



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – July 18, 2018

Hearing Officer: Lona Webb

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

A handwritten signature in blue ink, likely belonging to one of the staff members listed.

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

I. CALL TO ORDER 9:00 a.m.

II. 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. NELLIS AIR FORCE BASE (Part 70 Source ID: 114)

NOV #9043 – For maintaining open containers holding solvent-containing cloth and paper; for failure to conduct inspections on spray booths on days they operated; for exceeding the total dissolved solids limitations for cooling towers; installing and operating four aircraft arrestor engines, one emergency generator, and one fire pump without obtaining an Authority to Construct prior to installing and operating the emission units and for installing and/or operating diesel fired light stands without obtaining a Permit modification authorizing and installation and operation; for failure of the Static Pressure Phase I vapor recovery performance test; for failure to maintain accurate records for date, duration of operation and type of fuel consumed for each of the internal combustion engines and aircraft arrestors; for failure to implement control measures on an unpaved parking lot; applying a spray coating outside of a spray booth; for failure to follow maintenance procedures on nineteen 40 CFR 63 Subpart ZZZZ engines, and operating one engine upon failing an oil test; and for failure to report intermittent compliance in the 2015 and 2016 annual compliance certifications, as identified during a full compliance evaluation conducted by Senior Air Quality Specialist Scott Rowsell during multiple site inspections in the month of July 2017 of the military installation known as Nellis Air Force Base at 4430 Grisom Avenue, Suite 101, in Clark County, Nevada.

**Continued on the next page.*

NELLIS AIR FORCE BASE continued

Violation(s) alleged:

- Violation #1 – 2015 Permit Condition X-B-3-f
2015 & 2016 Permit Condition X-B-3-k
- Violation #2 – 2015 Permit Condition X-B-3-l
- Violation #3 – 2015 & 2016 Permit Condition XI-B-2-a
- Violation #4 – 2015 & 2016 Permit Condition II-B-1
2017 Permit Condition II-B-1
- Violation #5 – 2016 Permit Condition III-B-3-c-ii-16
2016 Permit Condition III-D-2
40 CFR §63.11120(a)(2)
- Violation #6 – 2016 Permit Condition V-E-1-a
- Violation #7 – NSR ATC/OP 114, Modification 46, Revision 1
2015 & 2016 Permit Condition VIII-B-3-b
- Violation #8 – NSR ATC/OP 114, Modification 46, Revision 1
2017 Permit Condition X-B-3-d
- Violation #9 – 2015 Permit Conditions V-B-3-d-i through iv
2016 Permit Conditions V-B-3-e-i through iv
- Violation #10 – 2015 & 2016 Permit Condition II-D-6-c

**Continued from 1/17/18, 3/21/18 & 5/16/18*

BOTH PARTIES AGREE TO DISMISS VIOLATION #4 RELATED TO THE LIGHT STANDS, NON-ROAD ENGINES. AIR QUALITY PROVIDED AN UPDATE TO THE HEARING OFFICER THAT THE PROPOSED SETTLEMENT AGREEMENT WHICH THE HEARING OFFICER APPROVED AT THE MAY 16, 2018 MEETING WAS SIGNED BY BOTH PARTIES WITH MINOR CHANGES.

HEARING OFFICER APPROVED THE CHANGES TO THE SETTLEMENT AGREEMENT AND THE DISMISSAL OF VIOLATION #4 RELATED TO THE LIGHT STANDS, NON-ROAD ENGINES.

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. BEAZER HOMES (DCOP #48208)

NOV #9117 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the point of origin, as identified during routine and follow-up inspections by Senior Air Quality Specialist Mike Englehart, on April 10, 12 and 20, 2018 at the Dorrell Estates construction site northwest of Dorrell Lane and Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Section 94.11.6

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,000.00**

2. **D. R. HORTON, INC. (DCOP #47326)**

NOV #9095 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Mike Englehart during an inspection on January 25, 2018 at the Elkhorn 40 construction site at 7092 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

3. **D. R. HORTON, INC. (DCOP #47326)**

NOV #9099 – For allowing mud or dirt to be tracked out onto a paved surface exceeding 50 feet in length or ¼ inch in depth; and failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections by Air Quality Specialists Heath Richards and Allan Gutierrez on February 24 and 26, 2018 at the Elkhorn 40 construction site at 7092 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

Violation #1 – Section 94.11.6 - \$1,000.00

Violation #2 – Section 94.9.2 - \$1,000.00

4. **D. R. HORTON, INC. (DCOP #47538)**

NOV #9113 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez during routine and follow-up inspections on March 6, 7 and 8, 2018 at the Cordera Ranch construction site at 1867 Moonbow Falls Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

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

NOV #9119 – For handling material in a manner which allowed controllable particulate matter to become airborne; and failing to take reasonable precautions to prevent fugitive dust from becoming airborne, as identified during a partial compliance evaluation conducted by Air Quality Specialist Katrinka Byers on January 16, 2018 of the non-metallic mineral processing operation identified as Nevada Ready Mix at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Permit Condition IV-B-1
Permit Condition IV-B-17

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

6. **NORTHERN STAR GENERATION SERVICES COMPANY, LLC DBA NEVADA COGENERATION ASSOCIATES #1 (Source ID: 360)**

NOV #9089 – For failing to submit the annual compliance certification by January 30, 2018, as identified during a Semiannual Report/Annual Certification review conducted by Senior Air Quality Specialist Ken Weiss on February 21, 2018 of the electric cogeneration operation identified as Garnet Valley Facility, located in the Apex Industrial Park, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$500.00

Violation #1 – Permit Condition II-D-6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

7. **PN II, INC. (DCOP #48702)**

NOV #9123 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site's exit that resulted in fugitive dust, as identified during routine and follow-up inspections by Senior Air Quality Specialist Mike Englehart, on April 25 and 27, 2018 at the Sedona Ranch construction site southeast of El Campo Grande Avenue and Commerce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

8. **RYLAND HOMES NEVADA, LLC (DCOP #48449)**

NOV #9121 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week; and allowing tracked out soil debris to accumulate on paved surfaces in excess of 50 feet, as identified during routine and follow-up inspections by Senior Air Quality Specialist Mike Englehart on April 18, 24 and 27, 2018 at the Villages at Tule Springs construction site southeast of Dorrell Lane and Clayton Street, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Section 94.9.2
- Violation #2 – Section 94.11.6

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

- Violation #1 – Section 94.9.2 - \$3,000.00**
- Violation #2 – Section 94.11.6 - \$1,000.00**

9. **TERRIBLE HERBST, INC. (Source ID: 9676)**

NOV #9086 – For failure to maintain inspection records onsite from February 3, 2016 through November 17, 2017; and failure to maintain Phase I and Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted by Air Quality Specialist Tim Fogarty on December 14, 2017 of the gasoline dispensing operation identified as Terrible Herbst #169 at 7780 South Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Permit Condition IV-E-2-a
- Violation #2 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Permit Condition IV-E-2-a - \$500.00**
- Violation #2 – Permit Condition IV-B-1-b-iv - \$2,000.00**
Permit Condition IV-B-1-d-iii

10. **TERRIBLE HERBST, INC. (Source ID: 9148)**

NOV #9100 – For failure to maintain inspection records onsite from July 15, 2015 through November 17, 2017; failure to maintain Phase I vapor recovery equipment in good working order; failure to maintain the fill side adapter seal positioned correctly; failure to install a product fill adapter designed to prevent overtightening or loosening during normal operations; and failure to maintain Phase II vapor recovery equipment in good working order, as identified during a full compliance evaluation conducted by Air Quality Specialist Tim Fogarty on March 12, 2018 of the gasoline dispensing operation identified as Terrible Herbst #195 at 6885 West Tropicana Avenue, in Clark County, Nevada.

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TERRIBLE HERBST, INC. continued

Violation(s) alleged: Recommended Penalty: \$3,500.00
Violation #1 – Permit Condition II-D-1
Permit Condition II-D-2
Permit Condition IV-E-2-a
Violation #2 – Permit Condition IV-B-1-b-iv
Violation #3 – Permit Condition IV-B-1-b-iii
Permit Condition IV-B-1-b-iv
Violation #4 – Permit Condition IV-B-1-b-viii
Violation #5 – Permit Condition IV-B-1-d-iii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Permit Condition II-D-1	- \$500.00
Permit Condition II-D-2	
Permit Condition IV-E-2-a	
Violation #2 – Permit Condition IV-B-1-b-iv	- \$250.00
Violation #3 – Permit Condition IV-B-1-b-iii	- \$500.00
Permit Condition IV-B-1-b-iv	
Violation #4 – Permit Condition IV-B-1-b-viii	- \$2,000.00
Violation #5 – Permit Condition IV-B-1-d-iii	- \$250.00

11. TITANIUM METALS CORPORATION (Source ID: 19)

NOV #9103 – For exceeding emission limitations during a performance test, as identified during a partial compliance evaluation conducted by Senior Air Quality Specialist Ken Weiss on March 6, 2018 of the combined titanium sponge and ingot facility identified as Titanium Metals Corporation at 181 North Water Street, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,000.00
Violation #1 – 2012 Permit Condition III-B-2-b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

12. WESTERN STATES CONTRACTING, INC. (DCOP #48860)

NOV #9116 – For failing to install a Dust Control Operating Permit sign; and failing to fully implement control measures which resulted in fugitive dust from construction activities that traveled more than 100 feet from the point of origin, as identified by Air Quality Specialist Cris B. Melo on April 11, 2018 at the Bella Vista construction site southwest of Gibson Road and West Horizon Ridge Parkway, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,250.00
Violation #1 – Section 94.7.7.2
Violation #2 – Section 94.11.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – Section 94.7.7.2	- \$250.00
Violation #2 – Section 94.11.3	- \$2,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **ADAVEN HOMES, LLC (DCOP #48904)**

NOV #9118 – For allowing a fugitive dust plume which exceeded the opacity standard, as identified during a complaint investigation by Air Quality Specialist Cris B. Melo, on April 11, 2018 at the Bermuda and Pyle construction site at the southwest corner of Pyle Avenue and Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.1

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

2. **ANDERSEN HOERAM & EXCAVATION DBA ANDERSEN EXCAVATION (DCOP #48899)**

NOV #9111 – For failure to implement control measures which resulted in fugitive dust from construction activities in excess of 100 feet, and failure to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified by Air Quality Supervisor David Dean during a routine inspection on April 11, 2018 at the 3703 NDOT Project SPI—015-1(071) construction project at I-15 and Highway 168, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3

Violation #2 – Section 94.9.2

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

Violation #1 – Section 94.11.3 - \$1,000.00

Violation #2 – Section 94.9.2 - \$750.00

3. **ARIZONA PIPELINE COMPANY (DCOP #47931)**

NOV #9094 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during routine and follow-up inspections by Air Quality Specialist Cris B. Melo on February 5, 8 and 9, 2018 at the Galleria and Marks Staging Yard construction site at the corner of Galleria Drive and Stephanie Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$3,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. ARIZONA PIPELINE COMPANY (DCOP #47931)

NOV #9115 – For failing to maintain site soils in a stabilized condition 24 hours a day, seven days a week, as identified during a routine inspection by Air Quality Specialist Cris B. Melo on April 2, 2018 at the Galleria and Marks Staging Yard construction site at the northeast corner of North Stephanie Street and West Galleria Drive, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

5. INES G. ESQUIVEL TRUST (DCOP #47032; APNs #103-13-010-035 and 036)

NOV #9101 – For constructing and operating an unpaved parking/storage lot after January 1, 2003 in hydrographic basin 216, as identified by Air Quality Specialist Cris B. Melo during observations between February 5 and March 15, 2018, at parcels 103-13-010-035 and 036 northwest of Apex Harbor Lane and Apex Great Basin Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 92.3.1.1

Recommended Penalty: \$19,500.00

INES G. ESQUIVEL TRUST REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED INES G. ESQUIVEL TRUST'S CASE TO SEPTEMBER 19, 2018.

6. OVATION DEVELOPMENT CORPORATION (DCOP #48797)

NOV #9125 – For failure to employ control measures by not installing a functional trackout prevention device and failure to stabilize site soils for dust control; allowing a fugitive dust plume in excess of the opacity standard; and failure to install a Dust Control Operating Permit sign, as identified by Air Quality Specialist Heath Richards on April 24, 25 and 26, 2018 at the Tenaya Senior Apartments construction site at 4200 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.1

Violation #3 – Section 94.7.7.1

Recommended Penalty: \$5,250.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

Violation #1 – Section 94.9.2 - \$2,500.00

Violation #2 – Section 94.11.1 - \$2,000.00

Violation #3 – Section 94.7.7.1 - violation dismissed

Recess at 10:39 a.m.

Resumed at 10:53 a.m.

7. TWC CONSTRUCTION, INC. (DCOP #48327)

NOV #9120 – For allowing mud or dirt to be tracked out onto a paved road which extended more than 50 feet from the site’s exit, as identified during routine and follow-up inspections by Air Quality Supervisor David Dean and Air Quality Specialist Allan Gutierrez, on April 20, 21, 22 and 23, 2018 at the Air Parc South construction site at Executive Airport Drive and East Bruner Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.11.6

TWC CONSTRUCTION, INC. DID NOT CONTEST NOV #9120.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Asbestos Violations:

8. F STREET TRUST / CITY REDEVELOPMENT, LLC / TIM HUTCHISON / MARCOS RAMOS (Project #181004)

NOV #9081 – For failure to have at least one onsite representative trained in the National Emission Standards for Hazardous Air Pollutants (NESHAP) provisions and the means of complying with them; failure to submit a NESHAP notification form 10 calendar days prior to conducting renovation/demolition activities; failure to seal all asbestos containing materials in leak-tight containers prior to disposal; and failure to maintain waste shipment records of asbestos containing wastes, as identified during a routine site inspection by Air Quality Specialists Kevin Adoor and Whitney Francis on January 16, 2018 at a facility located at 1416 F Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$20,000.00

Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)

Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and 61.145(b)(3)(i)

Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and 61.150(a)(1)(iii)

Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6)

Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(d)(1)

F STREET TRUST / CITY REDEVELOPMENT, LLC / TIM HUTCHISON / MARCOS RAMOS DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$20,000.00

Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8) - \$2,000.00

Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and 61.145(b)(3)(i) - \$4,000.00

Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and 61.150(a)(1)(iii) - \$6,000.00

Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6) - \$6,000.00

Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(d)(1) - \$2,000.00

9. **HDGLV LLC, DIMITRIOS A. DESLIS, AND TOP RANK BUILDERS, INC. (Project #172014)**

NOV #9098 – For failure to have at least one onsite representative trained in the National Emission Standards for Hazardous Air Pollutants provisions and the means of complying with them; failure to submit a National Emission Standards for Hazardous Air Pollutants notification form 10 days prior to commencing renovation activities; failure to adequately wet all materials during removal; failure to remove all asbestos containing materials prior to conducting renovation activities; failure to maintain regulated asbestos containing wastes adequately wet to prevent emissions to the outside air; allowing visible emissions from regulated asbestos containing debris; failure to seal all asbestos containing waste materials in leak tight containers; and failure to label containers with the name and location of the waste generator, as identified during inspections by Air Quality Specialist Whitney Francis on December 11, 2017 at a facility owned and/or operated by HDGLV, LLC at 2310 Western Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$34,000.00

- Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)
- Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(3)(i)
- Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145 (c)(3)
- Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(1)
- Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(i)
- Violation #6 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(ii)
- Violation #7 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(iii)
- Violation #8 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(v)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$34,000.00

- | | |
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| Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8) | - \$2,000.00 |
| Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(3)(i) | - \$4,000.00 |
| Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145 (c)(3) | - \$6,000.00 |
| Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(1) | - \$6,000.00 |
| Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(i) | - \$2,000.00 |
| Violation #6 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(ii) | - \$6,000.00 |
| Violation #7 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(iii) | - \$6,000.00 |
| Violation #8 – Section 13.1, 40CFR61 Subpart M, 61.150(a)(1)(v) | - \$2,000.00 |

10. **JAMES L. FORTUNES LIVING TRUST AND JAMES L. FORTUNES TRS (Project #171109)**

NOV #9079 – For failure to conduct a thorough survey for asbestos containing materials prior to commencing renovation activities; failure to submit a National Emission Standards for Hazardous Air Pollutants Notification form 10 days prior to commencing renovation activities; failure to have at least one onsite representative trained in the provisions and the means of complying with them; failure to seal all the asbestos-containing waste materials in leak-tight containers; failure to adequately wet all removed materials prior to disposal; and failure to allow Clark County personnel entry to perform their duties, as identified during inspections by Air Quality Specialist Kevin Adoor on November 16 and 17, 2017 at facilities owned and/or operated by James L. Fortunes Living Trust at 2556-2566 and 2576 Van Patten Street in Clark County, Nevada.

**Continued on the next page.*

Violation(s) alleged: Recommended Penalty: \$31,000.00
Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)
Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and (b)(3)(i)
Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)
Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and (a)(1)(iii)
Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6)
Violation #6 – Section 4.3.2

Continued from 5/16/18

FOUND IN VIOLATION.

PENALTY ASSESSED: \$21,000.00

Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)	- \$2,000.00
Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and (b)(3)(i)	- \$2,000.00
Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)	- \$1,000.00
Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and (a)(1)(iii)	- \$3,000.00
Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6)	- \$3,000.00
Violation #6 – Section 4.3.2	- \$10,000.00

Recess at 12:58 p.m.

Resumed at 1:02 p.m.

11. ROBARTS 1981 TRUST AND BEST LLC (Project #181015)

NOV #9102 – For failure to thoroughly inspect the facility for asbestos containing materials prior to commencing renovation activities; failure to submit a National Emission Standards for Hazardous Air Pollutants notification form 10 days prior to commencing renovation activities; failure to have a at least one onsite representative trained in the National Emission Standards for Hazardous Air Pollutants (NESHAP) provisions and the means of complying with them; failure to adequately wet all removed materials prior to disposal; and failure to seal all asbestos containing waste materials in leak tight containers, as identified during inspections by Air Quality Specialist Kevin Adoor on March 15, 2018 at a facility owned and/or operated by Robarts 1981 Trust located at 4015 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$11,000.00
Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)
Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and
61.145(b)(3)(i)
Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)
Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6)
Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and (a)(1)(iii)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,000.00

Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)	- \$2,000.00
Violation #2 – Section 13.1, 40CFR61 Subpart M, 61.145(b)(1) and 61.145(b)(3)(i)	- \$1,000.00
Violation #3 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(8)	- \$1,000.00
Violation #4 – Section 13.1, 40CFR61 Subpart M, 61.145(c)(6)	- \$3,000.00
Violation #5 – Section 13.1, 40CFR61 Subpart M, 61.150(a) and (a)(1)(iii)	- \$3,000.00

Stationary Sources Violations:

12. EQUITY OFFICE MANAGEMENT, LLC DBA EQUITY OFFICE (Source ID: 554)

NOV #9104 – For exceeding hours of operation during 2016; failure to conduct and maintain records of required quarterly visual emissions checks; and failure to conduct burner efficiency tests during 2016, as identified by Air Quality Specialist Patricia Ringgenberg during a full compliance evaluation conducted on December 14, 2017 of the commercial buildings operation identified as Howard Hughes Center located at 3753, 3763, 3770, 3773, 3800, 3883, 3930, 3960, 3980 and 3993 Howard Hughes Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Permit Condition IV-A-3-a

Violation #2 – Permit Condition IV-C-1

Permit Condition IV-E-1-a

Violation #3 – Permit Condition IV-C-7

HEARING OFFICER FOUND EQUITY OFFICE MANAGEMENT, LLC DBA EQUITY OFFICE IN VIOLATION, WHICH INCLUDES A \$5,000.00 PENALTY, \$500.00 OF WHICH IS SUSPENDED FROM VIOLATION #1, AND ASSESSED A \$4,500.00 PENALTY. IF EQUITY OFFICE MANAGEMENT, LLC DBA EQUITY OFFICE SUBMITS A MODIFICATION TO THE CURRENT PERMIT IN 30 DAYS (8/18/18) THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

13. GYPSUM RESOURCES, LLC (Part 70 Source ID: 17286)

NOV #9110 – For operating emission units without required emission control equipment; for creating dust plumes in excess of 100 yards in length from the crushing and screening plant; for allowing controllable particulate matter to become airborne from the crushing and screening plant; failing to cover haul trucks after loading; operating on Sundays and beyond Saturday & weekday operational limitations; failure to perform all required monitoring and inspections; failure to maintain records onsite from required inspections; failure to submit the 2017 annual compliance certification to the Control Officer before January 30, 2018; submitted the 2nd semi-annual report to the Control Officer 58 days late; failure to submit the 2017 annual emissions inventory report on or before March 31, 2018; submitted the 2017 2nd semi-annual report without all required information and responsible official signature; and failed to submit required deviation reports for operating emission units without required emission control equipment, as identified during a multiple compliance evaluations between December 27, 2017 and April 5, 2018 by Senior Air Quality Specialist Scott Rowsell, of the nonmetallic mineral processing facility identified as Blue Diamond Hill Gypsum at 8360 Nevada Highway 159, in Clark County.

Violation(s) alleged:

Recommended Penalty: \$852,200.00

Violation #1 – Part 70 Permit Condition III-B-3 (6, 7, 8, 10)

Violation #2 – Part 70 Permit Condition III-B-3-30

Violation #3 – Section 41.1.2

Violation #4 – Part 70 Permit Condition III-B-3-25

Violation #5 – ATC Permit Condition IV-A-3(a and b)

Part 70 Permit Condition III-B-2(a and b)

****Continued on the next page.***

GYPSUM RESOURCES, LLC continued

- Violation #6 – ATC Permit Condition V-A (1, 2, 3, 7, 8, 10, 15a, 16, 17, 18, 20, 21, 22)
Part 70 Permit Condition III-C (1, 2, 3, 7, 8, 10, 19a, 20, 21, 22, 24, 25, 26)
- Violation #7 – ATC Permit Condition V-C-4(a, b, c, e, j and l)
ATC Permit Condition V-C-5(a, e and i)
Part 70 Permit Condition III-E-4(a, b, c, g, l and n)
Part 70 Permit Condition III-E-5(j and l)
- Violation #8 – Part 70 Permit Condition II-D-6
Part 70 Permit Condition III-F-5(c)
Part 70 Permit Condition III-F-6
Part 70 Permit Condition II-C-5(a)
- Violation #9 – Part 70 Permit Condition III-F-3
Part 70 Permit Condition III-F-5(a)
- Violation #10 – Part 70 Permit Condition II-D-7(a and b)

GYPSUM RESOURCES, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO SEPTEMBER 19, 2018.

14. HIGH GRADE GYPSUM, LLC (Source ID: 17884)

NOV #9114 – For failing to submit the annual emissions inventory report for calendar year 2017 before March 31, 2018; failing to conduct and maintain records of daily visual emission checks; failing to monitor and maintain records of annual vehicle miles traveled by haul trucks on haul roads, and length of haul roads; failing to monitor and maintain records of hour meter readings of generator; failing to maintain records of dust control measures applied to unpaved roads; and failing to prevent controllable particulate matter from becoming airborne, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on April 10, 2018 of the intermediate storage facility for unprocessed gypsum material operation identified as High Grade Gypsum located south of Water Well Drill Road and Dixon Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,250.00

- Violation #1 – Permit Condition II-C-6-a-ii
- Violation #2 – Permit Condition IV-C-1
Permit Condition IV-E-1-a
- Violation #3 – Permit Condition IV-C-7
Permit Condition IV-E-1-f
Permit Condition IV-E-2-c
- Violation #4 – Permit Condition IV-C-9
Permit Condition IV-E-2-b
- Violation #5 – Permit Condition IV-E-1-c
- Violation #6 – Section 41.1.2

****Continued on the next page.***

HIGH GRADE GYPSUM, LLC continued

HIGH GRADE GYPSUM, LLC DID NOT CONTEST NOV #9114.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

Violation #1 – Permit Condition II-C-6-a-ii	- \$250.00
Violation #2 – Permit Condition IV-C-1	- \$1,000.00
Permit Condition IV-E-1-a	
Violation #3 – Permit Condition IV-C-7	- \$1,000.00
Permit Condition IV-E-1-f	
Permit Condition IV-E-2-c	
Violation #4 – Permit Condition IV-C-9	- \$500.00
Permit Condition IV-E-2-b	
Violation #5 – Permit Condition IV-E-1-c	- \$500.00
Violation #6 – Section 41.1.2	- \$2,000.00

15. QUIKRETE COMPANIES, INC. (Source ID: 324)

NOV #9097 – For handling material in a manner which resulted in controllable particulate matter to become airborne and discharging quantities of air contaminants which caused a nuisance as documented in the Minor Stationary Source Compliant Investigation Report conducted by Air Quality Specialist Patricia Ringgenberg on February 1, 2018 at its concrete products facility identified as the Quikrete Plant, located at 112 West Brooks Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 41.1.2
Permit Condition IV-B-8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

III. ADJOURNMENT 1:29 p.m.