




Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. – July 20, 2023

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

The Presentation Room is accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

I. CALL TO ORDER 9:00 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. 7-ELEVEN, INC. (Minor Source Permit, Source ID: 18006)

NOV #9857 – 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 Michael Newell during an on-site full compliance evaluation on May 4, 2023, of the gasoline dispensing operation known as 7 Eleven #38554 located at 4360 North Rancho Drive, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$3,030.00

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

Violation #2 – Permit conditions 4.1.4(a through d, f and g)
Permit condition 4.3.2.b
Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,030.00

Violation #1 – Permit conditions 4.1.3(a through g) - \$1,190.00
Permit condition 4.3.2.b
Permit condition 4.3.4

Violation #2 – Permit conditions 4.1.4(a through d, f and g) - \$1,840.00
Permit condition 4.3.2.b
Permit condition 4.3.4

2. **ADVANCED MANAGEMENT GROUP NEVADA LLC (Project #231031)**
NOV # 9851 – For failing to thoroughly inspect the facility for the presence of asbestos-containing materials prior to commencing renovation activities, as identified by Air Quality Specialist II Kevin Adoor on May 5, 2023, while on routine patrol when he observed renovations at a commercial building, Living Desert Apartments, located near the intersection of Living Desert Drive and Ascot Drive, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,200.00
Violation #1 – Section 13.1, 40 CFR §61.145(a)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,200.00

3. **FIBERGLASS SPECIALTIES, INC. (Minor Source Permit, Source ID: 311)**
NOV #9872 – For failing to submit a timely permit renewal application and operating without a valid Minor Source Permit; and for failing to submit the 2022 annual Emission Inventory Report on or before April 3, 2023, as identified by Senior Air Quality Specialist Michael Newell during an on-site partial compliance evaluation on June 15, 2023, of the fiberglass manufacturer located at 1650 Foothill Drive, Suite 602, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,080.00
Violation #1 – 2019 Permit condition II.B.4
Section 12.1.3.1(c)
Violation #2 – 2019 Permit condition II.C.5.a(ii)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,080.00
Violation #1 – 2019 Permit condition II.B.4 - \$650.00
Section 12.1.3.1(c)
Violation #2 – 2019 Permit condition II.C.5.a(ii) - \$430.00

4. **GREYSTONE NEVADA, LLC (DCOP #56549)**
NOV #9861 – 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 Specialist Andrew Kirk while performing a routine inspection on May 30, 2023 and follow-up inspection on June 1, 2023, at the Lone Mt/Allen construction project, located at Lone Mountain Road and Allen Lane, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,062.50
Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$5,062.50

5. **JENSEN ENTERPRISES, INC. (Synthetic Minor (80) Source Permit, Source ID: 408)**
NOV #9871 – For allowing the actual volatile organic compound emissions from Emission Unit (EU): BRU32 (EU: C19 in March 2022 Permit) to exceed the permitted source-wide and individual EU potential to emit; for failing to limit the consumption of cleaning solvent (EU: BRU32) to 2,368 pounds in any consecutive 12-month period; and for failing to submit a 24-hour exceedance notification after learning of the deviation and a 72-hour written report explaining the exceedance and its resolution, as identified by Senior Air Quality Specialist Michael Murphy during an off-site partial compliance evaluation on June 20, 2023, of the precast concrete manufacturing operation known as Jensen Enterprises, located at 3840 North Bruce Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,320.00
 Violation #1 – March 2022 Permit and June 2022 Permit condition 3.2.1
 March 2022 Permit and June 2022 Permit condition 3.2.2
 March 2022 Permit and June 2022 Permit Table 3-1
 March 2022 Permit and June 2022 Permit Table 3-2
 Violation #2 – March 2022 Permit condition 3.1.4
 June 2022 Permit condition 3.1.10
 Violation #3 – March 2022 Permit and June 2022 Permit conditions 4.4.5(a and b)

**FOUND IN VIOLATION.
 PENALTY ASSESSED: \$5,320.00**

Violation #1 – March 2022 Permit and June 2022 Permit condition 3.2.1 - \$2,160.00
March 2022 Permit and June 2022 Permit condition 3.2.2
March 2022 Permit and June 2022 Permit Table 3-1
March 2022 Permit and June 2022 Permit Table 3-2
Violation #2 – March 2022 Permit condition 3.1.4 - \$2,660.00
June 2022 Permit condition 3.1.10
Violation #3 – March 2022 Permit and June 2022 Permit conditions 4.4.5(a and b) - \$500.00

6. **LAS VEGAS PAVING CORPORATION (Synthetic Minor Source Permit, Source ID: 17846)**
NOV #9865 – For installing one new wash plant, one new screen, one tunnel feeder, four conveyor belts, and a stacker, without first obtaining a minor source permit from the Control Officer; and for failing to conduct Method 9 testing on Emission Units (EUs): A05, A11, A13, and A15 of the crushing and screening plant and on EUs: E03, E04, E05, E06, E07 and E08 affiliated with the wash plant during 2020, 2021, and 2022, as identified by Air Quality Specialist Pat Ringgenberg during an on-site full compliance evaluation on May 3, 2023, of the crushing and screening operation located at 6250 North Meadow Valley Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$13,125.00
 Violation #1 – 2021 Permit condition 5.1.10
 Violation #2 – 2019 Permit condition IV.D.2.a
 2020 Permit and 2021 Permit condition 4.2.2.a

**FOUND IN VIOLATION.
 PENALTY ASSESSED: \$13,125.00**

Violation #1 – 2021 Permit condition 5.1.10 - \$11,250.00
Violation #2 – 2019 Permit condition IV.D.2.a
2020 Permit and 2021 Permit condition 4.2.2.a - \$1,875.00

7. **LAS VEGAS PAVING CORPORATION (DCOP #50966)**

NOV #9877 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Satyra George while performing a routine inspection on June 2, 2023, at the Apex 40 construction project, located northwest of Las Vegas Boulevard and Highway 15, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Sections 94.14(a)(4)

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Sections 94.14(a)(4) - \$2,000.00

Violation #2 – Section 94.14(d) - \$1,000.00

8. **MENICHINO CONSTRUCTION LLC (DCOP #55523)**

NOV #9878 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet in length and cross a property line, as identified by Air Quality Specialist Canduella Rowsell while performing a complaint investigation on May 25, 2023, at the Craig/Jones/Rancho construction project, located at 6021 West Craig Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

9. **NEVADA DEPARTMENT OF CORRECTIONS (Synthetic Minor (80) Source Permit, Source ID: 1516)**

NOV #9832 – For installing five Bryan, 21.0 MMBtu/hr boilers without first obtaining a revised permit authorizing the modification; and for failing to conduct and pass subsequent vapor recovery system tests on or before the three-year anniversary date of the previous successful tests, as identified by Senior Air Quality Specialist Scott Rowsell during an on-site partial compliance evaluation on February 16, 2023, of the men’s correctional facility known as High Desert State Prison located at 22010 Cold Creek Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$22,321.48

Violation #1 – 2019 Permit condition 5.1.9

Violation #2 – 2019 Permit condition 4.2.11.b

2019 Permit Table 4-2

Continued from 5/11/2023

FOUND IN VIOLATION.

PENALTY ASSESSED: \$22,321.48

Violation #1 – 2019 Permit condition 5.1.9 - \$20,071.48

Violation #2 – 2019 Permit condition 4.2.11.b - \$2,250.00

2019 Permit Table 4-2

10. NEVADA POWER COMPANY D/B/A NV ENERGY (Part 70 Operating Permit, Source ID: 1584)

NOV #9847 – For failing to perform a linearity on the O₂ analyzer on Emission Unit: A03 during the second quarter of 2022; and for failing to identify Intermittent Compliance for failure to complete a linearity test for O₂ during the second quarter of 2022 in the 2022 Annual Compliance Certification report, as identified by Senior Air Quality Specialist Mike Murphy during an off-site partial compliance evaluation on April 10, 2023 of the electrical power generating station known as Silverhawk Generating Station, located at 15111 Apex Power Parkway, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$4,000.00
Violation #1 – 2022 Permit condition III.D.14
40 CFR Part 75, Appendix B, Section 2.2.1
Violation #2 – 2022 Permit condition II.D.6.c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – 2022 Permit condition III.D.14 - \$2,000.00
40 CFR Part 75, Appendix B, Section 2.2.1
Violation #2 – 2022 Permit condition II.D.6.c - \$2,000.00

11. REPUBLIC POLYMERS, LLC (DCOP #56066)

NOV #9854 – 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 Specialist Katrinka Byers while performing a routine inspection on May 6, 2023, at the Las Vegas Polymer Center construction project, located at 5491 Accurate Drive, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,000.00
Violation #1 – Section 94.13(a) and (b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

12. TAB CONTRACTORS, INC. (DCOP #54940)

NOV #9855 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line and extend more than 100 feet in length, as identified by Senior Air Quality Specialist Andrew Kirk while performing a routine inspection during a Construction Notice period on May 1, 2023, at the Durango Station construction project, located at South Durango Drive and Roy Horn Way, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$4,000.00
Violation #1 – Section 94.14(a)(3) and (4)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

13. TAB CONTRACTORS, INC. (DCOP #53919)

NOV #9868 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and failing to maintain a trackout control device in an effective condition at all access points where paved and unpaved access intersect; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialists Mike Englehart and Heath Richards, and Senior Air Quality Specialist Andrew Kik while performing a routine inspection on May 5, 2023, and follow-up inspections on May 10, 11, 13, and 16, 2023 at the Las Vegas Blvd Roadway Improvement Phase B1-215 To Russell construction project, located on Las Vegas Boulevard from Mandalay Bay Road to the 215, and on Spring Mountain Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$7,500.00

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

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,500.00

Violation #1 – Sections 94.13(a) and (b) - \$4,250.00

Violation #2 – Section 94.14(d) - \$3,250.00

14. TARGET CONSTRUCTION, INC. (DCOP #46447)

NOV #9863 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Richard Wyse while performing an expired permit inspection on May 24, 2023, at the El Dorado Quarry construction project, located at 12495 South Old US-95 Highway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Sections 94.14(a)(3)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

15. TOLL SOUTH LV LLC (DCOP #53873)

NOV #9859 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Noel Crandall while performing a complaint investigation on May 8, 2023, at the Tonopah & Lincoln construction project, located at East Tonopah Avenue and Lincoln Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

16. WELLS CARGO, INC. (Portable Synthetic Minor Source Permit, Source ID: 17749)

NOV #9852 – For handling material during the operation of the 6-Compartment Feed Bin (Loading), two Conveyor Belts and a Screen (Emission Units: D01 through D04) in a manner that caused fugitive dust plumes to become airborne and travel over 100 yards from the point of origin, as identified by Senior Air Quality Specialist Camon Liddell while performing a complaint investigation on May 16, 2023 of the aggregate crushing and screening plant, hot mix asphalt plant, and asphalt rubber mixing plant known as Wells Cargo Lone Mountain Plant, currently located at 11291 West Washburn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,750.00

Violation #1 – 2022 Permit condition 2.2.27

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

17. WELLS ENTERPRISES, INC. (Certificate of Exemption, Source ID: 18028)

NOV #9874 – For allowing the discharge of such quantities of air contaminants from the facility to cause excessive odors constituting a nuisance, as identified by Senior Air Quality Specialist Camon Liddell during a complaint investigation on June 22, 2023, of the commercial building whose primary business function is the manufacturing of ice cream, located at 1001 Olsen Street, in Clark County, Nevada

Violation(s) Alleged:

Recommended Penalty: \$625.00

Violation #1 – Section 43.1

Section 40.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$625.00

18. WESTERN STATES CONTRACTING, INC. (DCOP #54165)

NOV #9875 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities, as identified by Air Quality Specialist Noel Crandall while performing a routine inspection on June 15, 2023, at the Apex Corners construction project, located at Las Vegas Boulevard and the south I-15 ramp, 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

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **BRISTOL ENVIRONMENTAL SOLUTIONS LLC (Construction Project #56227)**

NOV #9876 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, as identified by Air Quality Specialist Canduella Rowsell while performing a routine inspection at the UFP-QAPP Nellis UNLV MRS02 construction site, located northeast of Pecos Road and 215, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.14(a)(3)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$2,500.00 PENALTY, \$500.00 OF WHICH BE HELD IN ABEYANCE UNTIL 7/20/2024. IF BRISTOL ENVIRONMENTAL SOLUTIONS LLC DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$500.00 WILL BE WAIVED.

2. **HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION (DCOP #55410)**

NOV #9869 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialist Nahulu Kahananui, and Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing a complaint investigation on May 31, 2023, and follow-up inspections on June 1 and 3, 2023 at the Tommy’s Express Car Wash Nellis construction project, located at 2842 South Nellis Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,500.00

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

Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$6,500.00 PENALTY: \$4,750.00 FOR VIOLATION #1, AND \$1,750.00 FOR VIOLATION #2. \$750.00 OF THE PENALTY FOR VIOLATION #1, AND \$250.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 7/20/2024. IF HADFIELD DEVELOPMENT, INC. D/B/A HADFIELD BUILDING CORPORATION DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,000.00 WILL BE WAIVED.

3. **PLASTER DEVELOPMENT COMPANY, INC. (DCOP #56553)**

NOV #9858 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet in length on April 26 and 28, 2023 and cross a property line on April 28, 2023; and for allowing soil to be tracked out greater than 50 feet in length onto a paved surface, as identified by Air Quality Specialists Canduella Rowsell and Damon Lindsay while performing complaint investigations on April 19 and 27, 2023, and follow-up inspections on April 20, 21, 26, and 28, 2023 at the Commerce & Kraft Townhomes construction project, located at the southeast corner of Commerce Street and Kraft Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$15,187.50

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

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

Violation #3 – Section 94.14(d)

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$15,187.50 PENALTY: \$7,187.50 FOR VIOLATION #1, \$6,500.00 FOR VIOLATION #2, AND \$1,500.00 FOR VIOLATION #3. \$1,000.00 OF THE PENALTY FOR VIOLATION #1, \$1,000.00 OF THE PENALTY FOR VIOLATION #2, AND \$500.00 OF THE PENALTY FOR VIOLATION #3 WILL BE HELD IN ABEYANCE UNTIL 7/20/2024. IF PLASTER DEVELOPMENT COMPANY, INC. DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$2,500.00 WILL BE WAIVED.

4. **PROGRESSIVE CONSTRUCTION INC. D/B/A GROWTH CONSTRUCTION (DCOP #54387)**

NOV #9879 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart while performing a routine inspection on June 9, 2023, and a follow-up inspection on June 13, 2023, at the 10 Olympia Canyon construction project, located at 10 Olympia Canyon Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,500.00

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

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$2,500.00, \$500.00 OF WHICH BE HELD IN ABEYANCE UNTIL 7/20/2024. IF PROGRESSIVE CONSTRUCTION INC. D/B/A GROWTH CONSTRUCTION DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$500.00 WILL BE WAIVED.

5. **R&O CONSTRUCTION COMPANY (DCOP #56231)**

NOV #9866 – For allowing soil to be tracked out greater than 50 feet in length onto a paved surface; and for constructing soil stockpiles greater than eight feet in height within 100 yards of occupied buildings, as identified by Air Quality Specialist Canduella Rowsell while performing complaint investigations on April 27, and May 11 and 17, 2023, and a routine inspection on May 30, 2023 at the Windsor Industrial Park construction project, located at West Carey Avenue and Simmons Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Section 94.14(d)

Violation #2 – Section 94.14(g)

AIR QUALITY PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT CC.

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$6,000.00 PENALTY: \$4,500.00 FOR VIOLATION #1, AND \$1,500.00 FOR VIOLATION #2. \$500.00 OF THE PENALTY FOR VIOLATION #1, AND \$500.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 7/20/2024. IF R&O CONSTRUCTION COMPANY DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$1,000.00 WILL BE WAIVED.

6. **ROCKWOOD CONSTRUCTION COMPANY, LLC (DCOP #54550)**

NOV #9867 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross the property line; and for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart and Senior Air Quality Specialist Andrew Kirk while performing a compliant investigation on June 2, 2023, and a follow-up inspection on June 3, 2023, at the Gramercy Apartments construction project, located at 9235 West Russell Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,375.00

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

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

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$4,375.00 PENALTY: \$2,500.00 FOR VIOLATION #1, AND \$1,875.00 FOR VIOLATION #2. \$625.00 OF THE PENALTY FOR VIOLATION #2 WILL BE HELD IN ABEYANCE UNTIL 7/20/2024. IF ROCKWOOD CONSTRUCTION COMPANY, LLC DOES NOT VIOLATE AQRs BEFORE 7/20/2024 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING OFFICER ORDER, THEN THE SUSPENDED AMOUNT OF \$625.00 WILL BE WAIVED.

7. UNITED CONSTRUCTION COMPANY (DCOP #50225)

NOV #9853 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet; 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 maintain a Dust Control Monitor on the project site at all times construction activities occur, as identified by Air Quality Specialist Allan Gutierrez while performing routine and follow-up inspections during Construction Notice periods on May 1 and 2, 2023, at the DP Logisticenter @ I-15 South construction project, located along Chapparral Road between Volunteer Boulevard to the north and Larson Lane to the south, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,750.00

Violation #1 – Section 94.14(a)(3)

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

Violation #3 – Section 94.8(f)

UNITED CONSTRUCTION COMPANY DID NOT CONTEST NOV #9853.

NOV #9853 WAS MOVED TO THE NON CONTESTED PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,750.00

Violation #1 – Section 94.14(a)(3) - \$3,000.00

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

Violation #3 – Section 94.8(f) - \$1,000.00

8. WESTERN STATES CONTRACTING, INC. (DCOP #55391)

NOV #9862 – For allowing soil to be tracked out greater than 50 feet onto a paved surface, as identified by Air Quality Specialists Satyra George and Noel Crandall while performing a routine inspection during a Construction Notice period on May 2, 2023, and follow-up inspections on May 5, 10, 11, and 12, 2023, at the Apex Waterline Phase 2A construction project, located at Nadine Petersen Boulevard and North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,500.00

Violation #1 – Section 94.14(d)

WESTERN STATES CONTRACTING, INC. REQUESTED A CONTINUANCE OF NOV #9862.

HEARING OFFICER CONTINUED WESTERN STATES CONTRACTING, INC.’S CASE TO SEPTEMBER 21, 2023.

RECESS AT 11:15 a.m.

Stationary Sources Violations:

9. **G. GORDI, LLC (Minor Source Permit, Source ID: 15401)**

NOV #9864 – For allowing annual Volatile Organic Compound emissions to exceed the permitted potential to emit; for exceeding the operational gasoline throughput limitation of 4,000,000 gallons per year in 2022; and for failing to submit a 24-hour exceedance notification after learning of the deviation and a 72-hour written report explaining the exceedance and its resolution, as identified by Air Quality Specialist Joshua Kelley during an off-site partial compliance evaluation on May 19, 2023, of the gasoline dispensing operation known as Arco AM PM #5315, located at 4916 Paradise Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,500.00

- Violation #1 – Permit condition 3.2.1
Permit Table 3-1
- Violation #2 – Permit condition 3.1.1
- Violation #3 – Permit conditions 4.4.6(a and b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

- Violation #1 – Permit condition 3.2.1 - \$1,000.00**
Permit Table 3-1
- Violation #2 – Permit condition 3.1.1 - \$1,000.00**
- Violation #3 – Permit conditions 4.4.6(a and b) - \$500.00**

10. **GYP SUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

NOV #9856 – For failing to submit a 24-hour notification and 72-hour report for deviations with excess emissions; for failing to operate baghouse #2 (Control Device: D02) while the associated Emission Units: A01 and A39 were in operation; and for failing to maintain a minimum moisture content of 1.5 percent in materials as determined from weekly moisture testing at two locations consisting of 11 samples, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on May 30, 2023, of the gypsum processing operation, located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$12,800.00

- Violation #1 – 2022 Permit conditions II.D.7(a and b)
2022 Permit condition III.F.5.o
- Violation #2 – 2022 Permit conditions III.C.3(e, f, and g)
2022 Permit Table III-C-2
- Violation #3 – 2022 Permit condition III.C.3.a

NOV #9856 WAS HEARD AT THE BEGINNING OF THE CONTESTED STATIONARY SOURCES VIOLATIONS PORTION OF THE DOCKET.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,800.00

- Violation #1 – 2022 Permit conditions II.D.7(a and b) - \$1,820.00**
2022 Permit condition III.F.5.o
- Violation #2 – 2022 Permit conditions III.C.3(e, f, and g) - \$7,280.00**
2022 Permit Table III-C-2
- Violation #3 – 2022 Permit condition III.C.3.a - \$3,700.00**

11. HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 372)

NOV #9860 – For failing to identify intermittent compliance for two 2022 Permit conditions in the 2022 Annual Compliance Certification report; for failing to submit a 24-hour notification and 72-hour report for deviations with excess emissions associated with the consecutive 12-month exceedance of propane usage by the hot oil heaters (Emission Units (EUs): D026 and D027) from October 2022 through March 2023; for failing to limit the propane fuel used in the hot oil heaters (EUs: D026 and D027) to 147,294 gallons per any consecutive 12-month period during October 2022 through March 2023; for exceeding the actual emissions for carbon monoxide, sulfur dioxide, and volatile organic compounds in any consecutive 12-month period for the hot oil heaters (EUs: D026 and D027), from October 2022 through March 2023; and for failing to maintain the differential pressure drop across the DC-1 baghouse, which is associated with EUs: A016, A018, A020, A025a, A026a, A029, A032, and A040, between 1 inch and 6 inches of water column on 49 separate dates during the period of July 1, 2022, through March 31, 2023, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on May 4, 2023, of the sand and gravel, hot mix asphalt, and ready-mix concrete facility known as Holcim – SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,685.00

- Violation #1 – 2022 Permit condition II.D.6(c)
- Violation #2 – 2022 Permit condition II.D.7(a and b)
- Violation #3 – 2022 Permit condition III.C.16
- Violation #4 – 2022 Permit condition III.B.5
2022 Permit Table III-B-16
- Violation #5 – 2022 Permit condition III.D.2.b

AIR QUALITY AMENDED NOV #9860 TO EXCLUDE VIOLATION #2, #3, AND #4 FROM THE NOV, REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$3,172.50

HOLCIM - SWR, INC. CHANGED ITS PLEA TO NOT CONTESTING NOV #9860.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,172.50

- Violation #1 – 2022 Permit condition II.D.6(c) - \$1,875.00**
- Violation #5 – 2022 Permit condition III.D.2.b - \$1,297.50**

12. LAS VEGAS NEVADA LDS TEMPLE (Minor Source Permit, Source ID: 17617)

NOV #9873 – For failing to conduct and maintain records of quarterly visual emission checks on the diesel-fired emergency generator, Emission Unit (EU): A01; for failing to conduct and maintain a record of the date and duration of operation of the diesel-fired emergency generator, EU: A01, for purposes of testing, maintenance, and non-emergency usage; and for failing to submit the 2022 annual Emissions Inventory Report on or before April 3, 2023, as identified by Senior Air Quality Specialist Michael Murphy during an on-site full compliance evaluation on June 1, 2023, of the church building operation located at 827 Temple View Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,162.50

- Violation #1 – 2021 Permit condition 4.1.2
2021 Permit condition 4.3.1.a
- Violation #2 – 2016 Permit condition IV.C.5
2016 Permit condition IV.E.2.a
2021 Permit condition 4.1.6
2021 Permit condition 4.3.1.d
- Violation #3 – 2021 Permit condition 4.4.3.a.ii

LAS VEGAS NEVADA LDS TEMPLE DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,162.50

- Violation #1 – 2021 Permit condition 4.1.2 - \$265.00**
2021 Permit condition 4.3.1.a
- Violation #2 – 2016 Permit condition IV.C.5 - \$500.00**
2016 Permit condition IV.E.2.a
2021 Permit condition 4.1.6
2021 Permit condition 4.3.1.d
- Violation #3 – 2021 Permit condition 4.4.3.a.ii - \$397.50**

13. MFE, INC. (General Permit, Source ID: 17231)

NOV #9848 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; failing to conduct and maintain records of daily Phase II vapor recovery system inspections; and for failing to maintain Phase II vapor recovery equipment in good working order by operating dispensers #1 and #16 with broken face seals, and dispensers #1, #12, #14, and #16 with cracked hoses, as identified by Air Quality Specialist Michael Newell during an on-site full compliance evaluation on April 5, 2023, of the gasoline dispensing operation known as Arco AM PM #83194 located at 7251 West Azure Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,025.00

- Violation #1 – 2017 Permit condition II.D.2
2017 Permit conditions IV.C.3(a through g)
2017 Permit condition IV.E.2.a
- Violation #2 – 2017 Permit condition II.D.2
2017 Permit conditions IV.C.4(a through d, and f through h)
2017 Permit condition IV.E.2.a
- Violation #3 – 2020 General Permit condition 2.1.7.c

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,025.00

Violation #1 – 2017 Permit condition II.D.2	- \$880.00
2017 Permit conditions IV.C.3(a through g)	
2017 Permit condition IV.E.2.a	
Violation #2 – 2017 Permit condition II.D.2	- \$2,145.00
2017 Permit conditions IV.C.4(a through d, and f through h)	
2017 Permit condition IV.E.2.a	
Violation #3 – 2020 General Permit condition 2.1.7.c	- \$1,000.00

14. NEVADA DEPARTMENT OF CORRECTIONS (Synthetic Minor (80) Source Permit, Source ID: 1516)

NOV #9870 – For failing to conduct performance testing on two 21.0 MMBtu/hr Bryan diesel-fired boilers, Emission Units: A05 and A06, within 90 days of the 5-year anniversary date of the previous performance tests, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on June 14, 2023, of the men’s correctional facility known as High Desert State Prison located at 22010 Cold Creek Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$7,049.25

Violation #1 – 2019 Permit condition 4.2.2.a

NEVADA DEPARTMENT OF CORRECTIONS REQUESTED A CONTINUANCE OF NOV #9870.

HEARING OFFICER CONTINUED NEVADA DEPARTMENT OF CORRECTIONS’ CASE TO SEPTEMBER 21, 2023.

15. REPUBLIC DUMPCO, INC. (Part 70 Operating Permit, Source ID: 395)

NOV #9846 – For installing an unpermitted Cummins, diesel fired, continuous-duty, 201 horsepower generator without first obtaining an Authority to Construct from the Control Officer, as identified by Senior Air Quality Specialist Scott Rowsell during an off-site partial compliance evaluation on April 20, 2023, of the Municipal Waste Management facility known as the Apex Regional Landfill, located at 13550 North Highway 93, in Clark County, Nevada

Violation(s) Alleged:

Recommended Penalty: \$16,899.96

Violation #1 – 2022 Permit condition II.B.1

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9846, WHICH INCLUDES A \$15,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

Asbestos Violations:

16. **ROBERT LYNN WREGE D/B/A ABRAHAM MECHANICAL SERVICES (Project #231028) NOV # 9850** – 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 II Kevin Adoor on May 3, 2023, while on routine patrol when he observed a dumpster in the parking lot of Hard Hat Lounge located at 1675 Industrial Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,200.00

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

ROBERT LYNN WREGE D/B/A ABRAHAM MECHANICAL SERVICES DID NOT CONTEST NOV #9850.

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,200.00**

III. ADJOURNMENT 12:51 p.m.

Signature: 
Shibi Paul (Jul 26, 2023 07:51 PDT)

Email: SPaul@ClarkCountyNV.gov