




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 19, 2019

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 48-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. 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. NEVADA READY MIX CORPORATION (Source ID: 512)

NOV #9291 – For handling materials in a manner that caused the discharge of fugitive dust in excess of 100 yards from the point of origin, and handling material in a manner that allowed controllable particulate matter to become airborne, as identified by Air Quality Specialist Mike Murphy during a partial compliance evaluation conducted on April 4, 2019 of the concrete manufacturer 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: \$2,000.00
Violation #1 – Permit condition 2.2.26
Permit condition 2.2.1

Continued from 7/18/19

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOVS #9291 AND 9298, WHICH INCLUDES AN \$11,525.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

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

NOV #9298 – For operating emission units without first obtaining a revised permit authorizing their operation; for operating EU: A026 in a manner which created fugitive dust that traveled in excess of 100 yards from the point of origin; for operating five baghouses outside of the permitted differential pressure drop operating range of 1.0 to 6.0 inches of water column; for failing to conduct and maintain records of quarterly EPA Method 22 evaluations for 16 baghouses; for failing to conduct and maintain records of monthly interior inspections of 15 baghouses; for failing to conduct and maintain a record of the 2017 burner efficiency testing on EU: P01; and for failing to conduct and pass subsequent static pressure decay and pressure-vacuum vent tests on EU: Q01 and Q02 on or before the three year anniversary of the previous successful tests, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on May 8, 2019 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: \$21,050.00

- Violation #1 – November 2018 Permit condition 5.1.8
- Violation #2 – November 2018 Permit condition 2.2.26
- Violation #3 – November 2018 Permit condition 2.2.6
- Violation #4 – June 2018 Permit condition IV.C.12
 - June 2018 Permit condition IV.E.1.a
 - November 2018 Permit condition 4.1.17
 - November 2018 Permit condition 4.3.1.a
- Violation #5 – 2016 Permit condition IV.C.12
 - 2016 Permit condition IV.E.4.b
 - January 2018 Permit condition IV.C.13
 - January 2018 Permit condition IV.E.1.b
 - June 2018 Permit condition IV.C.14
 - June 2018 Permit condition IV.E.1.b
 - November 2018 Permit condition 4.1.19
 - November 2018 Permit condition 4.3.1.b
- Violation #6 – 2016 Permit condition IV.C.20
 - 2016 Permit condition IV.E.4.b
- Violation #7 – November 2018 Permit condition 4.2.5
 - November 2018 Permit condition 4.2.8.b
 - November 2018 Permit Table 4-4

Continued from 7/18/19

SEE #1 ABOVE.

B. POST-HEARING CASES

1. TRONOX, LLC (Source ID: 95)

NOV #8656 – For failure to apply for a Title V Operating Permit in a timely manner; operating a major source of Hazardous Air Pollutants (HAP) without a Title V operating Permit; exceeding permitted HAP emission limits; and failure to report actual emissions from Manganese Dioxide process of the Tronox, LLC facility, located at 560 West Lake Mead Parkway, Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Sections 19.5.2 and 12.5.2.1(a)(1)
- Violation #2 – Sections 19.5.2 and 12.5.2.11(d)
- Violation #3 – Permit Condition IV-A-3-b
- Violation #4 – Permit Condition IV-F-2-c

HEARING OFFICER APPROVED AND SIGNED THE AMENDED ORDER FOR NOV #8656 ON SEPTEMBER 19, 2019.

2. WELLS CARGO, INC. (Source ID: 12)

NOV #9069 – For failing to complete construction of the odor control system no later than December 1, 2017; and for allowing the discharge of such quantities of air contaminants from the Wells Cargo, Inc. facility to cause excessive odors constituting a nuisance, as identified during complaint investigations and partial compliance evaluations conducted by Senior Air Quality Specialist Scott Rowsell, Air Quality Supervisor Scott Jelinek, and Air Quality Compliance Manager Shibi Paul on November 27, December 4 and 20, 2017 of their aggregate processing facility and hot mix asphalt plant located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – 2017 Permit Condition IV-B-25
2017 Permit Condition IV-B-26
Modified Hearing Officer's Order
- Violation #2 – 2016 Permit Condition IV-B-32
2017 Permit Condition IV-B-39
Section 43.1

Continued from 7/18/19

HEARING OFFICER APPROVED AND SIGNED THE AMENDED ORDER FOR NOV #9069 AND 9084 ON SEPTEMBER 19, 2019.

3. WELLS CARGO, INC. (Source ID: 12)

NOV #9084 – For failing to operate the required odor control system while storing asphalt in the hot mix asphalt silos as identified during a complaint investigation conducted by Senior Air Quality Specialist Scott Rowsell on February 2, 2018 of their aggregate processing facility and hot mix asphalt plant located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Permit Condition IV-B-28

Continued from 7/18/19

SEE #2 ABOVE.

C. 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. (Source ID: 9727)**

NOV #9303 – For failing to conduct and pass subsequent Phase I and Phase II vapor recovery system tests on or before the three year anniversary date of the previous successful tests, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on May 31, 2019 of the gasoline dispensing operation known as 7-Eleven Store #32224 located at 5576 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Permit condition IV.D.4.b
Permit Table IV-D-1

Recommended Penalty: \$5,220.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,220.00

2. **ALSTON CONSTRUCTION COMPANY, INC. (DCOP #50454)**

NOV#9306 – For allowing mud or dirt extending more than 50 feet in length to be tracked out onto a paved road, as identified by Air Quality Specialist Ross Grover during a routine inspection on May 31, 2019 at the Project Hope construction site located at 12300 Bermuda Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$1,000.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

3. **AMERICAN EAGLE READY MIX, LLC (Source ID: 17400)**

NOV #9313 – For allowing controllable particulate matter to become airborne from Emission Units: B01 (vibrating grizzly feeder), B02 (crusher), B04 (screen) and B06 (stacker), as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Dust Advisory period on June 20, 2019 of the concrete batch plant, crushing and screening operation known as American Eagle Ready Mix, LLC located at 14355 Garza Street, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 41.1.2

Recommended Penalty: \$5,100.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,100.00

4. APCO CONSTRUCTION (DCOP #49182)

NOV#9308 – For failing to implement 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 complaint investigation and follow-up inspection on June 11 and 12, 2019 at the Twin Lakes ES Replacement construction site located at 1205 Silver Lake Drive, 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

5. BEAZER HOMES HOLDINGS LLC (DCOP #50269)

NOV#9309 – For failing to apply all control measures necessary including those listed in the Dust Mitigation Plan to maintain soil stability during trenching activities, as identified by Air Quality Specialist Cris Melo during a routine inspection on June 17, 2019 at the Rancho Crossing construction site located on Rancho Drive between Craig Road and Alexander Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

6. BORMANN DEVELOPMENT, INC. D/B/A NEVADA GENERAL CONSTRUCTION (DCOP #50067)

NOV #9329 – For failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Ross Grover during a routine inspection on July 24, 2019 at the Pinecrest Academy Sloan Canyon construction site located at 675 East Dale Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,000.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

7. CN LICENSECO I, INC. (Source ID: 17744)

NOV #9288 – For installing and operating emission units without first obtaining a permit authorizing their installation and operation, as identified by Air Quality Supervisor Scott Jelinek during a partial compliance evaluation conducted on April 10, 2019 of the commercial produce greenhouse operation located at 3950 North Bruce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – December 2018 Permit condition II.A.8

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

8. **GUARANTEED CLEAN AIR LLC D/B/A GCA ENVIRONMENTAL (Project #192006)**
NOV #9331 – For failing to notify Air Quality of the removal of Regulated Asbestos Containing Materials from the Facility at least 10 working days before the activities commenced, as identified during an inspection by Air Quality Specialists Whitney Francis and Kevin Adoor on July 18, 2019 at a facility owned and/or operated by GCA Environmental located at 2408 East Mesquite Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$950.00
Violation #1 – Section 13.1, 40CFR61 Subpart M, Part 61.145(b)(1)
Section 13.1, 40CFR61 Subpart M, Part 61.145(b)(3)(i)

FOUND IN VIOLATION.
PENALTY ASSESSED: \$950.00

9. **GYP SUM RESOURCES, LLC (Part 70 Source ID: 17286)**
NOV #9321 – For allowing fugitive dust emissions from the unpaved BLM haul road without taking reasonable precautions, as identified by Senior Air Quality Specialists Scott Rowsell and Camon Liddell during a complaint investigation conducted on July 8, 2019 of the gypsum mining and processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$10,000.00
Violation #1 – Part 70 Permit condition III.B.3.23
Part 70 Permit condition III.B.3.29

GYP SUM RESOURCES, LLC APPEARED AT THE HEARING AND VERBALLY CHANGED ITS PLEA TO CONTESTING THE RECOMMENDED PENALTY IN NOV #9321.

AIR QUALITY REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED GYP SUM RESOURCES, LLC'S CASE TO NOVEMBER 7, 2019.

10. **GYP SUM RESOURCES, LLC (Part 70 Source ID: 17286)**
NOV #9324 – For operating the processing equipment Emission Units: A01 (vibrating grizzly feeder), A05 (HSI crusher), and A10 (surge bin) with damaged ductwork that was disconnected from the emission hoods that direct particulate matter to the associated control devices (CDs: D01 and D02); and for allowing fugitive dust emissions from the unpaved BLM haul road to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialist Scott Rowsell and Air Quality Specialist Syed Hyder during a partial compliance evaluation and follow-up inspection conducted on June 25 and 26, 2019 of the gypsum mining and processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$15,500.00
Violation #1 – Part 70 Permit condition III.B.3.6
Part 70 Permit condition III.B.3.7
Part 70 Permit condition III.B.3.10
Violation #2 – Part 70 Permit condition III.B.3.23
Part 70 Permit condition III.B.3.29

**Continued to the next page.*

GYPSUM RESOURCES, LLC continued

GYPSUM RESOURCES, LLC APPEARED AT THE HEARING AND VERBALLY CHANGED ITS PLEA TO CONTESTING THE RECOMMENDED PENALTY IN NOV #9324.

AIR QUALITY REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED GYPSUM RESOURCES, LLC'S CASE TO NOVEMBER 7, 2019.

11. HIGH GRADE GYPSUM LLC (Source ID: 17884)

NOV #9311 – For allowing controllable particulate matter to become airborne, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during the Dust Advisory period on June 20, 2019 of the unprocessed gypsum material facility located south of Water Well Drill Road and Dixon Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – 2019 Permit condition 2.2.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

12. MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #50778)

NOV#9315 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on June 24, 2019 at the Southern Land Company at Symphony Park construction site located at 250 Promenade Place, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

13. MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #50778)

NOV #9333 – For allowing soil to be tracked out greater than 50 feet in length and ¼ inch in depth onto a paved roadway; and for failing to fully implement Best Available Control Measures resulting in fugitive dust plumes to extend more than 100 feet from the point of origin, as identified by Air Quality Specialists Ross Grover, Katrinka Byers, and Elizabeth Rubio during two complaint investigations on July 13 and 15, 2019, and a follow-up inspection on July 16, 2019 at the Southern Land Company at Symphony Park construction site located at 250 Promenade Place, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

Violation #1 – Section 94.11.6 - \$2,000.00

Violation #2 – Section 94.11.3(b) - \$3,000.00

14. PACE CONTRACTING (DCOP #49298)

NOV#9310 – For allowing tracked out soil debris extending greater than 50 feet in length or ¼ inch in depth onto a paved roadway, as identified by Air Quality Specialists Katrinka Byers and Elizabeth Rubio during routine and follow-up inspections on May 24, 31, June 3 and 4, 2019 at the Unnamed Elementary School @ Hollywood & Vegas Valley Drive construction site located northeast of Vegas Valley Drive and South Hollywood Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,250.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,250.00

15. PARDEE HOMES OF NEVADA (DCOP #49343)

NOV#9320 – For failing to apply all control measures necessary to maintain soil stability including those listed in the Dust Mitigation Plan; and for failing to 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 routine and follow-up inspections on June 15 and 20, 2019 at the Horizon Ridge & Gibson construction site located on West Horizon Ridge Parkway and South Gibson Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,750.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,750.00

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

Violation #2 – Section 94.11.3(b) - \$4,000.00

16. QUARRY 187, LLC (Source ID: 83)

NOV #9325 – For exceeding PM₁₀ emissions during 2018 for Emission Unit: K02; and for exceeding the vehicle miles traveled on unpaved roads during 2018, as identified by Senior Air Quality Specialist Camon Liddell during a review of the 2018 annual Emission Inventory Report conducted on June 24, 2019 of the non-metallic mineral processing operation known as Quarry 187, LLC located two miles south of US93 and US95 intersection of Impact Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,500.00

Violation #1 – 2018 Permit condition 3.2.2

2018 Permit Table 3-3

2018 Permit condition 3.1.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

17. RAIN TREE INVESTMENT CORPORATION (DCOP #48617)

NOV #9322 – For failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Katrinka Byers during a complaint investigation on June 29, 2019 at the Lake Las Vegas Stockpile construction site located at the northeast end of Lake Las Vegas Parkway, approximately 700 feet west of Tremezzo Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

18. RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #48856)

NOV #9330 – For allowing soil to be tracked out more than 50 feet in length and ¼ inch in depth onto a paved roadway, as identified by Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 12, 2019 at the Summit Knoll/Summit Peak construction site located at the southwest corner of East Centennial Parkway and North Lamb Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

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

NOV #9316 – For allowing plumes of fugitive dust from the Facility grounds and Emission Units: A35 & A36, to extend more than 100 yards from the point of origin and cross the property line; and for allowing controllable particulate matter to become airborne throughout the Facility and from Emission Units: A35 & A36, as identified by Air Quality Specialist Mike Murphy while on routine patrol during a Dust Advisory period on June 20, 2019 at the non-metallic mineral processing operation located south of Sloan and east of I-15, near Jean in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,750.00

Violation #1 – May 2019 Permit condition 2.2.11

May 2019 Permit condition 2.2.19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

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

NOV #9327 – For operating Emission Unit: FP07 in a manner that allowed particulate matter to become airborne, as identified by Air Quality Specialist Syed Hyder during a partial compliance evaluation conducted on July 25, 2019 of the portable nonmetallic mineral processing operation, known as the Wells Cargo Lone Mountain Plant located in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – March 2019 Permit condition 2.2.9

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

D. CONTESTED CASES

Construction and Vacant Land Violations:

1. **BOYD MARTIN CONSTRUCTION LLC (DCOP # 50784)**

NOV #9334 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway; and for failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week as identified by Air Quality Specialist Heath Richards during complaint investigations on July 8 and 9, 2019 at the CCSD Wasden construction site located at 2831 Palomino Lane, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

Recommended Penalty: \$2,750.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,750.00

Violation #1 – Section 94.11.6 - \$1,250.00

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

2. **CONTRI CONSTRUCTION COMPANY (DCOP #49677)**

NOV #9314 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line; and for failing to apply all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe while performing a routine inspection during a Dust Advisory Period on June 20 and a follow-up inspection on June 21, 2019 at the Symphony Park Box Culvert Extension construction site located on Symphony Park Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.3(c)

Violation #2 – Section 94.9.2

Recommended Penalty: \$3,750.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Violation #1 – Section 94.11.3(c) - \$2,250.00

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

3. **DOUMANI DEVELOPMENT, LLC (DCOP #50747)**

NOV#9318 – For allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Cris Melo during a complaint investigation on July 1, 2019 at the Doumani Entrance and Exit Site construction project located on the southwest corner of Lamb Boulevard and Tropical Parkway, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.11.6

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

4. **JEFF LEHR (DCOP #50781)**

NOV#9304 – For failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Cris Melo during a routine inspection on May 30, 2019 at the Lehr Spec Home construction site located on the southwest corner of Jones Boulevard and Meisenheimer Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

5. **LONGVIEW CONSTRUCTION & DEVELOPMENT, INC. (DCOP #50519)**

NOV #9301 – For allowing mud or dirt extending more than 50 feet in length to be tracked out onto a paved road; and for allowing mud or dirt extending more than 50 feet in length to be tracked out onto a paved road and result in emissions of fugitive dust, as identified by Air Quality Specialist Carlton Monroe during routine and follow-up inspections on April 18 and 24, 2019 at the Town Wash DB construction site located at 350 Canyon Crest Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,250.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.11.6

Continued from 7/18/19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,800.00

Violation #1 – Section 94.11.6 - \$900.00

Violation #2 – Section 94.11.6 - \$1,900.00

6. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #49832)**

NOV #9317 – For failing to apply all control measures necessary to maintain soil stability 24 hours a day, seven days a week; and for allowing soil to be tracked out more than 50 feet in length onto a paved roadway resulting in fugitive dust emissions, as identified by Air Quality Specialist Carlton Monroe while performing an inspection during a Dust Advisory period on June 20, 2019 at the Raceway Business Park construction site located northwest of North Las Vegas Boulevard and North Hollywood Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,750.00

Violation #1 – Section 94.9.2

Violation #2 – Section 94.11.6

MARTIN-HARRIS CONSTRUCTION, LLC DID NOT CONTEST NOV #9317.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,750.00

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

Violation #2 – Section 94.11.6 - \$2,500.00

7. PICERNE CONSTRUCTION CORP. (DCOP #48700)

NOV #9336 – For failing to maintain soil stability on all disturbed soils 24 hours a day, seven days a week, as identified by Air Quality Specialist Mike Englehart during routine inspections on July 17 and 30, 2019 at the Picerne @ Cactus construction site located at 3663 West Cactus Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$2,500.00

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,400.00

8. SUNBURST 215, LLC (DCOP #49756)

NOV #9323 – For failing to apply all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez while performing a routine inspection during a Dust Advisory period on June 20, 2019 at the Sunburst Shutters construction site located south of the intersection of Sunset Road and Westwind Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 94.9.2

Recommended Penalty: \$1,250.00

SUNBURST 215, LLC DID NOT CONTEST NOV #9323.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

Asbestos Violations:

9. ACT REALTY GROUP LLC, NATALIE ZEEMAN, AND ARTUR TERABELIAN (Project #191034)

NOV #9299 – For failing to conduct a thorough inspection for the presence of asbestos-containing materials prior to conducting renovation activities, as identified during an inspection by Air Quality Specialist Kevin Adoor on May 7, 2019 at a facility owned and/or operated by ACT Realty Group LLC, Natalie Zeeman, and Artur Terabelian located at 2405 Sunrise Avenue, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Section 13.1, 40CFR61 Subpart M, Part 61.145(a)

Recommended Penalty: \$2,000.00

Continued from 7/18/19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,750.00

Recess @ 11:10 a.m.

Resume @ 11:23 a.m.

10. MATRIX LLC (Project #192007; DCOP #50359)

NOV #9332 – For failing to notify Air Quality of the demolition of the north building at the Facility 10 working days prior to commencing activities, as identified during an inspection by Air Quality Specialist Whitney Francis on July 29, 2019 at a Facility owned and/or operated by Matrix LLC located at 93 East Reno Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,950.00
Violation #1 – Section 13.1, 40CFR61 Subpart M, Part 61.145(b)(1)
Section 13.1, 40CFR61 Subpart M, Part 61.145(b)(3)(i)

MATRIX LLC DID NOT APPEAR.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,950.00

Stationary Sources Violations:

11. AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Source ID: 372)

NOV #9307 – For not taking reasonable precautions and operating with excessive fugitive dust emissions that extended more than 150 yards from Emission Units: A045 and A046a; and for allowing controllable particulate matter to become airborne throughout the Facility grounds, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Construction Notice period on June 7, 2019 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$7,500.00
Violation #1 – Permit condition III.C.10
Permit condition III.C.11
Violation #2 – Permit condition III.C.10
Section 41.1.2

AGGREGATE INDUSTRIES-SWR, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED AGGREGATE INDUSTRIES-SWR, INC.'S CASE TO NOVEMBER 7, 2019.

12. AGGREGATE INDUSTRIES-SWR, INC. (Part 70 Source ID: 372)

NOV #9312 – For allowing controllable particulate matter to become airborne throughout the Facility, as identified by Senior Air Quality Specialist Scott Rowsell while on routine patrol during a Dust Advisory period on June 20, 2019 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Permit condition III.C.10
Section 41.1.2

AGGREGATE INDUSTRIES-SWR, INC. REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED AGGREGATE INDUSTRIES-SWR, INC.'S CASE TO NOVEMBER 7, 2019.

13. BOYD GAMING CORPORATION (Source ID: 16102)

NOV #9328 – For failing to conduct and maintain records onsite for four burner efficiency tests during 2017, as identified by Senior Air Quality Specialist Camon Liddell during a full compliance evaluation conducted on July 11, 2019 of the casino and hotel operation known as Aliante Casino and Hotel located at 7300 Aliante Parkway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – 2017 Permit condition IV.C.6
2017 Permit condition IV.E.1.f

AIR QUALITY REQUESTED A CONTINUANCE.

HEARING OFFICER CONTINUED BOYD GAMING CORPORATION'S CASE TO NOVEMBER 7, 2019.

14. CIRCLE K STORES INC. (Source ID: 9731)

NOV #9326 – For failing to operate Phase I vapor recovery system on Emission Unit: A03 in good working order by operating the vapor adapter with a missing poppet valve/seal assembly; and for failing to operate Phase II vapor recovery system in good working order by operating multiple dispensers with torn vapor/splash guards, as identified by Air Quality Specialist Syed Hyder during a full compliance evaluation conducted on June 11, 2019 of the gasoline dispensing operation known as Circle K Store #3360 located at 1381 West Warm Springs Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,163.00

Violation #1 – Permit condition IV.B.1.b.iv
Permit condition IV.B.1.b.v
Violation #2 – Permit condition IV.B.1.d.iii

CIRCLE K STORES INC. DID NOT CONTEST NOV #9326.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,163.00

15. QUARRY 187, LLC (Source ID: 83)

NOV #9284 – For failing to effectively cover all loaded trucks leaving the Facility; and for failing to take measures to prevent particulate matter from becoming airborne, as identified by Air Quality Specialist Josh Kelley while performing a partial compliance evaluation during a Dust Advisory period conducted on April 9, 2019 of the nonmetallic mineral processing operations identified as Quarry 187 located two miles south of US93 and US95 intersection of Impact Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,688.00

Violation #1 – 2018 Permit condition 2.2.9

Violation #2 – 2018 Permit condition 2.2.1

Continued from 7/18/19

QUARRY 187, LLC PRESENTED ADDITIONAL DOCUMENTS AS EXHIBIT 1.

FOUND IN VIOLATION ONLY FOR VIOLATION #2.

PENALTY ASSESSED: \$3,750.00

Violation #1 – 2018 Permit condition 2.2.9 – \$0.00

Hearing Officer withdrew Violation #1

Violation #2 – 2018 Permit condition 2.2.1 – \$3,750.00

16. WELLS CARGO, INC. (Source ID: 12)

NOV #9300 – For failing to install covers on conveyor systems related to Emission Units: RAP8 and TT13 by May 15, 2019, as identified by Senior Air Quality Specialist Camon Liddell during a partial compliance evaluation conducted on May 22, 2019 of their aggregate processing facility and hot mix asphalt plant located at 7770 West Spring Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,835.00

Violation #1 – 2019 Permit condition 2.2.7

2019 Permit Table 2-2

Continued from 7/18/19

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,835.00

Recess @ 12:09 p.m.

Resume @ 12:20 p.m.

III. ADJOURNMENT 12:50 p.m.