



Air Pollution Control Hearing Officer Meeting Docket

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

9:00 a.m. – July 20, 2016

Hearing Officer: Frank J. Cremen

Staff: Ralph McCullers, Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor

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

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

II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. AMEC FOSTER WHEELER (DCP #45174)

NOV#8790 – For causing a dust plume that extended 100 yards or more from the point of origin, identified during complaint inspections on March 11, 2016 of Sempra Copper Mountain Solar 4 – Phase 1 construction site of Amec Foster Wheeler, located at 659 Eldorado Valley Drive, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 94.11.2

Recommended Penalty: \$2,000.00

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

2. AMEC FOSTER WHEELER (DCP #45174)

NOV #8796 – For causing a dust plume that extended 100 yards or more from the point of origin, identified during complaint inspections on March 28, 2016 (during a Construction Notice) of Sempra Copper Mountain Solar 4 – Phase 1 construction site of Amec Foster Wheeler, located at 659 Eldorado Valley Drive, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Subsection 94.11.2

Recommended Penalty: \$2,000.00

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

3. **APEX LINEN, INC. (Source ID: 16804)**

NOV #8797 – For installing and operating unpermitted emission units without first obtaining a permit modification, as identified during a full compliance evaluation on March 14, 2016 of the Apex Linen, Inc., located 6375 Arville Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 12.1.3.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

4. **INSPIRADA BUILDERS, LLC (DCP #44727)**

NOV #8795 – For allowing a dust plume to extend 100 feet or more, horizontally or vertically, or crossed the property line; and for failing to have a Dust Control Monitor present at all times onsite while Construction Activities occurred, as observed during a routine inspection on April 1, 2016 at the Inspirada Village 4 construction site of Inspirada Builders, LLC, located at Via Contessa and Via Firenze, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Subsection 94.11.3

Violation #2 – Subsection 94.7.5.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

Violation #1 – Subsection 94.11.3 - \$2,000.00

Violation #2 – Subsection 94.7.5.3 - \$250.00

5. **SUNPOWER CORPORATION – DBA BOULDER SOLAR POWER, LLC (DCP #45477)**

NOV#8789 – For causing a dust plume that extended 100 yards or more from the point of origin, identified during complaint inspections on February 17 and 18 (both days during Construction Notices), 2016 of the Boulder Solar Project construction site of SunPower Corporation, located at 17445 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 94.11.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

B. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION

Asbestos, Construction, and Vacant Land NOV's:

1. **CENTURY COMMUNITIES OF NEVADA, LLC (DCP #45554)**

NOV#8793 – For failing to employ Best Available Control Measures and allowing trackout to extend greater than 50 feet and 0.25 inch in depth on paved roadways; and allowing opacity from a street sweeper to exceed 50% opacity, identified during complaint and follow-up inspections on March 10, 17, 21 and 22, and April 7, 2016 of the Sestina construction site of Century Communities of Nevada, LLC, located at Bicentennial Parkway and Via Firenze, in Clark County, Nevada.

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Violation(s) alleged:

Violation #1 – Subsection 94.11.6

Violation #2 – Subsection 94.11.5

Recommended Penalty: \$6,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

Violation #1 – Subsection 94.11.6 - \$4,000.00

Violation #2 – Subsection 94.11.5 - \$2,000.00

2. RENDA PACIFIC, LLC (DCP #44548)

NOV#8787 – For allowing a dust plume to travel greater than 100 yards; and for allowing a dust plume to cross the property line and impact an adjacent residential area during a Construction Notice, as identified during a site inspection on February 18, 2016 at the Paradise-Whitney Interceptor CCWRD Project No. 670 CL-2014-18 construction site of Renda Pacific, LLC, located at Serene Avenue and Valley View Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Subsection 94.11.2

Violation #2 – Subsection 94.11.6(c)

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Subsection 94.11.2 - \$2,000.00

Violation #2 – Subsection 94.11.6(c) - \$1,500.00

3. S&B CHRIST CONSULTING, LLC (DCP #45968)

NOV#8792 – For causing a dust plume from sawing or cutting of materials without using appropriate control measures, identified during an initial inspection on March 30, 2016 of Nawghaw Poa Road and Visitor Amenities Improvements construction site of S&B Christ Consulting, LLC, located at Sloan Canyon Access Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Subsection 94.10.1(c)

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

RECESS: 9:18 a.m.

RESUME: 9:36 a.m.

Stationary Sources NOV's:

4. CAPRIATI CONSTRUCTION CORPORATION (Source ID: 15967)

NOV #8760 – For submitting incorrect data in a report certified by the Responsible Official without verifying its accuracy; for failing to submit a move notice prior to a location change; and failure to provide public notice of a location change within 1000 feet of any hospital, school or residential structure, identified during a partial compliance inspection on January 11 and February 19, 2016 for the Capriati Construction Corporation portable minor source facility, located on Bermuda Road near St. Rose Parkway, in Clark County, Nevada.

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CAPRIATI CONSTRUCTION CORPORATION continued

Violation(s) alleged:

Recommended Penalty: \$3,500.00

- Violation #1 – Section 12.1.6(d)
Permit Condition II-C-1
- Violation #2 – Section 12.1.6(d)
Permit Condition II-C-2
- Violation #3 – Section 12.1.4.1(m)(3)
Permit Condition II-C-11

Continued from 5/18/16

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

- Violation #1 – Section 12.1.6(d) - \$1,000.00**
Permit Condition II-C-1
- Violation #2 – Section 12.1.6(d) - \$500.00**
Permit Condition II-C-2
- Violation #3 – Section 12.1.4.1(m)(3) - \$2,000.00**
Permit Condition II-C-11

5. CC LANDFILL ENERGY, LLC (Source ID: 16539)

NOV #8798 – For failing to limit the sulfur content of the landfill gas to each turbine and flare to 100 ppmv; for exceeding the permit limitation for Oxides of Nitrogen from exhaust gases from the turbines; and for exceeding the permit limitation on startup time for both turbines, as identified during a full compliance evaluation conducted on March 3, 2016 of the CC Landfill Energy, LLC facility, located at the Apex Waste Management Site in Apex Valley, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$16,750.00

- Violation #1 – Section 12.5.2.6(g)(1)
Permit Condition III-B-3-b
- Violation #2 – Section 12.5.2.6(g)(1)
Permit Condition III-B-1-b
Permit Condition III-B-3-d
- Violation #3 – Section 12.5.2.6(g)(1)
Permit Condition III-B-2-c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,750.00

- Violation #1 – Section 12.5.2.6(g)(1) - \$4,750.00**
Permit Condition III-B-3-b
- Violation #2 – Section 12.5.2.6(g)(1) - \$3,000.00**
Permit Condition III-B-1-b
Permit Condition III-B-3-d
- Violation #3 – Section 12.5.2.6(g)(1) - \$3,000.00**
Permit Condition III-B-2-c

6. **HOT SPOT NEVADA PROPERTY, LLC (Source ID: 17212)**

NOV #8794 – For failing to install vapor recovery and product adaptors which prevent overtightening and loosening of fittings and failing to maintain Phase II vapor recovery equipment according to the manufacturer’s specifications and causing vapors to escape the system; and failing to conduct subsequent vapor recovery system performance tests within three years from its initial performance tests, as identified during a full compliance evaluation conducted on March 25, 2016 of the Hot Spot Nevada Property, LLC, located at 4708 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

- Violation #1 - Section 12.1.4.1(f)
Permit Condition IV-B-1-b-vii
Permit Condition IV-B-1-d-iii
- Violation #2 - Section 12.1.4.1(d)
Permit Condition IV-D-4-b
Permit Table IV-D-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

- Violation #1 - Section 12.1.4.1(f) - \$2,000.00**
Permit Condition IV-B-1-b-vii
Permit Condition IV-B-1-d-iii
- Violation #2 - Section 12.1.4.1(d) - \$2,000.00**
Permit Condition IV-D-4-b
Permit Table IV-D-1

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

NOV #8759 – For exceeding permitted emission limitation for PM₁₀, as identified during a review of the performance test report for tests conducted on Emission Units: A04/A09, A58, A62, A79/A104a, and A151 between December 1 and 3, 2015, of the Republic Dumpco, Inc. facility, located east of the Interstate 15 and US Highway 93 junction, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

- Violations #1 - 5 - Section 12.5.2.6(g)(1)
Permit Condition III-B-1-g

Continued from 3/16/16 and Rescheduled from 5/18/16

BOTH PARTIES AGREE TO SETTLE NOV, AIR QUALITY AGREES TO ACCEPT THE AGREEMENT WHICH IS INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$10,000.00 PENALTY, \$9,000.00 OF WHICH BE HELD IN ABEYANCE FOR A TOTAL OF 12 MONTHS OF THE SIGNED ORDER TO ENSURE REPUBLIC DUMPCO, INC. IS IN COMPLIANCE, AND ASSESSED A \$1,000.00 PENALTY. IF REPUBLIC DUMPCO, INC. COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

8. TRONOX, LLC (Source ID: 95)

NOV #8656 – For failure to apply for a Title V Operating Permit in a timely manner; operating a major source of Hazardous Air Pollutants (HAP) without a Title V Operating Permit; exceeding permitted HAP emission limits; and failure to report actual emissions from Manganese Dioxide process of the Tronox, LLC facility, located at 560 West Lake Mead Parkway, in Henderson, Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,347,000.00

Violation #1 – Sections 19.5.2 and 12.5.2.1(a)(1)

Violation #2 – Sections 19.5.2 and 12.5.2.1(d)

Violation #3 – Section 12.8.4.3

Permit Condition IV-A-3-b

Violation #4 – Sections 5.1.3 and 12.8.4.3

Permit Condition IV-F-2-c

Continued from 5/18/16

CONTINUED IN 90 DAYS AT THE REQUEST OF TRONOX, LLC AND AIR QUALITY.

9. GYPSUM RESOURCES, LLC (Source ID: 17286)

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

Violation(s) alleged:

Recommended Penalty: \$331,900.00

Violation #1 - Section 12.1.4.1(r)

Permit Condition IV-B-4

Violation #2 - Section 12.1.4.1(r)

Permit Conditions II-A-9 and IV-A-1-a

Violation #3 – Section 26.1.1 and Section 12.1.4.1(f)

Permit Condition IV-A-2-a

Violation #4 - Section 12.1.4.1(c) & (f)

Permit Condition IV-A-3-b

Settlement Agreement/Order

Violation #5 - Section 12.1.4.1(c) & (f)

Permit Condition IV-B-1

**Continued on next page.*

GYPSUM RESOURCES, LLC continued

- Violation #6 - Section 12.1.4.1(c) & (f)
Permit Condition IV-B-2
- Violation #7 - Section 12.1.4.1(c) & (f)
Permit Condition IV-B-4
- Violation #8 - Section 12.1.4.1(d)
Permit Condition IV-C-18
- Violation #9 - Section 12.1.4.1(d) & (m)
Permit Condition IV-D-2-a
- Violation #10 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-4-a
- Violation #11 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-5-c
- Violation #12 - Section 12.1.4.1(d)(2)
Permit Condition IV-E-5-d
- Violation #13 - Section 12.1.4.1(d)(2)
Permit Condition II-C-6-b-iii
- Violation #14 - Section 12.3
- Violation #15 - Section 12.5

Continued from 1/20/16, 3/16/16, and 5/18/16

BOTH PARTIES AGREE TO SETTLE NOVs #8731 AND #8762, AIR QUALITY AGREES TO ACCEPT THE AGREEMENT WHICH IS INCORPORATED INTO THE SETTLEMENT AGREEMENT.

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$150,000.00 PENALTY TO BE PAID IN FULL BY AUGUST 19, 2016.

10. GYPSUM RESOURCES, LLC (Source ID: 17286)

NOV #8762 – For failing to implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends 100 yards or more horizontally or vertically from the point of origin, identified during a complaint investigation conducted on February 18, 2016 at the Gypsum Resources, LLC, Blue Diamond Hill Gypsum facility, located at 14000 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$4,000.00
Violation #1 - Section 12.1.4.1(r)
Permit Condition IV-B-4

Continued from 5/18/16

SEE #9 ABOVE.

III. ADJOURNMENT 10:30 a.m.