



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 17, 2020

Hearing Officer: Christine T. Smith

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

Handwritten initials in blue ink, possibly "SP", located to the right of the Air Quality Staff list.

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).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is required.

In order to limit the size of the meeting, each case on the contested portion of the docket has been assigned a time to be heard.

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. CENTURY COMMUNITIES OF NEVADA, LLC (DCOP #48330)

NOV #9443 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line, as identified by Senior Air Quality Specialist Andrew Kirk during a routine inspection on June 15, 2020 at the Ridgcrest construction project located southeast of Centennial Parkway and Novak Street, in Clark County, Nevada.

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

Recommended Penalty: \$3,500.00

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,500.00**

2. **CENTURY COMMUNITIES OF NEVADA, LLC (DCOP #48768)**

NOV #9455 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week; and for allowing tracked out mud or dirt to extend greater than 50 feet in length onto a paved road, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Katrinka Byers during routine and follow-up inspections on July 29 and 30, 2020 at the Sedona construction project located northeast corner of Ann Road and Goldfield Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,500.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,500.00

Violation #1 – Section 94.9.2 - \$3,750.00

Violation #2 – Section 94.11.6 - \$1,750.00

3. **DISCOUNT DUMPSTERS, LLC (DCOP #52386)**

NOV #9445 – For failing to obtain a DCOP prior to engaging in construction activities; 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 and Senior Air Quality Specialist Andrew Kirk while performing a routine patrol and follow-up inspections on May 13 and 14, and June 10 and 11, 2020, at the Western Elite Betty Lane construction project located at 2536 North Nellis Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.4.1

Violation #2 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

Violation #1 – Section 94.4.1 - \$500.00

Violation #2 – Section 94.9.2 - \$2,250.00

4. **GREYSTONE NEVADA, LLC (DCOP #50201)**

NOV #9452 – For failing to fully implement Best Available Control measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Katrinka Byers during a routine inspection on July 27, 2020 at the Sedona Ranch construction project located southwest of El Campo Grande Avenue and Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

5. **LV STATION MANAGEMENT INC. (Source ID: 15139)**

NOV #9448 – For failing to conduct and maintain records of Phase I and II 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; for failing to conduct Phase I vapor recovery system tests within 180 days of issuance of the 2019 Permit; for failing to submit the 2019 annual Emissions Inventory Report on or before March 31, 2020; and for failing to maintain and operate the Phase I vapor recovery system equipment in good working order by operating the regular gasoline storage tank, Emission Unit: A02, with a damaged low profile cap on the fill adapter, as identified by Air Quality Specialist Josh Kelley during a Full Compliance Evaluation conducted on June 25, 2020 of the gasoline dispensing operation located at 9260 South Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,825.00

- Violation #1 – 2014 Permit conditions IV.C.3.a through g
2014 Permit conditions IV.C.4.a through i
2014 Permit condition IV.E.2.a
2019 Permit conditions 4.1.3.a through h
2019 Permit condition 4.3.2.b
- Violation #2 – 2014 Permit condition IV.D.4.b
- Violation #3 – 2019 Permit condition 4.2.4.b
- Violation #4 – 2019 Permit condition 4.4.5.a.ii
- Violation #5 – 2019 Permit condition 2.1.4.d

FOUND IN VIOLATION.

PENALTY ASSESSED: \$11,825.00

- Violation #1 – 2014 Permit conditions IV.C.3.a through g - \$2,835.00**
2014 Permit conditions IV.C.4.a through i
2014 Permit condition IV.E.2.a
2019 Permit conditions 4.1.3.a through h
2019 Permit condition 4.3.2.b
- Violation #2 – 2014 Permit condition IV.D.4.b - \$4,420.00**
- Violation #3 – 2019 Permit condition 4.2.4.b - \$3,070.00**
- Violation #4 – 2019 Permit condition 4.4.5.a.ii - \$250.00**
- Violation #5 – 2019 Permit condition 2.1.4.d - \$1,250.00**

6. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #50970)**

NOV #9444 – For allowing tracked out mud or dirt to extend greater than 50 feet in length onto a paved road, as identified by Senior Air Quality Specialist Andrew Kirk while performing routine and follow-up inspections on June 8 and 15, 2020 at the CRP/Caprock Interchange Industrial construction project located at 5345-5445 East Centennial Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,500.00

- Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

7. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48856)**
NOV #9446 – 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 during a routine inspection on June 15, 2020 at the Summit Knoll/Summit Peak construction project located on the southwest corner of East Centennial Parkway and North Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,750.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,750.00

8. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #50821)**
NOV #9454 – For allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on July 28, 2020 at the Cortland construction project located at El Campo Grande Avenue and North 5th Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,250.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.
PENALTY ASSESSED: \$3,250.00

9. **TERRIBLE HERBST, INC. (Source ID: 9317)**
NOV #9440 – For failing to conduct and pass subsequent vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Josh Kelley during a full compliance evaluation conducted on June 8, 2020 of the gasoline dispensing operation known as Pit Stop Chevron Spring Mountain / Jones located at 6075 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,000.00

Violation #1 – 2018 Permit condition IV.D.4.b

FOUND IN VIOLATION.
PENALTY ASSESSED: \$5,000.00

10. **TERRIBLE HERBST, INC. (Source ID: 17344)**

NOV #9449 – 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 operate the Phase I vapor recovery system in good working order by operating the premium underground storage tank, Emission Unit: A01, with a missing gasket on the fill side, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on July 16, 2020 of the gasoline dispensing operation known as Terrible Herbst #338 located at 100 Ville Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,800.00

Violation #1 – 2018 Permit condition 4.2.4.b

Violation #2 – 2020 Permit condition 2.1.6.d

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,800.00

Violation #1 – 2018 Permit condition 4.2.4.b - \$5,800.00

Violation #2 – 2020 Permit condition 2.1.6.d - \$2,000.00

B. CONTESTED CASES

Construction and Vacant Land Violations:

1. **SEDONA RANCH INVESTMENT PARTNERS LLC (DCOP #49383)**

NOV #9451 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, horizontally or vertically, 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 Best Available Control Measures resulting in a fugitive dust plume to cross the property line, as identified by Senior Air Quality Specialist Andrew Kirk during routine and follow-up inspections on July 22, 24, and 29, 2020 at the Sedona Ranch Investment, LLC construction project located on the northeast corner of North 5th Street and Ann Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,250.00

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: \$6,250.00

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

Violation #2 – Section 94.9.2 - \$1,250.00

Violation #3 – Section 94.11.3(c) - \$2,500.00

Stationary Sources Violations:

2. GYPSUM RESOURCES, LLC (Part 70 Source ID: 17286)

NOV #9412 – For failing to report intermittent compliance in the 2018 and 2019 Annual Compliance Certification (ACC) Reports; for failing to report permit deviations in the 2nd Semi-annual Report for 2018, the 1st Semi-annual Report for 2019 and the 2nd Semi-annual Report for 2019, due by January 30, 2019, July 30, 2019, and January 30, 2020, respectively; for failing to provide at least seven days written notice to the Control Officer prior to replacing the continuous-duty diesel engines, EU: C01, C05 and C08; for replacing the continuous-duty diesel engine, EU: C07 with an engine rated at a higher horsepower without first obtaining an Authority to Construct (ATC) Permit from the Control Officer; for operating EUs: B02 and B03 throughout the entire Full Compliance Evaluation (FCE) period as unpaved haul roads when they were both permitted as paved; for exceeding the actual and potential emission limitations during the entire FCE period by operating EUs: B02 and B03 as unpaved haul roads; for exceeding the ANFO consumption limit of 75 tons per any consecutive 12-month period for 16 consecutive months; for exceeding the operational limit of 4,200 hours per any consecutive 12 month period for EU: C06 for 16 consecutive months; for exceeding the operational limit of 4,800 hours per any consecutive 12 month period for EU: C03 for 16 consecutive months; for failing to maintain moisture at a minimum of 1.5% in 40 weekly samples at six locations not controlled by baghouses; for failing to maintain moisture at a minimum of 2.5% in two weekly samples at one location for overburden operations; for failing to maintain and provide records for the continuous-duty diesel water pump (EU: C07) prior to its replacement; for conducting blasting operations during a Dust Advisory on April 2, 2019; for failing to take precautions and allowing fugitive dust emissions from the unpaved BLM Haul Road, EU: B01; 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 twice per day Method 22 Evaluations on all EUs, for eight instances; for failing to conduct and provide records of monthly baghouse inspections of the interior of CD: D01 and D02 for eight non-consecutive months, and an additional six months where the CD identification was not recorded; for failing to provide a Standard Operating Procedure for the purpose of maintenance for Baghouse #1, CD: D01, and Baghouse #2, CD: D02; for failing to conduct and provide records of weekly moisture testing; for failing to submit records of moisture test results with both 2019 semi-annual reports, due by July 30, 2019 and January 30, 2020; and for replacing the continuous-duty diesel engine, EU: C01 with an engine rated at a higher horsepower without first obtaining an ATC Permit from the Control Officer, as identified by Senior Air Quality Specialists Camon Liddell and Scott Rowsell (Rowsell) during a FCE conducted on February 26, 2020 and by Rowsell during an offsite partial compliance evaluation conducted on May 5, 2020 of the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

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Violation(s) alleged:

Recommended Penalty: \$294,600.00

- Violation #1 – Permit condition II.D.6.c
- Violation #2 – 2017 Permit condition II.D.8
- Violation #3 – Section 12.5.2.12(a)(2)
- Violation #4 – Permit condition II.B.1
- Violation #5 – Permits condition II.B.1
- Violation #6 – 2019 Permit condition III.C.1.a
2019 Permit Table III-B-1
- Violation #7 – 2017 Permit condition III.B.2.e
- Violation #8 – 2017 Permit condition III.B.2.1
- Violation #9 – 2017 Permit condition III.B.2.m
- Violation #10 – 2017 Permit condition III.B.3.2
2019 Permit condition III.C.3.a
- Violation #11 – 2017 Permit condition III.B.3.3
- Violation #12 – 2017 Permit conditions III.B.3.14.a through c
2017 Permit condition III.E.4.m
- Violation #13 – 2017 Permit condition III.B.3.21
- Violation #14 – 2019 Permit condition III.C.3.u
2019 Permit condition III.C.3.dd
- Violation #15 – 2019 Permit condition III.C.3.w
- Violation #16 – 2017 Permit condition III.C.1
2017 Permit condition III.E.4.a
2019 Permit condition III.D.1
2019 Permit condition III.F.4.a
- Violation #17 – 2017 Permit condition III.C.22
2017 Permit condition III.E.4.n
2019 Permit condition III.D.24
2019 Permit condition III.F.4.n
- Violation #18 – 2017 Permit condition III.C.23
2017 Permit condition III.E.4.m
2019 Permit condition III.D.25
2019 Permit condition III.F.4.m
- Violation #19 – 2017 Permit conditions III.C.25.b.1 through 7
2017 Permit condition III.E.5.1
2019 Permit conditions III.D.27.b.i through vii
2019 Permit condition III.F.5.n

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GYPSUM RESOURCES, LLC continued

Violation #20 – 2017 Permit condition III.C.29
2017 Permit condition III.E.5.1
2017 Permit condition III.F.5.a
2019 Permit condition III.D.31
2019 Permit condition III.F.5.n
2019 Permit condition III.G.4.a

Violation #21 – Permits condition II.B.1

THIS CASE WAS CONTINUED FROM THE JULY 16, 2020 HEARING UPON GYPSUM RESOURCES, LLC’S REQUEST.

AT THE OUTSET OF THE HEARING, GYPSUM RESOURCES, LLC REQUESTED A SECOND CONTINUANCE.

AIR QUALITY OPPOSED THE SECOND REQUEST FOR CONTINUANCE.

HEARING OFFICER DENIED THE REQUEST FOR CONTINUANCE.

HEARING OFFICER FOUND GYPSUM RESOURCES, LLC IN VIOLATION OF ALL TWENTY-ONE VIOLATIONS AND ASSESSED A RECOMMENDED PENALTY AMOUNT OF \$294,600.00.

3. **PABCO BUILDING PRODUCTS, LLC (Part 70 Operating Permit, Source ID: 11) NOV #9442** – For failing to report permit deviations in the 1st Semi-annual Report for 2019 and the 2nd Semi-annual Report for 2019; and for failing to conduct and pass subsequent performance testing on Baghouses 2, 4, 16, 18, and 24 within five years of the previous test, as identified by Senior Air Quality Specialist Camon Liddell during a Full Compliance Evaluation conducted on June 9, 2020 at the gypsum mining and processing operation located at 8000 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$63,000.00

Violation #1 – 2017 Permit condition II.D.8
2017 Permit condition III.E.1.a
2017 Permit condition III.F.2.b
2017 Permit condition Table III-F-1

Violation #2 – 2017 Permit condition III.D.8.d

PABCO BUILDING PRODUCTS, LLC REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED PABCO BUILDING PRODUCTS, LLC’S CASE TO NOVEMBER 19, 2020.

III. ADJOURNMENT 11:10 a.m.