




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 15, 2022

Hearing Officer: Lona Webb
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 9:02 a.m.

II. NOTICES OF VIOLATION

A. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. 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 while performing 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 & 7/21/2022

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9675, WHICH INCLUDES AN \$8,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

B. 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. **3400 PARADISE OWNER, LP (Minor Source Permit, Source ID: 15674)**

NOV #9741 – For failing to conduct and maintain records of quarterly visible emissions observations of the diesel-fired generator, Emission Unit (EU): B01; for failing to conduct and maintain records of yearly burner efficiency testing of the boilers, EUs A01 and A02; and for failing to submit a 2021 annual Emissions Inventory Report, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on July 27, 2022 of the commercial building known as 3400 Paradise Owner LLC located at 3400 Paradise Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,965.00

- Violation #1 – Permit condition 4.1.1
Permit condition 4.3.1.a
- Violation #2 – Permit condition 4.1.6
Permit condition 4.3.1.d
- Violation #3 – Permit condition 4.4.5.a.ii

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,965.00

- Violation #1 – Permit condition 4.1.1 - \$535.00**
Permit condition 4.3.1.a
- Violation #2 – Permit condition 4.1.6 - \$1,000.00**
Permit condition 4.3.1.d
- Violation #3 – Permit condition 4.4.5.a.ii - \$430.00**

2. **ADVANCED MANAGEMENT GROUP NEVADA LLC (Project #221050)**

NOV #9739 – 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 July 14, 2022 while conducting routine patrol at an apartment complex named LIV @ Sahara East located at 508 San Pablo Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,200.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,200.00

3. **AMERICAN EAGLE READY MIX, LLC (Synthetic Minor Source Permit, Source ID: 17400) NOV #9725** – For failing to conduct and maintain records of daily visual inspections on the water spray systems, as identified by Air Quality Specialist Ryan O’Connor and Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on June 21, 2022 of the concrete batch plant including crushing and screening facility known as American Eagle Ready Mix located at 14355 Garza Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$12,450.00
Violation #1 – May 2020 Permit, October 2020 Permit, and
2021 Permit conditions 4.1.5, 4.3.1.b, and 4.3.3

FOUND IN VIOLATION.
PENALTY ASSESSED: \$12,450.00

4. **D.R. HORTON, INC. (DCOP #52227) NOV #9734** – 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 July 12, 2022, at the Ann and 215 construction project, located at Hualapai Way and Ann Road with additional offsite work on Tropical Parkway and Durango Drive, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,500.00
Violation #1 – Sections 94.13(a) and (b)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,500.00

5. **MOMENI CONSTRUCTION, INC. (DCOP #54915) NOV #9733** – 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 onto a paved surface, as identified by Air Quality Specialist Damon Lindsay while performing a routine inspection on July 6, 2022, and follow-up inspections on July 8 and 12, 2022, at the Centennial Village Phase V construction project, located at Losee Road and East Centennial Parkway, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$5,000.00
Violation #1 – Sections 94.13(a) and (b)
Violation #2 – Section 94.14(d)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$5,000.00
Violation #1 – Sections 94.13(a) and (b) - \$3,750.00
Violation #2 – Section 94.14(d) - \$1,250.00

6. PILOT TRAVEL CENTERS LLC (Minor Source Permit, Source ID: 9084)

NOV #9726 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; 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 submit the January 20, 2021 vapor recovery system test results to Air Quality within 60 days of test completion, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on July 6, 2022 of the gasoline dispensing operation known as Pilot Travel Center #341 located at 3812 East Craig Road, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$12,525.00
Violation #1 – Permit condition IV.C.3(a through g)
Permit condition IV.E.2.a
Violation #2 – Permit condition IV.D.4.c
Violation #3 – Permit condition IV.D.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$12,525.00

Violation #1 – Permit condition IV.C.3(a through g) - \$8,290.00
Permit condition IV.E.2.a
Violation #2 – Permit condition IV.D.4.c - \$3,440.00
Violation #3 – Permit condition IV.D.6 - \$795.00

7. SAM’S WEST, INC. (Minor Source Permit, Source ID: 9885)

NOV #9723 – For failing to conduct and maintain records of Phase I and Phase II vapor recovery system inspections, as identified by Air Quality Specialist Ryan O’Connor during an onsite full compliance evaluation on June 14, 2022 of the gasoline dispensing operation known as Sam’s Club #6257 located at 8080 West Tropical Parkway, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$2,750.00
Violation #1 – Permit condition 4.1.3(a through g)
Permit condition 4.1.4(a through i)
Permit condition 4.3.2.a
Permit condition 4.3.4

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

8. SHELBY AMERICAN, INC. (Minor Source Permit, Source ID: 17347)

NOV #9724 – For failing to conduct and maintain records of pressure drop readings across the spray booth exhaust filters of the Spray Paint Booths, Emission Units (EUs): A01 and A02; and for failing to conduct and maintain records of daily inspections of the Spray Paint Booths, EUs: A01 and A02, as identified by Senior Air Quality Specialist Mike Murphy during an onsite full compliance evaluation on July 6, 2022 of the specialty car repair and painting facility located at 6405 Ensworth Street, in Clark County, Nevada.

Violation(s) Alleged: Recommended Penalty: \$3,900.00
Violation #1 – Permit condition 4.1.5
Permit condition 4.3.1.c
Violation #2 – Permit condition 4.1.6
Permit condition 4.3.1.b

**Continued on the next page.*

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,900.00

- Violation #1 – Permit condition 4.1.5 - \$1,950.00**
Permit condition 4.3.1.c
- Violation #2 – Permit condition 4.1.6 - \$1,950.00**
Permit condition 4.3.1.b

9. THOMAS CONTRACTING AND DEVELOPMENT LLC D/B/A TCD CONSTRUCTION (DCOP #54244)

NOV #9743 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities, as identified by Air Quality Specialist Satyra George while performing a routine inspection on August 5, 2022, at the Dollar Self Storage 22, LLC an Arizona LLC construction project located at 8870 South Rainbow Boulevard, 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

10. VT CONSTRUCTION, INC. (DCOP #54829)

NOV #9731 – 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 23, 2022, and a follow-up inspection on June 24, 2022, at the Apex Prop Strike Crusher construction project, located north of Las Vegas Boulevard and I-15, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$2,250.00

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

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

11. WESTERN ELITE ENVIRONMENTAL, INC. (Source ID: n/a)

NOV #9730 – For handling, transporting, or storing of any material in a manner which allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Martin Tull during a complaint investigation and partial compliance evaluation on July 7, 2022 at the Western Elite – Wynn Materials Recovery Facility, located at 4610 Wynn Road, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 41.1.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

12. WILLIAM LYON HOMES, INC. (DCOP #51423)

NOV #9732 – 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 Damon Lindsay and Senior Air Quality Specialist Andrew Kirk while performing a routine inspection on July 7, 2022, and follow-up inspections on July 12 and 13, 2022, at the Palmer Ranch construction project, located at the northeast corner of East Rome Boulevard and McCarran Street, in Clark County, Nevada.

Violation(s) Alleged:

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

Recommended Penalty: \$4,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. BOYD MARTIN CONSTRUCTION LLC (DCOP #53966)

NOV #9744 – For allowing soil to be tracked out more than 50 feet onto a paved surface, as identified by Air Quality Specialist Richard Wyse during a routine inspection on July 7, 2022, complaint investigations on July 12 and 14, 2022, and follow-up inspections on July 15, 19, and 20, 2022, at the CCSD Harmon ES Addition construction project located at 5351 Hillsboro Lane, in Clark County, Nevada.

Violation(s) Alleged:

Violation #1 – Section 94.14(d)

Recommended Penalty: \$9,500.00

FOUND IN VIOLATION.

HEARING OFFICER ASSESSED A \$9,500.00 PENALTY, \$500.00 OF WHICH IS TO BE HELD IN ABEYANCE. IF BOYD MARTIN CONSTRUCTION LLC PAYS \$9,000.00 IN FULL WITHIN SEVEN (7) DAYS OF THE SIGNED ORDER, THE REMAINING \$500.00 WILL BE WAIVED.

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

NOV #9737 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Air Quality Specialist Satyra George while performing a routine inspection on July 8, 2022 at the Las Vegas Blvd Roadway Improvement Phase B1-215 to Russell construction project, located on Las Vegas Boulevard from Mandalay Bay Road to I-215, and Spring Mountain Road, in Clark County, Nevada.

Violation(s) Alleged:

Violation #1 – Section 94.14(a)(4)

Recommended Penalty: \$2,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

3. 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 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)

Continued from 7/21/2022

WILLIAM CHARLES, INC. PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 1.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,000.00

Violation #1 – Section 94.14(a)(3) - \$1,250.00

Violation #2 – Sections 94.13(a) and (b) - \$5,500.00

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

Stationary Sources Violations:

4. 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 & 7/21/2022

AIR QUALITY UPDATED THE HEARING OFFICER THAT NOV #9671 WAS RESCINDED.

HEARING OFFICER REMOVED NOV #9671 FROM THE CALENDAR.

RECESSED AT 9:56 a.m.

RESUMED AT 10:03 a.m.

5. CIRCLE K STORES INC. (Minor Source Permit, Source ID: 15906)

NOV #9736 – For failing to conduct and maintain records of Phase I vapor recovery system inspections; and for failing to conduct and maintain records of Phase II vapor recovery system inspections, as identified by Air Quality Specialist Martin Tull during an onsite full compliance evaluation on June 29, 2022 of the gasoline dispensing operation known as Circle K Store #3369 located at 6490 Boulder Highway, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,505.00

Violation #1 – 2020 Permit condition 4.1.3(a through g)
2020 Permit condition 4.3.2.a

Violation #2 – 2020 Permit condition 4.1.4(a through g)
2020 Permit condition 4.3.2.a

CIRCLE K STORES INC. DID NOT CONTEST NOV #9736.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,505.00

Violation #1 – 2020 Permit condition 4.1.3(a through g) - \$1,385.00
2020 Permit condition 4.3.2.a

Violation #2 – 2020 Permit condition 4.1.4(a through g) - \$2,120.00
2020 Permit condition 4.3.2.a

6. MGM RESORTS INTERNATIONAL (Part 70 Operating Permit, Source ID: 825)

NOV #9729 – For failing to accurately report Intermittent Compliance in the 2020 Annual Compliance Certification (ACC) and 2021 ACC for the 2019 Permit, January 2021 Permit and November 2021 Permit condition III.E.6.b; for failing to report deviations without excess emissions for late performance testing on Emission Unit: MB049 in the 2020 2nd semi-annual monitoring report, 2021 1st semi-annual monitoring report, and 2021 2nd semi-annual monitoring report; and for failing to conduct and pass performance testing within 90 days of the five year anniversary date of the last performance test, as identified by Senior Air Quality Specialist Camon Liddell during an onsite full compliance evaluation on June 13, 2022 of the 11 hotel/casino and event arena facilities located in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$43,185.63

Violation #1 – January 2021 Permit and November 2021 Permit condition II.D.6.c

Violation #2 – January 2021 Permit and November 2021 Permit condition II.D.8

Violation #3 – Permits condition III.E.6.b

MGM RESORTS INTERNATIONAL REQUESTED A CONTINUANCE OF NOV #9729.

HEARING OFFICER CONTINUED MGM RESORTS INTERNATIONAL'S CASE TO NOVEMBER 17, 2022.

7. MIDJIT MARKET, INC. (Minor Source Permit, Source ID: 16201)

NOV #9738 – For modifying the underground storage tank from storing diesel fuel to storing gasoline and operating that storage tank without first obtaining a revised permit authorizing the modification; and for failing to conduct and pass initial vapor recovery system tests within 180 days of modifying the underground storage tank, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on July 20, 2022 of the gasoline dispensing operation known as Green Valley Grocery #33 located at 5180 North Lamb Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$14,280.00

- Violation #1 – 2018 Permit condition II.A.8
2022 Permit condition 5.1.10
- Violation #2 – 2018 Permit condition IV.D.4.a
2022 Permit condition 4.2.4.a

FOUND IN VIOLATION.

PENALTY ASSESSED: \$14,280.00

- Violation #1 – 2018 Permit condition II.A.8 - \$5,960.00**
2022 Permit condition 5.1.10
- Violation #2 – 2018 Permit condition IV.D.4.a - \$8,320.00**
2022 Permit condition 4.2.4.a

8. SPEC AGGREGATES LLC (Synthetic Minor Source Permit, Source ID: 17969)

NOV #9727 – For failing to conduct and maintain records of daily visual emissions checks for the Facility; for failing to conduct and maintain records of daily visual inspections on the water spray systems; and for failing to document and maintain logs of predicted weather conditions, as provided by the National Weather Service, before setting explosive charges in holes on days when blasting occurred, as identified by Air Quality Specialist Ryan O'Connor and Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on June 2, 2022 of the crushing and screening operation known as Spec Aggregates located at 10295 Nadine Petersen Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$19,500.00

- Violation #1 – 2020 Permit condition 4.1.1
2020 Permit condition 4.3.1.a
2020 Permit condition 4.3.3
- Violation #2 – 2020 Permit condition 4.1.5
2020 Permit condition 4.3.1.b
2020 Permit condition 4.3.3
- Violation #3 – 2020 Permit condition 2.2.7
2020 Permit condition 4.3.1.j
2020 Permit condition 4.3.3

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FOUND IN VIOLATION.

PENALTY ASSESSED: \$19,500.00

Violation #1 – 2020 Permit condition 4.1.1	- \$6,225.00
2020 Permit condition 4.3.1.a	
2020 Permit condition 4.3.3	
Violation #2 – 2020 Permit condition 4.1.5	- \$12,450.00
2020 Permit condition 4.3.1.b	
2020 Permit condition 4.3.3	
Violation #3 – 2020 Permit condition 2.2.7	- \$825.00
2020 Permit condition 4.3.1.j	
2020 Permit condition 4.3.3	

9. UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING (Part 70 Operating Permit, Source ID: 473)

NOV #9740 – For modifying the source with four new diesel-fired emergency generators and one reclassified diesel-fired generator, without first obtaining an Authority to Construct from the Control Officer authorizing the modification; and for failing to install adaptors that are designed to prevent the over-tightening or loosening of fittings during normal delivery operations on Emission Units: J001 and J002, as identified by Senior Air Quality Specialist Scott Rowsell during an onsite full compliance evaluation on May 3, 2022 of the operations of ancillary equipment and activities at the federally-owned military installation known as Creech Air Force Base located along East Highway 95 North, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$23,378.72

Violation #1 – April 2020 Permit and 2021 Permit condition II.B.1

Violation #2 – 2021 Permit condition III.A.4.g.vii

UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING REQUESTED A CONTINUANCE OF NOV #9740.

HEARING OFFICER CONTINUED UNITED STATES AIR FORCE, CREECH AIR FORCE BASE, 432nd WING'S CASE TO NOVEMBER 17, 2022.

10. ZAYO GROUP, LLC (Minor Source Permit, Source ID: 17648)

NOV #9735 – For installing two diesel-fired 2500 kW generators without first obtaining a revised permit authorizing the modification, as identified by Air Quality Specialist Pat Ringgenberg during an onsite full compliance evaluation on July 21, 2022 of the computer system management/data processing operation known as zColo Zayo Group located at 7125 Pollock Drive, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$3,000.00

Violation #1 – 2021 Permit condition 5.1.10

ZAYO GROUP, LLC DID NOT CONTEST NOV #9735.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

III. ADJOURNMENT 10:40 a.m.