$625.00
Violation #3 – 2021 Permit condition 4.1.10	- \$1,342.50
2021 Permit condition 4.3.1.a	
2021 Permit condition 4.3.3	
2022 Permit condition 4.1.12	
2022 Permit condition 4.3.1.a	
2022 Permit condition 4.3.3	
Violation #4 – 2021 Permit condition 4.1.12	- \$605.00
2021 Permit condition 4.3.1.b	
2021 Permit condition 4.3.3	
2022 Permit condition 4.1.14	
2022 Permit condition 4.3.1.b	
2022 Permit condition 4.3.3	
Violation #5 – 2021 Permit condition 4.1.8	- \$1,610.00
2021 Permit condition 4.3.1.b	
2021 Permit condition 4.3.3	
2022 Permit conditions 4.1.9.a through d	
2022 Permit condition 4.1.10	
2022 Permit condition 4.3.1.b	
2022 Permit condition 4.3.3	
Violation #6 – 2021 Permit condition 4.1.7	- \$590.00
2021 Permit condition 4.3.1.f	
2021 Permit condition 4.3.3	
2022 Permit condition 4.1.8	
2022 Permit condition 4.3.1.f	
2022 Permit condition 4.3.3	

3. **CIRCLE K STORES INC. (General Permit, Source ID: 9956)**

NOV #9971 – 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 Scott Rowsell during an onsite full compliance evaluation on January 3, 2024, of the gasoline dispensing operation known as Circle K Store #3364 located at 9487 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$9,900.00

- Violation #1 – 2020 Permit conditions 4.1.3(a through g)
 - 2020 Permit condition 4.3.2.a
 - 2020 Permit condition 4.3.4
 - 2020 General Permit conditions 4.1.4(a through g)
 - 2020 General Permit condition 4.3.2.b
 - 2020 General Permit condition 4.3.4
- Violation #2 – 2020 Permit conditions 4.1.4(a through g)
 - 2020 Permit condition 4.3.2.a
 - 2020 Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$9,900.00

- Violation #1 – 2020 Permit conditions 4.1.3(a through g) - \$4,060.00**
 - 2020 Permit condition 4.3.2.a**
 - 2020 Permit condition 4.3.4**
 - 2020 General Permit conditions 4.1.4(a through g)**
 - 2020 General Permit condition 4.3.2.b**
 - 2020 General Permit condition 4.3.4**
- Violation #2 – 2020 Permit conditions 4.1.4(a through g) - \$5,840.00**
 - 2020 Permit condition 4.3.2.a**
 - 2020 Permit condition 4.3.4**

4. **COMMERCE CONSTRUCTION CO., L.P. (DCOP #55538)**

NOV #9980 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Damon Lindsay while performing a routine inspection on January 19, 2024, and follow-up inspection on February 15, 2024, at the Majestic/EJM Arroyo 1 construction project, located at 7200 Buffalo Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

- Violation #1 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

5. **COMPLETE DEMO SERVICES (Construction Project #57661)**

NOV #9978 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Canduella Rowsell while performing routine patrol in the area on February 7, 2024, prompting an initial inspection of the Las Vegas Blvd & Pebble construction project, located at the intersection of Las Vegas Boulevard and Pebble Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

6. **COMPLETE DEMO SERVICES (Construction Project #57680)**

NOV #9984 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities; and 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 Air Quality Specialist Canduella Rowsell while performing routine patrol in the area on February 7, 2024, prompting an initial inspection and follow-up inspection on February 26, 2024, at the Pebble Storage construction project, located at West Pebble Road and South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.4.1(a)

Violation #2 – Sections 94.14(a)(3) and (a)(4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 94.4.1(a)

- \$500.00

Violation #2 – Sections 94.14(a)(3) and (a)(4)

- \$2,500.00

7. **DE MAXIMIS, INC. (Minor Source Permit, Source ID: 16450)**

NOV #9967 – For installing and operating a 122 horsepower (hp) Volvo-Penta generator followed by a 203 hp Volvo-Penta generator with associated engines for 534 days from June 23, 2022, through and including December 20, 2023, without first obtaining a revised permit authorizing the modification, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on December 20, 2023 of the groundwater extraction and remediation system known as Henderson Groundwater Treatment System located at 303 West Warm Springs Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,790.00

Violation #1 – Permit condition 1.3

Permit condition 5.1.10

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,790.00

8. **FABULOUS, L.L.C. (Minor Source Permit, Source ID: 9941)**

NOV #9966 – For failing to conduct and maintain records of Phase I vapor recovery system inspections from January 3, 2022, through and including November 29, 2023, as identified by Senior Air Quality Specialist Michael Newell during an on-site full compliance evaluation on January 3, 2024 of the gasoline dispensing operation known as Fabulous Freddy’s Trailwood located at 9611 Trailwood Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Permit conditions 4.1.3(a through h)
Permit condition 4.3.2.a
Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

9. **LAS VEGAS PAVING CORPORATION (Synthetic Minor Portable Source Permit, Source ID: 17802)**

NOV #9972 – For failing to limit visible emissions from the baghouse controlling the Drum Mixer (Emission Unit: A10a) to less than an average of 20 percent opacity for six consecutive minutes, as identified by Air Quality Specialist Jeremy Shockley and Senior Air Quality Specialist Camon Liddell while performing routine patrol resulting in a partial compliance evaluation on January 30, 2024 of the portable hot-mix asphalt plant and various aggregate equipment, known as Las Vegas Paving Corporation - Portable Hot Plant #1, currently located at 14075 Grand Valley Parkway (parcel #103-21-011-001), in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,900.00

Violation #1 – 2022 Permit condition 2.2.28
2022 Permit condition 3.2.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,900.00

10. **T.W.C. CONSTRUCTION, INC. (DCOP #54608)**

NOV #9977 – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Richard Wyse while performing a routine inspection on February 13, 2024, and follow-up inspections on February 16 and 21, 2024, for the Speedway 11 construction project, located at Washburn Road and Mount Hood Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

11. THE FISHEL COMPANY D/B/A TEAM FISHEL (DCOP #57341)

NOV #9963 – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface; 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 Nahulu Kahananui while performing a routine inspection on December 27, 2023 at the Washburn 1201-1203 Feeder Tie construction project, located on Ann Road between Allen Lane and Clayton Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,250.00

- Violation #1 – Section 94.14(d)
- Violation #2 – Sections 94.13(a) and (b)
- Violation #3 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,250.00

- Violation #1 – Section 94.14(d) - \$1,750.00**
- Violation #2 – Sections 94.13(a) and (b) - \$1,750.00**
- Violation #3 – Section 94.4.1(a) - \$750.00**

12. THE FISHEL COMPANY D/B/A TEAM FISHEL (Construction Project #57508)

NOV #9964 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Canduella Rowsell while performing routine patrol on December 21, 2023, at the NED Runway009 construction project, located at Sunset Road and Paradise Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$750.00

- Violation #1 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$750.00

13. THE FISHEL COMPANY D/B/A TEAM FISHEL (Construction Project #57521)

NOV #9965 – 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 Nahulu Kahananui while performing routine patrol on December 27, 2023, at the CNLV-Gilmore Ave Vault Adj construction project, located at the southwest corner of the intersection of Gilmore Avenue and Simmons Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

- Violation #1 – Sections 94.13(a) and (b)
- Violation #2 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Sections 94.13(a) and (b) - \$1,750.00**
- Violation #2 – Section 94.4.1(a) - \$750.00**

14. THE FISHEL COMPANY D/B/A TEAM FISHEL (Construction Project #57692)

NOV #9974 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Nahulu Kahananui while performing routine patrol on February 8, 2024 at the NV Energy - 6455 Whispering Sands Dr. construction project, located at 6455 Whispering Sands Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$750.00

Violation #1 – Section 94.4.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$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 & 1/18/2024

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

HEARING OFFICER CONTINUED ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK'S CASE TO APRIL 24, 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)

Continued from 1/18/2024

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

HEARING OFFICER CONTINUED ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK’S CASE TO APRIL 24, 2024.

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

NOV #9979 – 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 Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, 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: \$4,000.00

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

Violation #2 – Section 94.4.1(a)

ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK REQUESTED A CONTINUANCE OF NOV #9979.

HEARING OFFICER CONTINUED ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK’S CASE TO APRIL 24, 2024.

4. **JOSEPH YAKUBIK AND DARCI E YAKUBIK, INDIVIDUALLY (Construction Project #57592)**

NOV #9981 – 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 Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

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

Violation #2 – Section 94.4.1(a)

JOSEPH YAKUBIK AND DARCI E YAKUBIK REQUESTED A CONTINUANCE OF NOV #9981.

HEARING OFFICER CONTINUED JOSEPH YAKUBIK AND DARCI E YAKUBIK’S CASE TO APRIL 24, 2024.

5. **IMC INDUSTRIES, LLC D/B/A TRUST HOME BUILDERS AND RYAN BIRD, INDIVIDUALLY (DCOP #56951)**

NOV #9973 – For failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Air Quality Specialist Canduella Rowsell while performing a routine inspection on November 21, 2023, at the Rose Residence construction project, located at 2903 Galena Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$625.00

Violation #1 – Section 94.4.1(a)

IMC INDUSTRIES, LLC D/B/A TRUST HOME BUILDERS AND RYAN BIRD, INDIVIDUALLY DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$625.00

Stationary Sources Violations:

6. BASIC FOOD FLAVORS, INC. (Synthetic Minor Source Permit, Source ID: 401)

NOV #9969 – For failing to conduct and maintain a record of weekly visual emissions checks for the silos (Emission Units (EUs): A47, A47a, A15, A01, A02, A44, A63, A14a, and A13), the bucket elevator (EU: A12), the belt vacuum dryers with conveyors to the grinders (EUs: A51 and A61), D12 grinders (EU: A36), granular ribbon blenders (EU: A09), and #20 mesh sieve shakers (EU: A39) and daily visual emissions checks for Baghouse #2 (EU: A14a) stack discharges; for failing to conduct and maintain records of the daily pressure drop readings for the first and second packed columns of the external scrubber of the Scrubber System and across all baghouse cells for baghouse #2 (EU: A14a); and for failing to maintain the pressure drop across the second packed column of the exterior scrubber between 0.4 and 1.5 inches of water column (EUs: A54 through A56, A58 through A60, A07a, A07, A42, and A17 through A20), as identified by Senior Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on January 16, 2024 of the vegetable/hydrolyzed protein food flavor manufacturing operation located at 3900 East Craig Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$17,047.50

- Violation #1 – September 2021 Permit condition 4.1.2
September 2021 Permit condition 4.3.1.a
September 2021 Permit condition 4.3.3
September 2021 Permit condition 4.1.3
2022 Permit condition 4.1.2
2022 Permit condition 4.3.1.a
2022 Permit condition 4.3.3
2022 Permit condition 4.1.3
2023 Permit condition 4.1.2
2023 Permit condition 4.3.1.a
2023 Permit condition 4.3.3
2023 Permit condition 4.1.3
2023 Permit condition 4.1.20

- Violation #2 – September 2021 Permit condition 4.1.18
September 2021 Permit condition 4.3.1.u
September 2021 Permit condition 4.3.3
September 2021 Permit condition 4.1.15
September 2021 Permit condition 4.3.1.t
2022 Permit condition 4.1.18
2022 Permit condition 4.3.1.u
2022 Permit condition 4.3.3
2022 Permit condition 4.1.15
2022 Permit condition 4.3.1.t
2023 Permit condition 4.1.21
2023 Permit condition 4.3.1.u
2023 Permit condition 4.3.3
2023 Permit condition 4.1.15
2023 Permit condition 4.3.1.t

- Violation #3 – September 2021 Permit condition 2.2.9
2022 Permit condition 2.2.9
2023 Permit condition 2.2.9

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BASIC FOOD FLAVORS, INC. continued

FOUND IN VIOLATION.

PENALTY ASSESSED: \$17,047.50

Violation #1 – September 2021 Permit condition 4.1.2	- \$5,685.00
September 2021 Permit condition 4.3.1.a	
September 2021 Permit condition 4.3.3	
September 2021 Permit condition 4.1.3	
2022 Permit condition 4.1.2	
2022 Permit condition 4.3.1.a	
2022 Permit condition 4.3.3	
2022 Permit condition 4.1.3	
2023 Permit condition 4.1.2	
2023 Permit condition 4.3.1.a	
2023 Permit condition 4.3.3	
2023 Permit condition 4.1.3	
2023 Permit condition 4.1.20	
Violation #2 – September 2021 Permit condition 4.1.18	- \$9,825.00
September 2021 Permit condition 4.3.1.u	
September 2021 Permit condition 4.3.3	
September 2021 Permit condition 4.1.15	
September 2021 Permit condition 4.3.1.t	
2022 Permit condition 4.1.18	
2022 Permit condition 4.3.1.u	
2022 Permit condition 4.3.3	
2022 Permit condition 4.1.15	
2022 Permit condition 4.3.1.t	
2023 Permit condition 4.1.21	
2023 Permit condition 4.3.1.u	
2023 Permit condition 4.3.3	
2023 Permit condition 4.1.15	
2023 Permit condition 4.3.1.t	
Violation #3 – September 2021 Permit condition 2.2.9	- \$1,537.50
2022 Permit condition 2.2.9	
2023 Permit condition 2.2.9	

7. **CLARK COUNTY DEPARTMENT OF AVIATION (Minor Source Permit, Source ID: 108) AMENDED 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: A02 through A04, A15, and A21 during calendar years 2021 and 2022 for a total of 10 instances, as identified by Air Quality Specialist Ryan O’Connor during an onsite 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.

Violation(s) Alleged:

Recommended Penalty: \$16,500.00

- 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

Continued from 1/18/2024

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

HEARING OFFICER CONTINUED CLARK COUNTY DEPARTMENT OF AVIATION’S CASE TO APRIL 24, 2024.

8. **RAINBOW MARKET #8, LLC (Minor Source Permit, Source ID: 16018) NOV #9968** – For failing to submit a minor source permit revision application to the Control Officer prior to removing the Phase II vapor recovery system; and for failing to conduct and pass an initial vapor recovery system test within 180 days of the removal of the Phase II vapor recovery system, as identified by Senior Air Quality Specialist Michael Newell during an onsite full compliance evaluation on January 24, 2024 of the gasoline dispensing facility known as Rainbow Market #8 located at 4985 East Desert Inn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,882.00

- Violation #1 – Permit condition 2.1.7.a
Permit condition 5.1.10
- Violation #2 – Permit condition 4.2.4.a

RAINBOW MARKET #8, LLC REQUESTED A CONTINUANCE OF NOV #9968.

HEARING OFFICER CONTINUED RAINBOW MARKET #8, LLC’S CASE TO MAY 23, 2024.

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, 11/16/2023 & 1/18/2024

AIR QUALITY AMENDED NOV #9899 TO REMOVE RODRIGUEZ AS A RESPONDENT TO THE NOV.

AAYLS LLC DID NOT APPEAR.

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$33,500.00

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)	- \$1,500.00
Violation #6 – Section 13.1, 40 CFR §61.150(a)	- \$3,000.00
Section 13.1, 40 CFR §61.150(a)(1)(iii)	
Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)	- \$1,000.00
Violation #8 – Section 13.1, 40 CFR §61.150(d)(1)	- \$2,000.00
Violation #9 – Section 13.1, 40 CFR §61.150(b)(1)	- \$2,000.00
Violation #10 – Section 4.1(d)(1)	- \$20,000.00

III. ADJOURNMENT 10:09 a.m.

Signature: 
Shibi Paul (Mar 25, 2024 15:41 PDT)

Email: SPaul@ClarkCountyNV.gov