



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – June 25, 2020

Hearing Officer: Christine T. Smith

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Pamela Thompson, Senior Secretary

A handwritten signature in blue ink, likely belonging to Shibi Paul, the Compliance and Enforcement Manager.

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).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is highly recommended.

In order to limit the size of the meeting, each case on the contested portion of the docket has been assigned a time to be heard.

I. CALL TO ORDER 9:02 a.m.

II. NOTICES OF VIOLATION

A. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. ATOMIC ARTS INC. AND ANDREW SMITH (Project #192009)

NOV #9379 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation or demolition activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Materials (RACM) from the Facility; 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 allowing visible emissions and failing to seal all asbestos-containing waste material in leak tight containers while wet; for failing to deposit all asbestos-containing waste material at an approved waste disposal site; and for failing to maintain asbestos waste shipment records, as identified during inspections by Air Quality Specialist Whitney Francis, beginning on September 10, 2019 at a facility owned and/or operated by Atomic Arts, Inc. and Andrew Smith, known as parcel #162-03-210-069, which includes 222, 224 and 230 East Imperial Avenue, in Clark County, Nevada.

**Continued on the next page.*

ATOMIC ARTS INC. AND ANDREW SMITH continued

Violation(s) alleged: Recommended Penalty: \$18,688.00
Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i)
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)
Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(2)
Violation #7 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(d)(1)

Continued from 1/16/2020

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9379, WHICH INCLUDES A \$16,000.00 PENALTY WHICH HAS BEEN PAID IN FULL.

2. **NEVADA READY MIX CORPORATION (Source ID: 512)**

NOV #9378 – For allowing particulate matter to become airborne, failing to operate binvents to control 99% of particulate emissions, and exceeding their opacity limitation during operation, as identified by Air Quality Specialist Syed Hyder during a partial compliance evaluation conducted on October 29, 2019 of the concrete manufacturing with sand and gravel operation known as Nevada Ready Mix located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$9,000.00
Violation #1 – November 2018 Permit condition 2.2.1
November 2018 Permit condition 2.2.8
November 2018 Permit condition 3.2.3

Continued from 1/16/2020

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9378, WHICH INCLUDES A \$2,500.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

B. CASES WITH ORDERS TO AMEND

1. REBEL OIL COMPANY, INCORPORATED (Source ID: 15983)

NOV #9362 – For failing to route emissions to the vapor recovery system during unloading of ethanol from railroad tank cars to the 30,000 underground storage tank; for operating Emission Unit (EU): A01 without connections to the vapor recovery system; for constructing and operating four racing gasoline storage tanks without a permit authorizing construction and operation; for failing to route emissions of racing gasoline to the vapor recovery system during loading of tanker trucks, and failing to operate emissions control devices for individual EUs; for failing to maintain monthly visual emissions check records for January, February, April, May, June and July 2019 to demonstrate that visual emissions checks were conducted; for failing to maintain fire pump testing records for January, February, April, May, June and July 2019; for failing to submit the 2017 annual report on or before March 31, 2018 and failing to submit the 2018 annual report on or before March 31, 2019; and for failing to report throughput and emissions from EUs: A01, A05 and B01, and reported incorrect emissions for EUs that operated without the required control equipment, as identified by Air Quality Specialist II Syed Hyder during a partial compliance evaluation conducted on August 21, 2019 of the petroleum bulk station and terminal operation of Rebel Oil Company, Inc. located at 5095 East El Campo Grande Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$30,465.00

- Violation #1 – 2017 Permit conditions IV.B.6 and IV.B.9
2017 Permit Table IV-B-1
February 2019 Permit condition 2.2.3
- Violation #2 – 2017 Permit condition IV.B.5
- Violation #3 – 2017 Permit condition II.A.8
- Violation #4 – 2017 Permit conditions IV.B.6 and IV.B.9
2017 Permit Table IV-B-1
February 2019 Permit condition 2.2.2 for Loading Racks
- Violation #5 – February 2019 and July 2019 Permit condition 4.1.1
2017 Permit condition IV.C.1
- Violation #6 – February 2019 Permit condition 4.3.1.e
July 2019 Permit condition 4.3.1.h
- Violation #7 – 2017 Permit condition II.C.5.a.ii
- Violation #8 – 2017 Permit condition II.C.5.b.iii

HEARING OFFICER APPROVED AND SIGNED THE AMENDED ORDER FOR NOV #9362 ON JUNE 25, 2020.

C. 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. **CIRCLE K STORES INC. (Source ID: 9328)**

NOV #9396 – For modifying the source without a minor source permit authorizing the modification; and for failing to conduct vapor recovery system test within 180 days of modifying the source, as identified by Air Quality Specialist Patricia Ringgenberg during a full compliance evaluation conducted on January 3, 2020 of the gasoline dispensing operation known as Circle K Store #1354 located at 1301 North Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,260.00

Violation #1 – Permit condition II.A.9

Violation #2 – Permit condition IV.D.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,260.00

Violation #1 – Permit condition II.A.9 - \$500.00

Violation #2 – Permit condition IV.D.4.a - \$3,760.00

2. **HARMONY HOMES NEVADA LLC (DCOP #49615)**

NOV #9397 – For failing to apply control measures necessary to maintain soil stability at their site 24 hours a day, seven days a week, as identified by Air Quality Specialist Cris Melo during a complaint investigation on January 21, 2020 at the Rancho Vegas construction project located at North Rancho Drive and Holly Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

3. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #51023)**

NOV #9399 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe while performing a routine inspection during a Construction Notice period on January 29, 2020 at the Las Vegas Metropolitan Police Department Range House Training Facility project located at 7600 East Carey Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. **MIDJIT MARKET, INC. (Source ID: 16201)**

NOV #9390 – For failing to decommission Phase II vapor recovery system within 180 days of Permit issuance; and failing to conduct vapor recovery system tests within 180 days of decommissioning Phase II controls, as identified by Air Quality Specialist Tim Fogarty during a full compliance evaluation conducted on October 29, 2019 of the gasoline dispensing operation known as Green Valley Grocery #33, located at 5180 North Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,275.00

Violation #1 – Permit condition IV.B.3

Violation #2 – Permit condition IV.D.4.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,275.00

Violation #1 – Permit condition IV.B.3 - \$1,455.00

Violation #2 – Permit condition IV.D.4.b - \$2,820.00

5. **NEVADA READY MIX CORPORATION (Source ID: 512)**

NOV #9403 – For allowing controllable particulate matter originating below the Superchute on the primary radial stacker (Emission Unit: A026) to become airborne and fugitive dust emissions to exceed 100 yards from the point of origin, as identified by Air Quality Specialist Pat Ringgenberg while performing surveillance patrol during a Construction Notice period on February 4, 2020 of the concrete manufacturing with sand and gravel facility and gasoline dispensing operation, known as Nevada Ready Mix located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,250.00

Violation #1 – 2019 Permit conditions 2.2.1 and 2.2.33

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

6. **NPL CONSTRUCTION CO. (DCOP # n/a)**

NOV #9400 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities, as identified by Air Quality Specialist Mike Englehart while performing routine patrol on January 9, 2020 near the Southeast corner of Blue Diamond Road and Durango Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 94.4.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

7. **PORTABLE AGGREGATE PRODUCERS LLC (Source ID: 16460)**

NOV #9391 – For operating Emission Units: A13 and E03 in a manner that allowed controllable particulate matter to become airborne; and for failing to create and maintain accurate records of visible emissions checks and observations along with the corrective actions taken to return opacity into compliance, as identified by Air Quality Specialist Syed Hyder during a partial compliance evaluation conducted on November 19, 2019 of the portable crushing and screening plant, known as Portable Aggregate located at 13055 South Old Highway 95 near Boulder City, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,450.00

Violation #1 – July 2019 Permit condition 2.2.12

Violation #2 – July 2019 Permit condition 4.3.1.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,450.00

Violation #1 – July 2019 Permit condition 2.2.12 - \$1,500.00

Violation #2 – July 2019 Permit condition 4.3.1.a - \$1,950.00

8. **REPUBLIC SERVICES RENEWABLE ENERGY, LLC (Part 70 Source ID: 16539)**

NOV #9395 – For exceeding the SO₂ emission limitation, as identified by Senior Air Quality Specialist Mike Doyle during a full compliance evaluation conducted on December 6, 2019 of the electrical services operation, known as Republic Services Renewable Energy located at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,280.00

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

2018 ATC condition IV.B.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,280.00

9. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #51217)**

NOV #9402 – For allowing soil to be tracked out more than 50 feet in length and 0.25 inches in depth onto a paved roadway, as identified by Air Quality Specialist Allan Gutierrez during a complaint investigation on February 6, 2020 at the Rockdale construction project located at the Southwest corner of South Durango Drive and West Cactus Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

10. SA RECYCLING LLC (Source ID: 117)

NOV #9392 – For operating the shredder (Emission Unit: A01) in a manner that failed to effectively control particulate emissions and allowed the emissions to become airborne; and for operating the mobile cranes in a manner that allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Patricia Ringgenberg during a complaint investigation conducted on December 12, 2019 of the scrap metal recycling operation known as SA Recycling located at 5850 North Nellis Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,500.00
Violation #1 – 2019 Permit conditions 2.2.1 and 2.2.6
Violation #2 – 2019 Permit condition 2.2.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

Violation #1 – 2019 Permit conditions 2.2.1 and 2.2.6 - \$1,000.00
Violation #2 – 2019 Permit condition 2.2.6 - \$500.00

11. TERRIBLE HERBST, INC. (Source ID: 17931)

NOV #9404 – For failing to conduct initial vapor recovery system tests within 180 days of Facility startup; and for failing to maintain and operate the Phase I vapor recovery system equipment in good working order by operating the premium underground storage tank, Emission Unit: A01, with a missing gasket on the vapor return side, as identified by Air Quality Specialist Pat Ringgenberg during an onsite Full Compliance Evaluation conducted on February 10, 2020 of gasoline dispensing operation known as Terrible’s #347 located at 5590 North Rainbow Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$8,460.00
Violation #1 – Permit condition IV.D.4.a
Violation #2 – Permit condition IV.B.1.b.iv

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,460.00

Violation #1 – Permit condition IV.D.4.a - \$6,960.00
Violation #2 – Permit condition IV.B.1.b.iv - \$1,500.00

12. TERRIBLE HERBST, INC. (Source ID: 18001)

NOV #9407 – For failing to conduct initial vapor recovery system tests within 180 days of Facility startup, as identified by Air Quality Specialist Tim Fogarty during an offsite Partial Compliance Evaluation conducted on February 20, 2020 of the gasoline dispensing operation known as Herbst Market #371 located at 10591 West Lone Mountain Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$3,310.00
Violation #1 – Permit condition 4.2.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,310.00

13. **TERRIBLE HERBST, INC. (Source ID: 18002)**

NOV #9408 – For failing to conduct initial vapor recovery system tests within 180 days of Facility startup, as identified by Air Quality Specialist Tim Fogarty during an offsite Partial Compliance Evaluation conducted on February 21, 2020 of the gasoline dispensing operation known as Terrible’s #349 located at 47 East Cactus Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,880.00

Violation #1 – Permit condition 4.2.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,880.00

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

NOV #9398 – For exceeding the CO lbs/hr emission limitation during Performance Testing on Emission Unit: HM81 conducted at the Facility on December 12, 2019, as identified by Senior Air Quality Specialist Jeffrey Robb during an offsite partial compliance evaluation conducted on February 3, 2020 of the aggregate processing and hot mix asphalt operation located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,150.00

Violation #1 – December 2019 Permit condition 3.2.3
December 2019 Permit Table 3-4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,150.00

RECESSED AT 9:15 a.m.

RESUMED AT 9:30 a.m.

D. CONTESTED CASES

Construction and Vacant Land Violations:

1. **BENTAR DEVELOPMENT, INC. (DCOP #49261)**

NOV #9429 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on February 19, 2020 at the Cristo Rey College Prep School construction project located at 2880 Van Der Meer Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

Stationary Sources Violations:

2. **MAJID, INC. (Source ID: 9073)**

NOV #9393 – For failing to submit the 2018 annual emission inventory report on or before April 1, 2019 (March 31, 2019 was a Sunday); for failing to maintain Phase I vapor recovery system in good working order by operating Emission Unit: B01 with a defective cap on the fill-side adapter; for failing to maintain Phase II vapor recovery system in good working order by operating dispensers #10 and #13 with damage to face seals on nozzles, dispensers #6 and #16 with deteriorated and cracked whip hoses, and dispenser #14 with a deteriorated and cracked hose; and for failing to install a dispenser hose in accordance with certification requirements, as identified by Air Quality Specialist Tim Fogarty during a full compliance evaluation conducted on October 29, 2019 of the gasoline dispensing operation known as Mike’s Food Mart located at 1196 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,580.00

- Violation #1 – Permit condition II.C.3.a.ii
- Violation #2 – Permit condition IV.B.1.b.iv
- Violation #3 – Permit condition IV.B.1.d.iii
- Violation #4 – Permit condition IV.B.1.d.vi

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,580.00

- Violation #1 – Permit condition II.C.3.a.ii - \$580.00**
- Violation #2 – Permit condition IV.B.1.b.iv - \$1,250.00**
- Violation #3 – Permit condition IV.B.1.d.iii - \$1,250.00**
- Violation #4 – Permit condition IV.B.1.d.vi - \$500.00**

3. **SILVER STATE MATERIALS, LLC D/B/A CALPORTLAND COMPANY (Source ID: 414)**

NOV #9371 – For operating Emission Unit: A10, the fly ash silo, in a manner that discharged air contaminants in excess of an average of 20% opacity for more than six consecutive minutes, as identified by Senior Air Quality Specialist Camon Liddell during a partial compliance evaluation conducted on October 7, 2019 of the dry mix concrete batch operation known as Calportland located at 143 West Gowan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

- Violation #1 – Permit condition 3.2.3

Continued from 1/16/2020

SILVER STATE MATERIALS, LLC D/B/A CALPORTLAND COMPANY PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 1.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. **THE QUIKRETE COMPANIES, LLC (Source ID: 324)**
NOV #9372 – For operating Emission Unit: C06, Silo C, in a manner that discharged controllable particulate matter in excess of 20% opacity for more than six consecutive minutes from the binvent; and for operating a front-end loader in a manner which allowed controllable particulate matter to become airborne and in conditions without adequate control measures, as identified by Air Quality Specialist Mike Murphy during a partial compliance evaluation conducted on October 8, 2019 of the concrete, sand, grout, decorative rock, and cement bagging operation known as Quikrete located at 112 West Brooks Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,000.00

- Violation #1 – Permit condition 2.2.1
- Permit condition 2.2.8
- Permit condition 3.2.3
- Violation #2 – Permit condition 2.2.8

Continued from 1/16/2020

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,000.00

- Violation #1 – Permit condition 2.2.1 - \$2,500.00**
- Permit condition 2.2.8**
- Permit condition 3.2.3**
- Violation #2 – Permit condition 2.2.8 - \$4,500.00**

Asbestos Violations:

5. **MARTYN J. RAVENHILL AND WILTON WOLVERTON (Project #192010)**
NOV #9401 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting demolition activities; for failing to notify Air Quality 10 working days prior to demolition activities at the Facility; 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 remove all regulated asbestos-containing materials from the Facility prior to demolition; for allowing visible emissions and failing to seal all asbestos-containing waste material (ACWM) in leak tight containers while wet; for failing to deposit all ACWM at an approved asbestos landfill; and for failing to maintain asbestos waste shipment records, as identified by Air Quality Specialist Whitney Francis during routine patrol on December 10, 2019 at a commercial building located at 4933 Shirley Street, in Clark County, Nevada.

****Continued to the next page.***

MARTYN J. RAVENHILL AND WILTON WOLVERTON (Project #192010) continued

Violation(s) alleged: Recommended Penalty: \$6,900.00
Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(1)
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)
Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(2)
Violation #7 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(d)(1)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,900.00

Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a) - \$1,150.00
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1) - \$1,150.00
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8) - \$575.00
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(1) - \$1,150.00
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a) - \$1,150.00
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)
Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(1) - \$1,150.00
Section 13.1, 40 CFR 61, Subpart M, Part 61.150(b)(2)
Violation #7 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(d)(1) - 575.00

RECESSED AT 1:20 p.m.

RESUMED AT 1:35 p.m.

6. G FORCE DEMOLITION INC. (Project #201007)

NOV #9405 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, as identified by Air Quality Specialist Kevin Adoor during routine patrol on February 5, 2020 at a building located at 6338 West Desert Inn Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,950.00
Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,950.00

7. **M. P TRUST AND MICHAEL PERRY (Project #191086)**

NOV #9394 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovations activities; for failing to notify Air Quality 10 days prior to the removal of regulated asbestos-containing material (RACM) from the Facility; 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 adequately wet all removed RACM and ensure it remained wet; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during inspections by Air Quality Specialist Kevin Adoor beginning on November 15, 2019, at a facility operated by M. P. Trust and Michael Perry located at 1430 East Desert Inn Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,600.00

- Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)
- Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
- Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)
- Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i)
- Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)
- Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iv)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,600.00

- Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a) - \$1,450.00**
- Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1) - \$1,450.00**
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
- Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8) - \$1,450.00**
- Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i) - \$2,900.00**
- Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii) - \$2,900.00**
- Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iv) - \$1,450.00**

8. **M. P. TRUST AND MICHAEL PERRY (Project #201010)**

NOV #9409 – For failing to notify Air Quality 10 working days prior to the removal of regulated asbestos-containing material (RACM) from the Facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM and ensure it remained wet; 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 seal all asbestos-containing waste material in leak tight containers while wet, as identified by Air Quality Specialist Kevin Adoor while performing routine patrol on February 11, 2020 at an apartment building located at 1430 East Desert Inn Road, in Clark County, Nevada.

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M. P. TRUST AND MICHAEL PERRY (Project #201010) continued

Violation(s) alleged: Recommended Penalty: \$22,500.00
Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(1)
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i)
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$22,500.00

Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1) - \$5,000.00
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(1) - \$5,000.00
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i) - \$5,000.00
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8) - \$2,500.00
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii) - \$5,000.00

9. MICHAEL POURA, TOTAL PROPERTY MANAGEMENT LLC, AND SUNRISE INVESTMENT HOLDINGS, LLC (Project #191073)

NOV #9388 – For failing 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 commencing removal of regulated asbestos-containing material (RACM) from the Facility; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants and the means of complying with them; for failing to adequately wet, and ensure it remained wet, all removed RACM; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label asbestos waste containers, as identified during an inspection by Air Quality Specialist Kevin Adoor on September 11, 2019 at a facility owned and/or operated by Michael Poura, Total Property Management LLC, and Sunrise Investment Holdings, LLC located at 1401 South Commerce Street, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$10,750.00
Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i)
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)
Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iv)

Continued from 1/16/2020

**Continued on the next page.*

MICHAEL POURA REQUESTED TOTAL PROPERTY MANAGEMENT LLC TO BE REMOVED AS A PARTY FROM NOV #9388.

AIR QUALITY AGREED TO THE REQUEST.

HEARING OFFICER APPROVED AN AMENDMENT OF NOV #9388 TO REMOVE TOTAL PROPERTY MANAGEMENT LLC AS A PARTY TO THE NOV.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,600.00

Violation #1 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(a)	- \$2,150.00
Violation #2 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(1)	- \$1,150.00
Section 13.1, 40 CFR 61, Subpart M, Part 61.145(b)(3)(i)	
Violation #3 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(8)	- \$575.00
Violation #4 – Section 13.1, 40 CFR 61, Subpart M, Part 61.145(c)(6)(i)	- \$1,150.00
Violation #5 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iii)	- \$1,000.00
Violation #6 – Section 13.1, 40 CFR 61, Subpart M, Part 61.150(a)(1)(iv)	- \$575.00

III. ADJOURNMENT 4:58 p.m.