



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 22, 2021

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

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

The Presentation Room is accessible to individuals with disabilities. With 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 9:03 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. AMH DEVELOPMENT WEST GC, LLC (DCOP #53747)

NOV #9581 – 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 Allan Gutierrez while performing a routine inspection during a Dust Advisory period on May 20, 2021 at the Blue Diamond 11 construction project located on the northeast corner of South Hualapai Way and West Oleta Avenue, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 94.11.3(b)

Recommended Penalty: \$3,000.00

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

2. **D.R. HORTON, INC. (DCOP #48839)**

NOV #9577 – For allowing soil to be tracked out more than 50 feet onto a paved roadway; and for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on May 14, 2021 at the Amber Owl I/II & Valley Vista PCL 3.5, 4.4 & 4.5 construction project located at Decatur Boulevard to Aliante Parkway between Grand Teton Drive and Elkhorn Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Section 94.11.6 - \$1,750.00

Violation #2 – Section 94.9.2 - \$1,750.00

3. **EAGLE STORES, INC. (Source ID: 9089)**

NOV #9575 – For failing to install and operate Phase II vapor recovery equipment in accordance with manufacturer specifications and certification requirements and in good working order by operating three dispensers without hoses; and for allowing THC emission levels from dispensers #1, #2, and #4 to exceed 10,000 ppm above background as methane when measured with a portable hydrocarbon detection instrument, as identified by Air Quality Specialist Mike Murphy during an onsite partial compliance evaluation on May 27, 2021 at the gasoline dispensing operation known as Trop Stop Gas and Car Wash located at 4885 West Tropicana Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – 2020 General Permit condition 2.1.7.b

2020 General Permit condition 2.1.7.c

2020 General Permit condition 2.1.7.d

Violation #2 – 2020 General Permit condition 2.1.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

Violation #1 – 2020 General Permit condition 2.1.7.b - \$1,250.00

2020 General Permit condition 2.1.7.c

2020 General Permit condition 2.1.7.d

Violation #2 – 2020 General Permit condition 2.1.2 - \$1,250.00

4. **FULCRUM CONSTRUCTION INC. (DCOP #53599)**

AMENDED NOV #9569 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week; for allowing soil to be tracked out more than 50 feet onto a paved roadway; and for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Katrinka Byers during routine and follow-up inspections on May 4, 5, and 6, 2021 at the Cheyenne & Walnut construction project located at 3919 East Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$10,000.00

Violation #1 – Section 94.11.3(c)

Violation #2 – Section 94.9.2

Violation #3 – Section 94.11.6

Violation #4 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$10,000.00

Violation #1 – Section 94.11.3(c) - \$2,500.00

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

Violation #3 – Section 94.11.6 - \$3,000.00

Violation #4 – Section 94.11.3(b) - \$3,000.00

5. **LGI HOMES – NEVADA, LLC (DCOP #51237)**

NOV #9582 – For allowing tracked out soil to extend greater than 50 feet in length onto paved roadways, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Katrinka Byers while performing a routine inspection during a Dust Advisory period on May 20, 2021, and follow-up inspection on May 24, 2021 at the La Madre construction project located at North 5th Street and East La Madre Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

6. **LHOIST NORTH AMERICA OF ARIZONA, INC. (Part 70 Operating Permit, Source ID: 3)**

NOV #9567 – For failing to identify periods during which a deviation occurred in the 2019 and 2020 Annual Compliance Certifications; for failing to report 10 deviations from permit conditions that did not result in excess emissions in the 2019 2nd semiannual report and the 2020 1st and 2nd semiannual reports; and for failing to submit the EPA Method 9 performance test results for 32 Emission Units within 60 days of the completion of performance testing, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on March 25, 2021 of the lime and lime products manufacturing operation known as Lhoist North America Apex Plant, located at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

**Continued on the next page.*

Violation(s) alleged:

Recommended Penalty: \$11,360.00

- Violation #1 – Permits condition II.D.6.c
- Violation #2 – Permits condition II.D.8
- Violation #3 – December 2017 Permit condition II.E.5
December 2017 Permit conditions III.D.12 and 13
2020 Permit condition II.E.5
2020 Permit conditions III.E.12 and 13

AIR QUALITY AMENDED NOV #9567 AS FOLLOWS:

- **DEFICIENCY I.2.F IN THE FACTS SECTION WAS AMENDED TO READ “LHOIST FAILED TO CONDUCT CLEANING ACTIVITIES ON PAVED HAUL ROADS FOR: SEPTEMBER 12, 13, 14, 15, 26, OCTOBER 17 AND 27, 2019, AS REPORTED IN THE 2019 2ND SEMIANNUAL REPORT, AND AUGUST 21, OCTOBER 30, AND DECEMBER 10 AND 11, 2020, AS REPORTED IN THE 2020 ACC”; AND**
- **DEFICIENCY I.2.P.I IN THE FACTS SECTION WAS AMENDED TO READ “LHOIST FAILED TO MAINTAIN RECORDS OF: (I) CLEANING ACTIVITIES ON PAVED HAUL ROADS FOR: SEPTEMBER 12, 13, 14, 15, 26, OCTOBER 17 AND 27, 2019, AS REPORTED IN THE 2019 2ND SEMIANNUAL REPORT; AND AUGUST 21, OCTOBER 30, AND DECEMBER 10 AND 11, 2020, AS REPORTED IN THE 2020 ACC.”**

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,360.00

- Violation #1 – Permits condition II.D.6.c - \$5,000.00**
- Violation #2 – Permits condition II.D.8 - \$2,000.00**
- Violation #3 – December 2017 Permit condition II.E.5 - \$4,360.00**
December 2017 Permit conditions III.D.12 and 13
2020 Permit condition II.E.5
2020 Permit conditions III.E.12 and 13

7. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #54023; Project #210303-210310) NOV #9586** – For failing to provide Air Quality with written notice of intention to demolish 10 working days before conducting any demolition activities, as identified by Air Quality Specialist II Whitney Francis during a routine inspection on June 14, 2021 of the Ira J. Earl Elementary School project located at 4650 Monroe Avenue, in Clark County, in Nevada.

Violation(s) alleged:

Recommended Penalty: \$500.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$500.00

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

NOV #9574 – For allowing controllable particulate matter to become airborne and fugitive dust emissions to exceed 100 yards from the point of origin, as identified by Senior Air Quality Specialist Camon Liddell while on routine patrol during the Dust Advisory period on May 20, 2021 at the concrete manufacturing with sand and gravel facility and gasoline dispensing operation, known as Nevada Ready Mix located at 10811 West Washburn Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,750.00

Violation #1 – 2020 Permit condition 2.2.35
2020 Permit condition 2.2.43

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,750.00

9. **NEWAGE LAKE LAS VEGAS, LLC (Source ID: 15164)**

NOV #9565 – For failing to provide at least seven days written notice to the Air Quality Control Officer prior to the like-kind replacement of boiler Emission Unit (EU): B05; for replacing boiler EU: B07 with a higher rated boiler without first obtaining a permit revision authorizing such modification; for failing to conduct required monthly monitoring and maintain records of Total Dissolved Solids content of the cooling tower circulation water for 15 months from November 2018 through January 2020 on EUs: D01 and D02; and for failing to submit the 2020 Emission Inventory Report to the Control Officer on or before March 31, 2021, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on April 26, 2021 of the resort hotel without a casino operation known as Hilton Lake Las Vegas Resort and Spa located at 1610 Lake Las Vegas Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,080.00

Violation #1 – Section 12.1.6(d)(2)
Violation #2 – Permit condition II.A.8
Violation #3 – Permit condition IV.C.6
Permit condition IV.E.1.d
Violation #4 – Permit condition II.C.5.a.ii

AIR QUALITY AMENDED NOV #9565 TO EXCLUDE VIOLATION #3 FOR FAILURE TO CONDUCT REQUIRED MONITORING AND MAINTAIN RECORDS OF TOTAL DISSOLVED SOLIDS CONTENT OF THE COOLING TOWER CIRCULATION WATER, A VIOLATION OF PERMIT CONDITIONS IV.C.6 AND IV.E.1.d REDUCING THE RECOMMENDED PENALTY AMOUNT TO \$3,000.00.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

Violation #1 – Section 12.1.6(d)(2) - \$500.00
Violation #2 – Permit condition II.A.8 - \$2,000.00
Violation #4 – Permit condition II.C.5.a.ii - \$500.00

10. PN II, INC. (DCOP #50990)

NOV #9585 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Cris Melo while performing a routine inspection during a Construction Notice period on June 9, 2021 at the Summerlin Parcel N construction project located on the northwest corner of Alta Drive and Sky Vista Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

11. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP#50821)

NOV #9564 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk while performing a routine inspection on April 20, 2021, and a routine inspection during a Construction Notice period on April 21, 2021 at the Cortland construction project located at El Campo Grande Avenue and North 5th Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,500.00

12. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #51615)

NOV #9583 – For constructing soil stockpiles greater than eight feet in height within 100 yards of occupied buildings, as identified by Air Quality Specialists Carlton Monroe and Katrinka Byers during routine and follow-up inspections on May 6, 7, and 10, 2021 at the Lynmar construction project located at Commerce Street and Dorrell Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

Violation #1 – Section 94.8.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

13. ROBERTSON'S READY MIX, LTD., A CALIFORNIA LIMITED PARTNERSHIP (Source ID: 15387)

NOV #9558 – For exceeding the hours of operation limitation for Emission Unit (EU): B04; and for exceeding the potential to emit for EU: B04 in any consecutive 12-month period, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation on January 28, 2021 of its non-metallic mineral processing operation known as Service Rock located south of Sloan and east of I-15, near Jean in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,120.00

Violation #1 – August 2019 Permit condition 3.1.7

Violation #2 – August 2019 Permit condition 3.2.2

August 2019 Permit Table 3-2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,120.00

Violation #1 – August 2019 Permit condition 3.1.7 - \$1,560.00

Violation #2 – August 2019 Permit condition 3.2.2 - \$1,560.00

August 2019 Permit Table 3-2

14. ROSENDIN ELECTRIC, INC. (DCOP #52889)

NOV #9566 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart during a routine inspection on April 22, 2021 at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

15. SAHARA LV HOLDINGS, LLC, THE SIEGEL GROUP NEVADA, INC. (TSGN), AND THE SIEGEL GROUP A DIVISION OF TSGN (Project #211047)

NOV #9571 – 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 while on routine patrol on May 7, 2021 at the buildings located at 2825 West Sahara Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,950.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,950.00

16. SEDONA RANCH INVESTMENT PARTNERS LLC (DCOP #49383)

NOV #9580 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Senior Air Quality Specialist Andrew Kirk while performing a routine inspection during a Construction Notice period on May 19, 2021 at the Sedona Ranch Investment, LLC construction project located on North 5th Street and East Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

17. THATCHER COMPANY OF NEVADA, INC. (Source ID: 44)

NOV #9561 – For failing to conduct and maintain a record of monthly visual emissions checks of the facility; for failing to conduct and maintain a record of quarterly visual emissions checks of the Emergency Generator, Emission Unit (EU): G01; for exceeding the 180 gallons per minute limit for the Aluminum Processes Packed Bed Scrubber, EU: C08, on 194 occurrences; for failing to monitor and maintain a daily record of the pH of the Chlorine Processes scrubber, EUs: A01 through A04 and A07 through A09; and for failing to maintain and provide a chlorine monitoring plan that addresses the chlorine stack emissions set forth in AQR Section 33 and a qualitative system to monitor fugitive chlorine emissions, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on March 30, 2021 of its chemical manufacturing and distribution operation known as Thatcher Company of Nevada located at 90 Business Center Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,685.00

Violation #1 – 2016 Permit condition IV.C.1
2016 Permit condition IV.E.1.a
2019 Permit condition 4.1.1
2019 Permit condition 4.3.1.a
Violation #2 – 2019 Permit condition 4.1.2
2019 Permit condition 4.3.1.a
Violation #3 – 2019 Permit condition 2.2.16
Violation #4 – 2019 Permit condition 4.1.22
2019 Permit condition 4.3.1.q
Violation #5 – 2019 Permit condition 4.1.25
2019 Permit condition 4.1.26
2019 Permit condition 4.1.27
2019 Permit condition 4.3.1.t
2019 Permit condition 4.3.1.u

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FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,685.00

Violation #1 – 2016 Permit condition IV.C.1	- \$307.50
2016 Permit condition IV.E.1.a	
2019 Permit condition 4.1.1	
2019 Permit condition 4.3.1.a	
Violation #2 – 2019 Permit condition 4.1.2	- \$265.00
2019 Permit condition 4.3.1.a	
Violation #3 – 2019 Permit condition 2.2.16	- \$732.50
Violation #4 – 2019 Permit condition 4.1.22	- \$1,880.00
2019 Permit condition 4.3.1.q	
Violation #5 – 2019 Permit condition 4.1.25	- \$500.00
2019 Permit condition 4.1.26	
2019 Permit condition 4.1.27	
2019 Permit condition 4.3.1.t	
2019 Permit condition 4.3.1.u	

18. THE FLEXAUST COMPANY (Source ID: n/a)

NOV #9568 – For operating a source of air pollutants, without having obtained a Minor Source Permit that authorized such operation, as identified by Air Quality Specialist Patricia Ringgenberg during an onsite partial compliance evaluation on May 5, 2021 of the unpermitted facility located at 3732 North Las Vegas Boulevard, Building 3, Suite 110, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Section 12.1.3.1(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

19. WELLS CARGO, INC. (Source ID: 17749)

NOV #9578 – For allowing controllable particulate matter to become airborne from stockpiles, facility grounds, several conveyor belts and screen, as identified by Senior Air Quality Specialist Scott Rowsell during routine patrol on May 28, 2021 of its portable nonmetallic mineral processing operation, known as Wells Cargo Lone Mountain Plant, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,875.00

Violation #1 – 2021 Permit condition 2.2.15

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,875.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **GLOBAL EXCAVATION, LLC (DCOP #53529)**

NOV #9570 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Supervisor David Dean and Air Quality Specialist Katrinka Byers during routine inspections on April 29, 2021 and May 12, 2021 at the C Store/Restaurant @ Lake Mead & Walnut construction project located at 3910 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

2. **ROSENDIN ELECTRIC, INC. (DCOP #52889)**

NOV #9584 – For failing to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to extend more than 100 feet from the point of origin; for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week; and for failing to fully implement BACM resulting in a fugitive dust plume to cross the property line, as identified by Air Quality Specialists Damon Lindsay and Mike Englehart during a complaint investigation and follow-up inspections on May 3, 4, 5, 6, 10, 11, 12 and 13, 2021, and a complaint investigation during a Construction Notice period on May 7, 2021 at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$30,000.00

Violation #1 – Section 94.11.3(b)

Violation #2 – Section 94.9.2

Violation #3 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$29,750.00

Violation #1 – Section 94.11.3(b) - \$4,750.00

Violation #2 – Section 94.9.2 - \$19,000.00

Violation #3 – Section 94.11.3(c) - \$6,000.00

RECESSED AT 11:20 a.m.

RESUMED AT 11:31 a.m.

Stationary Sources Violations:

3. **AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Operating Permit, Source ID: 372) NOV #9572** – For allowing controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell and Air Quality Specialist Martin Tull while on routine patrol during a Dust Advisory period and a complaint investigation on May 20, 2021 of the sand and gravel, hot mix asphalt and ready mix concrete facility known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$8,000.00

Violation #1 – 2020 Permit condition III.B.31

CASE #3, NOV #9572, AGGREGATE INDUSTRIES-SWR, INC. WAS MOVED TO THE END OF THE DOCKET.

AGGREGATE INDUSTRIES-SWR, INC. PRESENTED A DOCUMENT AS EXHIBIT 1.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,000.00

4. **EMD ACQUISITION LLC (Part 70 Operating Permit, Source ID: 95) NOV #9573** – For failing to indicate Intermittent Compliance in the 2019 and 2020 Annual Compliance Certification (ACC) reports; for failing to include permit deviations in the 1st and 2nd 2019 semi-annual reports, and 1st and 2nd 2020 semi-annual reports; for exceeding the allowable emissions for the Boiler, Emission Unit (EU): A07, for 20 consecutive months, from May 2019 through December 2020; for exceeding the 12-month rolling limit of 4,000 hours per year for the Boiler, EU: A07, for 20 consecutive months, from May 2019 through December 2020; for failing to operate the CO oxidizer catalyst control device with a gas flow of at least 5,000 scfm for five nonconsecutive days and failing to replace the catalyst when the low flow readings were recorded; for failing to operate the Crusher Baghouse, CD-M1, for the MnO₂ Process Crushing/Screening, EUs: 1C, 2C, 4C through 7C, within the permitted pressure range of 1” and 8” on 20 nonconsecutive days; for failing to operate the Wet Scrubber, CD-B1, for the Boron Trichloride process, EU: F006, within the permitted specific gravity range of 1.05 and 1.25 for 114 nonconsecutive days, between November 21, 2019 and March 24, 2021; and for failing to utilize the hour meter while monitoring the hours of operation of the Boiler, EU: A07, for a 15-month period from March 2019 through June 2020, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on April 13 and 19, 2021 of its inorganic chemical manufacturing operation located at 560 West Lake Mead Parkway, in Clark County, Nevada.

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EMD ACQUISITION LLC continued

Violation(s) alleged:	Recommended Penalty: \$25,280.00
Violation #1 – Permits condition II.D.6.c	
Violation #2 – 2018 ATC Permit conditions II.D.5, IV.C.2.u, and IV.D.2.b Permits conditions II.D.8, III.E.2.t, and III.F.3.b	
Violation #3 – 2018 ATC Permit and Permits condition III.B.1.g 2018 ATC Permit and Permits Table III-B-1	
Violation #4 – 2018 ATC Permit and Permits condition III.B.2.c	
Violation #5 – 2018 ATC Permit condition III.B.3.bb and IV.A.11 2018 ATC Permit Table IV-A-2 2019 Permit condition III.B.3.aa and III.C.13 2019 Permit Table III-C-2	
Violation #6 – 2018 ATC Permit condition III.B.3.nn 2018 ATC Permit Table IV-A-2	
Violation #7 – Permits condition III.C.13 Permits Table III-C-2	
Violation #8 – 2018 ATC Permit condition IV.A.13 2019 Permit condition III.C.15	

EMD ACQUISITION LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED EMD ACQUISITION LLC'S CASE TO SEPTEMBER 16, 2021.

- 5. GYPSUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286) NOV #9576** – For operating Emission Units (EUs): B02 and B03 as unpaved haul roads when they were both permitted as paved; for submitting the 2020 annual Emission Inventory Report (EIR) and annual Emission Statement without certification by the Responsible Official; for calculating emissions utilizing incorrect emission factors for paved roads instead of unpaved roads in the 2020 annual EIR; for failing to report intermittent compliance for 27 permit conditions in the 2020 Annual Compliance Certification (ACC) report that was submitted to Air Quality on February 1, 2021; for failing to report four deviations that did not result in excess emissions in the 1st and 2nd semi-annual reports for 2020; for failing to provide at least seven days written notice to Air Quality prior to replacing Continuous-duty Diesel Engines, EUs C05 and C08; for operating EUs: B02 and B03 as unpaved haul roads; for failing to maintain a minimum moisture content of 1.5% at five locations for a total of 32 samples; for allowing haul trucks to exceed the speed limit of 15 mph on the unpaved BLM Haul Road, EU: B01; for failing to conduct and provide records of Method 22 evaluations twice per day on all EUs for 53 occurrences between September 12, 2020 and April 15, 2021; for failing to monitor the total acreage of stockpiles, EU: A32, on a monthly basis from March 2020 through December 2020, and January 2021 through March 2021; for failing to conduct and provide records of monthly baghouse inspections of the interior of Control Devices (CDs): D01 and D02, from March 2020 through March 2021; for failing to provide a copy of the Standard Operating Procedure for the purpose of maintenance for Baghouses, CDs: D01 and D02; and for failing to conduct and maintain records of weekly moisture sampling of material less than 0.25 inches in diameter for a total of 163 non-consecutive weeks, as identified by Senior Air Quality Specialists Camon Liddell and Scott Rowsell during a partial compliance evaluation on April 15, 2021 as a follow-up to the full compliance evaluation on February 26, 2020 of the major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

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GYPSUM RESOURCES, LLC continued

Violation(s) alleged:

Recommended Penalty: \$183,510.00

- Violation #1 – Permits condition II.B.1
- Violation #2 – 2020 Permit condition II.C.2
- Violation #3 – 2020 Permit condition II.C.5.b
- Violation #4 – 2020 Permit condition II.D.6.c
- Violation #5 – Permits condition II.D.8
- Violation #6 – Section 12.5.2.12(a)(2)
- Violation #7 – Permits condition III.C.1.a
Permits Table III-C-1
- Violation #8 – Permits condition III.C.3.a
- Violation #9 – 2020 Permit condition III.C.3.w
- Violation #10 – 2020 Permit condition III.D.1
2020 Permit condition III.F.4.a
- Violation #11 – Permits condition III.D.14
- Violation #12 – Permits condition III.D.24
Permits condition III.F.4.m
- Violation #13 – Permits condition III.D.25
Permits condition III.F.4.m
- Violation #14 – Permits conditions III.C.3(a and b)
Permits conditions III.D.27.b(i through vii)
Permits condition III.F.5.n

GYPSUM RESOURCES, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO SEPTEMBER 16, 2021.

6. **PABCO BUILDING PRODUCTS, LLC (Part 70 Operating Permit, Source ID: 11)**
NOV #9562 – For exceeding the mass emission limitations for Carbon Monoxide in Zones 1, 2 and 3, and Volatile Organic Compounds in Zone 3 on Emission Unit: H26 during performance testing, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation on April 21, 2021 of the wallboard manufacturing operation, and gypsum mining and processing operation located at 8000 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

- Violation #1 – June 2020 Permit condition III.B.1.1
June 2020 Permit Table III-B-2

AIR QUALITY PRESENTED ADDITIONAL DOCUMENTS AS EXHIBITS 1 THROUGH 4.

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,000.00**

7. PRO TERMINAL OPERATORS, LLC (Source ID: 17780)

NOV #9579 – For failing to demonstrate compliance with the limitations system back pressure and Volatile Organic Compounds destruction efficiency on Emission Unit: A08 during performance testing, as identified by Senior Air Quality Specialist Jeff Robb during an offsite partial compliance evaluation on May 19, 2021 of the bulk fuel terminal operation located at 4800 East El Campo Grande, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – 2021 Permit condition 2.2.15
2021 Permit condition 4.2.7
2021 Permit condition 2.2.20

PRO TERMINAL OPERATORS, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED PRO TERMINAL OPERATORS, LLC'S CASE TO SEPTEMBER 16, 2021.

8. REBEL LAND AND DEVELOPMENT, LLC (Source ID: 15218)

NOV #9556 – For failing to conduct initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the 2019 Permit, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on March 23, 2021 of the gasoline dispensing operation known as Rebel Store #2190 located at 9390 West Flamingo Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,520.00

Violation #1 – 2019 Permit condition 2.1.6
2019 Permit condition 4.2.4.b

REBEL LAND AND DEVELOPMENT, LLC DID NOT APPEAR.

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,520.00**

RECESSED AT 12:47 p.m.

RESUMED AT 1:00 p.m.

CASE #3, NOV #9572, AGGREGATE INDUSTRIES-SWR, INC. WAS HEARD.

III. ADJOURNMENT 2:02 p.m.