





Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – September 11, 2013

Hearing Officer: Lori Wohletz

Staff:  Gary Miller, Compliance and Enforcement Manager
 Michael Uhl, Principal Air Quality Specialist

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter may be made available; phone 676-1500, TDD 676-1834, or Relay Nevada toll-free (800) 326-6868 TTY/TDD.

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

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. SETTLEMENT

1. GYPSUM RESOURCES, LLC (DCP #39764)

NOV #8389 – For conducting construction activities after a Dust Control Permit expired; and for failing to implement Best Available Control Measures for the purpose of dust control by allowing soil to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during site inspections on April 4 and 5, 2013 at the Gypsum Resources Site Preparation construction site, located on Blue Diamond Hill near 14000 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1

Subsection 94.9.1

Violation #1 – Subsection 94.4.1

Violation #2 – Subsection 94.4.1

Violation #3 – Subsection 94.9.1

Violation #4 – Subsection 94.9.1

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT FOR GYPSUM RESOURCES, LLC NOV'S #8389 AND #8446, AND SANDERS CONSTRUCTION, INC. (SUBCONTRACTOR FOR GYPSUM RESOURCES, LLC) NOV #8440, WHICH INCLUDES A \$20,000 PENALTY. AN ADDITIONAL \$25,000 PENALTY WILL BE ASSESSED IF GYPSUM RESOURCES, LLC FAILS TO INSTALL THE DUSTBOSS UNITS BY 11/01/2013.

2. **GYPSUM RESOURCES, LLC (Source: Proposed 17286)**

NOV #8446 – For installing and operating a crushing plant, related belt conveyors, a screening plant and diesel-fired engine/generator for 13 days; for failure to submit to the Control Officer a written notification of the source’s initial startup; and for failing to implement adequate control measures to control fugitive dust from the plant for 24 days, identified during a partial compliance evaluation and several follow-up inspections from April 4, through June 17, 2013 at the Blue Diamond Hill Gypsum mine, located near 14000 Blue Diamond Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1
Subsection 14.1 and 40CFR60.7(a)
Subsection 41.1.2
Violation #1 – Subsection 12.1.3.1
Violation #2 – Subsection 14.1 and 40CFR60.7(a)
Violation #3 – Subsection 41.1.2

SEE #1 ABOVE.

3. **SANDERS CONSTRUCTION, INC. (DCP #42248)**

NOV #8440 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for allowing fugitive dust to exceed 50% opacity as determined by the Instantaneous Method, identified during a Construction Notice inspection on June 10, 2013, and follow up inspections on June 17 and July 3, 2013 at the Gypsum Resources construction site, located at Blue Diamond Hill in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1
Subsection 94.11.1
Violation #1 – Subsection 94.11.1
Violation #2 – Subsection 94.9.1
Violation #3 – Subsection 94.9.1
Violation #4 – Subsection 94.9.1

SEE #1 ABOVE.

4. **PABCO BUILDING PRODUCTS (Source: 11)**

NOV #8373 – For failing to maintain minimum moisture levels in the processed gypsum ore material; for failure to install baghouse controls on certain emission units; for failure to record the differential pressure for baghouses; and for failing to maintain an effective seal around all baghouses, identified during a full compliance evaluation for the period May 21, 2010 to May 18, 2012, at the PABCO Gypsum wallboard manufacturing operation, located at 4001 State Route 147 Las Vegas, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.2.5.2
Subsection 15.13.9.2
Subsection 19.4.1.3
Violation #1 – Subsection 15.13.9.2 (II-C-1)
Violation #2 – Subsections 15.13.9.2 & 12.2.5.2 (II-C-4)
Violation #3 – Subsection 19.4.1.3 (II-D-8-c)
Violation #4 – Subsection 19.4.1.3 (II-C-5)

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$15,000 PENALTY.

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

1. **CAPRIATI CONSTRUCTION CORP. (DCP #42221)**

NOV #8430 – For conducting a construction activity at a staging area without applying for and obtaining a valid Dust Control Permit; and for failing to implement Best Available Control Measures for the purpose of dust control by allowing soil to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint investigation on April 17, 2013 at the Stewart/Ogden Streetscapes Enhancements construction site, located at Casino Center and Stewart Avenue, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.4.1
Subsection 94.9.1

Recommended Penalty: \$2,500

Violation #1 – Subsection 94.4.1
Violation #2 – Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500

Violation #1 – Subsection 94.4.1 - \$500

Violation #2 – Subsection 94.9.1 - \$2,000

2. **KB HOME LAS VEGAS, INC. (DCP #41779)**

NOV #8437 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a routine site inspection during a Construction Notice on June 13, 2013 at the Inspirada 2-3 phase 2 construction site, located northeast of Bicentennial Parkway and Via Firenze, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1

Recommended Penalty: \$2,000

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000

3. **LAS VEGAS PAVING CORPORATION (DCP #40460)**

NOV #8435 – For failing to implement Best Available Control Measures and allowing a dust plume to extend more than 100 feet, horizontally or vertically, from the point of origin; and for allowing mud or dirt to be tracked out onto a paved road extending greater than 50 feet from the point of origin, identified during a complaint investigation and a Dust Advisory on May 17, 2013 at the Northern Beltway, Tenaya to Decatur construction site, located at Jones Boulevard and the Northern Beltway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3
Subsection 94.11.6

Recommended Penalty: \$8,000

Violation #1 – Subsection 94.11.3
Violation #2 – Subsection 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$8,000

Violation #1 – Subsection 94.11.3 - \$4,000

Violation #2 – Subsection 94.11.6 - \$4,000

4. **SAM'S TOWN HOTEL AND GAMBLING HALL (Source: 616)**

NOV #8427 – For exceeding the allowable emissions limit specified in the operating permit during calendar year 2012; for failing to maintain records of burner efficiency tests performed prior to 2010; and for failing to maintain the Total Dissolved Solid content of the cooling tower circulation water below 1,800 ppm during the months of August, September and October 2012, and January and March 2013, identified during a full compliance evaluation conducted on March 28 and April 4, 2013 for the period of 04/29/2009 through 04/04/2013 at the Sam's Town Hotel and Gambling Hall, located at 5111 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1

Recommended Penalty: \$4,000

Violation #1 – IV-A-2 and III-B

Violation #2 – IV-G-2, IV-G-3, and IV-H-2

Violation #3 – IV-B-9

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000

Violation #1 – IV-A-2 and III-B - \$3,000

Violation #2 – IV-G-2, IV-G-3, and IV-H-2 - \$500

Violation #3 – IV-B-9 - \$500

C. **ACTION REQUIRED**

1. **BIG DADDY'S OIL, LLC (Source: 9376)**

NOV #8445 – For failing to maintain all Phase I and Phase II vapor recovery equipment in a leak free, vapor tight condition, and in good working order; and for failing to conduct either a Balance System Inspection, or performance tests during calendar year 2012, and conducting subsequent testing more than five months beyond the required date, identified during a full compliance evaluation conducted on March 29, 2013 at the Spring Mountain AM PM Gasoline Dispensing Operation, located at 4380 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.8.1

Recommended Penalty: \$5,000

Subsection 52.5(c)

Violation #1 – Subsection 12.8.1 (III-B-1-e)

Violation #2 – Subsection 12.8.1 (III-B-2-g)

Violation #3 – Subsections 12.8.1 & 52.5(c) III-F-3-a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500

Violation #1 – Subsection 12.8.1 (III-B-1-e) - \$1,000

Violation #2 – Subsection 12.8.1 (III-B-2-g) - \$500

Violation #3 – Subsections 12.8.1 & 52.5(c) (III-F-3-a) - \$1,000

D. CONTESTED NOTICES OF VIOLATION

1. **BOULDER SAND & GRAVEL, LLC (DCP #41340)**

NOV #8432 – For allowing a dust plume to cross the property line, extending more than 100 feet, horizontally or vertically from the point of origin; for failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion; and for failing to install a Dust Control Permit sign, identified during a routine investigation during a Dust Advisory on May 1, 2013 at the Hollywood Pit construction site, located northeast of the intersection of Hollywood Boulevard and Alto Avenue, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3
Subsection 94.9.1
Subsection 94.7.7.2

Recommended Penalty: \$6,250

Violation #1 – Subsection 94.11.3
Violation #2 – Subsection 94.9.1
Violation #3 – Subsection 94.7.7.2

HEARING OFFICER DISMISSED VIOLATION #1 FOR THE ALLEGATION OF SUBSECTION 94.11.3.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250

Violation #2 – Subsection 94.9.1 - \$2,000
Violation #3 – Subsection 94.7.7.2 - \$250

2. **ALEX PRISTASH (DCP #42376)**

NOV #8439 – For allowing a dust plume to cross the property line, extending more than 100 feet, horizontally or vertically from the point of origin; and for failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint investigation on June 18, 2013 at the Nissan Vehicle Storage construction site, located at 968 Wigwam Parkway, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.3
Subsection 94.9.1

Recommended Penalty: \$3,000

Violation #1 – Subsection 94.11.3
Violation #2 – Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500

Violation #1 – Subsection 94.11.3 - \$1,500
Violation #2 – Subsection 94.9.1 - \$1,000

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

NOV #8381 – For installing and operating a 70-pound petroleum solvent dry cleaning machine, and three 1.5 MMBtu/hr natural gas dryers without first obtaining an approved Minor Source Permit; for failing to submit an annual report for calendar year 2011; for failing to record weekly measurements of the refrigerated condenser's outlet-side temperature; for failing to maintain records of the volume of petroleum purchased each month, 12-month rolling totals of petroleum consumption, refrigerator condenser outlet temperature measurements and visible emission checks; and for failure to maintain monthly hours of operation, or fuel consumption for each boiler and dryer, monthly petroleum solvent usage, and calculated annual emissions for each emission unit and the entire source at the Apex Linen facility, located at 6375 Arville Street, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1
Subsection 12.1.4.1(d)

Recommended Penalty: \$5,000

- Violation #1 – Subsection 12.1.3.1
- Violation #2 – Subsection 12.1.4.1(d) (II-C-6-a)
- Violation #3 – Subsection 12.1.4.1(d) (IV-B-11)
- Violation #4 – Subsection 12.1.4.1(d) (IV-E-1)
- Violation #5 – Subsection 12.1.4.1(d) (IV-E-2)

Continued from 7/10/13

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500

- Violation #1 – Subsection 12.1.3.1 - \$3,000**
- Violation #2 – Subsection 12.1.4.1(d) (II-C-6-a) - \$125**
- Violation #3 – Subsection 12.1.4.1(d) (IV-B-11) - \$125**
- Violation #4 – Subsection 12.1.4.1(d) (IV-E-1) - \$125**
- Violation #5 – Subsection 12.1.4.1(d) (IV-E-2) - \$125**

4. **CALIDA CONSTRUCTION, LLC (DCP #41250)**

NOV #8436 – For allowing mud or dirt to be tracked out onto a paved road extending greater than 50 feet from the point of origin; and for failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a complaint investigation on May 29, 2013 at The Elysian at Camino Al Norte construction site, located at 4970 Camino Al Norte, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.11.6
Subsection 94.9.1

Recommended Penalty: \$2,000

- Violation #1 – Subsection 94.11.6
- Violation #2 – Subsection 94.9.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

- Violation #1 – Subsection 94.11.6 - \$500**
- Violation #2 – Subsection 94.9.1 - \$500**

5. **DEWBES LLC (DCP #42212)**

NOV #8433 – For failing to implement Best Available Control Measures and allowing soils to become dry and unstable, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during a routine site inspection on May 3, 2013 at the Dewbes/Yellow Cab Lots construction site, located at 5225 Post Road, in Clark County, Nevada.

Violation(s) alleged: Subsection 94.9.1

Recommended Penalty: \$1,000

DEWBES LLC CHANGED ITS PLEA TO NON-CONTESTED.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000

6. **GENEVA PIPE COMPANY (Source: 16948)**

NOV #8434 – For installing and operating a propane-fired sand dryer, a bucket elevator and a sand silo without first obtaining a permit that authorizes such construction and operation; for failure to submit semi-annual reports to Air Quality for the calendar year 2012; for failure to continuously control fugitive dust from an unpaved haul road; and for failure to produce inspection, maintenance or repair records for equipment, identified during a full compliance evaluation for the period April 16, 2012 to May 2, 2013, at the Geneva Polymer Products facility, located at 14555 South U.S. Highway 95, in Clark County, Nevada.

Violation(s) alleged: Subsection 12.1.3.1

Recommended Penalty: \$12,000

Subsection 12.1.4.1(d)(3)(A)

Subsection 12.4.1(f)

Subsections 12.4.1(d) and 12.4.1(d)(2)

Violation #1 – Subsection 12.1.3.1 (II-A-8)

Violation #2 – Subsection 12.1.4.1(d)(3)(A) (II-C-6)

Violation #3 – Subsection 12.4.1(f) (IV-B-1)

Violation #4 – Subsections 12.4.1(d) and 12.4.1(d)(2) (IV-E-1-d)

AIR QUALITY WITHDREW VIOLATION #4, AND THE HEARING OFFICER DISMISSED VIOLATION #2 FOR THE ALLEGATION OF SUBSECTIONS 12.1.4.1(d)(3)(A) (II-C-6).

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000

Violation #1 – Subsection 12.1.3.1 (II-A-8) - \$3,000

Violation #3 – Subsection 12.4.1(f) (IV-B-1) - \$3,000

III. ADJOURNMENT

11:17 a.m.