



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 21, 2022

Hearing Officer: Christine T. Smith

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Ross Grover, Senior Air Quality Specialist
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: 9303)

NOV #9706 – For failing to conduct and maintain records of Phase I and Phase II vapor recovery system equipment inspections, as identified by Air Quality Specialist Michael Newell during an onsite full compliance evaluation on April 26, 2022 of the gasoline dispensing operation known as 7-Eleven #29645 located at 529 North Rancho Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,885.00

- Violation #1 – 2019 Permit condition 4.1.4(a through g)
- 2019 Permit condition 4.3.2.b
- 2019 Permit condition 4.3.4
- 2020 Permit condition 4.1.3(a through g)
- 2020 Permit condition 4.1.4(a through i)
- 2020 Permit condition 4.3.2.b
- 2020 Permit condition 4.3.4

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$1,885.00**

2. **7-ELEVEN, INC. (Minor Source Permit, Source ID: 9307)**

NOV #9718 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests; and for failing to notify the Control Officer of a cancelled vapor recovery system test, as identified by Air Quality Specialist Martin Tull during an off-site partial compliance evaluation of the gasoline dispensing operation known as 7-Eleven #29627 located at 1730 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,590.00

- Violation #1 – 2019 Permit condition 4.2.4.b
2019 Permit Table 4-1
- Violation #2 – 2019 Permit condition 4.2.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,590.00

- Violation #1 – 2019 Permit condition 4.2.4.b - \$2,340.00**
2019 Permit Table 4-1
- Violation #2 – 2019 Permit condition 4.2.3 - \$250.00**

3. **DESTINY HOMES LLC (DCOP #55155)**

NOV #9713 – 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 routine inspection on May 18, 2022 at the Helena & Al Carrison Destiny Homes construction project, located at Helena Avenue and Al Carrison Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

4. **GUARANTEED CLEAN AIR ENVIRONMENTAL, LLC DBA GCA ENVIRONMENTAL (Project #220284)**

NOV #9716 – For failing to remove all Regulated Asbestos-Containing Materials (RACM) from the facility; and for failing to adequately wet all RACM and ensure it remained wet, as identified by Air Quality Specialist II Whitney Francis on June 13, 2022 during a routine inspection at the GCA Environmental asbestos abatement project located at the Casa Vegas Apartment Homes, 1405 Vegas Valley Drive, Unit 92 in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$400.00

- Violation #1 – Section 13.1, 40 CFR §61.145(c)(1)
- Violation #2 – Section 13.1, 40 CFR §61.145(c)(6)(i)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$400.00

- Violation #1 – Section 13.1, 40 CFR §61.145(c)(1) - \$200.00**
- Violation #2 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$200.00**

5. **JENSEN ENTERPRISES, INC. (Minor Source Permit, Source ID: 583)**

NOV #9703 – For failing to conduct and maintain records of daily visual emissions checks of the facility; for failing to conduct and maintain records of daily visual observations of six baghouses and/or stack discharges (Emission Units (EUs): A07, A08, B07, B08, C09, and C10) to verify that visible emissions were not present in excess of allowable opacity limits, and failing to conduct and maintain records of daily visual observations of three bin vents (EUs: A12, B12, and C13) to verify that visible emissions were not present in excess of allowable opacity limits; and for failing to conduct and maintain records of the daily monitoring of the pressure drop across each baghouse cell for six baghouses (EUs: A07, A08, B07, B08, C09, and C10), as identified by Senior Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on April 21, 2022 of the concrete batch plants operation manufacturing precast concrete products located at 3853 Losee Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,162.50

- Violation #1 – 2019 Permit condition 4.1.1
2019 Permit condition 4.3.1.a
- Violation #2 – 2019 Permit condition 4.1.11
2019 Permit condition 4.1.12
2019 Permit condition 4.3.1.a
- Violation #3 – 2019 Permit and October 2021 Permit condition 4.1.8
2019 Permit and October 2021 Permit condition 4.3.1.f
December 2021 Permit condition 4.1.9
December 2021 Permit condition 4.3.1.f

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,162.50

- Violation #1 – 2019 Permit condition 4.1.1 - \$1,337.50**
2019 Permit condition 4.3.1.a
- Violation #2 – 2019 Permit condition 4.1.11 - \$2,675.00**
2019 Permit condition 4.1.12
2019 Permit condition 4.3.1.a
- Violation #3 – 2019 Permit and October 2021 Permit condition 4.1.8 - \$4,150.00**
2019 Permit and October 2021 Permit condition 4.3.1.f
December 2021 Permit condition 4.1.9
December 2021 Permit condition 4.3.1.f

6. **MAVERIK, INC. (Minor Source Permit, Source ID: 15445)**

NOV #9714 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct subsequent vapor recovery system tests within three years of the previous successful tests, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on May 20, 2022 of the gasoline dispensing operation known as Maverik Store #342 located at 14 North Sandhill Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,895.00

- Violation #1 – 2020 Permit condition 4.1.4(a through h)
2020 Permit condition 4.3.2.b
- Violation #2 – 2020 Permit condition 4.2.4.b
2020 Permit Table 4-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,895.00

Violation #1 – 2020 Permit condition 4.1.4(a through h) - \$745.00
2020 Permit condition 4.3.2.b

Violation #2 – 2020 Permit condition 4.2.4.b - \$1,150.00
2020 Permit Table 4-1

7. **MINERO LLC D/B/A MINERO GENERAL CONTRACTOR (DCOP #54019)**

NOV #9719 – 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 and Air Quality Specialist Damon Lindsay while performing routine and follow-up inspections on June 7 and 9, 2022, at the Craig Road & Arcata Way construction project, located at the southwest corner of Craig Road and Arcata Way, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

8. **NEVADA READY MIX CORPORATION (Synthetic Minor Source Permit, Source ID: 512)**

NOV #9707 – For replacing the Boiler (Emission Unit (EU): P01) with a higher rated Boiler without first obtaining a revised permit authorizing the modification; for conducting blasting activities during a Construction Notice period on January 21, 2022; for failing to conduct and maintain records of moisture sample results at the Type II Plant; for failing to conduct and maintain records of quarterly Method 22 Evaluations for 12 consecutive quarters on 14 baghouses (DC-2, DC-6, DC-9, DC-12 through DC-16, DC-21, and DC-24 through DC-27), and for failing to conduct and maintain records of monthly Method 22 Evaluations for 19 consecutive months on six bin vents on the Ready Mix Plant #1 (EUs: M012 through M014, M028, M030, and M031); for failing to conduct and maintain records of monthly interior inspections for 14 baghouses (DC-2, DC-6, DC-9, DC-12 through DC-16, DC-21 and DC-24 through DC-27); for failing to conduct and maintain a record of the annual burner efficiency testing on the Boiler (EU: P01) for 2020 and 2021; and for failing to conduct and pass the static pressure decay and PV Vent Valve testing on the 1,000 gallon above ground storage tank (EU: Q02) within three years of the previous passing test, as identified by

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NEVADA READY MIX CORPORATION continued

Senior Air Quality Specialist Camon Liddell, and Air Quality Specialists Michael Newell and Ryan O'Conner during an onsite full compliance evaluation on April 14, 2022 of the concrete manufacturing with sand and gravel, and gasoline dispensing operation known as Nevada Ready Mix located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$20,302.50

- Violation #1 – June 2021 Permit, October 2021 Permit, and 2022 Permit condition 5.1.10
- Violation #2 – 2022 Permit condition 2.2.29
- Violation #3 – June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.1.7.c.ii
June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.3.1.e
- Violation #4 – Permits condition 4.1.17
Permits condition 4.3.1.a
September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.2.5
September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit Table 4-3
- Violation #5 – 2019 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.1.19
September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.1.18
Permits condition 4.3.1.b
- Violation #6 – 2019 Permit condition 4.1.26
2019 Permit condition 4.3.1.a
September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.1.27
September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.3.1.b
June 2021 Permit and October 2021 Permit condition 4.1.28
June 2021 Permit and October 2021 Permit condition 4.3.1.b
- Violation #7 – 2019 Permit condition 4.2.8.b
2019 Permit Table 4-3
September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.2.9.b
September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit Table 4-4

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$20,302.50

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|---|---------------------|
| Violation #1 – June 2021 Permit, October 2021 Permit, and 2022 Permit condition 5.1.10 | - \$4,425.00 |
| Violation #2 – 2022 Permit condition 2.2.29 | - \$937.50 |
| Violation #3 – June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.1.7.c.ii | - \$3,735.00 |
| June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.3.1.e | |
| Violation #4 – Permits condition 4.1.17 | - \$1,687.50 |
| Permits condition 4.3.1.a | |
| September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.2.5 | |
| September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit Table 4-3 | |
| Violation #5 – 2019 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.1.19 | - \$1,800.00 |
| September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.1.18 | |
| Permits condition 4.3.1.b | |
| Violation #6 – 2019 Permit condition 4.1.26 | - \$1,500.00 |
| 2019 Permit condition 4.3.1.a | |
| September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.1.27 | |
| September 2020 Permit, October 2020 Permit, and December 2020 Permit condition 4.3.1.b | |
| June 2021 Permit and October 2021 Permit condition 4.1.28 | |
| June 2021 Permit and October 2021 Permit condition 4.3.1.b | |
| Violation #7 – 2019 Permit condition 4.2.8.b | - \$6,217.50 |
| 2019 Permit Table 4-3 | |
| September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit condition 4.2.9.b | |
| September 2020 Permit, October 2020 Permit, December 2020 Permit, June 2021 Permit, October 2021 Permit, and 2022 Permit Table 4-4 | |

9. **PINK HAMMER HOMEPROS, LLC (DCOP #55328)**

NOV #9712 – 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 complaint investigation during a Construction Notice period on May 11, 2022, at the Livingston Residence construction project, located at 3013 Regency Hill, 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

10. **RESTAURANT CONSTRUCTION CONSULTANTS, LLC AND SANDRA VALLEJO INDIVIDUALLY (Project #221031)**

NOV #9708 – For failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Material (RACM) at the Facility; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for allowing visible emissions and 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 by Air Quality Specialist II Kevin Adoor on April 6, 2022 while conducting routine patrol at a commercial building located at 3329 South Eastern Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Section 13.1, 40 CFR §61.145(b)(1), and
40 CFR §61.145(b)(3)(i)

Violation #2 – Section 13.1, 40 CFR §61.145(c)(1)

Violation #3 – Section 13.1, 40 CFR §61.145(c)(6)(i)

Violation #4 – Section 13.1, 40 CFR §61.145(c)(8)

Violation #5 – Section 13.1, 40 CFR §61.150(a), and
40 CFR §61.150(a)(1)(iii)

Violation #6 – Section 13.1, 40 CFR §61.150(a)(1)(iv)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

**Violation #1 – Section 13.1, 40 CFR §61.145(b)(1), and - \$1,000.00
40 CFR §61.145(b)(3)(i)**

Violation #2 – Section 13.1, 40 CFR §61.145(c)(1) - \$1,000.00

Violation #3 – Section 13.1, 40 CFR §61.145(c)(6)(i) - \$1,000.00

Violation #4 – Section 13.1, 40 CFR §61.145(c)(8) - \$500.00

**Violation #5 – Section 13.1, 40 CFR §61.150(a), and - \$1,000.00
40 CFR §61.150(a)(1)(iii)**

Violation #6 – Section 13.1, 40 CFR §61.150(a)(1)(iv) - \$500.00

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

NOV #9720 – For failing to employ Best Available Control Measures (BACM) and comply with soil stabilization standards 24 hours a day, seven days a week; for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet in length; and for failing to maintain a Dust Control Monitor on site at all times construction activities occur, as identified by Air Quality Specialists Josh Kelley, Heath Richards, and Richard Wyse while performing a complaint investigation on June 7, 2022, and follow-up inspections on June 8 and 9, 2022, at the El Dorado Quarry construction project, located at 12495 South Old US 95 Highway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$6,750.00

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

Violation #2 – Section 94.14(a)(3)

Violation #3 – Section 94.8(f)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,750.00

Violation #1 – Sections 94.13(a) and (b) - \$1,000.00

Violation #2 – Section 94.14(a)(3) - \$5,500.00

Violation #3 – Section 94.8(f) - \$250.00

12. THE FISHEL COMPANY DBA TEAM FISHEL (DCOP #55366)

NOV #9711 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities; 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 while performing a complaint investigation on May 5, 2022, and follow-up inspection during a Construction Notice period on May 7, 2022, at the CLV-Harris Ave Safe Routes-1 construction project, located on Harris Avenue between Lily Lane and Paniflow Street, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,875.00

Violation #1 – Section 94.4.1(a)

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,875.00

Violation #1 – Section 94.4.1(a) - \$625.00

Violation #2 – Sections 94.13(a) and (b) - \$3,250.00

13. THE QUIKRETE COMPANIES, LLC (Minor Source Permit, Source ID: 324)

NOV #9702 – For allowing the handling of material in a manner which allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Martin Tull during a scheduled early morning surveillance patrol on April 27, 2022 of the concrete, sand, grout, decorative rock, and cement bagging operation located at 112 West Brooks Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,300.00

Violation #1 – October 2021 Permit condition 2.2.22

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,300.00

14. **VALLEY ENVIRONMENTAL LLC DBA TRUSTED DEMOLITION (Project #221033)**
NOV #9705 – For failing to notify Air Quality 10 working days prior to demolition activities at the facility, as identified by Air Quality Specialist II Kevin Adoor while performing an investigation on May 6, 2022 of demolition activities occurring at Bramblewood Mobile Home Park located at 1700 North Gateway Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$600.00
Violation #1 – Section 13.1, 40 CFR §61.145(b)(1) and
40 CFR §61.145(b)(3)(i)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$600.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **ACAK IRREVOCABLE TRUST (DCOP #55113)**
NOV #9683 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for allowing soil to be tracked out greater than 50 feet in length onto a paved roadway; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Damon Lindsay during complaint investigations on March 7 and 8, 2022 at the Lone Mtn and Allen construction project, located at the northwest corner of Lone Mountain Road and Allen Lane, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$6,750.00
Violation #1 – Section 94.14(a)(4)
Violation #2 – Section 94.14(d)
Violation #3 – Sections 94.13(a) and (b)

Continued from 5/19/2022

ACAK IRREVOCABLE TRUST DID NOT APPEAR.

FOUND IN VIOLATION.
PENALTY ASSESSED: \$6,750.00
Violation #1 – Section 94.14(a)(4) - \$2,500.00
Violation #2 – Section 94.14(d) - \$2,750.00
Violation #3 – Sections 94.13(a) and (b) - \$1,500.00

2. **LVBD65, LLC (DCOP #54715)**

NOV #9698 – For failing to employ Best Available Control Measures (BACM) and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet and cross a property line, as identified by Air Quality Specialist Allan Gutierrez, Senior Air Quality Specialist Camon Liddell, and Senior Air Quality Specialist Andrew Kirk while performing a routine inspection during a Construction Notice period on March 21, 2022, a follow-up inspection during a Construction Notice period on March 28, 2022, and a follow-up inspection on March 31, 2022 at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,250.00

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

Violation #2 – Section 94.14(a)(3)

Section 94.14(a)(4)

Continued from 5/19/2022

LVBD65, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

Violation #1 – Sections 94.13(a) and (b) - \$2,250.00

Violation #2 – Section 94.14(a)(3) - \$3,000.00

Section 94.14(a)(4)

3. **LVBD65, LLC (DCOP #54715)**

NOV #9701 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez, Senior Air Quality Specialist Katrinka Byers, and Air Quality Supervisor David Dean while performing a complaint investigation during a Dust Advisory period on April 11, 2022, a complaint investigation during a Construction Notice period on April 12, 2022, follow-up inspections on April 13, 14, and 15, 2022, a follow-up inspection during a Dust Advisory on April 16, 2022, and a follow-up inspection during a Construction Notice period on April 18, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.

**Continued on the next page.*

LVBD65, LLC continued

Violation(s) Alleged:

Recommended Penalty: \$17,000.00

- Violation #1 – Section 94.14(a)(4)
- Violation #2 – Section 94.14(a)(3)
- Violation #3 – Sections 94.13(a) and (b)

Continued from 5/19/2022

LVBD65, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$17,000.00

- Violation #1 – Section 94.14(a)(4) - \$11,500.00**
- Violation #2 – Section 94.14(a)(3) - \$3,000.00**
- Violation #3 – Sections 94.13(a) and (b) - \$2,500.00**

4. LVBD65, LLC (DCOP #54715)

NOV #9704 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing trackout more than 50 feet on a paved surface, as identified by Air Quality Specialist Allan Gutierrez and Senior Air Quality Specialist Katrinka Byers while performing a complaint investigation during a Dust Advisory period on April 19, 2022, a complaint investigation during a Construction Notice period on April 21, 2022, a follow-up inspection during a Construction Notice period on April 22, 2022, and follow-up inspections on April 20, 25 and 26, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$13,750.00

- Violation #1 – Section 94.14(a)(4)
- Violation #2 – Sections 94.13(a) and (b)
- Violation #3 – Section 94.14(d)

LVBD65, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$13,750.00

- Violation #1 – Section 94.14(a)(4) - \$6,500.00**
- Violation #2 – Sections 94.13(a) and (b) - \$3,500.00**
- Violation #3 – Section 94.14(d) - \$3,750.00**

5. **LVBD65, LLC (DCOP #54715)**

NOV #9709 – For allowing trackout more than 50 feet on a paved surface; 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 Specialists Allan Gutierrez and Mike Englehart, and Senior Air Quality Specialist Katrinka Byers while performing follow-up inspections on April 27, 29, 30, 2022, and May 2 through 4, 2022, and an inspection during a Construction Notice period on April 28, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$10,750.00

Violation #1 – Section 94.14(d)

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

LVBD65, LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,750.00

Violation #1 – Section 94.14(d) - \$8,500.00

Violation #2 – Sections 94.13(a) and (b) - \$2,250.00

6. **WILLIAM CHARLES, INC. (DCOP #54257)**

NOV #9721 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to extend more than 100 feet; for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to maintain a Dust Control Monitor onsite at all times construction activities occur, as identified by Air Quality Specialists Satyra George and Noel Crandall while performing complaint investigations on June 1 and 9, 2022, and follow-up inspections on June 10 and 11, 2022, at the Silverado Ranch Detention Basin And Outfall Facilities Project construction project, located on Silverado Ranch Boulevard from Decatur Boulevard to I-15, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,250.00

Violation #1 – Section 94.14(a)(3)

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

Violation #3 – Section 94.8(f)

WILLIAM CHARLES, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED WILLIAM CHARLES, INC.'S CASE TO SEPTEMBER 15, 2022.

Stationary Sources Violations:

7. CALIFORNIA PORTLAND CEMENT COMPANY NEVADA TERMINALS, INC. (Synthetic Minor Source Permit, Source ID: 662)

NOV #9671 – For failing to conduct and maintain a record of monthly interior inspections of eight baghouses (In House IDs: DC-1 through DC7, and 47-DC-10) from February 2020 through and including January 2022, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on February 23, 2022 of the concrete batch plant and transloading facility for cement, fly ash, and gypsum known as North Las Vegas Cement Terminal located at 4928 Donovan Way, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$1,845.00
Violation #1 – 2020 Permit and 2021 Permit condition 4.1.8
2020 Permit and 2021 Permit condition 4.3.1.b

Continued from 5/19/2022

CALIFORNIA PORTLAND CEMENT COMPANY NEVADA TERMINALS, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED CALIFORNIA PORTLAND CEMENT COMPANY NEVADA TERMINALS, INC.'S CASE TO SEPTEMBER 15, 2022.

8. CIRCLE K STORES, INC. (Minor Source Permit, Source ID: 9168)

NOV #9717 – For failing to conduct and maintain records of Phase I and Phase II vapor recovery system inspections; and for failing to maintain Phase II vapor recovery equipment in good working order by allowing torn rubber ECDs on the nozzles of dispensers #1, #2, #4, and #9, and loose spout on dispenser #3, as identified by Air Quality Specialist, Pat Ringgenberg during an onsite full compliance evaluation on June 14, 2022 of the gasoline dispensing operation known as Circle K Store #5397 located at 1212 East Tropicana Avenue, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,415.00
Violation #1 – 2020 Permit condition 4.1.3 (a through g)
2020 Permit condition 4.1.4 (a through g)
2020 Permit condition 4.3.2.a
Violation #2 – 2020 Permit condition 2.1.7.c

CIRCLE K STORES, INC. CHANGED ITS PLEA TO NOT CONTESTING NOV #9717.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,415.00

Violation #1 – 2020 Permit condition 4.1.3 (a through g)	- \$1,665.00
2020 Permit condition 4.1.4 (a through g)	
2020 Permit condition 4.3.2.a	
Violation #2 – 2020 Permit condition 2.1.7.c	- \$750.00

9. **HOLCIM-SWR, INC. D/B/A AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Operating Permit, Source ID: 372)**

NOV #9715 – For failing to identify Intermittent Compliance for 14 permit conditions in the 2020 and 2021 Annual Compliance Certification reports; for failing to report 13 deviations in the 2020 and 2021 semi-annual reports that did not result in excess emissions; for failing to conduct and maintain records of daily visual emissions checks for 55 days at the gyratory crusher plant, secondary plant, and wash plant #2; for failing to conduct and maintain records of daily inspections for 158 days on all water spray systems between April 7, 2020 and February 12, 2021 at the gyratory crusher plant, secondary plant, wash plant #1, and wash plant #2; for failing to conduct subsequent Method 9 Visible Emissions testing on the C&W baghouse associated with the Silver Star Ready Mix plant (Emission Units (EUs): F014a and F019) on or before December 13, 2016, and for failing to conduct initial Method 9 Visible Emissions testing on the WAMFLO Process F baghouse which is associated with the Western Pacific Precast Ready Mix Plant (formerly known as Con-E-Co Batch Plant) truck loadout (EUs: AE11 and F031); and for operating an on-site diesel-fired engine (Caterpillar 434hp) associated with the Coyote Portable Plant subject to the requirements of 40 CFR Part 63, Subpart ZZZZ and failing to demonstrate compliance on or before the 40 CFR Part 63, Subpart ZZZZ compliance date of October 28, 2017, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on March 22, 2022 of the sand and gravel, hot mix asphalt, and ready mix concrete facility known as Aggregate Industries SWR, Inc. Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$17,197.50

Violation #1 – Permits condition II.D.6.c

Violation #2 – Permits condition II.D.8

Permits condition III.H.4.b

Violation #3 – 2019 Permit condition III.D.15

2020 Permit condition III.E.15

2019 Permit and 2020 Permit condition III.G.4.c

Violation #4 – 2019 Permit condition III.D.19

2020 Permit condition III.E.19

2019 Permit and 2020 Permit condition III.G.4.d

Violation #5 – 2019 Permit condition III.F.3

2019 Permit Table III-E-2

2020 Permit and 2021 Permit condition III.F.3

2020 Permit and 2021 Permit Table III-F-2

Violation #6 – Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6595(a)(1)

Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6612(a)

HOLCIM-SWR, INC. D/B/A AGGREGATE INDUSTRIES-SWR, INC. CHANGED ITS PLEA TO NOT CONTESTING NOV #9715.

AIR QUALITY AMENDED THE RECOMMENDED PENALTY FOR VIOLATION #4 IN NOV #9715 FROM \$4,230.00 TO \$4,035.00

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$17,002.50

Violation #1 – Permits condition II.D.6.c	- \$3,750.00
Violation #2 – Permits condition II.D.8 Permits condition III.H.4.b	- \$1,875.00
Violation #3 – 2019 Permit condition III.D.15 2020 Permit condition III.E.15 2019 Permit and 2020 Permit condition III.G.4.c	- \$1,342.50
Violation #4 – 2019 Permit condition III.D.19 2020 Permit condition III.E.19 2019 Permit and 2020 Permit condition III.G.4.d	- \$4,035.00
Violation #5 – 2019 Permit condition III.F.3 2019 Permit Table III-E-2 2020 Permit and 2021 Permit condition III.F.3 2020 Permit and 2021 Permit Table III-F-2	- \$3,000.00
Violation #6 – Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6595(a)(1) Section 13.2, 40 CFR Part 63, Subpart ZZZZ, §63.6612(a)	- \$3,000.00

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

NOV #9675 – For exceeding the permitted Total Reduced Sulfur parts per million (ppm) hourly average of 463.4 ppm; and for exceeding the calculated permit SO₂ lbs/hr limit from the facility (Emission Units: E01, E02, and E03 combined) of 19.2 lbs/hr, as identified by Senior Air Quality Specialist Scott Rowsell during an offsite Deviation Report Review of the 24-Hour notification/72-Hour report on February 16, 2022 from the Municipal Waste Management operation known as Apex Regional Landfill, located at 13550 North Highway 93, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$8,000.00

- Violation #1 – 2022 Permit condition III.C.65
- Violation #2 – 2022 Permit condition III.B.1.z

Continued from 5/19/2022

REPUBLIC DUMPCO, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED REPUBLIC DUMPCO, INC.'S CASE TO SEPTEMBER 15, 2022.

Asbestos Violations:

11. CGI DEVELOPMENT OF NEVADA LLC (Project #'s 220115 and 220116)

NOV #9710 – For failing to notify Air Quality of a new start date 10 working days before commencement of demolition activities, as identified by Air Quality Specialist II Whitney Francis during a routine inspection on May 25, 2022 of the demolition project located at 3984 Pioneer Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$500.00

Violation #1 – Section 13.1, 40 CFR §61.145(b)(3)(iv)(B)(2)

CGI DEVELOPMENT OF NEVADA LLC'S NOV #9710 WAS HEARD AT THE BEGINNING OF THE CONTESTED PORTION OF THE DOCKET.

AIR QUALITY AGREED TO LOWER THE EXTENT OF DEVIATION FROM THE REQUIREMENT FROM A MODERATE TO A MINOR OFFENSE FOR THE VIOLATION.

CGI AGREED TO PAY THE RECOMMENDED PENALTY AMOUNT.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

III. ADJOURNMENT 9:38 a.m.