

*Clark County  
Air Pollution Control  
Hearing Board*

*Clark County Building Services  
Presentation Room  
February 18, 2021 at 9:30 a.m.*



## Agenda

### Clark County Air Pollution Control Hearing Board

February 18, 2021 – 9:30 AM

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV

#### Note:

- 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 meeting is required.
- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a twenty-four (24) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- To request a copy of the supporting materials for an agenda item, please contact Sherrie Rogge at [sherrie.rogge@clarkcountynv.gov](mailto:sherrie.rogge@clarkcountynv.gov) or (702) 455-0354. Supporting material is/will be available on our website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx).
- If you do not wish to attend the meeting in person but desire to provide written general public comment or public comment on an individual agenda item, please submit your comments prior to **8:00 AM, FEBRUARY 18, 2021**. You can submit your comments to [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov). Be sure to include your name, address, the agenda item number on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with members of the public body, meeting attendees, and on the public body's website.

#### Hearing Board Members

Daniel Sanders, Chair  
Elspeth Cordua  
Ryan L. Dennett, Esq.  
Tom Foster, P.E.  
Troy Hildreth  
William Kremer  
Lauren Rosenblatt

#### Deputy District Attorney

Catherine Jorgenson

#### Air Quality Staff

Marci Henson, Director *MH*  
Shibi Paul, Compliance & Enforcement Manager *SP*  
Anna Sutowska, Air Quality Supervisor  
Sherrie Rogge, Administrative Secretary

**1. OATHS OF OFFICE**

- A. Lauren Rosenblatt (Lay Member)  
Term of Office: 11/3/2020 through 11/2/2023
- B. Ryan Dennett (Attorney Member)  
Term of Office: 11/3/2020 through 11/2/2023
- C. William Kremer (Lay Member)  
Term of Office: 11/3/2020 through 11/2/2023
- D. Troy Hildreth (Lay Member)  
Term of Office: 11/3/2020 through 11/2/2023

**2. CALL TO ORDER**

**3. PUBLIC COMMENT**

No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.

If you do not wish to attend the meeting in person but desire to provide written public comment on an individual agenda item, please submit your comments prior to **8:00 AM, FEBRUARY 18, 2021**. You can submit your comments to [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov). Be sure to include your name, address, the agenda item on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with the members of the public body, meeting attendees, and on the department's website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx).

**4. ELECTION OF VICE-CHAIR**

New term – 2/18/2021 through end of term  
(For possible action)

Air Quality Regulations Subsection 7.1(b)(1)(H) states, “The Hearing Board shall select a Chair, Vice-Chair, and such other officers it deems necessary.”

**5. APPROVAL OF MINUTES**

Approval of August 12, 2020 meeting minutes.  
(For possible action)

6. **APPEALS OF HEARING OFFICER DECISIONS**

**Scheduled to be heard at 9:45 a.m.**

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

**NOV #9412** – On September 17, 2020, the Hearing Officer found Gypsum Resources, LLC in violation of the Clark County Air Quality Regulations and Permit conditions 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 during a FCE conducted on February 26, 2020 and by Scott 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. The Hearing Officer assessed a penalty amount of \$294,600. Gypsum Resources appealed the Air Pollution Control Hearing Officer's Order. (For possible action)

**Scheduled to be heard at 11:00 a.m.**

- B. M.P. TRUST AND MICHAEL PERRY (Project #191086) – Continued from 8/12/2020 NOV #9394** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(a), 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(8), 61.145(c)(6)(i), 61.150(a)(1)(iii) and 61.150(a)(1)(iv) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovations activities; for failing to notify Air Quality 10 days prior to the removal of regulated asbestos-containing material (RACM) from the facility; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during inspections by Air Quality Specialist Kevin Adoor beginning on November 15, 2019, at a facility operated by M.P. Trust and Michael Perry located at 1430 East Desert Inn Road, in Clark County, Nevada. An \$11,600 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer’s Order.  
(For possible action)

- C. M.P. TRUST AND MICHAEL PERRY (Project #201010) – Continued from 8/12/2020 NOV #9409** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(1), 61.145(c)(6)(i), 61.145(c)(8), and 61.150(a)(1)(iii) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to notify Air Quality 10 working days prior to the removal of regulated asbestos-containing material (RACM) from the facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; and for failing to seal all asbestos-containing waste material in leak tight containers while wet, as identified by Air Quality Specialist Kevin Adoor while performing a routine patrol on February 11, 2020 at an apartment building located at 1430 East Desert Inn Road, in Clark County, Nevada. A \$22,500 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer’s Order.  
(For possible action)

**7. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETING**

**8. PUBLIC COMMENT**

No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.

If you do not wish to attend the meeting in person but desire to provide written public comment on an individual agenda item, please submit your comments prior to **8:00 AM, FEBRUARY 18, 2021**. You can submit your comments to [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov). Be sure to include your name, address, the agenda item on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with the members of the public body, meeting attendees, and on the department's website at:

[http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx)

**9. ADJOURNMENT**

The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This notice and agenda was posted or caused to be posted at the following locations:

- Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada
- Las Vegas City Hall, 495 S. Main Street, Las Vegas, Nevada
- Henderson City Hall, 240 S. Water Street, Henderson, Nevada
- North Las Vegas City Hall 2250 Las Vegas Blvd. North Las Vegas, Nevada
- Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada
- Mesquite City Hall, 10 E. Mesquite Boulevard, Mesquite, Nevada
- CC Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada



## Minutes

### Regular Meeting of the Clark County Air Pollution Control Hearing Board

August 12, 2020

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

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#### 1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:34 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair  
Elspeth Cordua  
Ryan L. Dennett, Esq.  
William Kremer  
Lauren Rosenblatt (arrived at 1:40 p.m.)

ABSENT: Tom Foster, P.E

DAQ STAFF: Shibi Paul, Compliance and Enforcement Manager  
Anna Sutowska, Air Quality Supervisor  
Sherrie Rogge, Administrative Secretary

Chair Sanders announced that social distancing would be practiced during the meeting. Attendees were asked to keep the appropriate spacing of 6 feet away from each other. The use of masks or face coverings by all attendees during the meeting is required.

#### 2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

**3. APPROVAL OF MINUTES OF THE DECEMBER 11, 2019 MEETING** (For possible action)

Chair Sanders called for comments, changes, or corrections to the December 11, 2019 minutes. Being none, he called for a motion.

**FINAL ACTION:** It was moved by Board Member Dennett, seconded by Board Member Kremer that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, William Kremer, Daniel Sanders

Voting Nay: None

Abstaining: Elspeth Cordua

Absent: Tom Foster, Lauren Rosenblatt

**4. APPEALS OF HEARING OFFICER DECISIONS** (For possible action)

**A. M.P. TRUST AND MICHAEL PERRY (Project #191086)**

**NOV #9394** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(a), 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(8), 61.145(c)(6)(i), 61.150(a)(1)(iii) and 61.150(a)(1)(iv) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovations activities; for failing to notify Air Quality 10 days prior to the removal of regulated asbestos-containing material (RACM) from the facility; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during inspections by Air Quality Specialist Kevin Adoor beginning on November 15, 2019, at a facility operated by M.P. Trust and Michael Perry located at 1430 East Desert Inn Road, in Clark County, Nevada. An \$11,600 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.  
(For possible action)

**B. M.P. TRUST AND MICHAEL PERRY (Project #201010)**

**NOV #9409** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(1), 61.145(c)(6)(i), 61.145(c)(8), and 61.150(a)(1)(iii) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to notify Air Quality 10 working days prior to the removal of regulated asbestos-containing material (RACM) from the facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; and for failing to seal all asbestos-containing waste material in leak tight containers while wet, as identified by Air Quality Specialist Kevin Adoor while



performing a routine patrol on February 11, 2020 at an apartment building located at 1430 East Desert Inn Road, in Clark County, Nevada. A \$22,500 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.

(For possible action)

Department of Environment and Sustainability (DES), Division of Air Quality (Air Quality) Compliance and Enforcement Manager Shibi Paul informed the Board that a request for continuance had been received from Mr. Perry for both of his appeals (NOV #9394 and NOV #9409) to the next regularly scheduled meeting of the Air Pollution Control Hearing Board. Mr. Paul stated the next meeting would be December 2, 2020 and that Air Quality is not objecting to the continuance.

Chair Sanders inquired of staff as to whether the site was contained or not.

Air Quality Supervisor Anna Sutowska reported that in June, the site pertaining to NOV #9409 had been abated, was contained and had been inspected by the department's inspector.

Board Member Kremer inquired as to why there were two NOVs when they appear to be identical with the only difference being the two different sets of fines.

Mr. Paul explained that per AQR Section 9, penalties are calculated for each day of observed violation. In this case, two NOVs were issued for observed violations in November and when the inspector went back to the site in January.

Chair Sanders called for a motion.

**FINAL ACTION:** It was moved by Board Member Dennett, seconded by Board Member Cordua to grant the continuance of appeal for NOV #9394 and NOV #9409 to the December 2, 2020 Air Pollution Control Hearing Board meeting.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, William Kremer, Lauren Rosenblatt, Daniel Sanders

Voting Nay: None

Abstaining: None

Absent: Tom Foster

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**5. DISCUSS AND RECOMMEND AMENDMENT OF AQR SECTION 44 (For possible action)**

DISCUSSION: Compliance and Enforcement Manager Shibi Paul introduced the item. This item is based on the discussion from the last Hearing Board meeting and former Board Member Wishengrad's request for amendment of this section. The process for amending Section 44 would be for staff to draft the language based on the Board's recommendation. There would be an opportunity for the public to provide comments and then the item would go to the BCC for approval and adoption of the amendment.

Question was raised by Board Member Dennett as to how often inspections would take place at staging areas in newly developing areas or if it would be the property owner's responsibility to request an inspection of the trees being planted on his/her property. Mr. Paul recommended that inspections at commercial and residential development staging areas be at the department's discretion and not a mandatory requirement; nor should it prohibit the department from issuing a Certificate of Exemption (COE).

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Rosenblatt directing staff to amend AQR Section 44 with the following changes: 1) make the exemption process an administrative process instead of requiring Board approval; 2) require DNA tree testing by the nurseries with a COE at the time of application/renewal as proof the trees are low or non-pollinating; 3) require nurseries with COEs to provide one additional DNA test during the exemption period to ensure the cultivar is true to type; and, 4) require Air Quality to inspect plant staging areas at developments nearing final completion and at various landscaping projects to ensure the only type of olive trees being planted are those with a COE.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, William Kremer, Lauren Rosenblatt, Daniel Sanders

Voting Nay: None

Abstaining: None

Absent: Tom Foster

**6. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS**

There were no items identified by the Board.

**7. PUBLIC COMMENT**

Air Quality Supervisor Anna Sutowska distributed the department update for the period of January 1 – July 31, 2020. Ms. Sutowska stated that due to the projected length of the meeting, this item had not been placed on the agenda and was for their review only.

Chair Sanders asked if anyone had questions for staff in regards to the report.

Board Member Rosenblatt asked why and what measures can be taken to address the NAAQS ozone non-attainment area around the airport since the non-attainment is due mostly to that particular region.

DES Assistant Director Jodi Bechtel reported that Air Quality had funded a study that was supposed to have been completed this year to give Air Quality a better understanding of what is going on with the ozone. Answers to questions such as what is producing the ozone, what is causing the increase in ozone, and what programs the County could implement to help reduce the ozone level. NOAA was tasked to conduct the study; however, they could not deploy teams to Las Vegas due to the Covid-19 Pandemic. Since the study has to be conducted during the ozone season (April through June) staff is hoping that NOAA will be able to mobilize their team next year.

Air Quality does prepare exceptional event reports for observed exceedances of the NAAQS when they are believed to be influenced by wildfires, transport or other situations that may be going on. The weather, the heat and the wildfires all contribute to the increase in ozone levels.

Otherwise, the Planning section does establish the pollutant levels for the stationary source program. Air Quality complies with the Clean Air Act and permits at the required levels.

Mr. Paul informed the Board that Air Quality doesn't regulate aircraft emissions that are concentrated around the airport and it also doesn't regulate mobile emissions as they are outside of Air Quality's jurisdiction. Staff quantifies and submits certain information about mobile emissions to the EPA but that is all.

Board Member Cordua inquired as to how the Sustainability and Climate Action Plan will work with the GHG emissions reductions in the State plan that is due out in December 2020 as recently announced by the Governor.

Ms. Bechtel reported that Air Quality has been in discussions with the State and they have already completed their 2019 GHG emissions report and shared it with Air Quality. DES has offered to update the Southern Nevada Regional GHG Emissions Report that was done by the Southern Nevada Regional Planning Coalition in 2014. In addition to updating the report, DES has offered to do a more detailed regional look at our GHG emissions, in particular those that feed up into the larger State plan. Air Quality should be able to get our regional inventory completed within the next several months.

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

## **8. ADJOURNMENT**

Being no further business, Chair Sanders adjourned the meeting at 2:00 p.m.

Approved:

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Daniel Sanders, Chair

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Date

# Gypsum Resources LLC (Source ID: 17286)

## Appeal of NOV #9412

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REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Invoice #04544901

RECEIVED CC DAG 2020 OCT 7 AM 8:50

postmark 10/6/2020

Appeal of Hearing Officer's Order

1. Date of Appeal: October 5, 2020 (Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9412 Hearing Date: September 17, 2020

Hearing Officer: Christine T. Smith

2. Name, address, telephone number of Appellant:

Name: Gypsum Resources, LLC (Please print)

Address: 8912 Spanish Ridge Avenue, Suite 200, Las Vegas, NV 89148

Telephone: 702-756-8133 Fax:

Email: aubree@gypsumresources.com

3. Other person or persons authorized to receive service of notice:

Name: Morgan Fashtchi (Please print)

Address: 8912 Spanish Ridge Avenue, Suite 200, Las Vegas, NV 89148

Telephone: 702-406-0468 Fax:

Email: morgan@gypsumresources.com

4. Type of business or activity and location of activity involved in the request:

Gypsum Mine (mining operations), located at Blue Diamond Hill Clark County, Nevada.

5. Reason for appeal: [ ] Facts alleged [ ] Penalty assessed [x] Both

Provide a detailed explanation of the reason for your appeal:

Please see attached correspondence.

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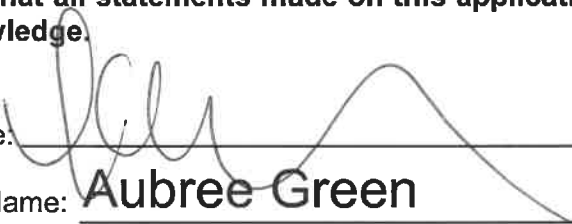
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**6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

**I affirm that all statements made on this application are true and complete to the best of my knowledge.**

Signature:   
Printed Name: Aubree Green  
Title: In-House Counsel

Date: 10/5/2020

**FOR OFFICE USE ONLY**

Application Received on \_\_\_\_\_

Application Fee \$140.00 - Check /Cash \_\_\_\_\_ Received Date: \_\_\_\_\_

GYP SUM RESOURCES, LLC  
8912 Spanish Ridge Ave. Suite 200  
Las Vegas, NV 89148

October 5, 2020

(SENT HAND DELIVERY AND U.S. MAIL)

CLARK COUNTY DEPARTMENT  
OF ENVIRONMENT AND  
SUSTAINABILITY  
DIVISION OF AIR QUALITY  
Enforcement Supervisor  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118-2231  
Phone: (702) 455-5942  
Fax: (702) 383-9994

**RE: Appeal of Hearing Officer's Order re Notice of Violation (NOV) #9412 (this "Appeal")**

**Part 70 Source ID: 17286**

Gypsum Resources, LLC, a Nevada limited liability company ("Gypsum"), hereby appeals the Hearing Officer's Order (the "Order") regarding Notice of Violation #9412 (the "NOV"). Gypsum appeals the Hearing Officer's Order because the Hearing Officer erred both in deciding the facts presented and the penalties assessed for the alleged violations set forth in the NOV. The hearing occurred on September 17, 2020 (the "Hearing"). This appeal is timely because Gypsum received the Hearing Officer's Order on September 24, 2020.

The Hearing was scheduled to discuss and/or contest alleged violations of the Clark County Air Quality Regulations, which were asserted to have occurred during the time period of July 1, 2018 through May 5, 2020, which is a significant amount of time covered by one Notice of Violation. Gypsum appeared at the Hearing and contested the NOV because the matter was and is not ripe to be heard as discussions would violate Gypsum's rights and protections afforded under Federal Bankruptcy law. In particular, if the matters set forth in the NOV were discussed and contested, such actions would waive the automatic stay under 11 U.S.C. §362 (the "Automatic Stay"). Contrary to the protections provided by the Automatic Stay, the Hearing Officer disregarded Gypsum's argument and deemed Gypsum's refusal to assert any defenses to the alleged violations set forth in the NOV as a waiver of any defenses. Thereafter, Gypsum was found in violation of all twenty-one alleged violations and was assessed a recommended penalty in the amount of \$294,600.00 of which \$113,484.31 were due immediately. These administrative actions were done in violation of the Automatic Stay as more fully described in this Appeal.

Gypsum appeals the decision and associated penalties issued against it as the assessment of the citations is a violation of the automatic stay because (1) the Hearing, itself, violated the Automatic Stay; (2) there are no exceptions to the Automatic Stay which would be applicable for this case in point; (3) and



the citations issued post-petition were coupled with pre-petition citations prohibiting Gypsum from contesting any of the citations without waiving the Automatic Stay and other bankruptcy protections.

**1. The Hearing, itself, violated the automatic stay and the Order therefore void.**

Gypsum is presently afforded protections under the Automatic Stay. 11 U.S. Code §362. The Automatic Stay provides a debtor protection from creditors. An automatic stay “assures creditors that the debtor’s other creditors are not racing to various courthouses to pursue independent remedies to drain the debtor’s assets. . .” *See Dean v. Trans World Airlines*, 72 F.3d 754, 755-56 (9th Cir. 1995). Further, it prevents the “commencement or continuation of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement” of the bankruptcy case. 11 USC §362(a)(1). **All actions taken in violation of the Automatic Stay are void.** *See Burton v. Infinity Capital Mgmt*, 862 F.3d 740 (9<sup>th</sup> Cir 2017) ( actions taken in violation of the automatic stay are void; state court modification of the stay is an unauthorized infringement on bankruptcy’s court’s jurisdiction).

On July 26, 2019 (the “Petition Date”), Gypsum filed a voluntary petition under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Nevada (the “Court”), commencing the chapter 11 case. Commencing on the Petition Date, all pre-petition alleged violations set forth in the NOV were effectively *stayed* until either Gypsum exists from bankruptcy or if a creditor was granted relief from the Automatic Stay by the Court. Clark County Department of Environment and Sustainability, Division of Air Quality (“CC”) filed a notice for a hearing regarding twenty-one (21) alleged violations issued on June 17, 2020, without first seeking and obtaining any termination or relief from the Automatic Stay. The dates of the alleged violations ranged from July 1, 2018 to May 5, 2020. With full knowledge of Gypsum’s bankruptcy status, CC disregarded Gypsum’s protections and coupled all citations to *one* hearing. Without first seeking Bankruptcy Court approval to lift the Automatic Stay, the scheduled Hearing of this matter was a violation of the of Federal Bankruptcy laws.

CC erroneously abated, and the Hearing Officer agreed, that the Hearing involving this matter was not in violation of the Automatic Stay because the protection merely stays obligations of *payment*. This assertion is incorrect, contrary to this assertion, 11 U.S.C. §362(b)(2)(A) identifies matters which are not stayed—matters which involve instances which there is no monetary involvement whatsoever such as visitation and domestic violence.

**The filing of a petition . . . does not operate as a stay of the commencement or continuation of a civil action or proceeding for the establishment of paternity; for the establishment or modification of an order for domestic support obligations; concerning child custody or visitation ; for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or regarding domestic violence. *Id.***

Further, the legislature’s statements confer that the automatic stay was intended to cover much more than merely delaying a debtor’s obligation to pay creditors. “The automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws. It gives the debtor a breathing spell from his creditors. It stops all collection efforts, all harassment, and all foreclosure actions.” *See* Legislative Statements of 11 U.S.C. §362 Automatic Stay. Although the circuits do not agree on circumstances which post-filing *dismissals* of an action against debtor are permissible, Courts are fairly

consistent that there is a distinctive line where, if crossed, can violate a debtor's protections afforded by the automatic stay. *See Dean; see also Independent Union of Flight Attendants v. Pan American World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (“permissible so long as it is consistent with the purpose of the statute.”).

Courts have regularly found that addressing pre-petition matters violates the purpose of the automatic stay. *See Dean* (reversing summary judgment because the decision required the Court to consider issues presented by or relating to the underlying case, pre-petition matters). “Thinking about the issues violates the stay.” *Id.*

Therefore, the Hearing Officer erred in siding with CC's argument that the Hearing was ripe to be heard and merely the pre-bankruptcy fines would be *stayed*. As relevant law shows, matters relating to pre-bankruptcy (such as the underlying facts and defenses relating to the alleged violations) are relevant and courts including administrative bodies, run the risk of violating a debtor's automatic stay regardless of the potential benefits/burdens to the debtor. *See Id.*

Based on this, Gypsum asserts the Hearing on September 17, 2020 was held in violation of the Automatic Stay is void and because the matters heard related to certain pre-bankruptcy matters and where the Hearing required reviewing the underlying facts and circumstances of said citations. Therefore, both the Hearing and the judgment and associated fines entered against Gypsum violates the Automatic Stay and should be Reversed and held in abeyance until stay has been lifted.

**2. There are no exceptions which would be applicable for this case in point.**

“The automatic stay is one of the most fundamental protections provided by the Bankruptcy Code, giving the debtor a breathing spell from its creditors.” *Cuffee v. Atlantic Bus. & Cmty. Dev. Corp.*, 901 F.2d 325, 327 (3rd Cir. 1990).

CC argued (and the Hearing Officer affirmed) that *even if* the Hearing was in violation of the Automatic Stay, CC holds police powers which would serve as an exception to the stay. It further argued that CC serves to benefit the safety and health of the public. The police power exception is the only governmental exception to the automatic stay created by Congress, which provides that the automatic stay does not apply to actions “to enforce such governmental unit's police and regulatory power”. 11 U.S.C. §362(b)(4). This exception is to discourage debtors from using the bankruptcy process to evade governmental efforts to invoke its “police powers to enjoin or deter ongoing debtor conduct which would seriously threaten the public safety and welfare”. *In re Norel Networks, Inc.*, 669 F.3d 128, 137 (3rd Cir. 2011).

While this may be a valid exception to the automatic stay, CC failed to prove how the Hearing promoted public safety and welfare nor did it establish an argument of *how* public safety and welfare would be threatened or any other damages if the Hearing was stayed. . . *In re THG Holdings LLC, et al.*, 604 B.R. 154 (United States Bankruptcy Court, D. Delaware). If the purpose of the law is to promote public safety and welfare or to effectuate public policy, then the exception to the automatic stay applies. *Id.* However, if the purpose of the law is to protect the government's pecuniary interest in the debtor's property or primarily to adjudicate private rights, then the exception is inapplicable. *Id.* Here, while the laws relating to the underlying citations regard laws which may have been intended to promote public safety and welfare, the Hearing set for September 17, 2020 regarded contesting citations and issuing fines.

The purpose of the Hearing, itself, was to determine an assessment of penalties and fines to issue against Gypsum based on pre-petition violations. Although CC may argue that the Hearing was in order to promote public policy, the fact that these citations were as old as two years prior calls for Gypsum to question the immediacy of the Hearing and makes it far more likely that the purpose of Hearings of these matters to be more of a matter of pecuniary interest and should have been stayed in accordance with the Bankruptcy Code.

Based on the fact that many of the citations regarded two-year-old citations, the purpose of the Hearing was to determine and issue the amount of fines rather than to serve a valid public policy interest exception to the automatic stay provisions of the Bankruptcy Code. *Even if, arguendo, the purpose of the Hearing served both purposes, the fact that there was a pecuniary interest in issuing and collecting fines from Gypsum at the Hearing would be compelling enough to stay the Hearing. See THG 154 (Bankr. Delaw.) (finding that the creditors failed to show harm if an injunction was granted in favor of the debtors to stay the matter); see also In re Kaiser Aluminum Corp., 456 F.3d 328, 343 (3rd Cir. 2006) (“an approach that results in unnecessary liquidations is neither fair nor consistent with the bk code’s preference.”).*

Based on the foregoing, the Hearing regarding the alleged past violations and the associated fines does not fall within an applicable exception to the automatic stay. Therefore, both the Hearing and the judgment and associated fines entered against Gypsum violated the automatic stay and should be reversed and held in abeyance until the Automatic Stay has been lifted.

**3. The citations issued post-petition were coupled with pre-petition citations prohibiting Gypsum from contesting any of the citations without waiving its bankruptcy protections.**

“The automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws. It gives the debtor a breathing spell from his creditors. It stops all collection efforts, all harassment, and all foreclosure actions.” *See* Legislative Statements of 11 U.S. Code 362. Automatic Stay.

Although the automatic stay is automatic, it is possible for a debtor to inadvertently waive its bankruptcy protections. Based on the factors outlined in cases such as *In re Powers*, 170 B.R. 480, 483 (Bankr. D. Mass. 1994) (*recognizing that in some cases, a debtor’s waiver of the automatic stay is permissible, though not binding on other creditors*).

Given that the Hearing married matters of both pre- and post-bankruptcy, Gypsum was barred from contesting *any* of the citations as doing so could open the door to address *all* citations and inadvertently result in a waiver of bankruptcy protection.

In conclusion, the Order entered, which included fines assessed against Gypsum by CC was a flagrant violation of the Bankruptcy Code. Although CC was well-aware of the fact that Gypsum is in bankruptcy, CC failed to make *any* effort to follow the law and, instead, unlawfully attempted to coerce Gypsum to participate in a Hearing which involved a majority of matters *unripe* due to their pre-petition date. CC could have filed a motion for relief of automatic stay in Nevada Bankruptcy Court. If CC’s motion was granted, a hearing could *then* have been *rightfully* scheduled in accordance with the law, including, without limitation, the Bankruptcy Code. Instead, CC’s blatant disregard for Gypsum’s rights and protections under Federal Law caused undue harm and expenses including time and effort of counsel entitling Gypsum to potential damages for CC’s blatant disregard. *See* Section 362(k) (establishing consequences for violations of the stay); *see also Hunsaker v. United States*, No. 16-35991 (9th Cir. 2018).

("an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."). *In Dawson v. Washington Mutual Bank, F.A. (In re Dawson)*, 390 F.3d 1139, 1148 (9th Cir. 2004), (holding "actual damages" under Section 362(k) include[s] damages for emotional distress.").

Based on the foregoing reasons, and any oral arguments permitted by the Clark County Air Pollution Control Hearing Board, Gypsum appeals that the Order issued on September 24, 2020 following the Hearing should be REVERSED and the fines be withdrawn.

Gypsum reserves all rights afforded under all applicable laws, including, without limitation, the Bankruptcy Code.

[Signature Appears on the Following Page]

Dated 5<sup>th</sup> day of October, 2020.



Responsible Officer of  
Gypsum Resources, LLC



**Clark County Nevada Department of Environment and Sustainability**  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

# RECEIPT

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
045449	10/7/2020	HELENBS	STATIONARY SOURCE ENFORCEMENT	10/7/2020

Quantity	Description	Fee Code	Fee	Total
1	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	10/08/2020 CHECK (1420)	PAYMENT		(\$140.00)

Notes: Permit# 17286, Gypsum Resources, Hearing Request, NOV #9412, submitted 10/7/2020

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER  
CLARK COUNTY, NEVADA

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In the Matter of the Notice of Violation #9412 )  
Issued to )  
GYPSUM RESOURCES, LLC, Respondent. )  
\_\_\_\_\_ )

ORDER

The above-entitled matter was heard on September 17, 2020, before Hearing Officer Christine T. Smith on the Contested Docket. Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) represented by Catherine Jorgenson, Deputy District Attorney, and GYPSUM RESOURCES, LLC (**GYPSUM RESOURCES**), represented by Morgan Fashtchi, Esq., appeared before the Hearing Officer. The Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9412 was originally scheduled to be heard on July 16, 2020. Aubree Green, Esq., attorney for GYPSUM RESOURCES, requested a continuance which Air Quality did not oppose. At the July 16<sup>th</sup> hearing, Air Quality submitted the request, and the Hearing Officer granted the continuance and rescheduled the NOV to September 17, 2020.
2. On September 10, 2020, Ms. Fashtchi contacted Air Quality by email and requested a second continuance stating that Ms. Green would not be available for the hearing on September 17, 2020. Air Quality responded to Ms. Fashtchi's email on September 14, 2020 stating that it opposed a second continuance and that GYPSUM RESOURCES would have to make that request to the Hearing Officer.
3. At the outset of the hearing, GYPSUM RESOURCES made an oral request for a second continuance. The Hearing Officer denies the request for a second continuance because counsel for GYPSUM RESOURCES appeared and had time to prepare to present GYPSUM RESOURCES' position and defend against the allegations in the NOV.

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1           4.       GYPSUM RESOURCES did not present any witnesses, evidence, or argument  
2 to counter the allegations in the NOV based on its interpretation of bankruptcy law,  
3 specifically that the NOV could not be adjudicated without lifting the automatic stay.  
4 GYPSUM RESOURCES did not provide any written argument or submit any motion in  
5 support of its position. The Hearing Officer finds that GYPSUM RESOURCES' bankruptcy  
6 law argument is without merit.

7           5.       Because of GYPSUM RESOURCES' failure to present any real defense, the  
8 Hearing Officer finds and accepts the NOV, without further testimony from Air Quality  
9 witnesses, as sufficient to establish the allegations therein.

10          6.       NOV #9412 was issued by Air Quality to Respondent GYPSUM RESOURCES  
11 on June 17, 2020 for alleged violations of Part 70 Operating Permit #17286 issued on  
12 November 13, 2017 (**2017 Permit**), revised on November 14, 2019 (**2019 Permit**), and referred  
13 collectively with 2017 Permit, as **Permits**), and the Clark County Air Quality Regulations  
14 (**AQRs**). GYPSUM RESOURCES operates a stationary source consisting of a gypsum  
15 processing operation at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**). The  
16 violation(s) alleged in the NOV include:

17               (a)       Violation of Permits condition II.D.6.c for failing to report intermittent  
18 compliance in the 2018 and 2019 ACC Reports, due by January 30, 2019 and January  
19 30, 2020, respectively;

20               (b)       Violation of 2017 Permit condition II.D.8 for failing to report permit  
21 deviations in the 2nd Semi-annual Report for 2018, the 1st Semi-annual Report for  
22 2019 and the 2nd Semi-annual Report for 2019, due by January 30, 2019, July 30, 2019,  
23 and January 30, 2020, respectively;

24               (c)       Violation of Section 12.5.2.12(a)(2) for failing to provide at least seven  
25 days written notice to the Control Officer prior to replacing the continuous-duty diesel  
26 engines, EU: C01, C05 and C08;

27               (d)       Violation of Permits condition II.B.1 for replacing the continuous-duty  
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1 diesel engine, EU: C07 with an engine rated at a higher horsepower without first  
2 obtaining an Authority to Construct (ATC) Permit from the Control Officer;

3 (e) Violation of Permits condition II.B.1 for operating EUs: B02 and B03  
4 throughout the entire FCE period as unpaved haul roads when they were both permitted  
5 as paved;

6 (f) Violation of 2019 Permit condition III.C.1.a and 2019 Permit Table III-  
7 B-1 for exceeding the actual and potential emission limitations during the entire FCE  
8 period by operating EUs: B02 and B03 as unpaved haul roads;

9 (g) Violation of 2017 Permit condition III.B.2.e for exceeding the ANFO  
10 consumption limit of 75 tons per any consecutive 12-month period for 16 consecutive  
11 months;

12 (h) Violation of 2017 Permit condition III.B.2.l for exceeding the operational  
13 limit of 4,200 hours per any consecutive 12 month period for EU: C06 for 16  
14 consecutive months;

15 (i) Violation of 2017 Permit condition III.B.2.m for exceeding the  
16 operational limit of 4,800 hours per any consecutive 12 month period for EU: C03 for  
17 16 consecutive months and EU: C05 for 11 consecutive months;

18 (j) Violation of 2017 Permit condition III.B.3.2 and 2019 Permit condition  
19 III.C.3.a for failing to maintain moisture at a minimum of 1.5% in 40 weekly samples  
20 at six locations not controlled by baghouses;

21 (k) Violation of 2017 Permit condition III.B.3.3 for failing to maintain  
22 moisture at a minimum of 2.5% in two weekly samples at one location, for overburden  
23 operations;

24 (l) Violation of 2017 Permit conditions III.B.3.14(a – c) and III.E.4.m  
25 for failing to maintain and provide records for the continuous-duty diesel water pump  
26 (EU: C07) prior to its replacement;

27 (m) Violation of 2017 Permit condition III.B.3.21 for conducting blasting  
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1 operations during a Dust Advisory on April 2, 2019;

2 (n) Violation of 2019 Permit conditions III.C.3.u and III.C.3.dd for failing to  
3 take precautions and allowing fugitive dust emissions from the unpaved BLM Haul  
4 Road, EU: B01;

5 (o) Violation of 2019 Permit condition III.C.3.w for allowing haul trucks to  
6 exceed the speed limit of 15 mph on the unpaved BLM Haul Road, EU: B01;

7 (p) Violation of 2017 Permit conditions III.C.1 and III.E.4.a and 2019 Permit  
8 conditions III.D.1 and III.F.4.a for failing to conduct and provide records of twice per  
9 day Method 22 Evaluations on all EUs, for eight instances;

10 (q) Violation of 2017 Permit conditions III.C.22 and III.E.4.n and 2019  
11 Permit conditions III.D.24 and III.F.4.n for failing to conduct and provide records of  
12 monthly baghouse inspections of the interior of CD: D01 and D02 for eight non-  
13 consecutive months, and an additional six months where the CD identification was not  
14 recorded;

15 (r) Violation of 2017 Permit conditions III.C.23 and III.E.4.m and 2019  
16 Permit conditions III.D.25 and III.F.4.m for failing to provide a Standard Operating  
17 Procedure for the purpose of maintenance for Baghouse #1, CD: D01, and Baghouse  
18 #2, CD: D02;

19 (s) Violation of 2017 Permit conditions III.C.25.b.1 through 7 and III.E.5.l  
20 and 2019 Permit conditions III.D.27.b.i through vii and III.F.5.n for failing to conduct  
21 and provide records of weekly moisture testing at the following locations:

- 22 i. 2" conveyor location for 57 non-consecutive weeks,
- 23 ii. 1/8" conveyor location for 61 non-consecutive weeks,
- 24 iii. Reject stockpile location for 55 non-consecutive weeks,
- 25 iv. 2" stockpile location for 46 non-consecutive weeks,
- 26 v. 1/8" stockpile location for 46 non-consecutive weeks,
- 27 vi. Overburden location for 79 non-consecutive weeks, and
- 28 vii. Truck loading location for 61 non-consecutive weeks;

1 (t) Violation of 2017 Permit conditions III.C.29, III.E.5.1, and III.F.5.a and  
2 2019 Permit conditions III.D.31, III.F.5.n and III.G.4.a for failing to submit records of  
3 moisture test results with both 2019 semi-annual reports, due by July 30, 2019 and  
4 January 30, 2020; and

5 (u) Violation of Permits condition II.B.1 for replacing the continuous-duty  
6 diesel engine, EU: C01 with an engine rated at a higher horsepower without first  
7 obtaining an ATC Permit from the Control Officer as determined through a review of  
8 the 2019 EIR due on March 31, 2020.

9 7. The penalty recommended by Air Quality in NOV #9412 was \$294,600.00.

10 8. The Hearing Officer finds that the violations alleged in NOV #9412 occurred in  
11 that GYPSUM RESOURCES violated Permits condition II.D.6.c, 2017 Permit condition  
12 II.D.8, Section 12.5.2.12(a)(2), Permits condition II.B.1, 2019 Permit condition III.C.1.a and  
13 2019 Permit Table III-B-1, 2017 Permit condition III.B.2.e, 2017 Permit condition III.B.2.l,  
14 2017 Permit condition III.B.2.m, 2017 Permit condition III.B.3.2, and 2019 Permit condition  
15 III.C.3.a, 2017 Permit condition III.B.3.3, 2017 Permit conditions III.B.3.14(a through c) and  
16 III.E.4.m, 2017 Permit condition III.B.3.21, 2019 Permit conditions III.C.3.u and III.C.3.dd,  
17 2019 Permit condition III.C.3.w, 2017 Permit conditions III.C.1 and III.E.4.a and 2019 Permit  
18 conditions III.D.1 and III.F.4.a, 2017 Permit conditions III.C.22 and III.E.4.n and 2019 Permit  
19 conditions III.D.24 and III.F.4.n, 2017 Permit conditions III.C.23 and III.E.4.m and 2019  
20 Permit conditions III.D.25 and III.F.4.m, 2017 Permit conditions III.C.25.b.1 through 7 and  
21 III.E.5.1 and 2019 Permit conditions III.D.27.b.i through vii and III.F.5.n, 2017 Permit  
22 conditions III.C.29, III.E.5.1, and III.F.5.a and 2019 Permit conditions III.D.31, III.F.5.n and  
23 III.G.4.a.

24 9. **IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of  
25 Two Hundred Ninety Four Thousand Six Hundred and no/100 Dollars (\$294,600.00).

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10. GYPSUM RESOURCES has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of GYPSUM RESOURCES' receipt of this ORDER.

DATED this 24<sup>th</sup> day of September, 2020.

  
\_\_\_\_\_  
Christine T. Smith  
Hearing Officer



# Notice of Violation Response Form

Issued to: GYPSUM RESOURCES LLC

NOV #: 9412 Return form by: July 2, 2020

Items below are to be completed by the Respondent

Responsible Official: Aubree Green

Title: General Counsel

Phone Number: 702-752-8133

Email Address: Aubree@gyssumresources.com

Please check applicable boxes below

**We do not contest the Notice of Violation (Attendance is not required)**

We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

**We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

**We will be contesting the:**

- Violation
- Penalty
- Both

[Signature]  
Signature of Authorized Person

Date: 7/2/2020

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at [pamela.thompson@clarkcountynv.gov](mailto:pamela.thompson@clarkcountynv.gov).



4701 W. Russell Road 2<sup>nd</sup> Floor  
Las Vegas, NV 89118-2231  
Phone: (702) 455-5942 • Fax: (702) 383-9994  
Marci Henson, Director

June 17, 2020

*CERTIFIED MAIL #9489 0090 0027 6122 5198 77*

Ryan Rhodes, Mine Manager and Responsible Official

E-mail: [rocky@gypsumresources.com](mailto:rocky@gypsumresources.com)

Gypsum Resources, LLC

8912 Spanish Ridge Avenue, Suite 200

Las Vegas, NV 89148

*CERTIFIED MAIL #9489 0090 0027 6122 5198 91*

James M. Rhodes, President of

Truckee Springs Holdings, Inc., Manager of

Gypsum Resources, LLC

8912 Spanish Ridge Avenue, Suite 200

Las Vegas, NV 89148

*CERTIFIED MAIL #9489 0090 0027 6122 5198 84*

Aubree L. Green, Attorney

E-mail: [aubree@gypsumresources.com](mailto:aubree@gypsumresources.com)

Gypsum Resources, LLC

8912 Spanish Ridge Avenue, Suite 200

Las Vegas, NV 89148

## NOTICE OF VIOLATION #9412

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends a civil penalty of Two Hundred Ninety Four Thousand Six Hundred and no/100 Dollars (\$294,600.00) be assessed. A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference. The table includes the base penalty of the violation, any associated adjustment factors, and the dates of violation needed to calculate the recommended penalty.

## I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**2017 Permit**). Air Quality issued a significant revision to the Part 70 Permit on November 14, 2019 (**2019 Permit**, and referred to collectively with 2017 Permit, as **Permits**).
- B. On February 26, 2020, at approximately 9:00 a.m., Senior Air Quality Specialists Camon Liddell (**Liddell**) and Scott Rowsell (**Rowsell**) conducted an onsite Full Compliance Evaluation (**FCE**) to verify that the Facility was operating in compliance with AQRs, and the Permits for the time period of July 1, 2018 through February 26, 2020. The findings are documented in the FCE report, dated March 12, 2020 (**March 12 Report**), attached hereto as **Exhibit B** and incorporated herein. In the March 12 Report, Liddell described his observations and findings from the evaluation. The following deficiencies were identified:
1. Gypsum Resources failed to pay Air Quality invoice #037456 for stack test fees that was due on July 1, 2019, totaling \$2,417.80 (**Exh. B, Att. 3**);
  2. Gypsum Resources failed to pay Air Quality invoice #041650 for annual fees that was due by February 3, 2020 (**Exh. B, Att. 4**);
  3. Gypsum Resources failed to report intermittent compliance in the 2018 and 2019 Annual Compliance Certification (**ACC**) Reports.
    - i. In the 2018 ACC (**Exh. B, Att. 5**), Gypsum Resources indicated Continuous Compliance for 2017 Permit condition II.B.1, which prohibits modifying the source without receiving an Authority to Construct from the Control Officer. However, Gypsum Resources operated what was required to be paved haul roads per the Permits as unpaved haul roads as detailed in Deficiencies 13 and 14.
    - ii. In the 2019 ACC Report (**Exh. B, Att. 6**), Gypsum Resources indicated Continuous Compliance for weekly moisture testing locations, 2017 permit conditions III.C.25.b(1-7) and 2019 Permit conditions III.D.27.b(i-vii). However, records indicate not all sample locations were tested throughout 2019.
    - iii. In the 2019 ACC Report, Gypsum Resources indicated Continuous Compliance for paying fees, 2017 Permit condition II.A.3. However, fees identified in Deficiency 1 are still unpaid;
  4. Gypsum Resources failed to report permit deviations in the Semi-annual Report for the 2nd half of 2018, the 1<sup>st</sup> half of 2019, and the 2<sup>nd</sup> half of 2019.
    - i. In the Semi-annual Report for the 2nd half of 2018 (**Exh. B, Att. 10**), Gypsum Resources failed to include permit deviations associated with 82 missing weekly moisture tests, and 12 tests conducted showing moisture levels below the permitted limit during the period of July 1, 2018 through December 31, 2018.
    - ii. In the Semi-annual Report for the 1st half of 2019 (**Exh. B, Att. 11**), the blasting events detailed in Deficiency 25 were not included as permit deviations.
    - iii. In the Semi-annual Report for the 2nd half of 2019 (**Exh. B, Att. 12**), the unpaid invoice detailed in Deficiency 1 was not included as a permit deviation;
  5. Gypsum Resources failed to pay the total civil penalties associated with Notice of Violation (**NOV**) #9110 (**Exh. B, Att. 13**) and NOV #9134 (**Exh. B, Att. 14**), due November 5, 2018 with a balance totaling \$212,595.25 (**Exh. B, Table 3**);

6. Gypsum Resources failed to pay civil penalties associated with NOV #9280 (**Exh. B, Att. 15**), due August 26, 2019 totaling \$24,000.00 as per invoice #038300 (**Exh. B, Table 3**);
7. Gypsum Resources failed to pay civil penalties associated with NOV #9321 (**Exh. B, Att. 16**), due December 16, 2019 totaling \$5,500.00 as per invoice #040096 (**Exh. B, Table 3**);
8. Gypsum Resources failed to pay civil penalties associated with NOV #9324 (**Exh. B, Att. 17**), due December 16, 2019 totaling \$15,500.00 as per invoice #040098 (**Exh. B, Table 3**);
9. Gypsum Resources failed to pay civil penalties associated with NOV #9339 (**Exh. B, Att. 18**), due December 16, 2019 totaling \$60,000.00 as per invoice #040099 (**Exh. B, Table 3**);
10. Gypsum Resources failed to provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine, Emission Unit (EU): C01, was being replaced (**Exh. B, Att. 1, Photograph 8; and Exh. B, Table 4**);
11. Gypsum Resources failed to provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine, EU: C05, was being replaced (**Exh. B, Att. 1, Photographs 9 and 10; and Exh. B, Table 4**);
12. Gypsum Resources failed to provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine, EU: C08, was being replaced (**Exh. B, Att. 1, Photographs 11 through 13; and Exh. B, Table 4**);
13. Gypsum Resources replaced the Continuous-duty Diesel Engine, EU: C07, with an engine rated at a higher horsepower without receiving prior authorization from the Control Officer (**Exh. B, Att. 1, Photographs 14 and 15; and Exh. B, Att. 19**);
14. Gypsum Resources operated the Gypsum Paved Haul Road onsite, EU: B02, as an unpaved haul road throughout the entire FCE period (**Exh. B, Att. 1, Photographs 16 and 17; and Exh. B, Att. 20 through 22**);
15. Gypsum Resources operated the Gypsum Paved Haul Road Overburden, EU: B03, as an unpaved haul road throughout the entire FCE period (**Exh. B, Att. 1, Photograph 18; and Exh. B, Att. 20 through 22**);
16. By operating the Gypsum Paved Haul Road, EU: B02, as an unpaved haul road, Gypsum Resources exceeded the actual and potential emission limits during the entire FCE period (**Exh. B, Tables 6 and 7**);
17. By operating the Gypsum Paved Haul Road Overburden, EU: B03, as an unpaved haul road, Gypsum Resources exceeded the actual and potential emission limits during the entire FCE period (**Exh. B, Tables 6 and 7**);
18. Gypsum Resources exceeded the operational limit of 75 tons per any 12 month consecutive limit of ANFO for 16 consecutive months from July 2018 through October 2019 (**Exh. B, Table 8; and Exh. B, Att. 8 through 12**);
19. Gypsum Resources exceeded the operational limit of 4,200 hours per any consecutive 12 month period for the Continuous-duty Diesel Engine, EU: C06, for 16 consecutive months from July 2018 through October 2019 (**Exh. B, Table 9; and Exh. B, Att. 8 through 12**);
20. Gypsum Resources exceeded the operational limit of 4,800 hours per any consecutive 12 month period for the Continuous-duty Diesel Engine, EU: C03, for 16 consecutive months from July 2018 through October 2019 (**Exh. B, Table 10; and Exh. B, Att. 8 through 12**);
21. Gypsum Resources exceeded the operational limit of 4,800 hours per any consecutive 12 month period for the Continuous-duty Diesel Engine, EU: C05, for 11 consecutive months from July 2018 through May 2019 (**Exh. B, Table 10; and Exh. B, Att. 8 through 12**);



22. Gypsum Resources conducted weekly moisture testing at six locations with the requirement to maintain a minimum moisture level of 1.5% in the material. During the FCE period, 40 samples taken showed values below 1.5% (**Exh. B, Table 11; Exh. B, Att. 10 through 12; and Exh. B, Att. 23 through 25**);
23. Gypsum Resources conducted weekly moisture testing at one location with the requirement to maintain a minimum moisture level of 2.5% in the material. During the FCE period, two samples taken showed values below 2.5% (**Exh. B, Table 11; and Exh. B, Att. 10**);
24. Gypsum Resources failed to provide records of maintenance for the Continuous-duty Diesel Engine Water Pump, EU: C07, from July 1, 2018 through March 20, 2019, prior to its replacement with a rental engine on March 21, 2019, which indicates the required maintenance was not conducted;
25. Gypsum Resources conducted blasting operations on April 2, 2019 and April 15, 2019 (**Exh. B, Att. 26**). The April 2, 2019 blasting operations occurred during a Dust Advisory (**Exh. B, Att. 27**), and the April 15, 2019 blasting operations occurred during a Construction Notice (**Exh. B, Att. 28**);
26. While conducting the FCE on February 26, 2020, fugitive dust emissions were observed originating from the Unpaved Haul Road: BLM road, EU: B01 (**Exh. B, Att. 2, Videos 1 and 2**), which demonstrated Gypsum Resources did not adequately water the unpaved BLM haul road to control fugitive dust emissions;
27. While conducting the FCE on February 26, 2020, two haul trucks exceeded the speed limit of 15 miles per hour (mph) on the Unpaved Haul Road: BLM road, EU: B01 (**Exh. B, Att. 2, Videos 3 and 4**);
28. Gypsum Resources failed to utilize a water truck during drilling and blasting that resulted in fugitive dust emissions on April 23, 2019 as reported in the Semi-annual Report for the first half of 2019 (**Exh. B, Att. 11**);
29. Gypsum Resources failed to provide a record of conducting Method 22 Evaluations twice per day on all emission units for eight instances during the FCE period (**Exh. B, Table 12; and Exh. B, Att. 29 and 30**), which demonstrates the required monitoring was not conducted;
30. Gypsum Resources failed to provide a record of monthly inspections of the interior Baghouse #1, Control Device (CD): D01, and Baghouse #2, CD: D02, for eight nonconsecutive months between February 2019 and January 2020 (**Exh. B, Att. 29**), which demonstrates the required monitoring was not conducted. Additionally, six monthly interior baghouse records provided do not differentiate between CD: D01 and CD: D02, rendering the data contained within the documents invalid (**Exh. B, Att. 1, Photo 19; and Exh. B, Att. 31**);
31. Gypsum Resources failed to provide a Standard Operating Procedure for the purpose of maintenance for the Baghouse #1, CD: D01, and Baghouse #2, CD: D02;
32. Gypsum Resources failed to provide records of weekly moisture sampling at the following locations for a total of 405 non-consecutive weeks within the FCE period, which demonstrates the required monitoring was not conducted (**Exh. B, Table 13; Exh. B, Att. 10 through 12; and Exh. B, Att. 23 through 25**):
  - i. 2" conveyor location for 57 non-consecutive weeks,
  - ii. 1/8" conveyor location for 61 non-consecutive weeks,
  - iii. Reject stockpile location for 55 non-consecutive weeks,
  - iv. 2" stockpile location for 46 non-consecutive weeks,
  - v. 1/8" stockpile location for 46 non-consecutive weeks,

- vi. Overburden location for 79 non-consecutive weeks, and
  - vii. Truck loading location for 61 non-consecutive weeks;
33. Gypsum Resources failed to submit weekly moisture test reports with the semi-annual reports. Five test reports consisting of 23 samples were not submitted in the 2019 1st Semiannual Report and two test reports consisting of nine samples were not submitted in the 2019 2nd Semi-annual Report (**Exh. B, Att. 11 and 12; and Exh. B, Att. 23 and 24**);
34. Gypsum Resources failed to maintain records for the daily gypsum materials processed for all 31 days of May 2019; and
35. Gypsum Resources failed to provide rental agreements containing engine manufacturer information regarding on-site engines for the Continuous-duty Diesel Engines, EU: C05, C07, and C08.
- C. On March 2, 2020, at approximately 9:00 a.m. Liddell and Rowsell returned to the Facility to complete the records review and conduct a follow-up inspection to onsite deficiencies identified on February 26, 2020.
- D. On April 28, 2020, Air Quality received the amended 2019 annual Emission Inventory Report (**EIR**) and amended Semi-annual Report for the 2<sup>nd</sup> half of 2019 from Gypsum Resources. On May 5, 2020, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) conducted an offsite Partial Compliance Evaluation (**PCE**) of Gypsum Resources' amended 2019 EIR and amended 2019 2<sup>nd</sup> Semi-annual Report and documented his findings in the PCE report, dated May 6, 2020 (**May 6 Report**), attached hereto as **Exhibit C** and incorporated herein. During the evaluation, Rowsell identified the following deficiencies:
- 1. Gypsum Resources exceeded source-wide Carbon Monoxide (**CO**) emissions limit by 5.87 tons and Volatile Organic Compound (**VOC**) emissions limit by 0.33 tons in calendar year 2019 (**Exh. C, Att. 1**); and
  - 2. Gypsum Resources replaced the Continuous-duty Diesel Engine, Emission Unit (**EU**): C01, with an engine rated at a higher horsepower without receiving prior authority from the Control Officer (**Exh. C, Att. 1**). Gypsum Resources was permitted for a 2,206 horsepower (**hp**) generator, but operated a 2,922 hp generator for 341 hours in calendar year 2019.

**DEFICIENCIES I.B.3.ii, I.B.28, I.B.34 AND I.B.35 ARE NOT BEING PURSUED AS VIOLATIONS IN THIS NOTICE. THEY WERE ADDRESSED WITH A WARNING EMAIL AND WILL NOT BE PURSUED WITH ENFORCEMENT ACTION.**

**DEFICIENCIES I.B.1 AND I.B.2 ARE FOR FAILURE TO PAY FEES. DEFICIENCIES I.B.5, I.B.6, I.B.7, I.B.8 AND I.B.9 ARE FOR FAILURE TO PAY PENALTIES. THEREFORE, DEFICIENCIES I.B.1, I.B.2, I.B.5, I.B.6, I.B.7, I.B.8 AND I.B.9 ARE NOT BEING PURSUED AS VIOLATIONS IN THIS NOTICE.**

**DEFICIENCY I.D.1 IS NOT BEING PURSUED WITH ENFORCEMENT ACTION. IT IS ADDRESSED WITH DEFICIENCY I.D.2 AS AN UNPERMITTED EU WITH UNPERMITTED EMISSIONS.**

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

By failing to report intermittent compliance in the 2018 and 2019 ACC Reports, due by January 30, 2019 and January 30, 2020, respectively, Gypsum Resources violated Permit condition II.D.6.c (Deficiency I.B.3.i and I.B.3.iii).

Permit condition II.D.6.c states:

- “6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, Nevada 89118) and the Administrator for Region 9 (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: [AQR 12.5.2.8(e)]
- c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Section II.D.6(b) of this OP, and shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.”

### **Violation 2:**

By failing to report permit deviations in the 2<sup>nd</sup> Semi-annual Report for 2018, the 1<sup>st</sup> Semi-annual Report for 2019 and the 2<sup>nd</sup> Semi-annual Report for 2019, due by January 30, 2019, July 30, 2019, and January 30, 2020, respectively, Gypsum Resources violated 2017 Permit condition II.D.8 (Deficiency I.B.4).

2017 Permit condition II.D.8 states:

- “8. The Permittee shall report to the Control Officer with the semiannual monitoring report all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]”

**Repeat violation: NOV #9110, Violation 9, issued May 25, 2018.**

**Violation 3:**

By 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, Gypsum Resources violated AQR Section 12.5.2.12(a)(2). (Deficiency I.B.10, 11 and 12).

AQR Section 12.5.2.12(a)(2) states:

- “(a) A Part 70 source may make changes that are not addressed or prohibited by the permit without a permit revision, unless such changes are subject to any requirements under Title IV of the Act or are modifications under any provisions of Title I of the Act.
  
- (2) Sources must provide at least seven (7) days’ written notice to the Control Officer and EPA of each such change, except for changes that qualify as insignificant under Section 12.5.2.5. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.”

**Repeat violation: NOV #9134, Violation 6, issued August 17, 2018.**

**Violation 4:**

By 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, Gypsum Resources violated Permit condition II.B.1. (Deficiency I.B.13).

Permit condition II.B.1 states:

- “1. No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct Permit from the Control Officer [AQR 12.4.1.1(a)].”

**Violation 5:**

By operating EUs: B02 and B03 throughout the entire FCE period as unpaved haul roads when they were both permitted as paved, Gypsum Resources violated Permit condition II.B.1. (Deficiencies I.B.14 and 15).

Permit condition II.B.1 states:

- “1. No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct Permit from the Control Officer [AQR 12.4.1.1(a)].”

**Violation 6:**

By operating EUs: B02 and B03 as unpaved haul roads, Gypsum Resources exceeded the actual and potential emission limitations during the entire FCE period violating 2019 Permit condition III.C.1.a and 2019 Permit Table III-B-1. (Deficiencies I.B.16 and 17).

2019 Permit condition III.C.1.a states:

“1. Emission Limits

- a. The permittee shall not allow actual emissions from the individual emission units to exceed the calculated PTE listed in Table III-B-1 on a consecutive 12-month total. [Title V OP, 11/13/2017; Application for Revision, 8/17/2018]”

2019 Permit Table III-B-1 (EUs: B02 and B03 only) shows the following:

**Table III-B-1: Emission Unit PTE (tons per year)**

EU	Condition	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	H <sub>2</sub> S	Pb
...									
B02	32,000 VMT	2.32	0	0	0	0	0	0	0
B03	68,000 VMT	5.15	0	0	0	0	0	0	0

**Violation 7:**

By exceeding the ANFO consumption limit of 75 tons per any consecutive 12-month period for 16 consecutive months, Gypsum Resources violated 2017 Permit condition III.B.2.e. (Deficiency I.B.18).

2017 Permit condition III.B.2.e states:

- “e. The Permittee shall limit the consumption of ANFO for all blasting activities to 75 tons per any consecutive 12 month period (EU: A001). [MSP September 29, 2014, Section IV A, Condition 3(b)]”

**Repeat violation: NOV #9134, Violation 6, issued August 17, 2018.**

**Violation 8:**

By exceeding the operational limit of 4,200 hours per any consecutive 12 month period for EU: C06 for 16 consecutive months, Gypsum Resources violated 2017 Permit condition III.B.2.1. (Deficiency I.B.19).

2017 Permit condition III.B.2.1 states:

“1. The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C01 and C06) and continuous-duty diesel water pump (EU: C07) to 4,200 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(k)]”

**Violation 9:**

By exceeding the operational limit of 4,800 hours per any consecutive 12 month period for EU: C03 for 16 consecutive months, Gypsum Resources violated 2017 Permit condition III.B.2.m. (Deficiency I.B.20), and

By exceeding the operational limit of 4,800 hours per any consecutive 12-month period for EU: C05 for 11 consecutive months, Gypsum Resources violated 2017 Permit condition III.B.2.m. (Deficiency I.B.21).

2017 Permit condition III.B.2.m states:

“m. The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C03 and C05) to 4,800 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(l)]”

**Violation 10:**

By failing to maintain moisture at a minimum of 1.5% in 40 weekly samples at six locations not controlled by baghouses, Gypsum Resources violated 2017 Permit condition III.B.3.2 and 2019 Permit condition III.C.3.a. (Deficiency I.B.22).

2017 Permit condition III.B.3.2 states:

“2. The Permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25 inches in diameter which will maintain an 81.5 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 2]”

2019 Permit condition III.C.3.a states:

“a. ...

The permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25” in diameter, which will maintain an 81.5% control on PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 2]”

**Violation 11:**

By failing to maintain moisture at a minimum of 2.5% in two weekly samples at one location, for overburden operations, Gypsum Resources violated 2017 Permit condition III.B.3.3. (Deficiency I.B.23).

2017 Permit condition III.B.3.3 states:

“3. The Permittee shall maintain the moisture for the overburden operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 3]”

**Violation 12:**

By failing to maintain and provide records for the continuous-duty diesel water pump (EU: C07) prior to its replacement, Gypsum Resources violated 2017 Permit conditions III.B.3.14(a – c) and III.E.4.m. (Deficiency I.B.24).

2017 Permit condition III.B.3.14(a – c) states:

“14. The Permittee shall maintain the continuous-duty diesel water pump (EU: C07) as follows, unless the manufacturer’s specifications are more stringent: [ATC February 17, 2017, Section IV B, Condition 13 and 40 CFR Part 63, Subpart ZZZZ].

- a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;
- b. Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and,
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.”

2017 Permit condition III.E.4.m states:

“4. The Permittee shall maintain the following records onsite:

...

m. equipment inspections, maintenance, and repairs;”

### **Violation 13:**

By conducting blasting operations during a Dust Advisory on April 2, 2019, Gypsum Resources violated 2017 Permit condition III.B.3.21. (Deficiency I.B.25).

2017 Permit condition III.B.3.21 states:

“21. The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a Construction Advisory or Dust Advisory. [MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9280, Violation 4, issued June 13, 2019.**

### **Violation 14:**

By failing to take precautions and allowing fugitive dust emissions from the unpaved BLM Haul Road, EU: B01, Gypsum Resources violated 2019 Permit conditions III.C.3.u and III.C.3.dd. (Deficiency I.B.26).

2019 Permit condition III.C.3.u states:

“u. The permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]”

2019 Permit condition III.C.3.dd states:

“dd. The permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [MSP September 10, 2013, Section IV B, Condition 1 & STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9006, Violation 3, issued December 22, 2017; NOV #9280, Violation 2, issued June 13, 2019; NOV #9339, Violation 1, issued September 26, 2019.**

### **Violation 15:**

By allowing haul trucks to exceed the speed limit of 15 mph on the unpaved BLM Haul Road, EU: B01, Gypsum Resources violated 2019 Permit condition III.C.3.w. (Deficiency I.B.27).

2019 Permit condition III.C.3.w states:



“w. The permittee shall post and enforce a speed limit of 15 mph on the unpaved access haul road from the paved highway to the mine site. [MSP September 10, 2013, Section IV B, Condition 9 & STL contained in HOO dated September 27, 2013]”

**Violation 16:**

By failing to conduct and provide records of twice per day Method 22 Evaluations on all EUs, for eight instances, Gypsum Resources violated 2017 Permit conditions III.C.1 and III.E.4.a, and 2019 Permit conditions III.D.1 and III.F.4.a. (Deficiency I.B.29).

2017 Permit condition III.C.1 states:

**“Visible Emissions**

1. The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 1]”

2017 Permit condition III.E.4.a states:

“4. The Permittee shall maintain the following records onsite:

- a. dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance; ...”

2019 Permit condition III.D.1 states:

“Visible Emissions [AQR 12.5.2.6(d) & AQR 12.5.2.8]

1. The permittee shall conduct two daily visual emissions checks for visible emissions using EPA Test Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 & ATC February 17, 2017, Section V A, Condition 1]”

2019 Permit condition III.F.4.a states:

“4. The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually. [AQR 12.5.2.6(d) & AQR 12.5.2.8]

- a. Dates and times when visible emissions checks and observations were made, and the corrective steps taken to bring opacity into compliance; ...”

**Repeat violation: NOV #9134, Violations 4 and 5, issued August 17, 2018; NOV #9110, Violations 6 and 7, issued May 25, 2018; and NOV #9006, Violations 8 and 13, issued December 22, 2017.**

**Violation 17:**

By 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, Gypsum Resources violated 2017 Permit conditions III.C.22 and III.E.4.n and 2019 Permit conditions III.D.24 and III.F.4.n. (Deficiency I.B.30).

2017 Permit condition III.C.22 states:

“22. The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]”

2017 Permit condition III.E.4.n states:

“4. The Permittee shall maintain the following records onsite:

...

n. monthly control device inspections, maintenance, and repairs; ...”

2019 Permit condition III.D.24 states:

“24. The permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within five working days of the discovery of the malfunction. If the malfunction renders the baghouse ineffective in controlling particulate emissions, material processing shall cease until repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]”

2019 Permit condition III.F.4.n states:

“4. The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually. [AQR 12.5.2.6(d) & AQR 12.5.2.8]

...

n. Monthly control device inspections, maintenance, and repairs;”

**Repeat violation: NOV #9134, Violations 4 and 5, issued August 17, 2018; NOV #9110, Violations 6 and 7, issued May 25, 2018; and NOV #9006, Violations 8 and 12, issued December 22, 2017.**

**Violation 18:**

By failing to provide a Standard Operating Procedure for the purpose of maintenance for Baghouse #1, CD: D01, and Baghouse #2, CD: D02, Gypsum Resources violated 2017 Permit conditions III.C.23 and III.E.4.m, and 2019 Permit conditions III.D.25 and III.F.4.m. (Deficiency I.B.31).

2017 Permit condition III.C.23 states:

“23. The Permittee shall have an SOP manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer’s instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]”

2017 Permit condition III.E.4.m states:

“4. The Permittee shall maintain the following records onsite:

...

m. equipment inspections, maintenance, and repairs;”

2019 Permit condition III.D.25 states:

“25. The permittee shall have a standard operating procedures (SOP) manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer’s instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]”

2019 Permit condition III.F.4.m states:

“4. The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually. [AQR 12.5.2.6(d) & AQR 12.5.2.8]

...

m. Equipment inspections, maintenance, and repairs;”

**Violation 19:**

By failing to conduct and provide records of weekly moisture testing at the following locations, Gypsum Resources violated 2017 Permit conditions III.C.25.b.1 through 7 and III.E.5.1, and 2019 Permit conditions III.D.27.b.i through vii and III.F.5.n (Deficiency I.B.32):

- i. 2” conveyor location for 57 non-consecutive weeks,
- ii. 1/8” conveyor location for 61 non-consecutive weeks,
- iii. Reject stockpile location for 55 non-consecutive weeks,
- iv. 2” stockpile location for 46 non-consecutive weeks,
- v. 1/8” stockpile location for 46 non-consecutive weeks,
- vi. Overburden location for 79 non-consecutive weeks, and
- vii. Truck loading location for 61 non-consecutive weeks.

2017 Permit conditions III.C.25.b.1 through 7 state:

“25. The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]:

...

- b. Samples for moisture testing shall be retrieved from the following locations:
  1. 3rd belt conveyor after the West Screen for 2” product
  2. 3rd belt conveyor after the West Screen for 1/8” product
  3. Reject stockpile”
  4. 2” stockpile”
  5. 1/8” stockpile”
  6. Direct loading from the Overburden removal”
  7. Truck loading conveyor (E02 or E04).”

2017 Permit condition III.E.5.1 states:

“5. The Permittee shall maintain the following records onsite for reporting:

...

1. weekly and monthly moisture sampling results; (reported as required in Section III-F)

2019 Permit conditions III.D.27.b.i through vii state:

“27. The permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25” in diameter as follows: [HOO dated August 15, 2016 & ATC February 17, 2017, Section V A, Conditions 21(a) and (b)(1-7)]

...

- b. Samples for moisture testing shall be retrieved from the following locations:
  - i. 3rd belt conveyor after the West Screen for 2” product
  - ii. 3rd belt conveyor after the West Screen for 1/8” product
  - iii. Reject stockpile
  - iv. 2” stockpile
  - v. 1/8” stockpile
  - vi. Direct loading from the overburden removal
  - vii. Truck loading conveyor (E02 or E04).”

2019 Permit condition III.F.5.n states:

“5. The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that shall be reported semiannually, as required by this permit. [AQR 12.5.2.6(d) & AQR 12.5.2.8]

...

- n. Weekly and monthly moisture sampling results (reported as required in Section III-F of this OP);”

**Violation 20:**

By failing to submit records of moisture test results with both 2019 semi-annual reports, due by July 30, 2019 and January 30, 2020, Gypsum Resources violated 2017 Permit conditions III.C.29, III.E.5.1 and III.F.5.a, and 2019 Permit conditions III.D.31, III.F.5.n and III.G.4.a. (Deficiency I.B.33).

2017 Permit condition III.C.29 states:

“29. The Permittee shall submit the weekly and monthly moisture results along with the semi-annual summary reporting to the Control Officer as specified in Section III-F. [ATC February 17, 2017, Section V A, Condition 25]”

2017 Permit condition III.E.5.1 states:

“5. The Permittee shall maintain the following records onsite for reporting:

...

- l. weekly and monthly moisture sampling results; (reported as required in Section III-F)”

2017 Permit condition III.F.5.a states:

“5. The following requirements apply to semi-annual reports:

- a. The report shall include a semi-annual summary of each item listed in Section III-E-5(a through n).”

2019 Permit condition III.D.31 states:

“31. The permittee shall submit the weekly and monthly moisture results, along with the semiannual summary report, to the Control Officer as specified in Section III-F of this OP. [ATC February 17, 2017, Section V A, Condition 25]”

2019 Permit condition III.F.5.n states:

“5. The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that shall be reported semiannually, as required by this permit. [AQR 12.5.2.6(d) & AQR 12.5.2.8]

...

- n. Weekly and monthly moisture sampling results (reported as required in Section III-F of this OP);”

2019 Permit condition III.G.4.a states:

“4. The following requirements apply to semiannual reports: [AQR 12.5.2.6(d) & AQR 12.5.2.8]

- a. The report shall include a semiannual summary of each item listed in Section III-E-5(a–p) of this OP.”

### **Violation 21:**

By replacing the continuous-duty diesel engine, EU: C01 with an engine rated at a higher horsepower without first obtaining an Authority to Construct (ATC) Permit from the Control Officer as determined through a review of the 2019 EIR due on March 31, 2020, Gypsum Resources violated Permits condition II.B.1. (Deficiency I.D.2).

Permits condition II.B.1 states:

“1. No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct Permit from the Control Officer [AQR 12.4.1.1(a)]”

### III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The violations are considered willful; and
- Seven prior NOVs issued to Gypsum Resources and adjudicated within two years of discovery of the violation:
  - NOV #9006 issued December 22, 2017
  - NOV #9110 issued May 25, 2018
  - NOV #9134 issued August 17, 2018
  - NOV #9280 issued June 13, 2019
  - NOV #9321 issued August 21, 2019
  - NOV #9324 issued August 21, 2019
  - NOV #9339 issued September 26, 2019

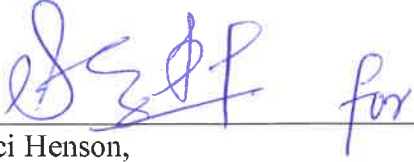
Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$294,600.00 (**Exh. A**).

### IV. HEARING

Air Quality has scheduled a hearing for **Thursday, July 16, 2020, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by **July 2, 2020**. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty. Please be advised that Air Quality will not attempt to collect any penalties assessed for violations which occurred prior to July 26, 2019 until the stay in Gypsum Resources' Chapter 11 bankruptcy case has been lifted.



Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9412
- B. Air Quality Full Compliance Evaluation, with attachments, dated March 12, 2020
- C. Air Quality Partial Compliance Evaluation, with attachments, dated May 6, 2020

jmr



**Exhibit A**

**NOV # 9412  
Penalty Calculation Table  
Gypsum Resources, LLC**



Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
1	2018 & 2019	Failed to report intermittent compliance for unpaved haul roads and fees in the 2018 and 2019 ACCs due by January 30, 2019 and January 30, 2020, respectively.	Facility	Permits condition II.D.6.c	Exh. B, Att. 5 & 6	Major / Moderate	\$ 2,000		1) Willful violation (+100%); 2) Three prior NOV <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV)	175%	\$ 3,500	\$ 11,000 \$5,500 x 2 yrs =
2	2018 & 2019	Failed to include deviations in 2nd Semi-annual Report for 2018 due by January 30, 2019, 1st Semi-annual Report for 2019 due by July 30, 2019, and 2nd Semi-annual Report for 2019 due by January 30, 2020. (Repeat Violation: NOV #9110)	Facility	2017 Permit condition II.D.8	Exh. B, Att. 10 thru 12	Major / Minor	\$ 1,000		1) Willful violation (+100%); 2) Three prior NOV <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV)	175%	\$ 1,750	\$ 5,500 \$2,750 x 2 yrs =
3	10/29/19 thru 2/26/20	Failed to provide at least seven days written notice to the Control Officer prior to replacing continuous-duty diesel engines. (Repeat Violation: NOV #9134)	EU: C01	AQR Section 12.5.2.12 (a)(2)	Exh. B, Att. 1, Photo 8	Major / Minor	\$ 1,000	121	1) Willful violation (+100%); 2) One prior NOV <sup>2</sup> : #9134 (+25% per NOV); 3) Multiday aggravation <sup>3</sup> (+120%)	245%	\$ 2,450	\$ 3,450
	9/17/19 thru 2/26/20		EU: C05		Exh. B, Att. 1, Photos 9 & 10		\$ 1,000	163	1) Willful violation (+100%); 2) One prior NOV <sup>2</sup> : #9134 (+25% per NOV); 3) Multiday aggravation <sup>4</sup> (+162%)	287%	\$ 2,870	\$ 3,870
	12/6/19 thru 2/26/20		EU: C08		Exh. B, Att. 1, Photos 11 thru 13		\$ 1,000	83	1) Willful violation (+100%); 2) One prior NOV <sup>2</sup> : #9134 (+25% per NOV); 3) Multiday aggravation <sup>5</sup> (+82%)	207%	\$ 2,070	\$ 3,070
4	4/3/19 thru 2/26/20	Replaced an engine with one rated at a higher capacity without first obtaining an ATC.	EU: C07	Permits condition II.B.1	Exh. B: Att. 1, Photos 14 & 15; and Att. 19	Major / Moderate	\$ 2,000	330	1) Willful violation (+100%); 3) Multiday aggravation <sup>6</sup> (+329%)	429%	\$ 8,580	\$ 10,580

**EXHIBIT A (CONTINUED)**  
**NOV #9412 - GYPSUM RESOURCES LLC**  
**PENALTY CALCULATION TABLE**

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
5	7/1/18 thru 2/26/20	Operated haul roads as unpaved when both were permitted as paved.	EU: B02	Permits condition II.B.1	Exh. B: Att. 1, Photos 16 & 17; and Att. 20 thru 22	Major / Major	\$ 4,000	606	1) Willful violation (+100%); 3) Multiday aggravation <sup>7</sup> (+605%)	705%	\$ 28,200	\$ 32,200
			EU: B03		Exh. B: Att. 1, Photo 18; and Att. 20 thru 22	Major / Major	\$ 4,000	606	1) Willful violation (+100%); 3) Multiday aggravation <sup>7</sup> (+605%)	705%	\$ 28,200	\$ 32,200
6	7/1/18 thru 2/26/20	Exceeded the actual and potential emission limitations by operating the haul roads as unpaved.	EU: B02	2019 Permit condition III.C.1.a & Table III-B-1	Exh. B, Tables 6 & 7	Major / Major	\$ 4,000	606	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>7</sup> (+605%)	880%	\$ 35,200	\$ 39,200
			EU: B03		Exh. B, Tables 6 & 7	Major / Major	\$ 4,000	606	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>7</sup> (+605%)	880%	\$ 35,200	\$ 39,200
7	July 2018 thru October 2019	Exceeded the operational limitation for ANFO usage in blasting operations. (Repeat Violation: NOV #9134)	EU: A001	2017 Permit condition III.B.2.e	Exh. B: Table 8; and Att. 8 thru 12	Major / Major	\$ 4,000	16 mo	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>8</sup> (+15%)	290%	\$ 11,600	\$ 15,600
8	July 2018 thru October 2019	Exceeded the operational limitation for diesel-fired engine.	EU: C06	2017 Permit condition III.B.2.l	Exh. B: Table 9; and Att. 8 thru 12	Major / Moderate	\$ 2,000	16 mo	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>9</sup> (+15%)	290%	\$ 5,800	\$ 7,800
9	July 2018 thru October 2019	Exceeded the operational limitation for diesel-fired engine.	EU: C03	2017 Permit condition III.B.2.m	Exh. B: Table 10; and Att. 8 thru 12	Major / Minor	\$ 1,000	16 mo	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>10</sup> (+15%)	290%	\$ 2,900	\$ 3,900
	July 2018 thru May 2019		EU: C05			Major / Minor	\$ 1,000	11 mo	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>11</sup> (+10%)	285%	\$ 2,850	\$ 3,850
10	7/9/18 thru 2/14/20	Failed to maintain a minimum of 1.5% moisture content in materials less than 0.25 inches in diameter.	Six locations not controlled by baghouses	2017 Permit condition III.B.3.2 and 2019 Permit condition III.C.3.a	Exh. B: Table 11; Att. 10 thru 12; and 23 thru 25	Major / Moderate	\$ 2,000	40 wks	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>12</sup> (+39%)	314%	\$ 6,280	\$ 8,280
11	8/9/18 & 8/23/18	Failed to maintain a minimum of 2.5% moisture content in materials less than 0.25 inches in diameter.	Overburden	2017 Permit condition III.B.3.3	Exh. B: Table 11; and Att. 10	Major / Moderate	\$ 2,000	2 wks	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>13</sup> (+1%)	276%	\$ 5,520	\$ 7,520
12	7/1/18 thru 3/20/19	Failed to maintain and provide records for diesel-fired engine prior to its replacement.	EU: C07	2017 Permit conditions III.B.3.14(a – c) and III.E.4.m	Exh. B	Major / Moderate	\$ 2,000	263	1) Willful violation (+100%); 2) Seven prior NOVs <sup>2</sup> (+25% per NOV); 3) Multiday aggravation <sup>14</sup> (+262%)	537%	\$ 10,740	\$ 12,740

**EXHIBIT A (CONTINUED)**  
**NOV #9412 - GYPSUM RESOURCES LLC**  
**PENALTY CALCULATION TABLE**

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
13	4/2/2019	Conducted blasting operations during a Dust Advisory. (Repeat Violation: NOV #9280)	Blasting operations	2017 Permit condition III.B.3.21	Exh. B, Att. 26 & 27	Major / Minor	\$ 1,000	1	1) Willful violation (+100%); 2) Seven prior NOV's <sup>2</sup> (+25% per NOV); 3) Dust Advisory (+25%)	300%	\$ 3,000	\$ 4,000
14	2/26/2020	Allowed fugitive dust from the unpaved BLM haul road to become airborne by failing to employ stabilization standards. (Repeat Violation: NOV's #9006, 9280, 9321, 9324, 9339)	EU: B01	2019 Permit conditions III.C.3.u and III.C.3.dd	Exh. B, Att. 2, Videos 1 & 2	Major / Moderate	\$ 2,000	1	1) Willful violation (+100%); and 2) Seven prior NOV's <sup>2</sup> (+25% per NOV)	275%	\$ 5,500	\$ 7,500
15	2/26/2020	Allowed haul trucks to exceed the speed limit on the unpaved BLM haul road.	EU: B01	2019 Permit conditions III.C.3.w	Exh. B, Att. 2, Videos 3 & 4	Major / Moderate	\$ 2,000	1	1) Willful violation (+100%); 2) Seven prior NOV's <sup>2</sup> (+25% per NOV)	275%	\$ 5,500	\$ 7,500
16	5/25/19, 6/8/19, 6/22/19, 11/25/19, 2 x 12/24/19, 2 x 12/27/19	Failed to conduct and provide records of twice per day Method 22 Evaluations. (Repeat Violation: NOV's #9134, 9110, 9006)	Facility	2017 Permit conditions III.C.1 and III.E.4.a; and 2019 Permit conditions III.D.1 and III.F.4.a.	Exh. B: Table 12; and Att. 29 & 30	Major / Minor	\$ 1,000	6	1) Willful violation (+100%); 2) Three prior NOV's <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV); 3) Multiday aggravation <sup>15</sup> (+5%)	180%	\$ 1,800	\$ 2,800
17	Feb 2019 thru June 2019, Aug 2019, Dec 2019, Jan 2020, Jul 2018, Jul 2019, Sept 2019 thru Nov 2019, Feb 2020	Failed to conduct and provide records of monthly interior baghouse inspections. (Repeat Violation: NOV's #9134, 9110, 9006)	CD: D01 & D02	2017 Permit conditions III.C.22 and III.E.4.n and 2019 Permit conditions III.D.24 and III.F.4.n	Exh. B: Att. 1, Photo 19; and Att. 29 & 31	Major / Moderate	\$ 2,000	14 mo	1) Willful violation (+100%); 2) Three prior NOV's <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV); 3) Multiday aggravation <sup>16</sup> (+13%)	188%	\$ 3,760	\$ 5,760
18	7/1/18 thru 2/26/20	Failed to provide a Standard Operating Procedure for the purpose of maintenance.	CD: D01 & D02	2017 Permit conditions III.C.23 and III.E.4.m, and 2019 Permit conditions III.D.25 and III.F.4.m.	Exh. B	Major / Minor	\$ 1,000	1	1) Willful violation (+100%); 2) Three prior NOV's <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV)	175%	\$ 1,750	\$ 2,750
19	405 weeks between 7/1/18 and 2/26/20	Failed to conduct and provide records of weekly moisture testing at various locations.	Various Locations	2017 Permit conditions III.C.25.b.1 thru 7 and III.E.5.i, and 2019 Permit conditions III.D.27.b.i thru vii and III.F.5.n	Exh. B: Table 13; Att. 10 thru 12 & 23 thru 25	Major / Moderate	\$ 2,000	405 wks	1) Willful violation (+100%); 2) Three prior NOV's <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV); 3) Multiday aggravation <sup>18</sup> (+40%)	579%	\$ 11,580	\$ 13,580

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**EXHIBIT A (CONTINUED)**  
**NOV #9412 - GYPSUM RESOURCES LLC**  
**PENALTY CALCULATION TABLE**

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
						Description	Amount					
20	2019	Failed to provide seven weekly moisture test reports of 32 samples with the semi-annual reports due by July 30, 2019 and January 30, 2020.	Multiple locations	2017 Permit conditions III.C.29, III.E.5.l and III.F.5.a, and 2019 Permit conditions III.D.31, III.F.5.n and III.G.4.a	Exh. B: Att. 11 & 12; Att. 23 & 24	Major / Minor	\$ 1,000		1) Willful violation (+100%); 2) Three prior NOV <sup>2</sup> : #9006, 9110, 9134 (+25% per NOV)	175%	\$ 1,750	\$ 2,750
21	2019	Replaced an engine with one rated at a higher capacity without first obtaining an ATC as determined through a review of the 2019 EIR due on March 31, 2020.	EU: C01	Permits condition II.B.1	Exh. B, Att. 1	Major / Major	\$ 4,000		1) Willful violation (+100%)	100%	\$ 4,000	\$ 8,000

**Total Penalty:** \$ 294,600

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

- <sup>2</sup> Seven prior NOV<sup>2</sup>: #9006, 9110, 9134, 9280, 9321, 9324 and 9339 adjudicated within two years of discovery of this NOV
- <sup>3</sup> 121 days of continued noncompliance from 10/29/19 through and including 2/26/20. Aggravation begins on 2nd day. (1% x \$1,000 x 120 days = \$1,200)
- <sup>4</sup> 163 days of continued noncompliance from 9/17/19 through and including 2/26/20. Aggravation begins on 2nd day. (1% x \$1,000 x 162 days = \$1,620)
- <sup>5</sup> 83 days of continued noncompliance from 12/6/19 through and including 2/26/20. Aggravation begins on 2nd day. (1% x \$1,000 x 82 days = \$820)
- <sup>6</sup> 330 days of continued noncompliance from 4/3/19 through and including 2/26/20. Aggravation begins on 2nd day. (1% x \$2,000 x 329 days = \$6,580)
- <sup>7</sup> 606 days of continued noncompliance from 7/1/18 through and including 2/26/20. Aggravation begins on 2nd day. (1% x \$4,000 x 605 days = \$24,200)
- <sup>8</sup> 16 months of continued noncompliance from July 2018 through and including October 2019. Aggravation begins on 2nd month. (1% x \$4,000 x 15 months = \$600)
- <sup>9</sup> 16 months of continued noncompliance from July 2018 through and including October 2019. Aggravation begins on 2nd month. (1% x \$2,000 x 15 months = \$300)
- <sup>10</sup> 16 months of continued noncompliance from July 2018 through and including October 2019. Aggravation begins on 2nd month. (1% x \$1,000 x 15 months = \$150)
- <sup>11</sup> 11 months of continued noncompliance from July 2018 through and including May 2019. Aggravation begins on 2nd month. (1% x \$1,000 x 10 months = \$100)
- <sup>12</sup> 40 weeks of noncompliance between 7/9/18 and 2/14/20. Aggravation begins on 2nd week. (1% x \$2,000 x 39 weeks = \$780)
- <sup>13</sup> 2 weeks of noncompliance 8/9/18 and 8/23/18. Aggravation begins on 2nd week. (1% x \$2,000 x 1 week = \$20)
- <sup>14</sup> 263 days of continued noncompliance from 7/1/18 through and including 3/20/19. Aggravation begins on 2nd day. (1% x \$2,000 x 262 days = \$5,240)
- <sup>15</sup> 6 days of noncompliance between 5/25/19 and 12/27/19. Aggravation begins on 2nd day. (1% x \$1,000 x 5 days = \$50)
- <sup>16</sup> 14 months of noncompliance between 7/1/18 and 2/26/20. Aggravation begins on 2nd month. (1% x \$2,000 x 13 months = \$260)
- <sup>17</sup> 405 weeks of noncompliance between 7/1/18 and 2/26/20. Aggravation begins on 2nd week. (1% x \$2,000 x 404 weeks = \$8,080)

Regulatory maximum: \$10,000 per day, per violation  
[AQR Section 9.1 & NRS 445B.270(2)]

# EXHIBIT B



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

## Full Compliance Evaluation

**Company Name:** Gypsum Resources, LLC

**Mailing Address:** 8912 Spanish Ridge Avenue, Suite 200, Las Vegas, NV 89148

**Facility Name:** Blue Diamond Hill Gypsum

**Facility Address:** 8360 Nevada Highway 159, Blue Diamond, Nevada 89004

**Source ID:** 17286

**Part 70 Permit Date:** Part 70 Operating Permit issued November 13, 2017, revised November 14, 2019

**Responsible Officials:** Ryan Rhodes, Mine Manager

**Email Addresses:** rocky@gypsumresources.com

**Telephone Number:** **Office Number:** 702-343-0795

**North American Industry Classification System (NAICS):**  
212399: All Other Nonmetallic Mineral Mining

**Standard Industrial Code (SIC):**  
1499: Miscellaneous Nonmetallic Minerals

**Evaluation Period:** July 1, 2018 through February 28, 2020

**Evaluated By:** Camon Liddell **Title:** Senior Air Quality Specialist

**Site Evaluation Dates:** February 26, 2020 **Time:** 9:00 AM to 3:40 PM

March 2, 2020 **Time:** 9:00 AM to 11:30 AM

**Report Preparation:** Camon Liddell **Date:** March 10, 2020

**Senior/Peer Review:** Scott Rowsell **Date:** March 11, 2020

**Supervisor Review/Edit:** Scott Jelinek **Date:** March 12, 2020

**Internal Conference Date:** March 3, 2020

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## EVALUATION REPORT

### Introduction

The Clark County Division of Air Quality (Air Quality) conducted a Full Compliance Evaluation (FCE) of Blue Diamond Hill Gypsum (Facility), which is permitted under Source ID: 17286. The evaluation period for this FCE was July 1, 2018 through March 2, 2020. Blue Diamond Hill Gypsum is a gypsum processing operation located in the Las Vegas Valley Area, hydrographic basin 212, which is currently designated as attainment for all pollutants except ozone. It was designated a marginal nonattainment area for ozone on August 3, 2018. The designation has not imposed any new requirements at this time. The source is not a categorical source as defined in AQR 12.2.2(j).

The Facility consists of screens, crushers, conveyors, an overburden process, blasting, stockpiles, paved and unpaved haul roads, continuous-duty diesel engines, and a continuous-duty diesel water pump. The Facility also has 13 hp diesel light stands that are designated as insignificant activities.

The table below summarizes the source-wide Potential to Emit (PTE) for each regulated air pollutant, in tons per year (tpy), based on the Facility's current Part 70 Operating Permit (OP):

PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAPs
142.59	1.50	81.36	24.62	0.10	4.28	0.21

The Facility is classified as a Major Part 70 Source for Particulate Matter, 10 microns or less (PM<sub>10</sub>) and is classified as a minor source for the following regulated air pollutants:

- Particulate Matter, 2.5 microns or less (PM<sub>2.5</sub>);
- Oxides of Nitrogen (NO<sub>x</sub>);
- Carbon Monoxide (CO);
- Oxides of Sulfur (SO<sub>x</sub>);
- Volatile Organic Compounds (VOCs); and
- Hazardous Air Pollutants (HAPs).

Air Quality staff utilized the following permit documents to determine the Facility's compliance status:

- Part 70 Operating Permit, Issued November 13, 2017 (2017 Permit);
- Part 70 Operating Permit, Issued November 13, 2017, revised November 14, 2019 (2019 Permit);
- Collectively (Permits).

## **Deficiency Findings**

During the evaluation, Liddell observed and/or identified the following deficiencies:

1. The Facility failed to pay invoice #037456 for stack test fees that were due on 7/01/2019, totaling \$2,417.80 (**See Attachment 3**); therefore, the Facility **is not compliant with permit condition II.A.3 of the Permits** (*See General Conditions section for citation*).

*Note: This deficiency was addressed with a Warning Email until a later date. The invoice above is included in a chapter 11 bankruptcy filing by Gypsum Resources, LLC initially filed 7/26/2019.*

2. The Facility failed to pay the entire invoice #041650 for annual fees due 2/03/2020 totaling \$32,258.38 (**See Attachment 4**) (\$2,932.58 remains unpaid); therefore, the Facility **is not compliant with permit condition II.A.3 of the 2019 Permit** (*See General Conditions section for citation*).

*Note: This deficiency is recommended for enforcement action.*

3. In the 2018 Annual Compliance Certification (ACC) Report (**See Attachment 5**), the Facility indicated Continuous Compliance for the condition associated with modifying the source without receiving an Authority to Construct from the Control Officer [permit condition II.B.1 of the 2017 Permit]; however, the Facility operated what was required to be paved haul roads per the Permits as unpaved haul roads as detailed in Deficiencies 13 & 14. In the 2019 ACC Report (**See Attachment 6**), the Facility indicated Continuous Compliance under permit conditions associated with weekly moisture testing locations [permit conditions III.C.25.b(1-7) of the 2017 Permit and permit conditions III.D.27.b(i-vii) of the 2019 Permit]; however, records indicate not all sample locations were tested throughout 2019. Additionally, the Facility indicated Continuous Compliance for paying fees [permit condition II.A.3 of the 2017 Permit]; however, fees identified in Deficiency 1 are still unpaid; therefore, the Facility **was not compliant with permit condition II.D.6.c of the Permits** (*See General Conditions section for citation*).

*Note: This deficiency is recommended for enforcement action for portions associated with haul roads and fees. For the section associated with moisture testing, the parent condition, III.C.25 of the 2017 Permit and III.D.27 of the 2019 Permit indicated Intermittent Compliance, demonstrating this deficiency is a typographical error; therefore, this portion of the deficiency was addressed with a Warning Email.*

4. In the Semi-annual Report- 2018 2<sup>nd</sup> half (**See Attachment 10**), the Facility failed to include permit deviations associated with 82 missing weekly moisture tests, and 12 tests conducted showing moisture levels below the permitted limit during the period of 7/01/2018 through 12/31/2018. In the Semi-annual Report- 2019 1<sup>st</sup> half (**See Attachment 11**), the blasting events detailed in Deficiency 25 were not included as permit deviations. In the Semi-annual Report-



2019 2<sup>nd</sup> half (**See Attachment 12**), the unpaid invoice detail in Deficiency 1 was not included as a permit deviation; therefore, the Facility *was not in compliance with permit condition II.D.8 of the 2017 Permit* (See General Conditions section for citation).

*Note: This deficiency is recommended for enforcement action.*

5. The Facility failed to pay civil penalties associated with Notice of Violation (NOV) #9110 (**See Attachment 13**) and NOV #9134 (**See Attachment 14**), due 11/20/2018 totaling \$212,595.25 as summarized in Table 3; therefore, the Facility *is not compliant with paragraph 4 of the Hearing Officer Order (HOO) for NOV# 9110 signed by the Hearing Officer 10/03/2019 and paragraph 4 of the HOO for NOV# 9134 signed by the Hearing Officer 10/03/2019* (See Enforcement History section for citation). The payment plan for NOV #9110 and NOV #9134 was combined. The deficiencies identified in NOV #9110 and NOV #9134 are not summarized in this deficiency list (See the Enforcement Review section for further details).

*Note: This deficiency was addressed with a Warning Email until a later date. The civil penalty above is included in a chapter 11 bankruptcy filing by Gypsum Resources, LLC initially filed 7/26/2019.*

6. The Facility failed to pay civil penalties associated with NOV #9280 (**See Attachment 15**), due 8/24/2019 totaling \$24,000 as summarized in Table 3; therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9280 signed by the Hearing Officer 7/25/2019* (See Enforcement History section for citation). The deficiencies identified in NOV #9280 are not summarized in this deficiency list (See the Enforcement Review section for further details).

*Note: This deficiency was addressed with a Warning Email until a later date. The civil penalty above is included in a chapter 11 bankruptcy filing by Gypsum Resources, LLC initially filed 7/26/2019.*

7. The Facility failed to pay civil penalties associated with NOV #9321 (**See Attachment 16**), due 12/14/2019 totaling \$5,500 as summarized in Table 3; therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9321 signed by the Hearing Officer 11/14/2019* (See Enforcement History section for citation). The deficiencies identified in NOV #9321 are not summarized in this deficiency list (See the Enforcement Review section for further details).

*Note: This deficiency is recommended for enforcement action.*

8. The Facility failed to pay civil penalties associated with NOV #9324 (**See Attachment 17**), due 12/14/2019 totaling \$15,500 as summarized in Table 3; therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9324 signed by the Hearing Officer 11/14/2019* (See Enforcement History section for citation). The deficiencies identified in NOV #9324 are not summarized in this deficiency list (See the Enforcement Review section for further details).

*Note: This deficiency is recommended for enforcement action.*

9. The Facility failed to pay civil penalties associated with NOV #9339 (**See Attachment 18**), due 12/14/2019 totaling \$60,000 as summarized in Table 3; therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9339 signed by the Hearing Officer 11/14/2019* (See *Enforcement History section for citation*). The deficiencies identified in NOV #9339 are not summarized in this deficiency list (See the *Enforcement Review section for further details*).

*Note: This deficiency is recommended for enforcement action.*

10. The Facility did not provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine [Emission Unit (EU): C01] was being replaced (**See Attachment 1- Photograph 8**) as summarized in Table 4; therefore, the Facility *is not compliant with Air Quality Regulation (AQR) - Section 12.5.2.12.a(2)* (See *Emission Units section for citation*).

*Note: This deficiency is recommended for enforcement action.*

11. The Facility did not provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine (EU: C05) was being replaced (**See Attachment 1- Photographs 9 & 10**) as summarized in Table 4; therefore, the Facility *is not compliant with Air Quality Regulation (AQR) - Section 12.5.2.12.a(2)* (See *Emission Units section for citation*).

*Note: This deficiency is recommended for enforcement action.*

12. The Facility did not provide at least seven days written notice to the Control Officer that the Continuous-duty Diesel Engine (EU: C08) was being replaced (**See Attachment 1- Photographs 11 through 13**) as summarized in Table 4; therefore, the Facility *is not compliant with Air Quality Regulation (AQR) - Section 12.5.2.12.a(2)* (See *Emission Units section for citation*).

*Note: This deficiency is recommended for enforcement action.*

13. The Facility replaced the Continuous-duty Diesel Engine (EU: C07) with an engine rated at a high horsepower without receiving prior authority from the Control Officer (**See Attachment 1- Photographs 14 & 15; See Attachment 19**); therefore, the Facility *is not compliant with permit conditions II.B.1 of the Permits* (See *Emission Units section for citation*).

*Note: This deficiency is recommended for enforcement action.*

14. The Facility operated the Gypsum Paved Haul Road onsite (EU: B02) as an unpaved haul road throughout the entire FCE period (**See Attachment 1- Photographs 16 & 17; See Attachments 20 through 22**); therefore, the Facility *is not compliant with permit condition II.B.1 of the Permits* (See *Emission Units section for citation*).

*Note: This deficiency is recommended for enforcement action.*

15. The Facility operated the Gypsum Paved Haul Road Overburden (EU: B03) as an unpaved haul road throughout the entire FCE period (**See Attachment 1- Photograph 18; See Attachments 20 through 22**); therefore, the Facility *is not compliant with permit condition II.B.1 of the Permits* (See Emission Units section for citation).

*Note: This deficiency is recommended for enforcement action.*

16. Due to the Facility operating the Gypsum Paved Haul Road (EU: B02) as an unpaved haul road, the Facility exceeded the actual and potential emission limits during the entire FCE period as summarized in Table 6 and Table 7; therefore, the Facility *is not compliant with permit condition III.C.1.a and Permit Table III-B-1 of the 2019 Permit* (See Emission Limits section for citation).

*Note: This deficiency is recommended for enforcement action.*

17. Due to the Facility operating the Gypsum Paved Haul Road; Overburden (EU: B03) as an unpaved haul road, the Facility exceeded the actual and potential emission limits during the entire FCE period as summarized in Table 6 and Table 7; therefore, the Facility *is not compliant with permit condition III.C.1.a and Permit Table III-B-1 of the 2019 Permit* (See Emission Limits section for citation).

*Note: This deficiency is recommended for enforcement action.*

18. The Facility exceeded their operational limit of seventy-five (75) tons per any 12 month consecutive limit of ANFO for sixteen (16) consecutive months from July of 2018 through October of 2019 as summarized in Table 8 (**See Attachments 8 through 12**); therefore, the Facility *was not compliant with permit condition III.B.2.e of the 2017 Permit* (See Emission Limits section for citation).

*Note: This deficiency is recommended for enforcement action.*

19. The Facility exceeded the operational limit of 4,200 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C06) for sixteen (16) consecutive months from July of 2018 through October of 2019 as summarized in Table 9 (**See Attachments 8 through 12**); therefore, the Facility *was not compliant with permit condition III.B.2.l of the 2017 Permit* (See Emission Limits section for citation).

*Note: This deficiency is recommended for enforcement action.*

20. The Facility exceeded the operational limit of 4,800 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C03) for sixteen (16) consecutive months from July of 2018 through October of 2019 as summarized in Table 10 (**See Attachments 8 through 12**); therefore, the Facility *was not compliant with permit condition III.B.2.m of the 2017 Permit* (See Emission Limits section for citation).

*Note: This deficiency is recommended for enforcement action.*

21. The Facility exceeded the operational limit of 4,800 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C05) for eleven (11) consecutive months from July of 2018 through May of 2019 as summarized in Table 10 (**See Attachments 8 through 12**); therefore, the Facility **was not compliant with permit condition III.B.2.m of the 2017 Permit** (*See Emission Limits section for citation*).

*Note: This deficiency is recommended for enforcement action.*

22. The Facility conducted weekly moisture testing at six (6) locations with a minimum moisture level of 1.5% [3<sup>rd</sup> belt conveyor after the West Screen for 2" product (2" Conveyor), 3<sup>rd</sup> belt conveyor after the West Screen for 1/8" product (1/8" Conveyor), Reject Stockpile, 2" Stockpile, and Truck loading conveyor (EU: E02 or E04) (Truck Loading)]. Forty (40) samples taken within the FCE period showed values below 1.5% as summarized in Table 11 (**See Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility **was not compliant with permit condition III.B.3.2 of the 2017 Permit and III.C.3.a of the 2019 Permit** (*See Emission Limits section for citation*).

*Note: This deficiency is recommended for enforcement action.*

23. The Facility conducted weekly moisture testing at one (1) location with a minimum moisture level of 2.5% [Direct loading from the overburden removal (Overburden)]. Two (2) samples taken during the FCE period showed values below 2.5% as summarized in Table 11 (**See Attachment 10**); therefore, the Facility **was not compliant with permit condition III.B.3.3 of the 2017 Permit** (*See Emission Limits section for citation*).

*Note: This deficiency is recommended for enforcement action.*

24. The Facility failed to provide records of maintenance for the Continuous-duty Diesel Engine Water Pump (EU: C07) from July 1, 2018 through March 21, 2019, prior to the rental engine replacement, which indicates the required maintenance was not conducted; therefore, the Facility **was not compliant with permit conditions III.B.3.14(a-c) & III.E.4.m of the 2017 Permit** (*See Emission Limits and Record Keeping sections for citation*).

*Note: This deficiency is recommended for enforcement action for the period prior to the replacement of engine with an EPA Tier 3 engine, July 1, 2018 through 3/21/2019.*

25. The Facility conducted blasting operations on 4/02/2019 and 4/15/2019 (**See Attachment 26**), with the 4/02/2019 event occurring during a Dust Advisory (**See Attachment 27**), and the 4/15/2019 event occurring during a Construction Notice (**See Attachment 28**); therefore, the Facility **was not compliant with permit condition III.B.3.21 of the 2017 Permit** (*See Emission Limits section for citation*).

*Note: This deficiency is recommended for enforcement action for only the 4/02/2019 blasting event. The Construction Notice on 4/15/2019 was issued the same day and should not be considered for enforcement action.*

26. On February 26, 2020, Staff observed fugitive dust emissions from the Unpaved Haul Road; BLM road (EU: B01) (**See Attachment 2- Videos 1 & 2**) which demonstrated the Facility did not adequately water the unpaved BLM haul road to control fugitive dust emissions; therefore, the Facility **was not compliant with permit conditions III.C.3.u & III.C.3.dd of the 2019 Permit** (*See Emission Limits section for citation*).  
*Note: This deficiency is recommended for enforcement action.*
27. On February 26, 2020, Staff documented two (2) haul trucks exceeding the speed limit of 15 miles per hour (mph) on the Unpaved Haul Road; BLM road (EU: B01) (**See Attachment 2- Videos 3 & 4**); therefore, the Facility **was not compliant with permit condition III.C.3.w of the 2019 Permit** (*See Emission Limits section for citation*).  
*Note: This deficiency is recommended for enforcement action.*
28. The Facility reported in the Semi-annual Report- 2019 1<sup>st</sup> half (**See Attachment 11**) an incident on 4/23/2019 in which a water truck was not utilized during drilling and blasting causing fugitive dust emissions; therefore, the Facility **was not in compliance with permit conditions III.B.3.29 and III.B.3.31 of the 2017 Permit** (*See Emission Limits section for citation*).  
*Note: This deficiency was addressed with a Warning Email. The event and associated emissions were not quantified by the Facility, nor verified by Staff.*
29. The Facility failed to provide a record of Method 22 Evaluation twice per day on all emissions units during eight (8) occurrences during the FCE period as summarized in Table 12 (**See Attachment 29 & Attachment 30**), which demonstrates the required monitoring was not conducted; therefore, the Facility **was not compliant with permit conditions III.C.1 & III.E.4.a of the 2017 Permit and III.D.1 & III.F.4.a of the 2019 Permit** (*See Monitoring and Record Keeping sections for citation*).  
*Note: This deficiency is recommended for enforcement action.*
30. The Facility failed to provide a record of monthly inspections of the interior Baghouse #1 [Control Device (CD): D01] and Baghouse #2 (CD: D02) for eight (8) nonconsecutive months between February of 2019 and January of 2020 (**See Attachment 29**), which demonstrates the required monitoring was not conducted. Additionally, six (6) monthly interior baghouse records provided do not differentiate between CD: D01 and CD: D02, rendering the data contained within the documents invalid (**See Attachment 1- Photograph 19 & See Attachment 31**); therefore, the Facility **was not compliant with permit conditions III.C.22 & III.E.4.n of the 2017 Permit and III.D.24 & III.F.4.n of the 2019 Permit** (*See Monitoring and Record Keeping sections for citation*).  
*Note: This deficiency is recommended for enforcement action.*

31. The Facility failed to provide a Standard Operating Procedure for the purpose of maintenance for the Baghouse #1 (CD: D01) and Baghouse #2 (CD: D02); therefore, the Facility *is not compliant with permit conditions III.C.23 & III.E.4.m of the 2017 Permit and III.D.25 & III.F.4.m of the 2019 Permit* (See Monitoring and Record Keeping sections for citation).

*Note: This deficiency is recommended for enforcement action.*

32. The Facility failed to provide a record of weekly moisture sampling at the 2” Conveyor location for fifty-seven (57) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (See **Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.1 & III.E.5.l of the 2017 Permit and III.D.27.b.i & III.F.5.n of the 2019 Permit* (See Monitoring and Record Keeping sections for citation).

*Note: This deficiency is recommended for enforcement action.*

33. The Facility failed to provide a record of weekly moisture sampling at the 1/8” Conveyor location for sixty-one (61) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (See **Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.2 & III.E.5.l of the 2017 Permit and III.D.27.b.ii & III.F.5.n of the 2019 Permit* (See Monitoring and Record Keeping sections for citation).

*Note: This deficiency is recommended for enforcement action.*

34. The Facility failed to provide a record of weekly moisture sampling at the Reject Stockpile location for fifty-five (55) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (See **Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.3 & III.E.5.l of the 2017 Permit and III.D.27.b.iii & III.F.5.n of the 2019 Permit* (See Monitoring and Record Keeping sections for citation).

*Note: This deficiency is recommended for enforcement action.*

35. The Facility failed to provide a record of weekly moisture sampling at the 2” Stockpile location for forty-six (46) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (See **Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.4 & III.E.5.l of the 2017 Permit and III.D.27.b.iv & III.F.5.n of the 2019 Permit* (See Monitoring and Record Keeping sections for citation).

*Note: This deficiency is recommended for enforcement action.*

36. The Facility failed to provide a record of weekly moisture sampling at the 1/8” Stockpile location for forty-six (46) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 **See Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with*

*permit conditions III.C.25.b.5 & III.E.5.1 of the 2017 Permit and III.D.27.b.v & III.F.5.n of the 2019 Permit (See Monitoring and Record Keeping sections for citation).*

*Note: This deficiency is recommended for enforcement action.*

37. The Facility failed to provide a record of weekly moisture sampling at the Overburden location for seventy-nine (79) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (**See Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.6 & III.E.5.1 of the 2017 Permit and III.D.27.b.vi & III.F.5.n of the 2019 Permit (See Monitoring and Record Keeping sections for citation).*

*Note: This deficiency is recommended for enforcement action.*

38. The Facility failed to provide a record of weekly moisture sampling at the Truck Loading location for sixty-one (61) nonconsecutive weeks during the FCE period, which demonstrates the required monitoring was not conducted as summarized in Table 13 (**See Attachments 10 through 12; See Attachments 23 through 25**); therefore, the Facility *was not compliant with permit conditions III.C.25.b.7 & III.E.5.1 of the 2017 Permit and III.D.27.b.vii & III.F.5.n of the 2019 Permit (See Monitoring and Record Keeping sections for citation).*

*Note: This deficiency is recommended for enforcement action.*

39. The Facility failed to submit weekly moisture test reports with the semi-annual reports. Five (5) test reports consisting of twenty-three (23) samples were not submitted in the 2019 1<sup>st</sup> Semi-annual Report and two (2) test reports consisting of nine (9) samples were not submitted in the 2019 2<sup>nd</sup> Semi-annual Report (**See Attachments 11 & 12; Attachments 23 & 24**); therefore, the Facility *was not compliant with permit conditions III.C.29, III.E.5.1 & III.F.5.a of the 2017 Permit and III.D.31, III.F.5.n & III.G.4.a of the 2019 Permit (See Monitoring, Record Keeping and Reporting sections for citation).*

*Note: This deficiency is recommended for enforcement action.*

40. The Facility failed to maintain records for the daily gypsum materials processed for thirty-one (31) days of May of 2019; therefore, the Facility *was not compliant with permit condition III.E.4.c of the 2017 Permit (See Record Keeping and Reporting sections for citation).*

*Note: This deficiency was addressed with a Warning Email. The Facility provided credible evidence the required monitoring was being conducted and the missing records were misplaced.*

41. The Facility failed to provide rental agreements containing engine manufacturer information regarding on-site engines for the Continuous-duty Diesel Engines (EU: C05, C07, & C08); therefore, the Facility *is not compliant with permit condition III.E.4.q of the 2017 Permit and III.F.4.q of the 2019 Permit (See Record Keeping and Reporting sections for citation).*

*Note: This deficiency was addressed with a Warning Email.*

**Evaluation**

On February 26, 2020, at approximately 9:00 AM, Senior Air Quality Specialist, Mr. Camon Liddell (Liddell) and Senior Air Quality Specialist, Mr. Scott Rowsell (Rowsell) (collectively as Staff) arrived outside the Facility and observed the BLM access road. At approximately 9:15 AM, Staff entered the Facility and met with Mr. Ryan Rhodes, Mine Manager, and Ms. Tammy Sample, Health & Safety Officer, for the Facility and held an opening conference which initiated the onsite portion of the FCE. Operating equipment and site conditions were reviewed for compliance status and were detailed in this FCE report.

On March 2, 2020, at approximately 9:00 AM, Staff returned to complete the records review and conduct a follow-up inspection to onsite deficiencies identified on February 26, 2020.

On March 10, 2020, Liddell sent a closing summary email to Mr. Rhodes to summarize the evaluation and identify deficiencies (**See Attachment 33**).

The following FCE report matches the order and the content of the 2019 Permit.

**General Conditions**

1. **Part 70 OP:** The Facility maintained a copy of the applicable Part 70 OP.
2. **Fees:** The Facility failed to pay fees for Invoice #037456 (**See Attachment 3**) and Invoice #041650 (**See Attachment 4**) as summarized in the table below:

**Table 1- Summary of Unpaid Fees**

Fee Item	Invoice #	Due Date	Amount	Fee Status
Stack Test Fees	037456	7/01/2019	\$2,417.80	Delinquent. \$2,417.80 unpaid
Annual Fees	041650	2/03/2020	\$32,258.38	Delinquent. \$2,932.58 unpaid

Therefore, the Facility *is not compliant with permit condition II.A.3 of the Permits*, which states:

“3. The permittee shall pay all permit fees pursuant to AQR 18.”

*Note: This deficiency is recommended for enforcement action except the portion associated with Invoice #0737456. This invoice is included in a chapter 11 bankruptcy filing by Gypsum Resources, LLC initially filed 7/26/2019.*

3. **Annual Compliance Certification (ACC) Reports:** The Facility submitted their 2018 ACC Report (**See Attachment 5**) report on January 29, 2019 and their 2019 ACC Report (**See Attachment 6**) on January 30, 2020; therefore, the Facility demonstrated compliance with permit conditions II.D.6 of the Permits, which require the Facility to submit the ACC to Air Quality on or before January 30 of each year for the previous calendar year.



4. In the 2018 ACC Report (**See Attachment 5**), the Facility indicated Continuous Compliance for the condition associated with modifying the source without receiving Authority to Construct from the Control Officer [permit condition II.B.1 of the 2017 Permit], however, the Facility operated what was required to be paved haul road per the Permits as unpaved haul roads as detailed in Deficiencies 13 & 14. In the 2019 ACC Report (**See Attachment 6**), the Facility indicated Continuous Compliance under permit conditions associated with weekly moisture testing locations [permit conditions III.C.25.b(1-7) of the 2017 Permit and permit conditions III.D.27.b(i-vii) of the 2019 Permit], however records indicate not all sample locations were tested throughout 2019. Additionally, the Facility indicated Continuous Compliance for paying fees [permit condition II.A.3 of the 2017 Permit], however, fees identified in Deficiency 1 are still unpaid (**See Attachment 6**); therefore, the Facility *was not compliant with permit condition II.D.6.c of the Permits*, which states:

“6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, Nevada 89118) and the Administrator for Region 9 (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: [AQR 12.5.2.8(e)]

...

- c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Section II.D.6(b) of this OP, and shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.”

*Note: This deficiency is recommended for enforcement action for portions associated with haul roads and fees. For the section associated with moisture testing, the parent condition, III.C.25 of the 2017 Permit and III.D.27 of the 2019 Permit indicated Intermittent Compliance, demonstrating this deficiency is a typographical error; therefore, this portion of the deficiency was addressed with a Warning Email.*

5. **Annual Emissions Inventory Reports (EIR):** The Facility submitted their 2018 annual EIR (**See Attachment 7**) on April 1, 2019; therefore, the Facility demonstrated compliance with permit conditions II.C.5 of the 2017 Permit, which requires the Facility to submit an annual EIR report to Air Quality on or before March 31 of each year for the previous calendar year. March 31, 2019 fell on a Sunday; therefore, the April 1, 2019 submittal is compliant.

6. **Semiannual Reports:** The Facility submitted their 2018 and 2019 semiannual reports as follows:

**Table 2- Semiannual Reporting Submittal Summary**

2018 Reports	Due Date	Date Report Submitted	Compliant
2 <sup>nd</sup> Semiannual	January 30, 2019	January 30, 2019	Yes
2019 Reports	Due Date	Date Report Submitted	Compliant
1 <sup>st</sup> Semiannual	July 30, 2019	July 30, 2019	Yes
2 <sup>nd</sup> Semiannual	January 30, 2020	January 30, 2020	Yes

Therefore, the Facility demonstrated compliance with permit condition III.F.5.c of the 2017 Permit and III.G.4.a of the 2019 Permit, which requires the Facility to submit semiannual reports to Air Quality on or before the above dates or every six months.

7. In the Semi-annual Report- 2018 2<sup>nd</sup> half (**See Attachment 10**), the Facility failed to include permit deviations associated with 82 missing weekly moisture tests, and 12 tests conducted showing moisture levels below the permitted limit during the period of 7/01/2018 through 12/31/2018. In the Semi-annual Report- 2019 1<sup>st</sup> half (**See Attachment 11**), the blasting events detailed in Deficiency 25 were not included as permit deviations. In the Semi-annual Report- 2019 2<sup>nd</sup> half (**See Attachment 12**), the unpaid invoice detail in Deficiency 1 was not included as permit deviation; therefore, the Facility *was not compliant with permit condition II.D.8 of the 2017 Permit*, which states:

“With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]”

*Note: This deficiency is recommended for enforcement action.*

### **Enforcement History**

The Facility was issued six NOVs that were adjudicated during the FCE period. The Hearing Officer Orders, most current invoice, violations & deficiencies, and tables detailing recommended penalties associated with the NOVs are attached within as follows: NOV #9110 (**See Attachment 13**), NOV #9134 (**See Attachment 14**), NOV #9280 (**See Attachment 15**), NOV #9321 (**See Attachment 16**), NOV #9324 (**See Attachment 17**), and NOV #9339 (**See Attachment 18**). The table below summarizes the above mentioned NOVs and their current penalty payment status:

**Table 3- NOV History Summary and Penalty Status**

NOV #	Issued	HOO Signature	Violation Dates	Penalty Assessed	Adjudicated Penalty	Penalty Status
9110	5/25/2018	10/03/2018	Various 6/01/2017- 4/04/2018	\$852,200	\$476,400 <sup>-1</sup>	Delinquent. \$212,595.25 <sup>-2</sup> unpaid of \$551,600 total
9134	8/17/2018	10/03/2018	Various 1/01/2017- 6/04/2018	\$144,700	\$75,200	
9280	1/13/2019	7/25/2019	3/27/2018, 3/28/2018, & 4/05/2018	\$24,000	\$24,000	Delinquent. \$24,000 <sup>-2</sup> unpaid
9321	8/21/2019	11/14/2019	7/08/2019	\$10,000	\$5,500	Delinquent. \$5,500 unpaid
9324	8/21/2019	11/14/2019	6/25/2019 & 6/26/2019	\$15,500	\$15,500	Delinquent. \$15,500 unpaid
9339	9/26/2019	11/14/2019	8/16/2019, 8/19/2019, 8/20/2019, & 8/21/2019	\$60,000	\$60,000	Delinquent. \$60,000 unpaid

Note 1: An additional \$200,000 was held in abeyance pending compliance with emissions limitations. The Facility maintained compliance with the HOO and was not required to pay the abeyance penalty.

Note 2: The remaining balance is on hold pending bankruptcy filing.

*Note: The payment plan for NOV #9110 and NOV #9134 was combined.*

Therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9110 signed by the Hearing Officer 10/03/2019 and paragraph 4 of the HOO for NOV# 9134 signed by the Hearing Officer 10/03/2019*, which state respectively:

NOV #9110:

**“IT IS HEREBY ORDERED** that GYPSUM RESOURCES and RHODES pay a penalty of Six Hundred Seventy-Six Thousand Four Hundred and no/100 Dollars (\$676,400.00). Four Hundred Seventy-Six Thousand Four Hundred and no/100 Dollars (\$476,400.00) is due within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118. Two-Hundred Thousand and no/100 Dollars (\$200,000.00) shall be held in abeyance. If GYPSUM RESOURCES does not violate any emissions limitations or standards contained in the ATC Permit, Part 70 Permit or the AQRs, from September 19, 2018 through March 1, 2019, this portion of the penalty shall be waived. If GYPSUM RESOURCES does violate any such emissions limitations or standards during that time period, then the portion of the penalty that is held in abeyance will be due

within 30 days of issuance of the Hearing Officer's Order finding GYPSUM RESOURCES in violation."

NOV #9134:

**"IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of Seventy-Five Thousand Two Hundred and no/100 Dollars (\$75,200.00) within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118."

Therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9280 signed by the Hearing Officer 7/25/2019*, which states:

**"IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of Twenty Four Thousand and no/100 Dollars (\$24,000.00) within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118."

*Note: The deficiencies associated with the NOV#s #9110, #9134, and #9280 were addressed with a Warning Email until a later date. The civil penalties above are included in a chapter 11 bankruptcy filing by Gypsum Resources, LLC initially filed 7/26/2019.*

Therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9321 signed by the Hearing Officer 11/14/2019*, which states:

**"IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a reduced penalty of Five Thousand Five Hundred and no/100 Dollars (\$5,500.00) within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118."

Therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9324 signed by the Hearing Officer 11/14/2019*, which states:

**"IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of Fifteen Thousand Five Hundred and no/100 Dollars (\$15,500.00) within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118."

Therefore, the Facility *is not compliant with paragraph 4 of the HOO for NOV# 9339 signed by the Hearing Officer 11/14/2019*, which states:

**"IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of Sixty Thousand and no/100 Dollars (\$60,000.00) within 30 days of the date of this ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118."

*Note: The deficiencies associated with the NOVs #9321, #9324, and #9339 are recommended for enforcement action.*

**Emission Units**

Staff inspected onsite EUs during the FCE utilizing the emission unit descriptions listed in the 2019 Permit (Condition III.A.1, Table III-A-1). Liddell determined the following:

1. The model number for the Reject Screen (EU: A39) and West Screen (EU: A08) were observed to be “TSV8203-38”. The serial number for EU: A39 was observed to be “TRXV8203VDVEE1817” and the serial number for EU: A08 was observed to be TRXS8203LDDUCK1474” (See Attachment 1- Photographs 1 through 4). These discrepancies were included in a Pending Folder file for the Permitting Supervisor.
2. The HSI Crusher (EU: A05) was observed to have a serial number of “TRX1316AVOKCF0394” (See Attachment 1- Photograph 5). This discrepancy was included in a Pending Folder file for the Permitting Supervisor.
3. The Continuous Duty Generator (EU: C06) was observed to have correct engine, however the generator information was observed to be Manufacturer: Wacker Neuson, Model: G70, kW rating of 58, and a serial number of “20016459” (See Attachment 1- Photographs 6 & 7). These discrepancies were included in a Pending Folder file for the Permitting Supervisor.
4. The Facility replaced three (3) Continuous-duty Diesel Engines (EUs: C01, C05, & C03/C08) with rental engines (See Attachment 1- Photographs 8 through 13) without giving seven (7) days’ notice to the Control Officer, as summarized in the table below:

**Table 4- Summary of Continuous-duty Engines Replaced without Notice**

EU	Location Utilized	Permitted Engine Size (hp)	On-site Engine Size (hp)	Permitted Engine Manufacture Year	Replacement Engine Manufacture Year	Replacement Date(s)
C01	Crusher	2,206	1,743 <sup>-2</sup>	2007	2010	10/29/2019 & 12/15/2019 <sup>-5</sup>
C05	Loadout	173	150	2007	2006+	9/17/2019
C03/ C08 <sup>-1</sup>	Office	107	49 <sup>-3</sup>	2012	Unknown <sup>-4</sup>	3/04/2019 & 12/06/2019 <sup>-6</sup>

Note 1: EU: C03 was replaced by EU: C08 for the same function in the 2019 Permit, however, engine changes in the 2019 Permit did not reflect the observed replacements.

Note 2: The hp rating was calculated from the observed rating of 1,300 kW.

Note 3: The hp rating was calculated from the observed rating of 36.5 kW.

Note 4: The information for the unit could not be located and the Facility was not able to provide rental agreements nor manufacturer specifications, however the engine is believed to be a 2006+ year engine. The deficiency associated with the lack of manufacturer specifications is further detailed in the Record Keeping section.

Note 5: The engine observed on-site arrived 12/15/2019. The previous engine replacement information could be ascertained by the supplied rental agreement and was determined to qualify for a Prior Notification Form.  
Note 6: The engine observed on-site arrived 12/06/2019. The previous engine replacement could not be determined.

Therefore, the Facility *is not compliant with Air Quality Regulation (AQR) - Section 12.5.2.12.a(2)*, which states:

“(a) A Part 70 source may make changes that are not addressed or prohibited by the permit without a permit revision, unless such changes are subject to any requirements under Title IV of the Act or are modifications under any provisions of Title I of the Act.

...

(2) Sources must provide at least seven (7) days’ written notice to the Control officer and EPA of each such change, except for changes that qualify as insignificant under Section 12.5.2.5. Such written notice shall describe each such change, including the date, any change in emissions, pollutants permitted, and any applicable requirements that would apply as a result of the change.”

*Note: The Facility has yet to submit any notification for the continuous-duty engines in Table 4.*

*Note: This deficiency is recommended for enforcement action.*

- The Facility replaced the Continuous-duty Diesel Engine Water Pump (EU: C07) with a rental engine rated higher and with a different emission standard (**See Attachment 1- Photographs 14 & 15**) as summarized in the table below:

**Table 5- Summary of Continuous-duty Engines Replaced without Authority**

EU	Location Utilized	Permitted Engine Size (hp)	On-site Engine Size	Permitted Engine Manufacture Year	Replacement Engine Manufacture Year	Replacement Date(s)
C07	Water Pump	80	99 <sup>-1</sup>	1998	2006 <sup>+1</sup>	Between 3/21/2019 & 4/03/2019

Note 1: The engine rating and manufactured year could not be located on the engine, however based on the model number an engine specification sheet was obtained (**See Attachment 19**). Based on the specification sheet, an engine power rating and emission standard was determined.

*Note: The Facility has yet to submit an application to include the continuous-duty engine in Table 5.*

Therefore, the Facility *is not compliant with permit condition II.B.1 of the Permits*, which states:

“No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) Permit from the Control Officer [AQR 12.4.1.1(a)]”

*Note: This deficiency is recommended for enforcement action.*

- The Facility is operating the Gypsum Paved Haul Road; on-site (EU: B02) and Gypsum Paved Haul Road; Overburden (EU: B03) (See Attachment 20) as unpaved haul roads (See Attachment 1- Photographs 16 through 18) throughout the entire FCE period (See Attachment 21- Map 1; See Attachment 22- Map 2); therefore, the Facility *is not compliant with permit condition II.B.1 of the Permits*, which states:

“No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) Permit from the Control Officer [AQR 12.4.1.1(a)]”

*Note: This deficiency is recommended for enforcement action.*

**Emission Limitations and Standards**

**Emission Limitations**

- Due to the Facility operating the Gypsum Paved Haul Road; on-site (EU: B02) and Gypsum Paved Haul Road; Overburden (EU: B03) as unpaved haul roads, the Facility exceeded the Potential to Emit (PTE) and Actual emission limits during the entire FCE period as summarized in the tables below:

**Table 6- PTE Calculations for Haul Roads (EUs: B02 & B03) [Tons per Year (TPY) of PM10]**

Permit	Vehicle Miles Traveled (VMT)	Emission Factor (lbs/mile)	Description	Control Factor	PTE <sup>-1</sup> (TPY)
Gypsum Paved Haul Road; on-site (EU: B02)					
2017 Permit	42,750	7.57	Paved	0.02	3.24
			<b>Unpaved</b>	<b>0.10</b>	<b>16.18</b>
2019 Permit	32,000	7.57	Paved	0.02	2.32
			<b>Unpaved</b>	<b>0.10</b>	<b>12.11</b>
Gypsum Paved Haul Road; Overburden (EU: B03)					
2017 Permit	340,000	7.57	Paved	0.02	25.74
			<b>Unpaved</b>	<b>0.10</b>	<b>128.69</b>
2019 Permit	68,000	7.57	Paved	0.02	5.15
			<b>Unpaved</b>	<b>0.10</b>	<b>25.74</b>

Note 1: PTE= VMT x Emission Factor ÷ 2,000 x Control Factor.

**Table 7- Actual Calculations for Haul Roads (EUs: B02 & B03) [Tons per Year (TPY) of PM10]**

Year	Emission Factor (lbs/mile)	Description	Control Factor	Vehicle Miles Traveled <sup>1</sup> (VMT)	Actuals <sup>2</sup> (TPY)
Gypsum Paved Haul Road; on-site (EU: B02)					
2018	7.57	Unpaved	0.10	28,255	<b>10.69</b>
2019				20,406	<b>7.72</b>
Gypsum Paved Haul Road; Overburden (EU: B03)					
2018	7.57	Unpaved	0.10	108,220	<b>40.96</b>
2019				64,686	<b>24.48</b>

Note 1: VMTs derived from 2018 EIR, and semi-annual reports (See Attachment 7; See Attachments 11 & 12).

Note 2: Actuals= VMT x Emission Factor ÷ 2,000 x Control Factor.

Therefore, the Facility *is not compliant with permit condition III.C.1.a & Permit Table III-B-1 of the 2019 Permit*, which state respectively:

2019 Permit condition III.C.1.a:

“The permittee shall not allow actual emissions from the individual emission units to exceed the calculated PTE listed in Table III-B-1 on a consecutive 12-month total. [Title V OP, 11/13/2017; Application for Revision, 8/17/2018]”

2019 Permit Table-III-B-1 [Extracted lines]:

**Table III-B-1: Emission Unit PTE (tons per year)**

EU	Condition	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	H <sub>2</sub> S	Pb
B02	32,000 VMT	2.32	0	0	0	0	0	0	0
B03	68,000 VMT	5.15	0	0	0	0	0	0	0

*Note: This deficiency is recommended for enforcement action.*

- During the onsite inspection, Staff did not observe any visible emissions exceedances of the 2019 Permit allowable limits; therefore, the Facility demonstrated compliance with permit conditions III.B.1(a, b, & g) of the 2017 Permit and III.C.1(b, c, & g) of the 2019 Permit.
- The Facility did not exceed emission limits for the baghouses (CD: 01 & CD: 02) during performance testing; therefore the Facility demonstrated compliance with permit conditions III.B.1(c, e, & f) of the 2017 Permit and III.C.1.(d-f) of the 2019 Permit.

**Operational Limits**

- The Facility did not operate on Sundays, and did not exceed operational limits for hours of operation, throughput of gypsum product, blasting area, number of blasts, overburden operations, drilling operations, holes drilled, stockpile area, VMTs, and truck loading;



therefore, the Facility demonstrated compliance with permit conditions III.B.2(a-d, f-k, & n) of the 2017 Permit and III.C.2(a-e, g-m, & p) of the 2019 Permit.

- The Facility exceeded the limit of 75 tons of ANFO per any consecutive 12-month period for sixteen (16) consecutive months from July of 2018 through October of 2019 as summarized in the table below:

**Table 8- Summary of ANFO Usage**

Year	Month	Monthly Usage <sup>1</sup>	12-month Consecutive Total (75 ton limit)	
2017	August	35	Not Evaluated	
	September	6		
	October	21		
	November	0		
	December	48		
2018	January	33		
	February	41		
	March	55		
	April	13		
	May	40		
	June	30		
	July	5		327
	August	14		306
	September	21		321
	October	18		318
	November	15		333
	December	20	305	
2019	January	0	272	
	February	38	269	
	March	155	369	
	April	182	538	
	May	19	517	
	June	0	487	
	July	0	482	
	August	25	493	
	September	21	493	
	October	49	524	

Note 1: Monthly usage derived from semi-annual reports (See Attachments 8 through 12).

Therefore, the Facility *was not compliant with permit condition III.B.2.e of the 2017 Permit*, which states:

“The Permittee shall limit the consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-month period (EU: A001). [MSP September 29, 2014, Section IV A, Condition 3(b)]”

*Note: This deficiency is recommended for enforcement action.*

The Facility did not exceed the 600 ton limit of ANFO in any consecutive 12-month period; therefore, the Facility demonstrated compliance with permit condition III.C.2.f of the 2019 Permit.

- The Facility exceeded the limit of 4,200 hours of use for the Continuous-duty Generator (EU: C06) per any consecutive 12-month period for sixteen (16) consecutive months from July of 2018 through October of 2019 (See Attachments 8 through 12), as summarized in the table below:

**Table 9- Summary of Continuous-duty Generators (EU: C06) Hours**

Year	Month	Monthly Hours <sup>-1</sup>	12-month Consecutive Total (4,200 limit)	
2017	August	559	Not Evaluated	
	September	507		
	October	134		
	November	501		
	December	112		
2018	January	524		
	February	407		
	March	504		
	April	540		
	May	493		
	June	596		
	July	428		5305
	August	463		5209
	September	505		5207
	October	722		5795
	November	634		5928
	December	445	6261	
2019	January	380	6117	
	February	383	6093	
	March	683	6272	
	April	493	6225	
	May	269	6001	
	June	244	5649	
	July	27	5248	
	August	558	5343	
	September	511	5349	
	October	531	5158	

Note 1: Monthly hours derived from semi-annual reports (See Attachments 8 through 12).

Therefore, the Facility *was not compliant with permit condition III.B.2.1 of the 2017 Permit*, which states:

“The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C03 and C05) to 4,800 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(l)]”

*Note: This deficiency is recommended for enforcement action.*

7. The Facility did not exceed the hours of use for the Continuous-duty Generator (EUs: C01) and Water Pump (EU: C07) in any consecutive 12-month period; therefore, the Facility demonstrated compliance with the applicable portion of permit condition III.B.2.1 of the 2017 Permit and permit condition III.C.2.n of the 2019 Permit.
8. The Facility exceeded the limit of 4,800 hours of use for the Continuous-duty Generator (EU: C03) per any consecutive 12-month period for sixteen (16) consecutive months from July of 2018 through October of 2019, and for the Continuous-duty Generator (EU: C05) per any consecutive 12-month period for eleven (11) consecutive months from July of 2018 through May of 2019, as summarized in the table below:

**Table 10- Summary of Continuous-duty Generators (EU: C03 & C05) Hours**

Year	Month	C03 (Office)		C05 (Loadout)				
		Monthly Hours <sup>-1</sup>	12-month Consecutive Total (4,800 limit)	Monthly Hours <sup>-1</sup>	12-month Consecutive Total (4,800 limit)			
2017	August	559	Not Evaluated	559	Not Evaluated			
	September	507						
	October	134						
	November	501						
	December	112						
2018	January	524		Not Evaluated		524	Not Evaluated	
	February	407						
	March	504						
	April	540						
	May	493						
	June	596						
	July	627				344		5221
	August	600				412		5074
	September	586				329		4896
	October	354				636		5398
	November	307				633		5530
	December	274	458	5876				
2019	January	597	5885	328	5680			
	February	599	6077	313	5586			
	March	658	6231	426	5508			
	April	547	6238	228	5196			
	May	418	6163	210	4913			
	June	308	5875	231	4548			
	July	697	5945	284	4488			
	August	639	5984	261	4337			
	September	216	5614	110	4118			
	October	707	5967	273	3755			

Note 1: Monthly hours derived from semi-annual reports (See Attachments 8 through 12).

Therefore, the Facility *was not compliant with permit condition III.B.2.m of the 2017 Permit*, which states:

“The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C03 and C05) to 4,800 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(l)]”

*Note: This deficiency is recommended for enforcement action.*

9. The Facility did not exceed the hours of use for the Continuous-duty Generator (EUs: C01) and Water Pump (EU: C07) in any consecutive 12-month period; therefore, the Facility demonstrated compliance with the applicable portion of permit condition III.B.2.1 of the 2017 Permit and permit condition III.C.2.n of the 2019 Permit.
10. The Facility did not exceed the 6,500 hours of use for the Continuous-duty Generators (EUs: C05 & C06) in any consecutive 12-month period after October of 2019; therefore, the Facility demonstrated compliance with permit condition III.C.2.o of the 2019 Permit.

### Emission Controls

11. During the onsite inspection, Staff observed water suppression systems in place; therefore, the Facility demonstrated compliance with permit conditions III.B.3.1 & III.B.3.5 of the 2017 Permit and III.C.3.a & III.C.3.d of the 2019 Permit.

*Note: Permit condition III.C.3.a of the 2019 erroneously contains the condition referring to moisture control. This permit citation will be additionally utilized in the next paragraph. This discrepancy was included in a Pending Folder file for the Permitting Supervisor.*

12. The Facility failed to maintain a minimum moisture of 1.5% as shown determined from weekly moisture testing at six (6) locations consisting of forty (40) samples, and a minimum moisture of 2.5% as shown determined from weekly moisture testing at one (1) locations consisting of two (2) samples (**See Attachments 10 through 12; See Attachments 23 through 25**), as summarized in the table below:

**Table 11- Summary of Weekly Moisture Tests below limit**

Sample Location	Minimum Moisture Control Level	Sample Dates Tested Below Control Level	Total Samples Tested Below Control Level
2" Conveyor	1.5%	8/16/2018, 9/07/2018, 12/21/2018, 12/27/2018, 1/17/2019, 6/17/2019, 12/16/2019, 1/13/2020, 1/24/2020, 1/31/2020, 2/07/2020, & 2/14/2020	12

**Table 11- Continued.**

Sample Location	Minimum Moisture Control Level	Sample Dates Tested Below Control Level	Total Samples Tested Below Control Level
1/8" Conveyor	1.5%	9/14/2018, 7/03/2019, & 2/14/2020	3
Reject Stockpile	1.5%	N/A	0
2" Stockpile	1.5%	7/09/2018, 12/13/2018, 5/28/2019, 6/10/2019, 6/17/2019, 7/08/2019, 10/01/2019, 10/28/2019, 11/15/2019, 11/18/2019, 1/13/2020, & 2/07/2020	12
1/8" Stockpile	1.5%	9/14/2018, 12/03/2018, 5/31/2019, 6/10/2019, 6/21/2018, 7/15/2019, 1/24/2020 & 2/14/2020	8
Overburden	2.5%	8/09/2018 & 8/23/2018	2
Truck Loading	1.5%	9/07/2018, 1/10/2019, 1/24/2019, 5/28/2019, & 6/17/2019	5

Therefore, the Facility *was not compliant with permit conditions III.B.3.2 & III.B.3.3 of the 2017 Permit and III.C.3.a & III.C.3.b of the 2019 Permit*, which state respectively:

III.B.3.2 of the 2017 Permit & III.C.3.a of the 2019 Permit:

“The permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25” in diameter, which will maintain an 81.5% control on PM emissions. [ATC February 17, 2017, Section IV B, Condition 2]”

*Note: The non-applicable section of permit condition III.C.3.a of the 2019 Permit was omitted from the above citation (See note after report paragraph 11).*

III.B.3.3 of the 2017 Permit & III.C.3.b of the 2019 Permit:

“The permittee shall maintain the moisture for the overburden operations by applying moisture at a minimum of 2.5% in materials less than 0.25” in diameter, which will maintain a 90% control on PM emissions. [ATC February 17, 2017, Section IV B, Condition 3]”

*Note: This deficiency is recommended for enforcement action.*

13. Drilling operations were in-active during the on-site inspection; therefore, permit condition III.B.3.4 of the 2017 Permit and III.C.3.c of the 2019 Permit was not evaluated.
14. During the on-site inspection, the baghouse control devices (CDs: D01 & D02) were observed in operation during processing operations, with effective seals, and operating

within permitted pressure ranges; therefore, the Facility demonstrated compliance with permit conditions III.B.3(6-11) of the 2017 Permit and III.C.3(e-j) of the 2019 Permit.

15. The Facility was operating each of the Continuous-duty diesel engines (EUs: C01, C05, C06, C07, & C08) with a turbo charger and aftercooler; therefore, the Facility demonstrated compliance with permit condition III.B.3.12 of the 2017 Permit and III.C.3.k of the 2019 Permit.
16. The Facility failed to provide records of maintenance for the continuous-duty diesel water pump (EU: C07) prior to the rental engine replacement, from July 1, 2018 through March 21, 2019, which indicates the required maintenance was not conducted; therefore, the Facility *was not compliant with permit conditions III.B.3.14(a-c) of the 2017 Permit*, which states:

“The Permittee shall maintain the continuous-duty diesel water pump (EU: C07) as follows, unless the manufacturer’s specifications are more stringent: [ATC February 17, 2017, Section IV B, Condition 13 and 40 CFR Part 63, Subpart ZZZZ].

- a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;
- b. Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.”

*Note: This deficiency is recommended for enforcement action.*

The Facility, between March 21, 2019 and April 3, 2019, replaced the Continuous-duty diesel water pump (EU: C07) with a rental engine that meets Tier 3 EPA emission standards; therefore, permit conditions III.C.3.m(i-iv) are not applicable.

17. During the on-site inspection, Staff observed no tracked out material or debris, fugitive dust from open areas, stockpiles, unpaved parking areas, and on-site haul roads; therefore, the Facility demonstrated compliance with permit conditions III.B.3(16-20, & 25-27) of the 2017 Permit and III.C.3(o-s, & z-bb) of the 2019 Permit.
18. The Facility conducted blasting operations on 4/02/2019 and 4/15/2019 (**See Attachment 26**), with the 4/02/2019 event occurring during a Dust Advisory (**See Attachment 27**), and the 4/15/2019 event occurring during a Construction Notice (**See Attachment 28**); therefore, the Facility *was not compliant with permit condition III.B.3.21 of the 2017 Permit*, which states:

“The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a

Construction Advisory or Dust Advisory. *[MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]*”

*Note: In case of the 4/02/2019 event, the notice was issued one day prior.*

*Note: An additional blast event took place during a Dust Advisory on 3/27/2019, however, this was addressed in NOV #9280 (See Attachment 15).*

*Note: This deficiency is recommended for enforcement action for only the 4/02/2019 blasting event. The Construction Notice on 4/15/2019 was issued the same day.*

19. On February 26, 2020, Staff observed fugitive dust emissions from the Unpaved Haul Road; BLM road (EU: B01) (See Attachment 2- Videos 1 & 2) which demonstrated the Facility did not adequately water the unpaved BLM haul road to control fugitive dust emissions; therefore, the Facility **was not compliant with permit conditions III.C.3.u & III.C.3.dd of the 2019**, which state respectively:

III.B.3.u:

“The permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. *[MSP September 10, 013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]*”

III.B.3.dd:

“The permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. *[MSP September 10, 2013, Section IV B, Condition 1 & STL contained in HOO dated September 27, 2013]*”

*Note: This deficiency is recommended for enforcement action.*

20. On February 26, 2020, Staff documented two (2) haul trucks exceeding the speed limit of 15 miles per hour (mph) on the Unpaved Haul Road; BLM road (EU: B01) (See Attachment 2- Videos 3 & 4); therefore, the Facility **was not compliant with permit condition III.C.3.w of the 2019 Permit**, which states:

“The permittee shall post and enforce a speed limit of 15 mph on the unpaved access haul road from the paved highway to the mine site. *[MSP September 10, 2013, Section IV B, Condition 9 & STL contained in HOO dated September 27, 2013]*”

*Note: This deficiency is recommended for enforcement action.*

21. During the on-site inspection, Staff observed no discharge air contaminants in quantities causing a nuisance, nor any fugitive dust plumes extending over 100 yards from the point

of origin; therefore, the Facility demonstrated compliance with permit conditions III.C.3 (cc & ff) of the 2019 Permit.

22. Drilling and blasting operations were inactive during the on-site inspection; therefore, compliance with permit conditions III.C.3(gg & hh) of the 2019 Permit was not verified, however, the Facility reported in the Semi-annual Report- 2019 1<sup>st</sup> half (**See Attachment 11**) an incident on 4/23/2019 in which a water truck was not utilized during drilling and blasting causing fugitive dust emissions; therefore, the Facility **was not in compliance with permit conditions III.B.3.29 and III.B.3.31 of the 2017 Permit**, which state respectively:

III.B.3.29:

“The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [MSP September 10, 2013, Section IV B, Condition 1 and STL contained in HOO dated September 27, 2013]”

III.B.3.31:

“The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]”

*Note: This deficiency was addressed with a Warning Email. The event and associated emissions were not quantified by the Facility, nor verified by Staff.*

**Monitoring**

1. The Facility failed to conduct a Method 22 Evaluation twice per day on all emissions units during eight (8) occurrences during the FCE period (**See Attachment 26**) as summarized in the table below:

**Table 12- Summary of Missing Method 22 Evaluations**

EU	EU Description	Missing Day(s)
Field Group		
A1	Blasting	5/25/2019, 6/08/2019, 6/22/2019, 12/24/2019 <sup>-2</sup> , 12/27/2019 <sup>-2</sup>
A2	Overburden Removal	
A3	Drilling	
A32	Stockpiles	
B01	Haul Roads	
B02		
B03		
C01	Diesel Engines	
C03/ C08 <sup>-1</sup>		
C05		
C06		
C07		



**Table 12- Continued.**

EU	EU Description	Missing Day(s)
Process Group		
A00	Main Plant	11/25/2019
A01		
A02		
A03		
A39		
A04		
A06		
A09		
A33		
A05		
A07		
A10		
A11		
A08		
A12		
A48		
A34		
A35		
A40		
A36		
A38		

Note 1: EU: C03 is now C08.

Note 2: Indicates date where both Method 22 evaluations were not conducted.

Additionally, the Unpaved Haul Road; Material Hauling (EU: B04) was added in the 2019 Permit issuance and has yet to be evaluated from 11/14/2019 through 2/26/2020 (See **Attachment 27**). The Facility operated a total of seventy-seven (77) during the time-frame identified. Therefore, the Facility *was not compliant with permit condition III.C.1 of the 2017 Permit and III.D.1 of the 2019 Permit*, which states:

“The permittee shall conduct two daily visual emissions checks for visible emissions using EPA Test Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 & ATC February 17, 2017, Section V A, Condition 1]”

*Note: This deficiency is recommended for enforcement action.*

2. The Facility provided records of opacity reader certifications for EPA Method 9 on-site; therefore, the Facility demonstrated compliance with permit condition III.C.5 of the 2017 Permit and III.D.5 of the 2019 Permit.
3. The Facility provided a record indicating monitoring of water spray inspections, hours of operation, daily mineral processing, blasting area, number of blasts, ANFO usage, holes drilled, production of overburden, stockpile fly overs, VMT calculations, truck loading,

and water truck usage & maintenance; therefore, the Facility demonstrated compliance with permit conditions III.C(6-19) of the 2017 Permit and III.D(6-21) of the 2019 Permit.

4. The Facility provided a record indicating monitoring of daily baghouse pressure drop readings and visual emissions checks; therefore, the Facility demonstrated compliance with permit conditions III.C(21 & 24) of the 2017 Permit and III.D(23 & 26) of the 2019.
5. The Facility failed to provide a record of monthly inspections of the interior of the baghouses (CDs: D01 & D02) for eight (8) months consisting of: five (5) consecutive months between February and June of 2019, August of 2019, December of 2019, and January of 2020. Additionally, six (6) monthly interior baghouse records provided do not differentiate between CD: 01 and CD: 02, rendering the data contained within the documents invalid (**See Attachment 1- Photograph 19; See Attachment 31**); therefore, the Facility *was not compliant with permit conditions III.C.22 of the 2017 Permit and III.D.24 of the 2019 Permit*, which states:

“The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]”

*Note: This deficiency is recommended for enforcement action.*

6. The Facility failed to provide a Standard Operating Procedure (SOP) for the purpose of maintenance for the baghouses (CDs: D01 & D02); therefore, the Facility *is not compliant with permit condition III.C.23 of the 2017 Permit and III.D.25 of the 2019 Permit*, which states:

“The Permittee shall have an SOP manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer’s instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]”

*Note: This deficiency is recommended for enforcement action.*

7. The Facility failed to provide a record of weekly moisture sampling of material less than 0.25 inches in diameter for a total of four hundred five (405) samples of the five hundred ninety-seven (597) required weekly tests (**See Attachments 10 through 12; See Attachments 23 through 25**) as summarized in the tables below:

**Table 13- Summary of Weekly Moisture Sampling Conducted**

Year	Month	Week #	Sample Date(s)	Sample Location (See Table 14)							Comments	
				[1= sample taken & tested, 0= no sample taken]								
				1	2	3	4	5	6	7		
2018	July	27	N/A	0	0	0	0	0	0	0		
		28	7/09/2018 & 7/12/2018	1	1	1	1	1	1	1		
		29	7/19/2018	1	1	1	1	1	1	1		
		30	7/26/2018	0	0	0	1	1	0	1		
	Aug	31	8/02/2018	0	0	1	1	1	0	1		
		32	8/09/2018	0	0	1	1	1	1	1		
		33	8/16/2018	1	1	1	1	1	0	1		
		34	8/23/2018	1	1	1	1	1	1	1		
		35	8/31/2018	0	0	1	1	1	0	1		
	Sept	36	9/07/2018	1	1	1	1	1	0	1		
		37	9/14/2018	1	1	1	1	1	0	1		
		38	9/20/2018	1	1	1	1	1	1	1		
		39	9/28/2018	1	1	1	1	1	0	1		
	Oct	40	10/04/2018	1	1	1	1	1	0	1		
		41	N/A	0	0	0	0	0	0	0		
		42	N/A	0	0	0	0	0	0	0		
		43	N/A	0	0	0	0	0	0	0		
		44	N/A	0	0	0	0	0	0	0		
	Nov	45	N/A	0	0	0	0	0	0	0		
		46	11/16/2018	1	1	0	1	1	0	0		
		47	N/A	0	0	0	0	0	0	0		
		48	N/A	0	0	0	0	0	0	0		
	Dec	49	12/03/2018	1	1	1	1	1	1	0		
		50	12/10/2018 & 12/13/2018	1	1	1	1	1	0	0		
		51	12/21/2018	1	1	1	1	1	0	0		
		52	12/27/2018	1	1	1	1	1	1	0		
	2019	Jan	1	N/A	0	0	0	0	0	0	0	
			2	1/10/2019*	1	1	1	1	1	0	1	
3			1/17/2019*	1	1	0	1	1	0	1		
4			1/24/2019*	0	0	0	1	1	0	1		
5			N/A	0	0	0	0	0	0	0		
Feb		6	N/A	0	0	0	0	0	0	0		
		7	N/A	0	0	0	0	0	0	0		
		8	N/A	0	0	0	0	0	0	0		
		9	N/A	0	0	0	0	0	0	0		
Mar		10	N/A	0	0	0	0	0	0	0		
		11	N/A	0	0	0	0	0	0	0		
		12	N/A	0	0	0	0	0	0	0		

**Table 13- Continued.**

Year	Month	Week #	Sample Date(s)	Sample Location (See Table 14)							Comments
				[1= sample taken & tested, 0= no sample taken]							
				1	2	3	4	5	6	7	
2019	Mar	13	N/A	0	0	0	0	0	0	0	
	April	14	N/A	0	0	0	0	0	0	0	
		15	N/A	0	0	0	0	0	0	0	
		16	N/A	0	0	0	0	0	0	0	
		17	N/A	0	0	0	0	0	0	0	
	May	18	N/A	0	0	0	0	0	0	0	
		19	N/A	0	0	0	0	0	0	0	
		20	N/A	0	0	0	0	0	0	0	
		21	N/A	0	0	0	0	0	0	0	
		22	5/28/2019 & 5/31/2019	0	0	1	1	1	0	1	
	June	23	N/A	0	0	0	0	0	0	0	
		24	6/10/2019*	1	0	1	1	1	0	1	
		25	6/17/2019* & 6/21/2019*	1	1	1	1	1	0	1	
		26	N/A	0	0	0	0	0	0	0	
	July	27	7/03/2019	1	1	0	1	1	0	0	
		28	7/08/2019	1	1	0	1	1	0	0	
		29	7/15/2019	0	0	1	1	1	0	0	
		30	N/A	0	0	0	0	0	0	0	
	Aug	31	N/A	0	0	0	0	0	0	0	
		32	N/A	0	0	0	0	0	0	0	
		33	N/A	0	0	0	0	0	0	0	
		34	N/A	0	0	0	0	0	0	0	
		35	N/A	0	0	0	0	0	0	0	
	Sept	36	N/A	0	0	0	0	0	0	0	
		37	N/A	0	0	0	0	0	0	0	
		38	N/A	0	0	0	0	0	0	0	
	Oct	39	9/26/2019	0	0	1	0	0	0	0	Samples taken not identified in 2017 Permit
		40	10/01/2019	1	1	1	1	1	0	0	
		41	N/A	0	0	0	0	0	0	0	
		42	N/A	0	0	0	0	0	0	0	
		43	N/A	0	0	0	0	0	0	0	
		44	10/28/2019	0	0	1	1	1	0	1	
		45	N/A	0	0	0	0	0	0	0	
	Nov	46	11/15/2019*	1	0	1	1	1	0	1	
		47	11/18/2019	1	0	1	1	1	0	1	

**Table 13- Continued.**

Year	Month	Week #	Sample Date(s)	Sample Location (See Table 14)							Comments
				[1= sample taken & tested, 0= no sample taken]							
				1	2	3	4	5	6	7	
2019	Nov	48	11/25/2019 & 11/27/2019	0	0	0	1	1	0	1	
	Dec	49	N/A	0	0	0	0	0	0	0	
		50	12/09/2019	1	1	1	1	1	0	1	
		51	12/16/2019*	1	0	1	1	1	0	0	
		52	N/A	0	0	0	0	0	0	0	
2020	Jan	1	12/30/2019	0	0	0	1	1	0	0	Sample taken not identified in 2019 Permit
		2	N/A	0	0	0	0	0	0	0	
		3	1/13/2020	1	1	1	1	1	0	0	
		4	1/20/2020	0	0	0	1	1	0	1	
		5	1/24/2020 & 1/31/2020	1	1	1	1	1	0	0	
	Feb	6	2/07/2020	1	1	1	1	1	0	0	
		7	2/14/2020	1	1	0	1	1	0	0	
		8	N/A	0	0	0	0	0	0	0	
Total Missing				<b>57</b>	<b>61</b>	<b>55</b>	<b>46</b>	<b>46</b>	<b>79</b>	<b>61</b>	<b>405</b>

\*: Indicates a sample report that was not included in the corresponding semi-annual report.

Therefore, the Facility *was not in compliance with permit conditions III.C.25.b(1-7) of the 2017 Permit and III.D.27.b(i-vii) of the 2019 Permit*, which state respectively:

III.C.25.b(1-7):

“The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]:

...

b. Samples for moisture testing shall be retrieved from the following locations:

1. 3rd belt conveyor after the West Screen for 2” product
2. 3rd belt conveyor after the West Screen for 1/8” product
3. Reject stockpile
4. 2” stockpile
5. 1/8” stockpile
6. Direct loading from the overburden removal
7. Truck loading conveyor (EU: E02 or E04).”

III.D.27.b (i-vii):

“The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]:

...

- b. Samples for moisture testing shall be retrieved from the following locations:
  - i. 3rd belt conveyor after the West Screen for 2” product
  - ii. 3rd belt conveyor after the West Screen for 1/8” product
  - iii. Reject stockpile
  - iv. 2” stockpile
  - v. 1/8” stockpile
  - vi. Direct loading from the overburden removal
  - vii. Truck loading conveyor (EU: E02 or E04).”

*Note: This deficiency is recommended for enforcement action.*

- 9. The Facility failed to submit five test reports consisting of twenty-three (23) samples in the 2019 1<sup>st</sup> Semi-annual Report and two test reports consisting of nine (9) samples in the 2019 2<sup>nd</sup> Semi-annual Report (See **Attachments 11 & 12; Attachments 23 & 24**); therefore, the Facility *was not compliant with permit condition III.C.29 of the 2017 Permit and III.D.31 of the 2019 Permit*, which states:

“The Permittee shall submit the weekly and monthly moisture results along with the semi-annual summary reporting to the Control Officer as specified in Section III-F. [ATC February 17, 2017, Section V A, Condition 25]”

*Note: This deficiency is recommended for enforcement action.*

**Testing**

During the in-house record review, Liddell determined that the Facility conducted all applicable initial Method 9 testing and performed the following testing:

**Table 14- Summary of Testing**

EU/CD	Test Required	Initial	Requirement	Subsequent	
				2018	2019
D01	EPA Method 5 or 17	6/08/2017	5 Years	5/21/2018 <sup>-1</sup>	N/A
	EPA Method 9 (Opacity)	6/8/2017	Annual	5/21/2018	7/12/2019

**Table 14- Continued.**

EU/CD	Test Required	Initial	Requirement	Subsequent	
				2018	2019
D02	EPA Method 5 or 17	5/19/2017	5 Years	5/24/2018 <sup>-1</sup>	N/A
	EPA Method 9 (Opacity)	5/19/2017	Annual	5/24/2018	7/12/2019
A02	EPA Method 9 (Opacity)	5/26/2017	Annual	5/24/2018	7/12/2019
A04					
A06					
A09					
A11					
A12					
Facility Wide					

Note 1: The Facility was ordered to retest both baghouses (CDs: D01 & D02) in a Section 4.4 letter (See **Attachment 29**) due to damage to baghouses caused by a wind storm.

Therefore, the Facility demonstrated compliance with permit condition conditions III.D(1-9) of the 2017 Permit and III.E(1-9) of the 2019 Permit.

**Recordkeeping**

1. The Facility made available all requested records that were not missing and/or not recorded, including sample records going back five years; therefore, the Facility demonstrated compliance with permit conditions III.E(1 & 2) of the 2017 Permit and III.F(1 & 2) of the 2019 Permit.
2. The Facility maintained records related to hours of operation, daily gypsum production (*except noted below*), overburden operations, drilling and blasting, water truck usage and maintenance, dust control measures, baghouse pressure drop readings, equipment inspections, and spray bar inspections; therefore, the Facility demonstrated compliance with permit conditions III.E.4(a, b, d-m, o, & p) of the 2017 Permit and III.F.4(b-m, o, & p) of the 2019 Permit.
3. Summarized in Table 12, the Facility failed to maintain a record of visual emissions checks; therefore, the Facility *was not compliant with permit condition III.E.4.a of the 2017 Permit and III.F.4.a of the 2019 Permit*, which state respectively:

III.E.4.a:

“The Permittee shall maintain records on site:

- a. dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;”

III.F.4.a:

“The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually.

a. Dates and times when visible emissions checks and observations were made, and the corrective steps taken to bring opacity into compliance;”

*Note: This deficiency is recommended for enforcement action.*

4. The Facility failed to maintain records for the daily gypsum materials processed for thirty-one (31) days of May of 2019; therefore, the Facility ***was not compliant with permit condition III.E.4.c of the 2017 Permit***, which states:

“The Permittee shall maintain records on site:

...

c. daily production of gypsum materials processed;”

*Note: This deficiency was addressed with a Warning Email. The Facility provided credible evidence the required monitoring was being conducted and the missing records were misplaced.*

5. The Facility failed to provide a Standard Operating Procedure for the Baghouse #1 (CD: D01) and Baghouse #2 (CD: D02); therefore, the Facility ***is not compliant with permit condition III.E.4.m of the 2017 Permit and III.F.4.m of the 2019 Permit***, which state respectively:

III.E.4.m:

“The Permittee shall maintain records on site:

...

m. equipment inspections, maintenance, and repairs;”

III.F.4.m:

“The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually.



...

m. Equipment inspections, maintenance, and repairs;”

*Note: This deficiency is recommended for enforcement action.*

6. The Facility failed to provide fourteen (14) complete records for the monthly inspection of the interior of the baghouses (CDs: D01 & D02) (*See Monitoring Review for further detail*); therefore, the Facility **was not compliant with permit condition III.E.4.n of the 2017 Permit and III.F.4.n of the 2019 Permit**, which state respectively:

III.E.4.n:

“The Permittee shall maintain records on site:

...

n. monthly control device inspections, maintenance, and repairs;”

III.F.4.n:

“The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually.

...

n. monthly control device inspections, maintenance, and repairs;”

*Note: This deficiency is recommended for enforcement action.*

7. The Facility failed to provide rental agreements containing engine manufacturer information regarding on-site engines for the Continuous-duty Diesel Engines (EU: C05, C07 & C08); therefore, the Facility **is not compliant with permit condition III.E.4.q of the 2017 Permit and III.F.4.q of the 2019 Permit**, which state respectively:

III.E.4.q:

“The Permittee shall maintain records on site:

...

q. manufacturer specification sheets for the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07); and”

III.F.4.q:

“The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually.

...

q. Manufacturer specification sheets for the continuous-duty diesel engines (EUs: C01, C05, C06, & C08) and continuous-duty diesel water pump (EU: C07); and”

*Note: This deficiency was addressed with a Warning Email.*

8. Performance testing records were not requested as they had been submitted prior to the FCE period; therefore, permit condition III.E.4.r of the 2017 Permit and III.F.4.r of the 2019 Permit was not evaluated.
9. The Facility maintained records related to hourly operations logs, gypsum material processed, blasting, ANFO usage, overburden processed, drilling, VMTs, hours of operations on diesel engines (*excepted noted below*), and annual emission calculations; therefore, the Facility demonstrated compliance with permit conditions III.E.5(a-i, k, & o) of the 2017 Permit and III.F.5(a-m, & q) of the 2019 Permit.
10. Summarized in Table 13, the Facility failed to maintain a record of weekly moisture testing for four hundred five (405) individual samples/tests. Additionally, the Facility failed to submit weekly moisture test reports with the semi-annual reports. Five test reports consisting of twenty-three (23) samples were not submitted in the 2019 1<sup>st</sup> Semi-annual Report and two test reports consisting of nine (9) samples were not submitted in the 2019 2<sup>nd</sup> Semi-annual Report (**See Attachments 11 & 12; Attachments 23 & 24**); therefore the Facility *was not in compliance with permit condition III.E.5.l of the 2017 Permit and III.F.5.n of the 2019 Permit*, which state respectively:

III.E.5.1:

“The Permittee shall maintain the following records onsite for reporting:

...

l. weekly and monthly moisture sampling results; (reported as required in Section III-F)”

III.F.5.n:

“The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer’s authorized representative upon request and without prior notice during the permittee’s hours of operation. This section is for records that do not need to be reported semiannually.

...

n. weekly and monthly moisture sampling results; (reported as required in Section III-D of this OP)”

*Note: This deficiency is recommended for enforcement action.*

**Reporting**

1. The Facility submitted all reports on time, with a certification statement, and a signature from the Responsible Official; therefore, the Facility demonstrated compliance with permit conditions III.F(1, 2, 3, & 6) of the 2017 Permit and III.G(1, 2 & 5) of the 2019 Permit.
2. The Facility failed to submit weekly moisture test reports with the semi-annual reports. Five test reports consisting of twenty-three (23) samples were not submitted in the 2019 1<sup>st</sup> Semi-annual Report and two test reports consisting of nine (9) samples were not submitted in the 2019 2<sup>nd</sup> Semi-annual Report (**See Attachments 11 & 12; Attachments 23 & 24**); therefore, the Facility *was not compliant with permit condition III.F.5.a of the 2017 Permit and III.G.4.a of the 2019 Permit*, which state respectively:

III.F.5.a:

“The following requirements apply to semi-annual reports:

- a. The report shall include a semi-annual summary of each item listed in Section III- E-5(a through n).”

III.G.4.a:

“The following requirements apply to semiannual reports:

- a. The report shall include a semiannual summary of each item listed in Section III-E-a-p) of this OP.

*Note: This deficiency is recommended for enforcement action.*

## Attachments

1. Photographs 1 through 19
2. Videos 1 through 4
3. Invoice # 037456
4. Invoice # 041650
5. 2018 ACC Report
6. 2019 ACC Report
7. 2018 Annual EIR
8. Semi-annual Report- 2017 2<sup>nd</sup>
9. Semi-annual Report- 2018 1<sup>st</sup>
10. Semi-annual Report- 2018 2<sup>nd</sup>
11. Semi-annual Report- 2019 1<sup>st</sup>
12. Semi-annual Report- 2019 2<sup>nd</sup>
13. NOV #9110 [HOO, Invoices, NOV issuance, Penalty Calculation Table]
14. NOV #9134 [HOO, NOV issuance, Penalty Calculation Table]
15. NOV #9280 [HOO, Invoice, NOV issuance, Penalty Calculation Table]
16. NOV #9321 [HOO, Invoice, NOV issuance, Penalty Calculation Table]
17. NOV #9324 [HOO, Invoice, NOV issuance, Penalty Calculation Table]
18. NOV #9339 [HOO, Invoice, NOV issuance, Penalty Calculation Table]
19. Engine Specification Sheet (Water Pump)
20. Haul Road Map [Broadbent]
21. Map 1- Historical Aerial 5/13/2019
22. Map 2- Historical Aerial 5/13/2017
23. Letter from Responsible Official dated 10/04/2019 with attachments
24. Additional Weekly Moisture Testing [Not Included with Semi-annual Reports]
25. Weekly Moisture Testing [Conducted in 2020]
26. April 2019 Facility Operating Data
27. Dust Advisory for 4/02/2019, issued 4/01/2019
28. Construction Notice for 4/15/2019, issued 4/15/2019
29. Records Summary [Screenshots of shared drive]
30. Method 22 Evaluation- Field Group (Example Inspection Form)

31. Monthly Baghouse Inspections [Missing Baghouse IDs]
32. Section 4.4 Letter dated 4/23/2018
33. Deficiency Summary Email to Responsible Official

**Attachment 1**



**Photograph 1-** Reject Screen (EU: A39). Photograph by Camon Liddell.



**TEREX**®

**MODEL  
NUMBER**

TSV-8203-38

**PRODUCT  
IDENTIFICATION  
NUMBER**

TRXV8203VDUEE1817

**YEAR OF  
MANUFACTURE**

05-2014

TEREX USA LLC, CEDAR RAPIDS, IOWA U.S.A.

04493-035

0083

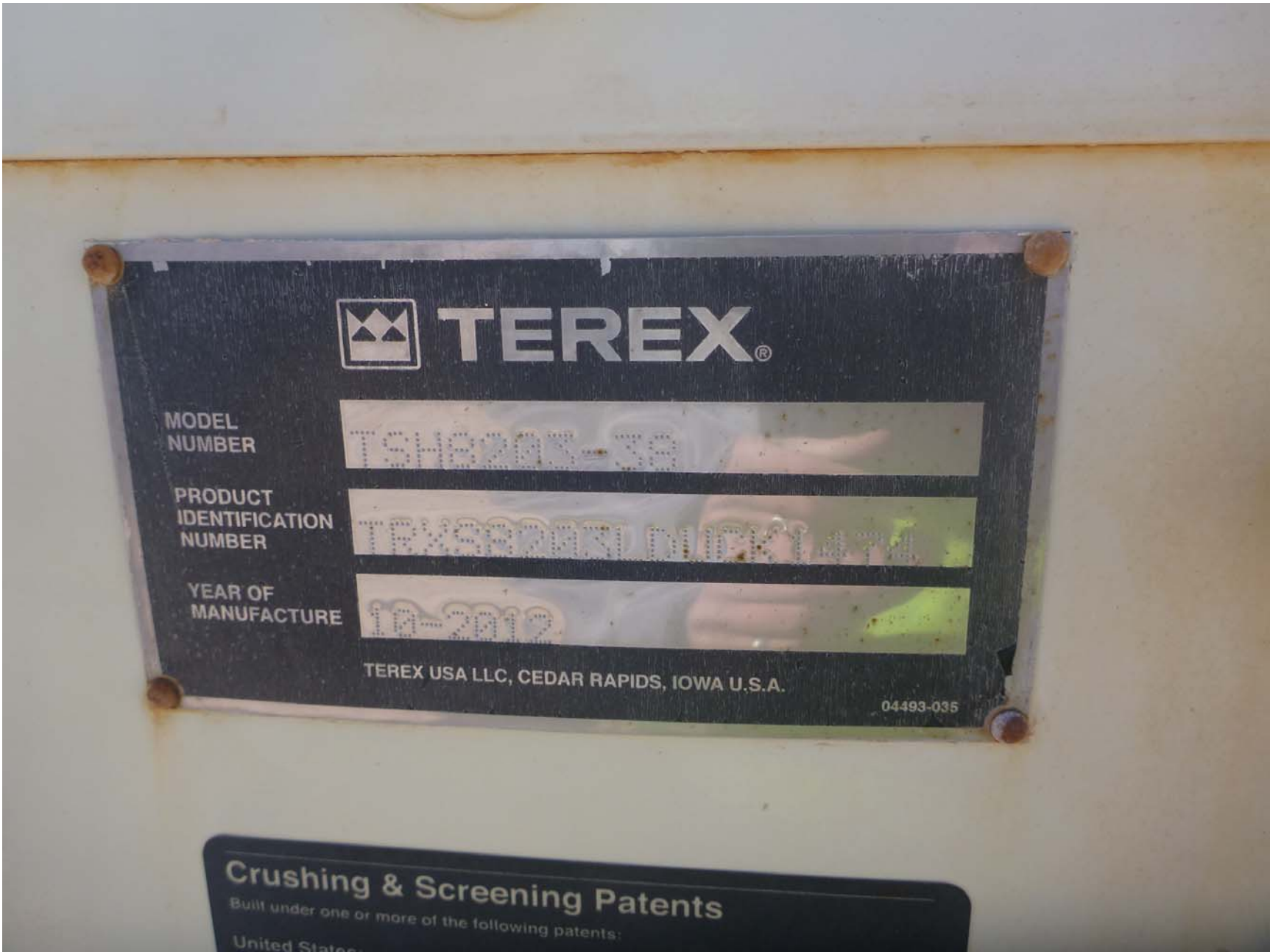
**Photograph 2-** Serial plate of Reject Screen (EU: A39) depicting Model # TSV-8203-38 and Serial # TRXV8203VDUEE1817. Photograph by Camon Liddell.

0083





**Photograph 3-** West Screen (EU: A08). Photograph by Camon Liddell.



**Photograph 4-** Serial plate of West Screen (EU: A08) depicting Model # TSV-8203-38 and Serial # TRXS8203LNUCK1474. Photograph by Canon Liddell.



**Photograph 5-** Serial plate of West Screen (EU: A08) depicting Serial # TRX1316AVOKCF0394. Photograph by Camon Liddell.



**Photograph 6-** Continuous Duty Diesel Engine (Generator) (EU: C06) [Maintenance]. Photograph by Camon Liddell.



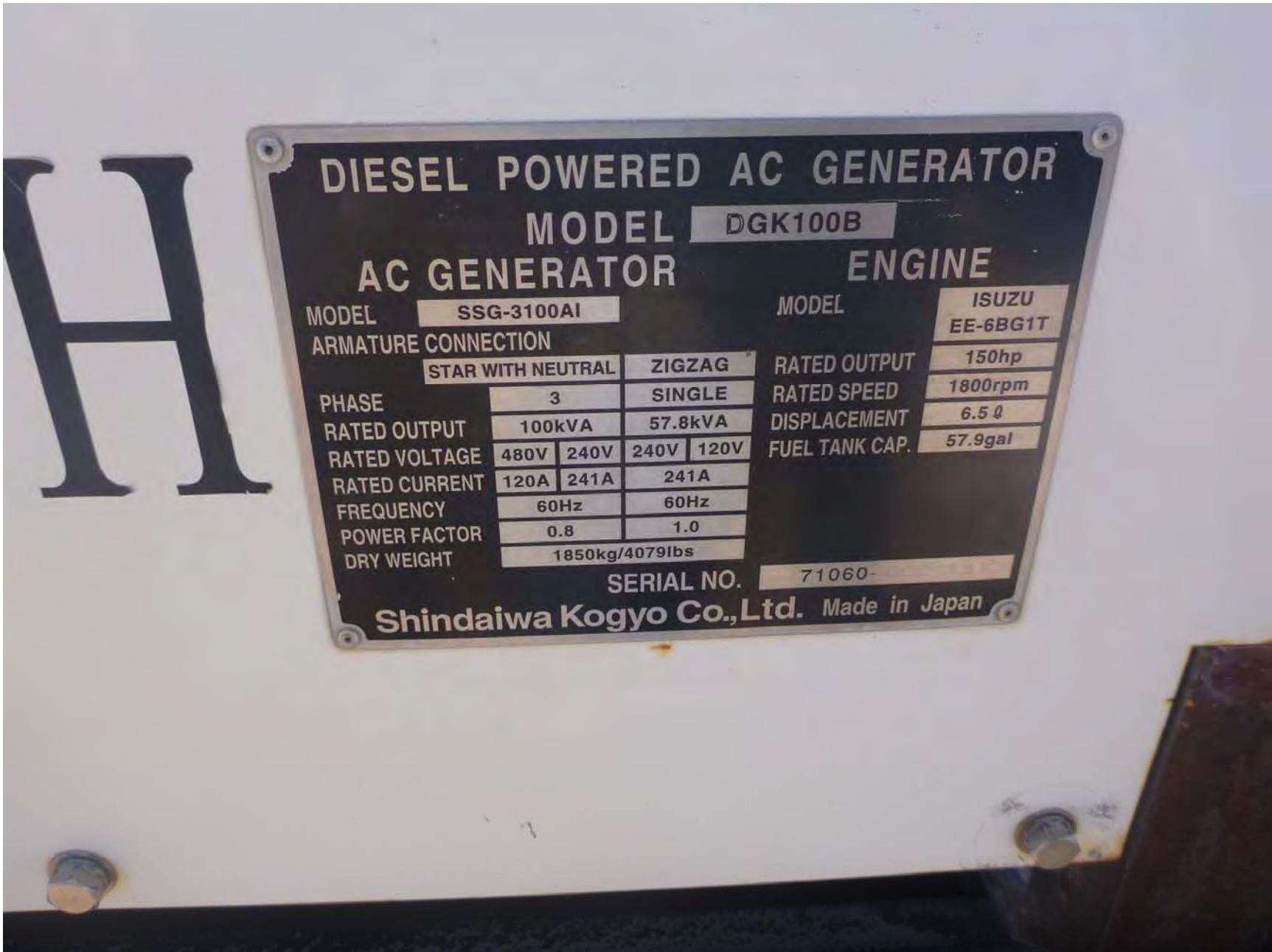
**Photograph 7-** Serial plate of Continuous Duty Diesel Engine (Generator) (EU: C06) depicting a 58 kW rating and Serial # 20016459. Photograph by Camon Liddell.



**Photograph 8-** Serial plate of Continuous Duty Diesel Engine (Generator) (EU: C01) [Crusher] depicting a 1,300 kW rating. Photograph by Canon Liddell.



**Photograph 9-** Continuous Duty Diesel Engine (Generator) (EU: C05) [Loadout]. Photograph by Camon Liddell.



**DIESEL POWERED AC GENERATOR**

**MODEL** **DGK100B**

**AC GENERATOR**

**ENGINE**

**MODEL** **SSG-3100AI**

**MODEL** **ISUZU  
EE-6BG1T**

**ARMATURE CONNECTION**

<b>STAR WITH NEUTRAL</b>	<b>ZIGZAG</b>
--------------------------	---------------

**RATED OUTPUT** **150hp**

<b>PHASE</b>	<b>3</b>	<b>SINGLE</b>
--------------	----------	---------------

**RATED SPEED** **1800rpm**

<b>RATED OUTPUT</b>	<b>100kVA</b>	<b>57.8kVA</b>
---------------------	---------------	----------------

**DISPLACEMENT** **6.5 l**

<b>RATED VOLTAGE</b>	<b>480V</b>	<b>240V</b>	<b>240V</b>	<b>120V</b>
----------------------	-------------	-------------	-------------	-------------

**FUEL TANK CAP.** **57.9gal**

<b>RATED CURRENT</b>	<b>120A</b>	<b>241A</b>	<b>241A</b>
----------------------	-------------	-------------	-------------

<b>FREQUENCY</b>	<b>60Hz</b>	<b>60Hz</b>
------------------	-------------	-------------

<b>POWER FACTOR</b>	<b>0.8</b>	<b>1.0</b>
---------------------	------------	------------

<b>DRY WEIGHT</b>	<b>1850kg/4079lbs</b>		
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**SERIAL NO.** **71060-**

**Shindaiwa Kogyo Co., Ltd. Made in Japan**

**Photograph 10-** Serial plate of Continuous Duty Diesel Engine (Generator) (EU: C05) depicting a 150 hp rating. Photograph by Camon Liddell.





**Photograph 11-** Continuous Duty Diesel Engine (Generator) (EU: C08) [Office]. Photograph by Camon Liddell.



**Photograph 12-** Serial plate of Continuous Duty Diesel Engine (Generator) (EU: C08) depicting the Model # MP65-80. Photograph by Canon Liddell.

**Never Exceed the Maximum Combined Simultaneous Power Consumption.**

The following chart shows the maximum power available from the 120V-20A GFCI receptacles during simultaneous consumption (main terminals and receptacles) for both single or three phase settings. Values shown in the left column give the maximum current available at the 120V-20A GFCI receptacles compared to the value of the simultaneous current consumption from the main terminals.

Single Phase 120V-20A GFCI Rcept.	MP25		MP45		MP65	
	Three Phase 240/480V	Single Phase 240/120V	Three Phase 240/480V	Single Phase 240/120V	Three Phase 240/480V	Single Phase 240/120V
kW	kVA	kW	kVA	kW	kVA	kW
0.0	25.0	14.4	45.0	26.0	63.0	36.5
1.2	20.8	13.2	40.9	24.8	59.0	35.3
2.4	16.7	12.0	36.7	23.6	54.9	34.1
3.6	12.5	10.8	32.6	22.4	50.7	32.9
4.8	8.4	9.6	28.4	21.2	46.6	31.7

39176 14210

**! DANGER**

**DO NOT OPEN PANEL WHILE  
UNIT IS RUNNING**

**Photograph 13-** Informational plate of Continuous Duty Diesel Engine (Generator) (EU: C08) depicting the a 36.5 kW rating for Model # MP65. Photograph by Camon Liddell.



**Photograph 14-** Continuous Duty Diesel Engine (Water Pump) (EU: C07). Photograph by Camon Liddell.



**Photograph 15-** Serial plate of Continuous Duty Diesel Engine (Water Pump) (EU: C07) depicting model number: 4045TF285 (See Attachment 19). Photograph by Canon Liddell.



**Photograph 16-** Gypsum Paved Haul Road; on-site (EU: B02) shown as unpaved. Photograph by Camon Liddell.

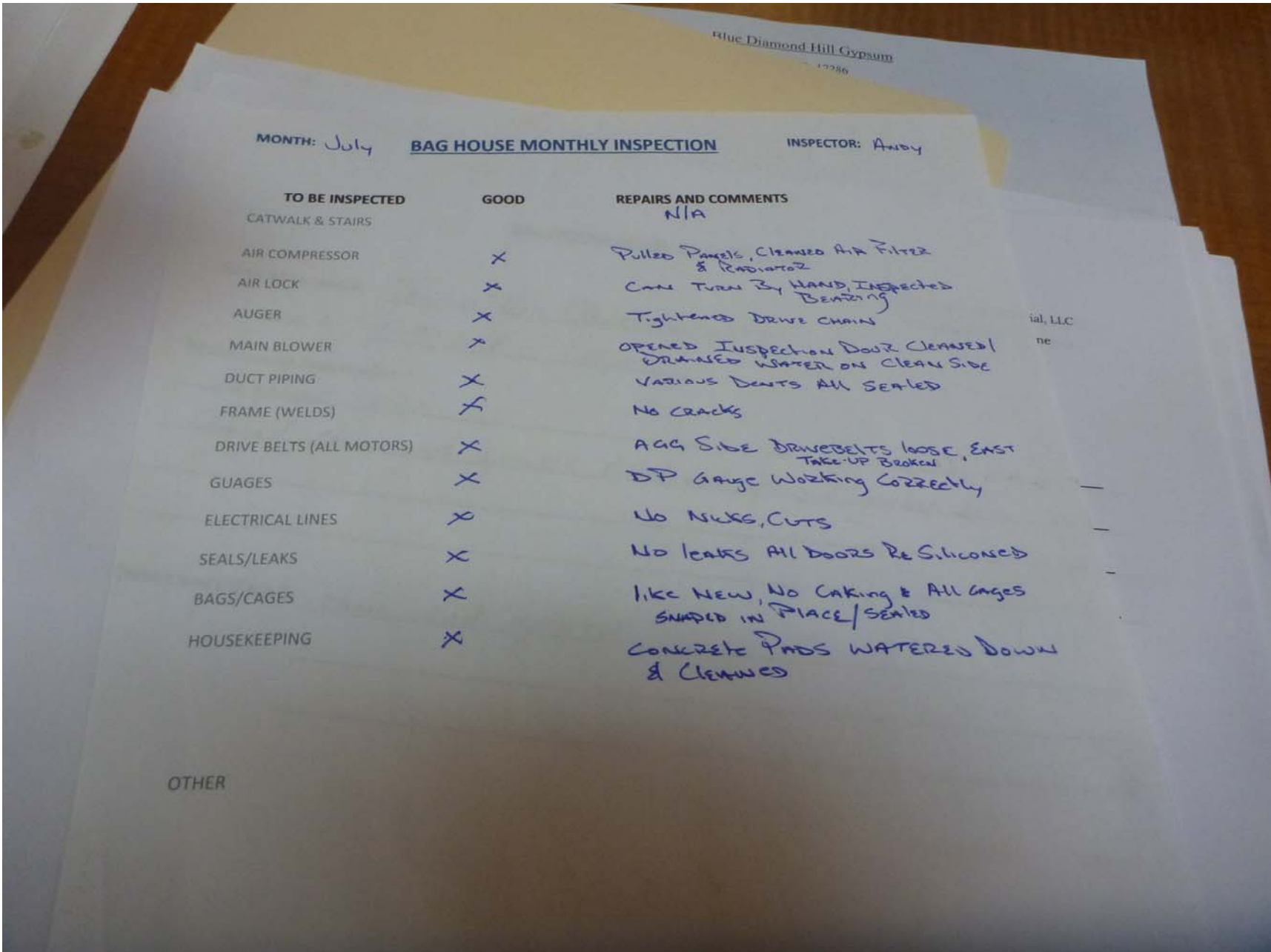


**Photograph 17-** Gypsum Paved Haul Road; on-site (EU: B02) shown as unpaved. Photograph by Camon Liddell.



**Photograph 18-** Gypsum Paved Haul Road; Overburden (EU: B03) shown as unpaved. Photograph by Camon Liddell.





**Photograph 19-** Monthly baghouse inspection conducted in July of 2018 in which the specific date and differentiation of each baghouse ID is not present. Photograph by Camon Liddell.

**Attachment 2**

**Video 1-** Video depict fugitive dust from haul truck passing over dry, loose, and powdery soils on the Unpaved Haul Road; BLM Road (EU: B01).

**Video 2-** Video depict fugitive dust from haul truck passing over dry, loose, and powdery soils on the Unpaved Haul Road; BLM Road (EU: B01).

**Video 3-** Video depicts Staff matching haul truck's speed at 35 mph, slowing to 15 mph, and observing the haul truck pull away from Staff's vehicle on the Unpaved Haul Road; BLM Road (EU: B01). Video by Camon Liddell.

**Video 4-** Video depicts Staff matching haul truck's speed at 27 mph, slowing to 15 mph, and observing the haul truck pull away from Staff's vehicle on the Unpaved Haul Road; BLM Road (EU: B01). Video by Camon Liddell.

**Attachment 3**



# LATE PAYMENT INVOICE

Clark County Nevada Department of Environment and Sustainability  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
037456	5/31/2019	PEREZ	PART 70 COMPLIANCE	7/1/2019

Quantity	Description	Fee Code	Fee	Total
	ON 07-16-2019 APPLIED LATE FEE - 10% OF INVOICE PRINCIPAL AMOUNT	AALF01		\$219.80
1	PART 70 1ST/ANNUAL TEST - MAJOR SOURCE	AVAT05	\$2,198.00	\$2,198.00

Notes:	Subtotal:	\$2,417.80
	Paid:	\$0.00
	Adjustments:	\$0.00
	Balance Due:	\$2,417.80

**Check or money order must be made payable to Division of Air Quality, Air Quality or DAQ.**

Credit card (MasterCard or Visa) payment must be made at the DAQ Office.

If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Clark County  
 Division of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 037456  
 Balance Due: \$2,417.80  
 Due Date: 7/1/2019

**Attachment 4**



# LATE PAYMENT INVOICE/RECEIPT

Clark County Nevada Department of Environment and Sustainability  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
041650	1/2/2020	System	ANNUAL AIR QUALITY INVOICE (SS)	2/3/2020

Quantity	Description	Fee Code	Fee	Total
	ON 02-17-2020 APPLIED LATE FEE - 10% OF INVOICE PRINCIPAL AMOUNT	AALF01		\$2,932.58
1	ANNUAL FEE - MAJOR SOURCE	AVAF04	\$7,320.00	\$7,320.00
181	PART 70 ANNUAL EMISSIONS FEE - REGULATED AIR POLLUTANTS, EXCEPT CO (PER TON)	AVEF01	\$56.00	\$10,136.00
19	PART 70 ANNUAL EMISSIONS FEE - CO (PER TON)	AVEF02	\$19.20	\$364.80
31	PART 70 ANNUAL EU FEE - PROCESS EQUIPMENT	AVEU07	\$253.00	\$7,843.00
4	PART 70 ANNUAL EU FEE - IC ENGINE, 35-350 HP	AVEU08	\$366.00	\$1,464.00
1	PART 70 ANNUAL EU FEE - IC ENGINE, 1501+ HP	AVEU11	\$2,198.00	\$2,198.00
	03/04/2020 CHECK (0625)	PAYMENT		(\$29,325.80)

Notes: This is the 2020 Annual Air Quality Invoice. Emissions fee quantities are based on the 2018 EIR. If EIR was submitted late or not at all, quantities will be based on permit limits.

Subtotal:	\$32,258.38
Paid:	(\$29,325.80)
Adjustments:	\$0.00
Balance Due:	\$2,932.58

**Check or money order must be made payable to Division of Air Quality, Air Quality or DAQ.**

Credit card (MasterCard or Visa) payment must be made at the DAQ Office.

If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Clark County  
 Division of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 041650  
 Balance Due: \$2,932.58  
 Due Date: 2/3/2020

0106

**Attachment 5**





*Gypsum Resource Materials, LLC*

*P.O. Box 147*

*Blue Diamond, Nevada 89004*

*702-830-3378 (Office)*

*702-441-7148 (Fax)*

[www.bdlhgypsum.com](http://www.bdlhgypsum.com)

RECEIVED 01/29/19  
7:13 AM 29 JAN 2019 MK

January 29, 2019

Control Officer, Compliance Division  
Clark County Department of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118

**RE: 2018 Annual Compliance Certification  
Gypsum Resources, LLC – Air Quality Source 17286**

Gypsum Resources, LLC, is pleased to present the following Annual Compliance Certification (ACC) for the compliance period of January 1, 2018 through December 31, 2018. The Part 70 Operating Permit (Permit) issued on November 13, 2017 requires that an ACC be generated and submitted to the Department of Air Quality (Air Quality) on or before January 30, 2018.

Should you have any questions or concerns regarding this submittal, please feel free to contact by consultant, Broadbent & Associates, Inc. at [smcnulty@broadbentinc.com](mailto:smcnulty@broadbentinc.com) or (702) 563-0600.

Sincerely,  
Gypsum Resources, LLC.

Ryan Rhodes  
Mine Manager/Responsible Official

Attachments: A: 2018 Annual Compliance Certification

cc: Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105)

**ATTACHMENT A: 2018 Annual Compliance Certification**

Part 70 - Annual Compliance Certification Clark County Department of Air Quality		Reporting Period				For DAQ Use Only	
		From Date: (MM/DD/YYYY)		To Date: (MM/DD/YYYY)		RECEIVED CC DAQ 2019 JAN 29 PM 3:09 <i>AK</i>	
		01/01/2018		12/31/2018			
Pursuant to 40 CFR, Part 70 and Section 12.5 of the Clark County Air Quality Regulations, this form should be used to satisfy the annual compliance certification requirement for Part 70 sources.							
Source Information						Contact (If different from Responsible Official)	
Source ID:	Source Name:		Company/Organization (Permittee):			Name:	
17286	GYPSUM RESOURCES, LLC		GYPSUM RESOURCES, LLC			SCOTT MCNULTY	
Source Location						Office Phone:	702-563-0600
Number:	Direction:	Street:		Street Type:	Suite:	Cell Phone:	702-497-9743
8360		NEVADA HIGHWAY 159				Email Address:	
City:	BLUE DIAMOND		State:	NV	Zip:	89004	SMCNULTY@BROADBENTINC.COM
Has a copy of this Annual Compliance Certification been sent to EPA Region IX (as required): <input checked="" type="radio"/> Yes <input type="radio"/> No							
Certification Statement							
I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the specified stationary source:							
Name of Responsible Official:		Responsible Official's Title:			Company/Organization:		
RYAN RHODES		MINE MANAGER/RESPONSIBLE OFFICIAL			GYPSUM RESOURCES, LLC		
Email Address:	ROCKY@GYPSUMRESOURCES.COM			Office Phone:	702-465-7391	Cell:	
<i>KRR</i>						01/29/2019	
<b>Responsible Official's Signature</b>						<b>Certification Date</b>	

**Clark County Department of Air Quality and Environmental Management  
TITLE V: ANNUAL COMPLIANCE CERTIFICATION FORM**

Company Name: Gypsum Resources, LLC Certification Period: 1/1/2018 - 12/31/2018				Facility ID: 17286
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-A-	II General Requirements			
II-A-1	The Permittee shall comply with all conditions of the Part 70 Operating Permit. Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations, Nevada law, and the Clean Air Act and is grounds for the following: enforcement action; permit termination; revocation and reissuance; revision; or denial of a permit renewal application. [AQR 12.5.2.6(g)(1)]	INTERMITTENT	Review of Records	Facility has not complied with all conditions of the permit.
II-A-2	If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid. [AQR 12.5.2.6(f)]	CONTINUOUS	Review of Records	
II-A-3	The Permittee shall pay all permit fees pursuant to AQR Section 18. [AQR 12.5.2.6(h)]	CONTINUOUS	other	
II-A-4	The permit does not convey any property rights of any sort, or any exclusive privilege.[AQR 12.5.2.6(g)(4)]	CONTINUOUS	other	
II-A-5	The Permittee agrees to allow inspection of the premises, to which this permit relates, by the Control Officer at any time during the Permittee's hours of operation without prior notice. The Permittee shall not obstruct, hamper or interfere with any such inspection. [AQR 4.3.3; AQR 4.9; AQR 5.1.1; and AQR 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6	The Permittee shall allow the Control Officer, upon presentation of credentials to: [AQR 4.3 and 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6-a	Have access to and copy any records that must be kept under the conditions of the permit;	INTERMITTENT	Inspections	Records sometimes are kept at remote location
II-A-6-b	Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;	INTERMITTENT	Inspections	No dP readings were recorded until May 2018
II-A-6-c	Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and	CONTINUOUS	Inspections	
II-A-6-d	Document alleged violations using devices such as cameras or video equipment.	CONTINUOUS	Inspections	
II-A-7	Any Permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR Section 12.5.2.4. [AQR 12.5.2.2]	CONTINUOUS	Review of Records	
II-A-8	The Permittee who has been issued a permit under Section 12.5 shall post such permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department. [AQR 12.5.2.6(m)]	CONTINUOUS	Work Practice	
II-B-	<b>Modification, Revision, Renewal Requirements</b>			
II-B-1	No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an ATC Permit from the Control Officer. [AQR 12.4.1.1(a)]	CONTINUOUS	Work Practice	
II-B-2	The permit may be revised, revoked, reopened and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [AQR 12.5.2.6(g)(3)]	CONTINUOUS	Work Practice	
II-B-3	A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: [AQR 12.5.2.10(a)]			
II-B-3-a	The Permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal, except that a complete application need not be received before a Part 70 general permit is issued pursuant to Section 12.5.2.20; and	CONTINUOUS	other	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-B-3-b	The conditions of the permit provide for compliance with all applicable requirements and the requirements of Section 12.5	CONTINUOUS	other	
II-B-4	The Permittee shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere reduces or conceals an emission, which would otherwise constitute a violation of an applicable requirement. [AQR 80.1 and 40 CFR 60.17]	CONTINUOUS	Work Practice	
II-B-5	No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. [AQR 12.5.2.6(i)]	CONTINUOUS	Work Practice	
II-B-6	Permit expiration terminates the Permittee's right to operate unless a timely and complete renewal application has been submitted. [AQR 12.5.2.11(b)]	CONTINUOUS	Work Practice	
II-B-7	For purposes of permit renewal, a timely application is a complete application that is submitted at least six (6) months and not greater than eighteen (18) months prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. [AQR 12.5.2.1(a)(2)]	CONTINUOUS	Work Practice	
II-C-	<b>Reporting/Notifications/Providing Information Requirements</b>			
II-C-1	The Permittee shall submit all compliance certifications to EPA and to the Control Officer. [AQR 12.5.2.8(e)(4)]	CONTINUOUS	Record Keeping	This document is being submitted to both DAQ and EPA.
II-C-2	Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or AQRs shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under AQR 12.5 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [AQR 12.5.2.5(i)]	CONTINUOUS	Review of Records	
II-C-3	The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [AQR 12.5.2.6(i)(5)]	CONTINUOUS	Review of Records	
II-C-4	Upon request of the Control Officer, the Permittee shall provide such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and the Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report. [AQR 4.4]	CONTINUOUS	Review of Records	
II-C-5	The Permittee shall submit annual emissions inventory reports based on the following: [AQR 18.6.1]	CONTINUOUS	Record Keeping	
II-C-5-a	The annual emissions inventory must be submitted to Air Quality by March 31 of each calendar year; and	NOT IN COMPLIANCE	Record Keeping	Annual emission inventory was not submitted by March 31, 2018.
II-C-5-b	The report shall include the emission factors and calculations used to determine the emissions from each permitted emission unit, even when an emission unit is not operated.	CONTINUOUS	Record Keeping	
II-D-	<b>Compliance Requirements</b>			
II-D-1	The Permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [AQR 12.5.2.6(a)(2)]	CONTINUOUS	Work Practice	
II-D-2	Any person who violates any provision of the AQR, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry or monitoring activities or any requirements by Air Quality is guilty of a civil offense and shall pay civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. [AQR 9.1 and NRS 445B.640]	CONTINUOUS	Work Practice	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-D-3	Any person aggrieved by an order issued pursuant to AQR Section 9.1 is entitled to review as provided in Chapter 233B of NRS. [AQR 9.12]	CONTINUOUS	Inspections	
II-D-4	The Permittee shall comply with the requirements of 40 CFR 61, Subpart M, of the National Emission Standard for Asbestos for all demolition and renovation projects. [AQR 13.1(b)(8)]	CONTINUOUS	Work Practice	
II-D-5	The Permittee shall certify compliance with terms and conditions contained in the OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. [AQR 12.5.2.8(e)]	CONTINUOUS	Work Practice	
II-D-6	The Permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W Russell Road, Suite 200, Las Vegas, NV 89118) and the Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30th of the following year and shall include the following: [AQR 12.5.2.8(e)]	NOT IN COMPLIANCE	Review of Records	The ACC was not submitted to DAQ or EPA by January 30. It was submitted on June 19, 2018 for the 2017 calendar year.
II-D-6-a	The identification of each term or condition of the permit that is the basis of the certification:	CONTINUOUS	Record Keeping	See herein
II-D-6-b	The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR 70.6(a)(3). If necessary, the Permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information; and	CONTINUOUS	Record Keeping	
II-D-6-c	The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection II.D.6(b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.	CONTINUOUS	Record Keeping	
II-D-7	The Permittee shall report to the Control Officer (4701 West Russell Road, Suite – 200, Las Vegas, NV 89118) any startup, shutdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below: [AQR 12.5.2.6(d)(4)(B)]: AQR 25.6.11	INTERMITTENT	Record Keeping	Records were not maintained until May 2018
II-D-7-a	within twenty-four (24) hours of the time the Permittee learns of the excess emissions, the report shall be communicated by phone (702) 455-5942, fax (702) 383-9994, or email: airquality@clarkcountynv.gov; and	INTERMITTENT	Record Keeping	Records were not maintained until May 2018
II-D-7-b	within seventy-two (72) hours of the notification required by paragraph (a) above, the detailed written report containing the information required by AQR Section 25.6.3 shall be submitted.	INTERMITTENT	Record Keeping	Records were not maintained until May 2018
II-D-8	The Permittee shall report to the Control Officer with the semiannual monitoring report all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]	INTERMITTENT	Record Keeping	Records were not maintained until May 2018
II-D-9	The owner or operator of any source required to obtain a permit under Section 12 shall report to the Control Officer emissions that are in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health, safety or the environment as soon as possible, but in no case later than twelve (12) hours after the deviation is discovered, with a written report submitted within four (7) days of the notification. [AQR 25.6.2]	CONTINUOUS	Work Practice	
<b>Performance Testing Requirements</b>				
II-E-1	Upon request of the Control Officer, the Permittee shall test or have tests performed to determine the emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Quality regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. [AQR 4.5]	CONTINUOUS	Stack Test	
II-E-2	Upon request of the Control Officer, the Permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. [AQR 4.6]	CONTINUOUS	Stack Test	

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II-E-3	The Permittee shall submit for approval a performance testing protocol which contains testing, reporting, and notification schedules, test protocols, and anticipated test dates to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, NV 89118) not less than 45, nor more than 90 days prior to the anticipated date of the performance test, unless otherwise specified in the Performance Testing sections of Section IV through XVII [AQR 12.5.2.8]	CONTINUOUS	Stack Test	
II-E-4	The Permittee shall submit to EPA for approval any alternative test methods that are not already approved by EPA, to demonstrate compliance with a requirement under 40 CFR Part 60. [40 CFR 60.8(b)]	CONTINUOUS	Stack Test	
II-E-5	The Permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days from the end of the performance test. [12.5.2.8]	CONTINUOUS	Stack Test	
III-	<b>III EMISSION UNITS AND APPLICABLE REQUIREMENTS</b>			
III-A-	<b>Emissions</b>			
III-B-	<b>Emission Limitations and Standards</b>			
III-B-1	<b>Emission Limits [AQR 12.5.2.6(a) and (b)]</b>			
III-B-1-a	The Permittee shall not exhibit fugitive emissions with an opacity in excess of 7 percent, based on the average of five 6-minute averages, from all the conveyors and transfer points (EUs: A02, A03, A04, A06, A09, A11, A12, A35, A36 A40, A41, A48, E01, E02, E03, E04, F01 and F02) and stackers (EUs: A33, A38, and A79). [MSP September 10, 2013, Section IV A, Condition 2(b) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records were not being maintained until May 2018 and operation of the baghouses controlling opacity could not be verified.
III-B-1-b	The Permittee shall not discharge visible emissions from the HSI Crusher (EU: A05), HSI Underbelt (EU: A07), Surge Bin (EU: A10), West Screen (EU: A08), and Cone Crusher (EU: A34) vented to baghouse #1 stack (CD: D01) and the reject screen (EU: A39) vented to baghouse #2 stack (CD: D02) that exhibit an opacity in excess of 7 percent, based on the average of ten 6-minute averages. [ATC February 17, 2017, Section IV A, Condition 2(c) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records were not being maintained until May 2018 and operation of the baghouses controlling opacity could not be verified.
III-B-1-c	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 0.032 g/dscm (0.014 gr/dscf) from the emission units that commenced construction after April 22, 2008 (CDs: D01 and D02). [ATC February 17, 2017, Section IV A, Condition 2(d) and 40 CFR 60.672]	INTERMITTENT	Stack Test	Stack testing conducted in June and July of 2018 did confirm compliance with the limits however, the lack of records earlier in the year make continuous compliance impossible to verify.
III-B-1-e	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 2.17 lbs/hr from CD: D01. [ATC February 17, 2017, Section IV A, Condition 2(e) and AQR 12.5.2.6(b)]	INTERMITTENT	Stack Test	Stack testing conducted in June and July of 2018 did confirm compliance with the limits however, the lack of records earlier in the year make continuous compliance impossible to verify.
III-B-1-f	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 0.57 lbs/hr from CD: D02. [ATC February 17, 2017, Section IV A, Condition 2(f) and AQR 12.5.2.6(b)]	INTERMITTENT	Stack Test	Stack testing conducted in June and July of 2018 did confirm compliance with the limits however, the lack of records earlier in the year make continuous compliance impossible to verify.
III-B-1-Other	<b>Other</b>			
III-B-1-g	The Permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20 percent opacity for a period of more than 6 consecutive minutes (EUs: A002, A003, A00, A01, A32, B01, B02, B03, C01, C03, C05, C06, and C07). [MSP September 10, 2013, Section IV A, Condition 2(a) and AQR 12.5.2.6(b)]	INTERMITTENT	Record Keeping	Stack testing conducted in June and July of 2018 did confirm compliance with the limits however, the lack of records earlier in the year make continuous compliance impossible to verify.
III-B-2	<b>Operational Limits [AQR 12.5.2.6(a) and (b)]</b>			
III-B-2-a	The Permittee shall not allow any operational activities, which includes truck loading, on Sundays. [ATC February 17, 2017, Section IV A, Condition 3(a)]	CONTINUOUS	Record Keeping	
III-B-2-b	The Permittee is limited to operate 16 hours per day during the weekdays (Monday through Friday) and 10 hours per day on Saturday, which includes truck loading. [ATC February 17, 2017, Section IV A, Condition 3(b)]	INTERMITTENT	Record Keeping	Records indicated that operations exceeded 16 hours on certain days in January, February, March, and April. Beginning in May, continuous compliance with these limits were maintained.

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III-B-2-c	The Permittee shall limit the total throughput of materials for production of both 1/8" and 2" products to 1,280,000 tons per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(e)]	CONTINUOUS	Record Keeping		
III-B-2-d	The Permittee shall limit the blasting operations to 700,000 square feet per any consecutive 12-month period (EU: A001). [MSP September 10, 2013, Section IV A, Condition 3(a) and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Blasting records indicated that the 700,000 sq ft limit was exceeded during the 12-month rolling period. We believe this is due to a typographical error in the logging of square footage during August of 2017 but do not have evidence to refute the entry.	
III-B-2-e	The Permittee shall limit the consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-month period (EU: A001). [MSP September 29, 2014, Section IV A, Condition 3(b)]	NOT IN COMPLIANCE	Record Keeping	ANFO usage is greater than 75 tons during any consecutive 12-month period. This value was inadvertently used in the permit application. A corrected value included in a Modification Application submitted to DAQ on 8/3/18.	
III-B-2-f	The Permittee shall limit the overburden operations to 3,400,000 tons per any consecutive 12-month period (EU: A002). [ATC February 17, 2017, Section IV A, Condition 3(f)]	CONTINUOUS	Record Keeping		
III-B-2-g	The Permittee shall limit the drilling operations to 28,105 holes per any consecutive 12-month period (EU: A003).	CONTINUOUS	Record Keeping		
III-B-2-h	The Permittee shall limit the total stockpile area to 15 acres at any given time (EU: A32). [MSP September 10, 2013, Section IV A, Condition 3(c)]	CONTINUOUS	Record Keeping		
III-B-2-i	The Permittee shall limit the BLM access unpaved road to 170,750 VMT per any consecutive 12-month period (EU: B01). [ATC February 17, 2017, Section IV A, Condition 3(h)]	CONTINUOUS	Record Keeping		
III-B-2-j	The Permittee shall limit the paved roads for on-site operations to 42,750 VMT per any consecutive 12-month period (EU: B02). [ATC February 17, 2017, Section IV A, Condition 3(i)]	CONTINUOUS	Record Keeping		
III-B-2-k	The Permittee shall limit the paved roads for overburden operations to 340,000 VMT per any consecutive 12-month period (EU: B03). [ATC February 17, 2017, Section IV A, Condition 3(i)]	CONTINUOUS	Record Keeping		
III-B-2-l	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C01 and C06) and continuous-duty diesel water pump (EU: C07) to 4,200 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(k)]	NOT IN COMPLIANCE	Record Keeping	C06 operated above the permitted levels. An application for modification was submitted on 8/3/18, well before the engine went over the permitted limit, however the revised permit has not yet been issued.	
III-B-2-m	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C03 and C05) to 4,800 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(l)]	NOT IN COMPLIANCE	Record Keeping	C03 and C05 operated above their permitted levels. An application for modification was submitted on 8/3/18, well before the engines went over the permitted limits, however the revised permit has yet to be issued.	
III-B-2-n	The Permittee shall limit the total truck loading for shipping of material to 1,280,000 tons per any consecutive 12-month period (EUs: E01, E02, E03, E04, F01 and F02).	CONTINUOUS			
III-B-3	Emission Controls AC/R 12.5.2.6(a) and (b)]				
III-B-3-Gypsum Processing	Gypsum Processing:				
III-B-3-1	The Permittee shall incorporate, and maintain in good operating condition at all times, an effective water suppression system to control visible emissions within allowable opacity limits for the transfer points, drop points, drilling, and overburden operations. [MSP September 10, 2013, Section IV B, Condition 2 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice		
III-B-3-2	The Permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25 inches in diameter which will maintain an 81.5 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 2]	INTERMITTENT	Review of Records	Not all moisture analyses performed indicated a greater than 1.5% moisture content. The majority of sampling did indicate compliance.	



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III-B-3-3	The Permittee shall maintain the moisture for the overburden operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 3]	INTERMITTENT	Review of Records	Not all moisture analyses performed indicated a greater than 1.5% moisture content. The majority of sampling did indicate compliance.
III-B-3-4	The Permittee shall maintain the moisture for the drilling operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions.	INTERMITTENT	Work Practice	
III-B-3-5	The Permittee shall employ adequate water sprays at pertinent locations where moisture is required to insure compliance with the moisture and opacity limits. [MSP September 10, 2013, Section IV B, Condition 3]	INTERMITTENT	Work Practice	Effective water suppression system was not utilized at all times. Specifically prior to May of 2018.
<b>III-B-3-Control Devices</b>				
III-B-3-6	The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]	INTERMITTENT	Inspections	Process equipment was operated at times during the first quarter of 2018 without the control device being fully operational.
III-B-3-7	The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]	INTERMITTENT	Inspections	Process equipment was operated at times during the first quarter of 2018 without the control device being fully operational.
III-B-3-8	The Permittee shall operate each baghouse at all times any affected emission unit is operating, as indicated in Table III-C-1. [ATC February 17, 2017, Section IV B, Condition 7]	INTERMITTENT	Record Keeping	Process equipment was operated at times during the first quarter of 2018 without the control device being fully operational.
III-B-3-9	The Permittee shall operate and maintain the baghouses on the associated emission units to attain a control efficiency of 99.0 percent for all particulate emissions. [HHD dated August 15, 2016 and ATC February 17, 2017, Section IV B, Condition 8]	INTERMITTENT	Review of Records	Process equipment was operated at times during the first quarter of 2018 without the control device being fully operational.
III-B-3-10	The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]	INTERMITTENT	Review of Records	The baghouses and seals were serviced and upgraded in May of 2018. Prior to that time optimal performance was not maintained.
III-B-3-11	The Permittee shall maintain the pressure drop across the baghouses (CDs: D01 and D02) within the range specified by the manufacturer which is ½" - 8" water column. [ATC February 17, 2017, Section IV B, Condition 10]	INTERMITTENT	Record Keeping	No dP readings were recorded until May 2018
<b>III-B-3-Engines/Water Pump</b>				
III-B-3-12	The Permittee shall operate each of the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and the continuous-duty diesel water pump (EU: C07) with turbochargers and aftercoolers. [ATC February 17, 2017, Section IV B, Condition 11 and 40 CFR Part 60, Subpart III and 40 CFR Part 63, Subpart 2727]	CONTINUOUS	Work Practice	
III-B-3-13	The Permittee shall operate and maintain each of the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and the continuous-duty diesel water pump (EU: C07) in accordance with the manufacturer's specifications. [ATC February 17, 2017, Section IV B, Condition 12 and 40 CFR Part 60, Subpart III and 40 CFR Part 63, Subpart 2727]	INTERMITTENT	Inspections	No records until May 2018
III-B-3-14	The Permittee shall maintain the continuous-duty diesel water pump (EU: C07) as follows, unless the manufacturer's specifications are more stringent: [ATC February 17, 2017, Section IV B, Condition 13 and 40 CFR Part 63, Subpart 2727]	INTERMITTENT	Inspections	No records until May 2018
III-B-3-14-a	Change oil and filter every 1,000 hours of operation or annually, whichever comes first.	INTERMITTENT	Inspections	No records until May 2018
III-B-3-14-b	Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and	INTERMITTENT	Record Keeping	No records until May 2018
III-B-3-14-c	Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	INTERMITTENT	Record Keeping	No records until May 2018
III-B-3-14-d	The Permittee may utilize an oil analysis program as described in Subpart 63.6625(i) in order to extend the specified oil change requirement and can petition the Control Officer pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.	CONTINUOUS	Record Keeping	This option was not selected by the source.

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III-B-3-15	During periods of startup, the Permittee shall minimize the continuous-duty diesel water pump's (EU: C07) time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. [ATC February 17, 2017, Section IV B, Condition 1A and 40 CFR 63.6603(a)]	INTERMITTENT	Record Keeping	Records are not available to support continuous compliance.
III-B-3-Haul Roads/Disturbed	Haul Roads/Disturbed Surfaces/Stockpile			
III-B-3-16	The Permittee shall not track out onto a paved road mud or dirt that extends 50 feet or more in cumulative length from the point of origin or allow any track out to accumulate to a depth greater than 0.25 inches. Notwithstanding the preceding, all accumulations of mud or dirt on curbs, gutters, sidewalks or paved roads including track out less than 50 feet in length and 0.25 inches in depth, shall be cleaned of all observable deposits and maintained to eliminate emissions of fugitive dust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 1B]	CONTINUOUS	Work Practice	
III-B-3-17	The Permittee shall have daily control measures to remove any rock debris along the paved portion of Highway 159 that junctions with the BLM access unpaved roadway leading to the mine, not to exclude the designated bike lanes along Highway 159. [STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-B-3-18	The Permittee shall control fugitive dust emissions from any disturbed open area or disturbed vacant lot that are owned or operated by the Permittee by paving, applying gravel, applying a dust palliative or applying water to form a crust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 1B]	INTERMITTENT	Work Practice	Disturbed areas were monitored for opacity issues and corrective actions were implemented as necessary beginning in May of 2018.
III-B-3-19	The Permittee shall implement long-term stabilization of disturbed surfaces when the stationary source, or a portion thereof, is to be closed or idled for a period of 30 days or more, within 10 days following the cessation of active operations. Long-term stabilization includes, but is not limited to one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, and denying unauthorized access, or other effective control measure to prevent fugitive dust from becoming airborne. [MSP September 10, 2013, Section IV B, Condition 5 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	Closure or idling for more than 30 days has not occurred during the compliance period.
III-B-3-20	The Permittee shall control particulate matter emissions from any unpaved parking lot owned or operated by the Permittee by paving, applying a dust palliative or by an alternate method approved by the Control Officer regardless of the number of days of use. [ATC February 17, 2017, Section IV B, Condition 21]	INTERMITTENT	Record Keeping	Inspection records are not sufficient to assess continuous compliance for the entire year.
III-B-3-21	The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a Construction Advisory or Dust Advisory. [MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Record Keeping	
III-B-3-22	The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	We believe this condition was met but we do not have records prior to May to confirm continuous compliance.
III-B-3-23	The Permittee shall water, for fugitive dust control, the BLM portion of the access haul road to ensure on-going compliance with the AQR, the Permittee shall monitor the roadway daily and at any time visible emissions become visible, and employ the stabilization standards and test methods contained in AQR Subsection 91.4 which will determine the frequency of watering the unpaved roadway. [MSP September 10, 2013, Section IV B, Condition 9 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	We believe this condition was met but we do not have records prior to May to confirm continuous compliance.
III-B-3-24	The Permittee shall post and enforce a speed limit of 15 mph on the unpaved access haul road from the paved highway to the mine site. [MSP September 10, 2013, Section IV B, Condition 9 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Speed limit is posted, but enforcement has proven difficult and thus compliance has not been continuous.

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III-B-3-25	The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 10 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Enforcement of this requirement has been stressed since May of 2018 however, continuous compliance can't be assured. The scale house now requires tarping before trucks leave the scale and this appears to be working.
III-B-3-26	The Permittee shall require haul truck drivers to clean and remove any loose debris from the haul trucks prior to leaving the mine property. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 11 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been stressed to drivers and is normal operating procedure. Continuous compliance can not be assured during the certification period.
III-B-3-27	The Permittee shall water all haul roads that are in use and stockpiles to the extent that the opacity limits are continually complied with.	INTERMITTENT	Inspections	This requirement has been met since May 2018. Records of compliance prior are not available.
III-B-3-Other	Other			
III-B-3-28	The Permittee shall not cause, suffer or allow the discharge from any source whatsoever such quantities of air contaminants or other material which cause a nuisance, including excessive odors. [MSP September 10, 2013, Section IV B, Condition 17, AQR 40, and AQR 43]	CONTINUOUS	Work Practice	There are no neighbors close to the facility.
III-B-3-29	The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [MSP September 10, 2013, Section IV B, Condition 1 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been met since May 2018. Records of compliance prior are not available.
III-B-3-30	The Permittee shall implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends one hundred (100) yards from the point of origin or beyond the lot line of the property on which the emissions originate, horizontally or vertically, whichever is less. [MSP September 10, 2013, Section IV B, Condition 4 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been met since May of 2018 with the acceptations noted in the attached deviation table.
III-B-3-31	The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been met since May of 2018 with the acceptations noted in the attached deviation table
III-B-3-32	The Permittee shall water the disturbed soils to form a crust immediately following blasts and safety clearance. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Water truck was not always used for blasting operations until May 2018.
III-C-	Monitoring [AQR 12.5.2.6(d) and AQR 12.5.2.8(a)]			
III-C-Visible Emissions	Visible Emissions			
III-C-1	The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and AQR February 17, 2017, Section V.A, Condition 1]	INTERMITTENT	Record Keeping	Daily visible emission checks were implemented in May 2018.
III-C-2	If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. [MSP September 10, 2013, Section IV C, Condition 2]	INTERMITTENT	Record Keeping	Daily visible emission checks were implemented in May 2018.
III-C-3	If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall: [MSP September 10, 2013, Section IV C, Condition 3]			
III-C-3-a	take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or	INTERMITTENT	Work Practice	Facility did not implement documentation of corrective actions taken until May 2018.
III-C-3-b	have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Part 60 Appendix A- Reference Method 9	INTERMITTENT	Record Keeping	Facility did not implement documentation of corrective actions taken until May 2018.
III-C-4	Visible emissions checks do not require a certified VE observer, except where visible emissions appear to exceed the allowable opacity limit and exceed 30 seconds in duration, and an EPA Method 9 observation is made to establish it does not exceed the standard. [MSP September 10, 2013, Section IV C, Condition 4]			

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III-C-5	The Permittee shall have a certified opacity reader on-site at all times the facility is operating. [MSP September 10, 2013, Section IV C, Condition 13]	INTERMITTENT	Work Practice	A certified VE observer was not continuously available on-site for the full certification period.	
III-C-Gypsum Processing/Stockpiles/Haul Road	<b>Gypsum Processing/Stockpiles/Haul Road</b>				
III-C-6	The Permittee shall visually inspect the water spray system daily at all emission units controlled through water suppression, and monitor its effectiveness. Inspections shall include, but not be limited to, flow rates, leaks and nozzle conditions, as applicable. The Permittee shall either replace ineffective spray nozzles immediately, or shut-down the subject processing equipment until such time repairs can be completed to the water spray suppression system, as applicable. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section V A, Condition 6]	INTERMITTENT	Inspections	Lack of records until May of 2018. After that point, records were maintained as was compliance with the requirement.	
III-C-7	The Permittee shall monitor daily hours of operation. [ATC February 17, 2017, Section V A, Condition 7]	INTERMITTENT	Record Keeping	Daily hours were determined however logs were not maintained on a monthly basis during the Certification Period until May of 2018.	
III-C-8	The Permittee shall monitor daily the throughput of all mineral products processed in the gypsum in tonnage and calculate the total, on a monthly basis. [ATC February 17, 2017, Section V A, Condition 8]	CONTINUOUS	Record Keeping	Throughputs were calculated early in the year and formal logs maintained from May until the end of the compliance period.	
III-C-9	The Permittee shall calculate the total area blasted after each blast and record it for inclusion in the monthly total blasting area (EU: A001). [ATC February 17, 2017, Section V A, Condition 9]	INTERMITTENT	Record Keeping	Total blasting area was not calculated after each blast during the Certification Period.	
III-C-10	The Permittee shall monitor the amount of ANFO used during each blast, and calculate the total, on monthly basis (EU: A001). [ATC February 17, 2017, Section V A, Condition 10]	INTERMITTENT	Record Keeping	Monthly ANFO usage calculated during the Certification Period and formally logged from May 2018 on.	
III-C-11	The Permittee shall monitor the production of overburden in tonnage and calculate, on a monthly basis (EU: A002).	CONTINUOUS	Record Keeping	Monthly overburden production was determined however formal logs were not maintained on a monthly basis during the Certification Period until May 2018.	
III-C-12	The Permittee shall monitor the number of holes drilled, on a monthly basis (EU: A003).	CONTINUOUS	Record Keeping	The drilling company supplied the number of holes drilled. An ongoing log of monthly holes was prepared in May of 2018.	
III-C-13	The Permittee shall monitor the total acreage of stockpiles on a monthly basis (EU: A32). [MSP September 10, 2013, Section IV C, Condition 10]	INTERMITTENT	Work Practice	Monthly stockpile acreage was not monitored during the Certification Period until May of 2018.	
III-C-14	The Permittee shall monitor daily the number of VMT traveled for BLM roads by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B01). [ATC February 17, 2017, Section V A, Condition 11]	INTERMITTENT	Record Keeping	BLM road VMT were determined however logs were not maintained on a monthly basis during the Certification Period until May of 2018.	
III-C-15	The Permittee shall monitor daily the number of VMT onsite by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B02). [ATC February 17, 2017, Section V A, Condition 12]	INTERMITTENT	Work Practice	On-site road VMT were determined however logs were not maintained on a monthly basis during the Certification Period until May of 2018.	
III-C-16	The Permittee shall monitor daily the number of VMT traveled for overburden operations by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B03). [ATC February 17, 2017, Section V A, Condition 13]	INTERMITTENT	Work Practice	Overburden road VMT were determined however logs were not maintained on a monthly basis during the Certification Period until May of 2018.	
III-C-17	The Permittee shall monitor daily the total truck loading for shipping of all mineral products in tonnage and calculate the total, on a monthly basis (EUs: E01, E02, E03, E04, F01 and F02).	INTERMITTENT	Record Keeping	Mineral product shipping was determined however logs were not maintained on a monthly basis during the Certification Period.	
III-C-18	The Permittee shall have an adequate number of water trucks on-site at all times to control dust emissions from the site and to constantly use them for the control of dust emissions. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Water trucks were not always available.	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-C-19	The Permittee shall monitor daily operation of the water trucks for the following [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 15]:			
III-C-19-a	amount of water used, and	INTERMITTENT	Record Keeping	Water use was determined however logs were not maintained until May, 2018.
III-C-19-b	maintenance of the water trucks.	INTERMITTENT	Record Keeping	Formal maintenance records for the water trucks were not maintained during the first half of 2018.
III-C-Engines/Water Pump	Engines/Water Pump			
III-C-20	The Permittee shall operate each continuous-duty engine and continuous-duty diesel water pump with a nonresettable hour meter, monitor the hours of operation of each engine (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07), and calculate, on a monthly basis, the hours of operation of each engine and water pump per month. [ATC February 17, 2017, Section V A, Condition 16]	INTERMITTENT	Record Keeping	Hours were estimated based on overall plant operation for the first several months but in May 2018 formal records were kept.
III-C-Baghouse (CDs: D01 and D02)	Baghouse (CDs: D01 and D02)			
III-C-21	The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications. Gauges shall be installed where they are accessible and can be easily read. [ATC February 17, 2017, Section V A, Condition 21]	INTERMITTENT	Record Keeping	Readings were collected daily beginning in May 2018.
III-C-22	The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 19]	INTERMITTENT	Record Keeping	Baghouse inspections were implemented on a formal basis beginning in May of 2018.
III-C-23	The Permittee shall have an SOP manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]	INTERMITTENT	Record Keeping	A Manual was not available until May of 2018.
III-C-24	The Permittee shall conduct daily visual observations of the baghouse stack discharges to verify that visible emissions are not present in excess of allowable opacity limits. If they are, the Permittee shall cease operations producing the emissions until the problem is corrected. [ATC February 17, 2017, Section V A, Condition 20 and 40 CFR 60.674(c)]	INTERMITTENT	Record Keeping	Some records available, but not on the proper form until May of 2018.
III-C-Other	Other			
III-C-25	The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-a	Testing shall be in accordance with ASTM Method C471M16a Standard Test Method for Chemical Analysis of Gypsum and Gypsum Products (Section 17); and	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b	Samples for moisture testing shall be retrieved from the following locations:			
III-C-25-b-1	1. 3rd belt conveyor after the West Screen for 2" product	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b-2	2. 3rd belt conveyor after the West Screen for 1/8" product	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b-3	3. Reject stockpile	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b-4	4. 2" stockpile	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-C-25-b-5	5. 1/8" stockpile	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b-6	6. Direct loading from the overburden removal	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-25-b-7	7. Truck loading conveyor (EU: E02 or E04).	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-26	The Permittee shall also use a third party to conduct monthly moisture testing on three of the seven sample locations, provided that all seven of the sampling locations are tested by the third party lab every 3 months. [ATC February 17, 2017, Section V A, Condition 22]	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period.
III-C-27	The Permittee shall allow representatives of Clark County to conduct moisture testing. [ATC February 17, 2017, Section V A, Condition 23]	CONTINUOUS	Inspections	
III-C-28	The Control Officer may require additional moisture testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [ATC February 17, 2017, Section V A, Condition 24 and AQR 4.5]	CONTINUOUS	Inspections	
III-C-29	The Permittee shall submit the weekly and monthly moisture results along with the semi-annual summary reporting to the Control Officer as specified in Section III-F. [ATC February 17, 2017, Section V A, Condition 25]	INTERMITTENT	Review of Records	Records of moisture content of gypsum materials were not all available for the Certification Period. All available records were submitted with the reports.
III-C-30	The Permittee shall have an SOP manual for the moisture testing that meets the approval of the Control Officer. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with this permit and the manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 26]	CONTINUOUS	Record Keeping	
III-D-1	Testing [AQR 12.5.2.8(a)] All performance testing is subject to 40 CFR Part 60.8 and Air Quality Guideline for Source Testing, (Jan 2013). Performance testing shall be the instrument for determining initial and subsequent compliance testing with emission limitations set forth in this permit. [MSP September 10, 2013, Section IV D, Condition 3]	CONTINUOUS	Stack Test	
III-D-2	The Permittee shall conduct initial performance testing. Initial testing was conducted on May 18-19, 2017 for baghouse CD: D02 and June 7-8, 2017 for baghouse CD: D01 to demonstrate compliance with the grain loading standard of 40 CFR Part 60, Subpart OOO and with the mass emission rates (pounds per hour). [ATC February 17, 2017, Section V B, Condition 2 and 40 CFR 60.672]	CONTINUOUS	Stack Test	
III-D-3	The Permittee shall conduct initial performance testing for opacity for the new belt conveyors (EUs: A02, A04, A06, A09, A11, and A12) and a facility-wide opacity testing. Initial testing was conducted on May 26, 2017 and June 7, 2017 to demonstrate compliance with 40 CFR Part 60, Subpart OOO of 7% opacity and local opacity standard of 20% (EUs: A01 and A32). [ATC February 17, 2017, Section V B, Condition 2, 40 CFR 60.672 and AQR 26.3.1]	CONTINUOUS	Record Keeping	
III-D-4	The Permittee shall conduct subsequent performance testing according to the following conditions [ATC February 17, 2017, Section V B, Condition 4]:			
III-D-4-a	Performance tests on the facility for opacity shall be conducted annually within 45 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-D-4-b	Performance tests on the baghouses for grain loading standard and mass emission rates (pounds per hour) shall be conducted every five years within 90 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-D-5	After completion of three consecutive compliant performance tests for opacity, the permittee can request to the Control Officer in writing consideration to change the performance testing frequency. [ATC February 17, 2017, Section V B, Condition 5]	CONTINUOUS	Stack Test	
III-D-6	The Permittee shall utilize performance testing methodologies for individual emission units as indicated in Table III-D-1. [ATC February 17, 2017, Section V B, Condition 6]:	CONTINUOUS	Stack Test	

Company Name: Gypsum Resources, LLC				
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-D-7	The Control Officer will consider approving the Permittee's request for alternatives performance test methods if proposed in writing in the performance test protocols. [MSP September 10, 2013, Section IV D, Condition 5]	CONTINUOUS	Stack Test	
III-D-8	The Permittee of any stationary source that fails to demonstrate compliance with the emissions standards or limitations during any performance test, shall submit a compliance plan to the Control Officer within 90 days from the end of the performance test. [MSP September 10, 2013, Section IV D, Condition 7 and AQR 10-11]	CONTINUOUS	Stack Test	
III-D-9	The Control Officer may require additional performance testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [MSP September 10, 2013, Section IV D, Condition 8 and AQR 4.5]	CONTINUOUS	Stack Test	Additional testing was required in May of 2018. It was performed and emission limits were demonstrated to have been met.
III-E-	<b>Recordkeeping [AQR 12.5.2.6(d) and AQR 12.5.2.8]</b>			
III-E-1	All records logs, etc. shall be made available to the Control Officer during regular business hours.	INTERMITTENT	Record Keeping	Records that were kept were made available from May through the end of the compliance period. Formal recordkeeping was intermittent prior to that time
III-E-2	All records, logs, etc., or a copy thereof, shall be kept onsite for a minimum of 5 years from the date the measurement or data was entered.	CONTINUOUS	Record Keeping	All records that were made are being kept.
III-E-3	Records and data required by this permit to be maintained by the Permittee may be audited at any time by a third party selected by the Control Officer. [AQR 4.4]	CONTINUOUS	Record Keeping	No request was made.
III-E-4	The Permittee shall maintain the following records onsite:			
III-E-4-a	dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;	INTERMITTENT	Record Keeping	No records exist for the Certification Period until May of 2018. Continuous records have been maintained subsequent to that point.
III-E-4-b	daily hours of operation;	INTERMITTENT	Record Keeping	Daily hours were determined however logs were not maintained on a daily basis during the Certification Period until May of 2018.
III-E-4-c	daily production of gypsum materials processed;	CONTINUOUS	Record Keeping	
III-E-4-d	daily shipment of gypsum materials;	CONTINUOUS	Record Keeping	
III-E-4-e	daily production of the overburden operations;	CONTINUOUS	Record Keeping	
III-E-4-f	monthly number of holes drilled;	CONTINUOUS	Record Keeping	
III-E-4-g	daily water usage for water trucks;	INTERMITTENT	Record Keeping	These records were maintained beginning in May of 2018.
III-E-4-h	daily water applied to the gypsum process;	CONTINUOUS	Record Keeping	These volumes were estimated but are available.
III-E-4-i	maintenance on water trucks;	INTERMITTENT	Record Keeping	Maintenance records are inconsistent for the Certification Period. Maintenance issues are logged and new logs of repairs are now in place.
III-E-4-j	dust control measures applied to unpaved roads;	INTERMITTENT	Record Keeping	Dust Control measures taken are extrapolated from water truck use records and were maintained beginning in May for the Compliance Period
III-E-4-k	dust control measures applied to paved roads;	INTERMITTENT		Dust Control measures taken are extrapolated from water truck use records and were maintained beginning in May for the Compliance Period.
III-E-4-l	daily baghouse differential pressure drop readings;	INTERMITTENT	Record Keeping	No records exist for the Certification Period until May of 2018.

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE",	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-E-4-m	equipment inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	Logs were not completed during the Compliance Period but inspection/maintenance did take place and inconsistently recorded.
III-E-4-n	monthly control device inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	No records exist until May of 2018 for the Certification Period however control devices were maintained.
III-E-4-o	maintenance on the spray bars and/or water suppression systems;	INTERMITTENT	Record Keeping	No records exist for the Certification Period until May of 2018.
III-E-4-p	monthly amount of dust palliative applied;	CONTINUOUS	Record Keeping	Dust Palliative applied is recorded.
III-E-4-q	manufacturer specification sheets for the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07); and	CONTINUOUS	Record Keeping	
III-E-4-r	all performance test results.	CONTINUOUS	Record Keeping	
III-E-5	The Permittee shall maintain the following records onsite for reporting:			
III-E-5-a	monthly hourly operational logs;	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-b	throughput of gypsum material processed monthly and consecutive 12-month total;	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-c	amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-d	monthly square footage of blasting area and consecutive 12-month total (EU: A001);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-e	production of overburden material processed monthly and consecutive 12-month total (EU: A002);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-f	number of holes drilled per each month and consecutive 12-month total (EU: A003);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-g	monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-h	monthly VMT on the on-site paved haul roads and consecutive 12-month total (EU: B02);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-i	monthly VMT on the overburden paved haul roads and consecutive 12-month total (EU: B03);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-j	monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-k	monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);	INTERMITTENT	Record Keeping	estimated earlier but maintained continuously onsite beginning in May.
III-E-5-l	weekly and monthly moisture sampling results; (reported as required in Section III-F)	INTERMITTENT	Record Keeping	All moisture results collected were maintained.
III-E-5-m	deviations from permit requirements that result in excess emissions (reported as required in Section II-D of this permit);	INTERMITTENT	Record Keeping	Deviation reporting was conducted beginning in May of 2018.
III-E-5-n	deviations from permit requirements that do not result in excess emissions; and	INTERMITTENT	Record Keeping	Deviation reporting was conducted beginning in May of 2018.
III-E-5-o	calculation of annual emissions for each emission unit and for the entire source.	CONTINUOUS	Record Keeping	An emission inventory was created but after the Certification Period.
III-F-	<b>Reporting (AQR 12.5.2.6(d) and AQR 12.5.2.8)</b>			
III-F-1	All report submissions shall be addressed to the attention of the Control Officer.	CONTINUOUS	Record Keeping	
III-F-2	All reports shall contain the following:			
III-F-2-a	A certification statement on the first page, i.e., "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete." (A sample form is available from Air Quality)	CONTINUOUS	Record Keeping	
III-F-3	A certification signature from a responsible official of the company and the date of certification.	CONTINUOUS	Record Keeping	
III-F-4	The Permittee shall submit semi-annual monitoring reports to Air Quality.	CONTINUOUS	Record Keeping	
III-F-5	The following requirements apply to semi-annual reports:			



Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2018 - 12/31/2018				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-F-5-a	The report shall include a semi-annual summary of each item listed in Section III-F-5(a through n).	CONTINUOUS	Record Keeping	
III-F-5-b	The report shall be based on a calendar semi-annual period, which includes partial reporting periods.	CONTINUOUS	Record Keeping	
III-F-5-c	The report shall be received by Air Quality within 30 calendar days after the semiannual period.	INTERMITTENT	Record Keeping	The first Semi Annual report due by January 30, 2018 was not submitted on time. Subsequent Semiannual reports have been submitted by their due dates.
III-F-6	Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table III-F-1:	INTERMITTENT	Record Keeping	The first semiannual report and emission inventory were not submitted by the submission date. All subsequent report were.
III-F-7	The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit emission limits, applicable permit requirements, and requirements of applicable federal regulations. (AQR 4.4)	CONTINUOUS	Record Keeping	
III-G-	<b>Mitigation</b>			
III-G-1	The source has no federal offset requirements. (AQR 59.1.1)			
IV--	<b>IV. OTHER REQUIREMENTS</b>			
IV-1-	The Permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a CFC or HCFC compound as a working fluid, unless such fluid has been approved for sale in such use by the Administrator. The Permittee shall keep record of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on site. (40 CFR Part 82)	CONTINUOUS	Work Practice	
V--	<b>V. PERMIT SHIELD</b>			
V-1-	The source has not requested a permit shield. (AQR 12.5.2.9)			

**Attachment 6**



*Gypsum Resource Materials, LLC*

*P.O. Box 147*

*Blue Diamond, Nevada 89004*

702-830-3378 (Office)

702-441-7148 (Fax)

[www.bdhgypsum.com](http://www.bdhgypsum.com)

January 28, 2020

Control Officer, Compliance Division  
Clark County Department of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118

**RE: 2019 Annual Compliance Certification  
Gypsum Resources, LLC – Air Quality Source 17286**

Gypsum Resources, LLC, is pleased to present the following Annual Compliance Certification (ACC) for the compliance period of January 1, 2019 through December 31, 2019. This Annual Compliance Certification is in two (2) parts:

- 1) January 1, 2019 through November 13, 2019, prior to issuance of the revised permit, and
- 2) November 14, 2019 through December 31, 2019, after issuance of the revised permit.

The Part 70 Operating Permit (Permit) requires that an Annual Compliance Certification Report be generated and submitted to the Department of Air Quality (Air Quality), which includes the identification of each term or condition of the permit, identification of methods or means for determining compliance status, and status of compliance with the terms and conditions of the permit.

Should you have any questions or concerns regarding this submittal, please feel free to contact my consultant, Broadbent & Associates, Inc. at [smcnulty@broadbentinc.com](mailto:smcnulty@broadbentinc.com) or (702) 563-0600.

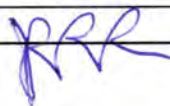
Sincerely,  
Gypsum Resources, LLC.

Ryan Rhodes  
Mine Manager/Responsible Official

Attachments: A: 2019 Annual Compliance Certification

cc: Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105)

**ATTACHMENT A: 2019 Annual Compliance Certification**

Part 70 - Annual Compliance Certification Clark County Department of Air Quality		Reporting Period				For DAQ Use Only	
		From Date: (MM/DD/YYYY)		To Date: (MM/DD/YYYY)			
		01/01/2019		12/31/2019			
Pursuant to 40 CFR, Part 70 and Section 12.5 of the Clark County Air Quality Regulations, this form should be used to satisfy the annual compliance certification requirement for Part 70 sources.							
Source Information						Contact (If different from Responsible Official)	
Source ID:	Source Name:		Company/Organization (Permittee):			Name	
17286	GYPSUM RESOURCES, LLC		GYPSUM RESOURCES, LLC			SCOTT MCNULTY	
Source Location						Office Phone:	702-563-0600
Number:	Direction:	Street:		Street Type:	Suite:	Cell Phone:	702-497-9743
8360		NEVADA HIGHWAY 159				Email Address:	
City:	BLUE DIAMOND		State:	NV	Zip:	89004	SMCNULTY@BROADBENTINC.COM
Has a copy of this Annual Compliance Certification been sent to EPA Region IX (as required): <input checked="" type="radio"/> Yes <input type="radio"/> No							
Certification Statement							
I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the specified stationary source:							
Name of Responsible Official:		Responsible Official's Title:			Company/Organization:		
RYAN RHODES		MINE MANAGER/RESPONSIBLE OFFICIAL			GYPSUM RESOURCES, LLC		
Email Address:	ROCKY@GYPSUMRESOURCES.COM			Office Phone:	702-465-7391	Cell:	
Responsible Official's Signature 						01/29/2019	
						Certification Date	

1-30-20

**Annual Compliance Certification**  
 (List every condition in the Part 70 Operating Permit)

	Permit Condition Citation	Permit Condition/Term/Requirement	Compliance Status	Compliance Monitoring Methods	Deviation Date(s) and/or Additional Information

**Compliance Status:** CC (Continuous Compliance) or IC (Intermittent Compliance)

**Compliance Monitoring Method:** CEMS (Continuous Emissions Monitoring System), ST (Stack Testing), VE (Visible Emissions), RK (Record Keeping), RR (Records Review), MB (Mass Balance), EF (Emissions Factor), INSP (Inspection), FA (Fuel Analysis), WP (Work Practice), PM (Parametric Monitoring, CALC (Calculations), OTH (Other, specify in comments)

**Clark County Department of Air Quality**  
**TITLE V ANNUAL COMPLIANCE CERTIFICATION FORM**

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2019 - 11/13/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II	<b>GENERAL CONDITIONS</b>			
II-A-	<b>General Requirements</b>			
II-A-1	The Permittee shall comply with all conditions of the Part 70 Operating Permit. Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations, Nevada law, and the Clean Air Act and is grounds for the following: enforcement action; permit termination; revocation and reissuance; revision; or denial of a permit renewal application. [AQR 12.5.2.6(e)(1)]	INTERMITTENT	Review of Records	Facility has not complied with all conditions of the permit.
II-A-2	If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid. [AQR 12.5.2.6(f)]	CONTINUOUS	Review of Records	
II-A-3	The Permittee shall pay all permit fees pursuant to AQR Section 18. [AQR 12.5.2.6(h)]	CONTINUOUS	Other	
II-A-4	The permit does not convey any property rights of any sort, or any exclusive privilege. [AQR 12.5.2.6(g)(4)]	CONTINUOUS	Other	
II-A-5	The Permittee agrees to allow inspection of the premises, to which this permit relates, by the Control Officer at any time during the Permittee's hours of operation without prior notice. The Permittee shall not obstruct, hamper or interfere with any such inspection. [AQR 4.3.3; AQR 4.9; AQR 5.1.1- and AQR 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6	The Permittee shall allow the Control Officer, upon presentation of credentials to: [AQR 4.3 and 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6-a	Have access to and copy any records that must be kept under the conditions of the permit;	CONTINUOUS	Inspections	
II-A-6-b	Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;	CONTINUOUS	Inspections	
II-A-6-c	Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and	CONTINUOUS	Inspections	
II-A-6-d	Document alleged violations using devices such as cameras or video equipment.	CONTINUOUS	Inspections	
II-A-7	Any Permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR Section 12.5.2.4. [AQR 12.5.2.2]	CONTINUOUS	Review of Records	
II-A-8	The Permittee who has been issued a permit under Section 12.5 shall post such permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department. [AQR 12.5.2.6(m)]	CONTINUOUS	Work Practice	
II-B-	<b>Modification, Revision, Renewal Requirements</b>			
II-B-1	No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an ATC Permit from the Control Officer [AQR 12.4.1.1(a)]	INTERMITTENT	Work Practice	Facility has had unpermitted diesel-fired generators operating on-site.

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II-B-2	The permit may be revised, revoked, reopened and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [AQR 12.5.2.6(e)(3)]	CONTINUOUS	Work Practice	
II-B-3	A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: [AQR 12.5.2.10(a)]			
II-B-3-a	The Permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal, except that a complete application need not be received before a Part 70 general permit is issued pursuant to Section 12.5.2.20; and	CONTINUOUS	Other	
II-B-3-b	The conditions of the permit provide for compliance with all applicable requirements and the requirements of Section 12.5	CONTINUOUS	Other	
II-B-4	The Permittee shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere reduces or conceals an emission, which would otherwise constitute a violation of an applicable requirement. [AQR 80.1 and 40 CFR 60.12]	CONTINUOUS	Work Practice	
II-B-5	No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. [AQR 12.5.2.6(i)]	CONTINUOUS	Work Practice	
II-B-6	Permit expiration terminates the Permittee's right to operate unless a timely and complete renewal application has been submitted. [AQR 12.5.2.11(b)]	CONTINUOUS	Work Practice	
II-B-7	For purposes of permit renewal, a timely application is a complete application that is submitted at least six (6) months and not greater than eighteen (18) months prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. [AQR 12.5.2.1(a)(2)]	CONTINUOUS	Work Practice	
II-C-	<b>Reporting/Notifications/Providing Information Requirements</b>			
II-C-1	The Permittee shall submit all compliance certifications to EPA and to the Control Officer. [AQR 12.5.2.8(e)(4)]	CONTINUOUS	Record Keeping	This document is being submitted to both DAQ and EPA.
II-C-2	Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or AQRs shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under AQR 12.5 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [AQR 12.5.2.6(i)]	CONTINUOUS	Review of Records	
II-C-3	The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [AQR 12.5.2.6(e)(5)]	CONTINUOUS	Review of Records	



Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2019 - 11/13/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-C-4	Upon request of the Control Officer, the Permittee shall provide such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and the Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report.[AQR 4.4]	CONTINUOUS	Review of Records	
II-C-5	The Permittee shall submit annual emissions inventory reports based on the following:[AQR 18.6.1]	CONTINUOUS	Record Keeping	
II-C-5-a	The annual emissions inventory must be submitted to Air Quality by March 31 of each calendar year: and	CONTINUOUS	Record Keeping	
II-C-5-b	The report shall include the emission factors and calculations used to determine the emissions from each permitted emission unit, even when an emission unit is not operated.	CONTINUOUS	Record Keeping	
II-D-	<b>Compliance Requirements</b>			
II-D-1	The Permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [AQR 12.5.2.6(e)(2)]	CONTINUOUS	Work Practice	
II-D-2	Any person who violates any provision of the AQR, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry or monitoring activities or any requirements by Air Quality is guilty of a civil offense and shall pay civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. [AQR 9.1 and NRS 445B.640]	CONTINUOUS	Work Practice	
II-D-3	Any person aggrieved by an order issued pursuant to AQR Section 9.1 is entitled to review as provided in Chapter 233B of NRS. [AQR 9.12]	CONTINUOUS	Inspections	
II-D-4	The Permittee shall comply with the requirements of 40 CFR 61, Subpart M, of the National Emission Standard for Asbestos for all demolition and renovation projects. [AQR 13.1(b)(8)]	CONTINUOUS	Work Practice	
II-D-5	The Permittee shall certify compliance with terms and conditions contained in the OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. [AQR 12.5.2.8(e)]	CONTINUOUS	Work Practice	
II-D-6	The Permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W Russell Road, Suite 200, Las Vegas, NV 89118) and the Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30th of the following year and shall include the following: [AQR 12.5.2.8(e)]	CONTINUOUS	Review of Records	
II-D-6-a	The identification of each term or condition of the permit that is the basis of the certification;	CONTINUOUS	Record Keeping	

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Certification Period: 1/1/2019 - 11/13/2019				
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II-D-6-b	The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR 70.6(a)(3). If necessary, the Permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information.	CONTINUOUS	Record Keeping	
II-D-6-c	The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection II.D.6(b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.	CONTINUOUS	Record Keeping	
II-D-7	The Permittee shall report to the Control Officer (4701 West Russell Road, Suite – 200, Las Vegas, NV 89118) any startup, shutdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below: [AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]	INTERMITTENT	Record Keeping	Facility has not reported all deviations as noted in the Semi-annual Deviation Logs.
II-D-7-a	within twenty-four (24) hours of the time the Permittee learns of the excess emissions, the report shall be communicated by phone (702) 455-5942, fax (702) 383-9994, or email: <a href="mailto:airquality@clarkcountynv.gov">airquality@clarkcountynv.gov</a> ; and	INTERMITTENT	Record Keeping	Facility has not reported all deviations as noted in the Semi-annual Deviation Logs.
II-D-7-b	within seventy-two (72) hours of the notification required by paragraph (a) above, the detailed written report containing the information required by AQR Section 25.6.3 shall be submitted.	INTERMITTENT	Record Keeping	Facility has not reported all deviations as noted in the Semi-annual Deviation Logs.
II-D-8	The Permittee shall report to the Control Officer with the semiannual monitoring report all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]	CONTINUOUS	Record Keeping	
II-D-9	The owner or operator of any source required to obtain a permit under Section 12 shall report to the Control Officer emissions that are in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health, safety or the environment as soon as possible, but in no case later than twelve (12) hours after the deviation is discovered, with a written report submitted within two (2) days of the occurrence. [AQR 25.6.2]	CONTINUOUS	Work Practice	
II-E-	<b>Performance Testing Requirements</b>			
II-E-1	Upon request of the Control Officer, the Permittee shall test or have tests performed to determine the emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Quality regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. [AQR 4.5]	CONTINUOUS	Stack Test	

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II-E-2	Upon request of the Control Officer, the Permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. [AQR 4.6]	CONTINUOUS	Stack Test	
II-E-3	The Permittee shall submit for approval a performance testing protocol which contains testing, reporting, and notification schedules, test protocols, and anticipated test dates to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, NV 89118) not less than 45, nor more than 90 days prior to the anticipated date of the performance test, unless otherwise specified in the Performance Testing sections of Section IV through XVII. [AQR 12.5.2.8]	CONTINUOUS	Stack Test	
II-E-4	The Permittee shall submit to EPA for approval any alternative test methods that are not already approved by EPA, to demonstrate compliance with a requirement under 40 CFR Part 60. [40 CFR 60.8(b)]	CONTINUOUS	Stack Test	
II-E-5	The Permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days from the end of the performance test. [12.5.2.8]	CONTINUOUS	Stack Test	
III-	<b>EMISSION UNITS AND APPLICABLE REQUIREMENTS</b>			
III-A-	<b>Emission Units</b> - The stationary source covered by this Part 70 OP is defined to consist of the emission units and associated appurtenances summarized in Table III-A-1. [ATC February 17, 2017: AQR 12.5.2.3]			
III-B-	<b>Emission Limitations and Standards</b>			
III-B-1	<b>Emission Limits [AQR 12.5.2.6(a) and (b)]</b>			
III-B-1-a	The Permittee shall not exhibit fugitive emissions with an opacity in excess of 7 percent, based on the average of five 6-minute averages, from all the conveyors and transfer points (EUs: A02, A03, A04, A06, A09, A11, A12, A35, A36 A40, A41, A48, E01, E02, E03, E04, F01 and F02) and stackers (EUs: A33, A38, and A79). [MSP September 10, 2013, Section IV A, Condition 2(b) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records have been maintained except as noted in the Semi-annual Deviation Logs.
III-B-1-b	The Permittee shall not discharge visible emissions from the HSI Crusher (EU: A05), HSI Underbelt (EU: A07), Surge Bin (EU: A10), West Screen (EU: A08), and Cone Crusher (EU: A34) vented to baghouse #1 stack (CD: D01) and the reject screen (EU: A39) vented to baghouse #2 stack (CD: D02) that exhibit an opacity in excess of 7 percent, based on the average of ten 6-minute averages. [ATC February 17, 2017, Section IV A, Condition 2(c) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records have been maintained except as noted in the Semi-annual Deviation Logs.
III-B-1-c	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 0.032 g/dscm (0.014 gr/dscf) from the emission units that commenced construction after April 22, 2008 (CDs: D01 and D02). [ATC February 17, 2017, Section IV A, Condition 2(d) and 40 CFR 60.672]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.
III-B-1-e	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 2.17 lbs/hr from CD: D01. [ATC February 17, 2017, Section IV A, Condition 2(e) and AQR 12.5.2.6(b)]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.
III-B-1-f	The Permittee shall not discharge particulate matter emissions from the baghouse stacks in excess of 0.57 lbs/hr from CD: D02. [ATC February 17, 2017, Section IV A, Condition 2(f) and AQR 12.5.2.6(b)]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.

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III-B-1-	Other			
III-B-1-g	The Permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20 percent opacity for a period of more than 6 consecutive minutes (EUs: A002, A003, A00, A01, A32, B01, B02, B03, C01, C03, C05, C06, and C07). [MSP September 10, 2013, Section IV A, Condition 2(a) and AQR 26.1.1]	CONTINUOUS	Record Keeping	
III-B-2-	Operational Limits [AQR 12.5.2.6(a) and (b)]			
III-B-2-a	The Permittee shall not allow any operational activities, which includes truck loading, on Sundays. [ATC February 17, 2017, Section IV A, Condition 3(a)]	CONTINUOUS	Record Keeping	
III-B-2-b	The Permittee is limited to operate 16 hours per day during the weekdays (Monday through Friday) and 10 hours per day on Saturday, which includes truck loading. [ATC February 17, 2017, Section IV A, Condition 3(b)]	CONTINUOUS	Record Keeping	
III-B-2-c	The Permittee shall limit the total throughput of materials for production of both 1/8" and 2" products to 1,280,000 tons per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(e)]	CONTINUOUS	Record Keeping	
III-B-2-d	The Permittee shall limit the blasting operations to 700,000 square feet per any consecutive 12-month period (EU: A001). [MSP September 10, 2013, Section IV A, Condition 3(a) and STL contained in HQO dated September 27, 2013]	INTERMITTENT	Record Keeping	Blasting operations were greater than 700,000 ft <sup>2</sup> /year from May 2018 - April 2019.
III-B-2-e	The Permittee shall limit the consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-month period (EU: A001). [MSP September 29, 2014, Section IV A, Condition 3(b)]	NOT IN COMPLIANCE	Record Keeping	ANFO usage is greater than 75 tons during any consecutive 12-month period. This value was inadvertently used in the permit application. A corrected value included in a Modification Application submitted to DAQ on 8/3/18.
III-B-2-f	The Permittee shall limit the overburden operations to 3,400,000 tons per any consecutive 12-month period (EU: A002). [ATC February 17, 2017, Section IV A, Condition 3(f)]	CONTINUOUS	Record Keeping	
III-B-2-g	The Permittee shall limit the drilling operations to 28,105 holes per any consecutive 12-month period (EU: A003).	CONTINUOUS	Record Keeping	
III-B-2-h	The Permittee shall limit the total stockpile area to 15 acres at any given time (EU: A32). [MSP September 10, 2013, Section IV A, Condition 3(c)]	NOT IN COMPLIANCE	Record Keeping	Facility did not monitor stock pile area during the Certification Period.
III-B-2-i	The Permittee shall limit the BLM access unpaved road to 170,750 VMT per any consecutive 12-month period (EU: B01). [ATC February 17, 2017, Section IV A, Condition 3(h)]	CONTINUOUS	Record Keeping	
III-B-2-j	The Permittee shall limit the paved roads for on-site operations to 42,750 VMT per any consecutive 12-month period (EU: B02). [ATC February 17, 2017, Section IV A, Condition 3(i)]	INTERMITTENT	Record Keeping	Facility limited the VMT traveled on the roadway. Asphalt millings was layed on roadways for pavement, however the roadways were not maintained.
III-B-2-k	The Permittee shall limit the paved roads for overburden operations to 340,000 VMT per any consecutive 12-month period (EU: B03). [ATC February 17, 2017, Section IV A, Condition 3(j)]	INTERMITTENT	Record Keeping	Facility limited the VMT traveled on the roadway. Asphalt millings was layed on roadways for pavement, however the roadways were not maintained.

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III-B-2-l	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C01 and C06) and continuous-duty diesel water pump (EU: C07) to 4,200 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(k)]	INTERMITTENT	Record Keeping	Facility limited the operating hours for the water pump and Crusher generator, however both the water pump and generator were changed out during the Certification Period due to mechanical issues.
III-B-2-m	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C03 and C05) to 4,800 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(l)]	INTERMITTENT	Record Keeping	Facility limited the operating hours for the both generators, however both generators were changed out during the Certification Period due to mechanical issues.
III-B-2-n	The Permittee shall limit the total truck loading for shipping of material to 1,280,000 tons per any consecutive 12-month period (EUs: E01, E02, E03, E04, F01 and F02).	CONTINUOUS	Record Keeping	
III-B-3-	<b>Emission Controls AQR 12.5.2.6(a) and (b)]</b>			
III-B-3-	<b>Gypsum Processing</b>			
III-B-3-1	The Permittee shall incorporate, and maintain in good operating condition at all times, an effective water suppression system to control visible emissions within allowable opacity limits for the transfer points, drop points, drilling, and overburden operations. [MSP September 10, 2013, Section IV B, Condition 2 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-B-3-2	The Permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25 inches in diameter which will maintain an 81.5 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 2]	INTERMITTENT	Review of Records	Facility did not perform moisture analyses to confirm material moisture content as noted in the Semi-annual Deviation Logs.
III-B-3-3	The Permittee shall maintain the moisture for the overburden operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 3]	INTERMITTENT	Review of Records	Facility did not perform moisture analyses to confirm material moisture content as noted in the Semi-annual Deviation Logs.
III-B-3-4	The Permittee shall maintain the moisture for the drilling operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions.	CONTINUOUS	Work Practice	
III-B-3-5	The Permittee shall employ adequate water sprays at pertinent locations where moisture is required to insure compliance with the moisture and opacity limits. [MSP September 10, 2013, Section IV B, Condition 3]	CONTINUOUS	Work Practice	
III-B-3-	<b>Control Devices</b>			
III-B-3-6	The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]	INTERMITTENT	Inspections	Process equipment emissions were vented to baghouses except as noted in the Semi-annual Deviation Logs.
III-B-3-7	The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]	CONTINUOUS	Inspections	
III-B-3-8	The Permittee shall operate each baghouse at all times any affected emission unit is operating, as indicated in Table III-C-1. [ATC February 17, 2017, Section IV B, Condition 7]	CONTINUOUS	Record Keeping	

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III-B-3-9	The Permittee shall operate and maintain the baghouses on the associated emission units to attain a control efficiency of 99.0 percent for all particulate emissions. [HHO dated August 15, 2016 and ATC February 17, 2017, Section IV B, Condition 8]	CONTINUOUS	Review of Records	
III-B-3-10	The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]	CONTINUOUS	Review of Records	Baghouses are maintained except as noted in the Semi-annual Deviation Logs.
III-B-3-11	The Permittee shall maintain the pressure drop across the baghouses (CDs: D01 and D02) within the range specified by the manufacturer which is ½" - 8" water column. [ATC February 17, 2017, Section IV B, Condition 10]	CONTINUOUS	Record Keeping	
III-B-3-	<b>Engines/Water Pump</b>			
III-B-3-12	The Permittee shall operate each of the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and the continuous-duty diesel water pump (EU: C07) with turbochargers and aftercoolers. [ATC February 17, 2017, Section IV B, Condition 11 and 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ]	INTERMITTENT	Work Practice	The on-site generators and water pump were operated with turbochargers and aftercoolers. All permitted generators and water pump were changed out during the Certification Period.
III-B-3-13	The Permittee shall operate and maintain each of the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and the continuous-duty diesel water pump (EU: C07) in accordance with the manufacturer's specifications. [ATC February 17, 2017, Section IV B, Condition 12 and 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ]	INTERMITTENT	Inspections	The on-site generators and water pump were operated in accordance with manufacturers specification however, records are not available to support continuous compliance. All permitted generators and water pump were changed out during the Certification Period.
III-B-3-14	The Permittee shall maintain the continuous-duty diesel water pump (EU: C07) as follows, unless the manufacturer's specifications are more stringent: [ATC February 17, 2017, Section IV B, Condition 13 and 40 CFR Part 63, Subpart ZZZZ].	INTERMITTENT	Inspections	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out during the Certification Period.
III-B-3-14-a	Change oil and filter every 1,000 hours of operation or annually, whichever comes first;	INTERMITTENT	Inspections	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out during the Certification Period.
III-B-3-14-b	Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and	INTERMITTENT	Record Keeping	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out during the Certification Period.
III-B-3-14-c	Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	INTERMITTENT	Record Keeping	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out during the Certification Period.

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III-B-3-14-d	the Permittee may utilize an oil analysis program as described in Subpart 63.6625(i) in order to extend the specified oil change requirement and can petition the Control Officer pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.	CONTINUOUS	Record Keeping	This option was not selected by the source.
III-B-3-15	During periods of startup, the Permittee shall minimize the continuous-duty diesel water pump's (EU: C07) time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. [ATC February 17, 2017, Section IV B, Condition 14 and 40 CFR 63.6603(a)]	INTERMITTENT	Record Keeping	The on-site water pump was operated as required. The permitted water pump was changed out prior to the Certification Period.
III-B-3-	<b>Haul Roads/Disturbed Surfaces/Stockpile</b>			
III-B-3-16	The Permittee shall not track out onto a paved road mud or dirt that extends 50 feet or more in cumulative length from the point of origin or allow any track out to accumulate to a depth greater than 0.25 inches. Notwithstanding the preceding, all accumulations of mud or dirt on curbs, gutters, sidewalks or paved roads including track out less than 50 feet in length and 0.25 inches in depth, shall be cleaned of all observable deposits and maintained to eliminate emissions of fugitive dust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 18]	CONTINUOUS	Work Practice	
III-B-3-17	The Permittee shall have daily control measures to remove any rock debris along the paved portion of Highway 159 that junctions with the BLM access unpaved roadway leading to the mine, not to exclude the designated bike lanes along Highway 159. [STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-B-3-18	The Permittee shall control fugitive dust emissions from any disturbed open area or disturbed vacant lot that are owned or operated by the Permittee by paving, applying gravel, applying a dust palliative or applying water to form a crust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 19]	CONTINUOUS	Work Practice	
III-B-3-19	The Permittee shall implement long-term stabilization of disturbed surfaces when the stationary source, or a portion thereof, is to be closed or idled for a period of 30 days or more, within 10 days following the cessation of active operations. Long-term stabilization includes, but is not limited to one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, and denying unauthorized access, or other effective control measure to prevent fugitive dust from becoming airborne. [MSP September 10, 2013, Section IV B, Condition 5 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	Closure or idling for more than 30 days has not occurred during the compliance period.
III-B-3-20	The Permittee shall control particulate matter emissions from any unpaved parking lot owned or operated by the Permittee by paving, applying a dust palliative or by an alternate method approved by the Control Officer regardless of the number of days of use. [ATC February 17, 2017, Section IV B, Condition 21]	INTERMITTENT	Record Keeping	Inspection records are not sufficient to assess continuous compliance for the entire year.
III-B-3-21	The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a Construction Advisory or Dust Advisory. [MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Blasting occurred during a construction advisory on March 27, 2019.

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III-B-3-22	The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Record Keeping	
III-B-3-23	The Permittee shall water, for fugitive dust control, the BLM portion of the access haul road to ensure on-going compliance with the AQR, the Permittee shall monitor the roadway daily and at any time visible emissions become visible, and employ the stabilization standards and test methods contained in AQR Subsection 91.4 which will determine the frequency of watering the unpaved roadway. [MSP September 10, 2013, Section IV B, Condition 8 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Fugitive dust has been controlled except as noted in the Semi-annual Deviation Logs.
III-B-3-24	The Permittee shall post and enforce a speed limit of 15 mph on the unpaved access haul road from the paved highway to the mine site. [MSP September 10, 2013, Section IV B, Condition 9 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Speed limit is posted, but enforcement has proven difficult and thus compliance has not been continuous.
III-B-3-25	The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 10 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Haul trucks leaving site are covered except as noted in the Semi-annual Deviation Logs.
III-B-3-26	The Permittee shall require haul truck drivers to clean and remove any loose debris from the haul trucks prior to leaving the mine property. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 11 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been stressed to drivers and is normal operating procedure. Continuous compliance can not be assured during the certification period.
III-B-3-27	The Permittee shall water all haul roads that are in use and stockpiles to the extent that the opacity limits are continually complied with.	CONTINUOUS	Inspections	
III-B-3-	<b>Other</b>			
III-B-3-28	The Permittee shall not cause, suffer or allow the discharge from any source whatsoever such quantities of air contaminants or other material which cause a nuisance, including excessive odors. [MSP September 10, 2013, Section IV B, Condition 17, AQR 40, and AQR 43]	CONTINUOUS	Work Practice	There are no neighbors close to the facility.
III-B-3-29	The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [MSP September 10, 2013, Section IV B, Condition 1 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Fugitive dust was allowed to become airborne on April 23, 2019.
III-B-3-30	The Permittee shall implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends one hundred (100) yards from the point of origin or beyond the lot line of the property on which the emissions originate, horizontally or vertically, whichever is less. [MSP September 10, 2013, Section IV B, Condition 4 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-B-3-31	The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	A water truck has been available and utilized except as noted in the Semi-annual Deviation Logs.
III-B-3-32	The Permittee shall water the disturbed soils to form a crust immediately following blasts and safety clearance. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	Water truck was not always used for blasting operations.
III-C-	<b>Monitoring [AQR 12.5.2.6(d) and AQR 12.5.2.8(a)]</b>			



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III-C-	<b>Visible Emissions</b>			
III-C-1	The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 1]	INTERMITTENT	Record Keeping	Daily visible emission checks have been performed except as noted in the Semi-annual Deviation Logs.
III-C-2	If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. [MSP September 10, 2013, Section IV C, Condition 2]	INTERMITTENT	Record Keeping	Daily visible emission checks have been performed except as noted in the Semi-annual Deviation Logs.
III-C-3	If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall: [MSP September 10, 2013, Section IV C, Condition 3]			
III-C-3-a	take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or	INTERMITTENT	Work Practice	Corrective actions have been implemented except as noted in the Semi-annual Deviation Logs.
III-C-3-b	have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Part 60 Appendix A: Reference Method 9.	INTERMITTENT	Record Keeping	Corrective actions have been implemented except as noted in the Semi-annual Deviation Logs.
III-C-4	Visible emissions checks do not require a certified VE observer, except where visible emissions appear to exceed the allowable opacity limit and exceed 30 seconds in duration, and an EPA Method 9 observation is made to establish it does not exceed the standard. [MSP September 10, 2013, Section IV C, Condition 4]	CONTINUOUS	Inspections	
III-C-5	The Permittee shall have a certified opacity reader on-site at all times the facility is operating. [MSP September 10, 2013, Section IV C, Condition 13]	CONTINUOUS	Work Practice	
III-C-	<b>Gypsum Processing/Stockpiles/Haul Road</b>			
III-C-6	The Permittee shall visually inspect the water spray system daily at all emission units controlled through water suppression, and monitor its effectiveness. Inspections shall include, but not be limited to, flow rates, leaks and nozzle conditions, as applicable. The Permittee shall either replace ineffective spray nozzles immediately, or shut-down the subject processing equipment until such time repairs can be completed to the water spray suppression system, as applicable. [STL contained in HOO dated September 27, 2012 and ATC February 17, 2017, Section V A, Condition 6]	CONTINUOUS	Inspections	
III-C-7	The Permittee shall monitor daily hours of operation. [ATC February 17, 2017, Section V A, Condition 7]	CONTINUOUS	Record Keeping	
III-C-8	The Permittee shall monitor daily the throughput of all mineral products processed in the gypsum in tonnage and calculate the total, on a monthly basis. [ATC February 17, 2017, Section V A, Condition 8]	CONTINUOUS	Record Keeping	
III-C-9	The Permittee shall calculate the total area blasted after each blast and record it for inclusion in the monthly total blasting area (EU: A001). [ATC February 17, 2017, Section V A, Condition 9]	CONTINUOUS	Record Keeping	
III-C-10	The Permittee shall monitor the amount of ANFO used during each blast, and calculate the total, on monthly basis (EU: A001). [ATC February 17, 2017, Section V A, Condition 10]	CONTINUOUS	Record Keeping	
III-C-11	The Permittee shall monitor the production of overburden in tonnage and calculate, on a monthly basis (EU: A002).	CONTINUOUS	Record Keeping	

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III-C-12	The Permittee shall monitor the number of holes drilled, on a monthly basis (EU: A003).	CONTINUOUS	Record Keeping	
III-C-13	The Permittee shall monitor the total acreage of stockpiles on a monthly basis (EU: A32). [MSP September 10, 2013, Section IV C, Condition 10]	NOT IN COMPLIANCE	Work Practice	Monthly stockpile acreage was not monitored during the Certification Period until December 2019.
III-C-14	The Permittee shall monitor daily the number of VMT traveled for BLM roads by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B01). [ATC February 17, 2017, Section V A, Condition 11]	CONTINUOUS	Record Keeping	
III-C-15	The Permittee shall monitor daily the number of VMT onsite by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B02). [ATC February 17, 2017, Section V A, Condition 12]	CONTINUOUS	Record Keeping	
III-C-16	The Permittee shall monitor daily the number of VMT traveled for overburden operations by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B03). [ATC February 17, 2017, Section V A, Condition 13]	CONTINUOUS	Record Keeping	
III-C-17	The Permittee shall monitor daily the total truck loading for shipping of all mineral products in tonnage and calculate the total, on a monthly basis (EUs: E01, E02, E03, E04, F01 and F02).	CONTINUOUS	Record Keeping	
III-C-18	The Permittee shall have an adequate number of water trucks on-site at all times to control dust emissions from the site and to constantly use them for the control of dust emissions. [STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Water trucks were not always available.
III-C-19	The Permittee shall monitor daily operation of the water trucks for the following [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 15]:			
III-C-19-a	amount of water used, and	CONTINUOUS	Record Keeping	
III-C-19-b	maintenance of the water trucks.	INTERMITTENT	Record Keeping	Formal maintenance records for the water trucks were not maintained during June 2019.
III-C-	<b>Engines/Water Pump</b>			
III-C-20	The Permittee shall operate each continuous-duty engine and continuous-duty diesel water pump with a nonresettable hour meter, monitor the hours of operation of each engine (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07), and calculate, on a monthly basis, the hours of operation of each engine and water pump per month. [ATC February 17, 2017, Section V A, Condition 16]	INTERMITTENT	Record Keeping	The on-site generators and water pump were operated with nonresettable hour meters and the hours of operation were monitored and recorded monthly. All permitted generators and water pump were changed out during the Certification Period.
III-C-	<b>Baghouse (CDs: D01 and D02)</b>			
III-C-21	The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications. Gauges shall be installed where they are accessible and can be easily read. [ATC February 17, 2017, Section V A, Condition 17]	CONTINUOUS	Record Keeping	
III-C-22	The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]	INTERMITTENT	Record Keeping	Monthly baghouse interior inspection was not conducted in January, February, March, April, May, and June 2019.

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III-C-23	The Permittee shall have an SOP manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]	CONTINUOUS	Record Keeping	
III-C-24	The Permittee shall conduct daily visual observations of the baghouse stack discharges to verify that visible emissions are not present in excess of allowable opacity limits. If they are, the Permittee shall cease operations producing the emissions until the problem is corrected. [ATC February 17, 2017, Section V A, Condition 20 and 40 CFR 60.674(c)]	CONTINUOUS	Record Keeping	
III-C-	<b>Other</b>			
III-C-25	The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (h)(1-7)]:	INTERMITTENT	Review of Records	Material moisture testing was not performed weekly during the Certification Period.
III-C-25-a	Testing shall be in accordance with ASTM Method C471M16a Standard Test Method for Chemical Analysis of Gypsum and Gypsum Products (Section 17); and	CONTINUOUS	Review of Records	
III-C-25-b	Samples for moisture testing shall be retrieved from the following locations:			
III-C-25-b-1	1. 3rd belt conveyor after the West Screen for 2" product	CONTINUOUS	Review of Records	
III-C-25-b-2	2. 3rd belt conveyor after the West Screen for 1/8" product	CONTINUOUS	Review of Records	
III-C-25-b-3	3. Reject stockpile	CONTINUOUS	Review of Records	
III-C-25-b-4	4. 2" stockpile	CONTINUOUS	Review of Records	
III-C-25-b-5	5. 1/8" stockpile	CONTINUOUS	Review of Records	
III-C-25-b-6	6. Direct loading from the overburden removal	CONTINUOUS	Review of Records	
III-C-25-b-7	7. Truck loading conveyor (EU: E02 or E04).	CONTINUOUS	Review of Records	
III-C-26	The Permittee shall also use a third party to conduct monthly moisture testing on three of the seven sample locations, provided that all seven of the sampling locations are tested by the third party lab every 3 months. [ATC February 17, 2017, Section V A, Condition 22]	INTERMITTENT	Review of Records	Third party moisture testing was not performed in August 2019.
III-C-27	The Permittee shall allow representatives of Clark County to conduct moisture testing. [ATC February 17, 2017, Section V A, Condition 23]	CONTINUOUS	Inspections	
III-C-28	The Control Officer may require additional moisture testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [ATC February 17, 2017, Section V A, Condition 24 and AQR 4.5]	CONTINUOUS	Inspections	
III-C-29	The Permittee shall submit the weekly and monthly moisture results along with the semi-annual summary reporting to the Control Officer as specified in Section III-F. [ATC February 17, 2017, Section V A, Condition 25]	INTERMITTENT	Review of Records	Moisture testing records were not consistently available during the Certification Period. All available records were submitted with the reports.
III-C-30	The Permittee shall have an SOP manual for the moisture testing that meets the approval of the Control Officer. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with this permit and the manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 26]	CONTINUOUS	Record Keeping	
III-D-	<b>Testing [AQR 12.5.2.8(a)]</b>			

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III-D-1	All performance testing is subject to 40 CFR Part 60.8 and Air Quality Guideline for Source Testing, (Jan 2013). Performance testing shall be the instrument for determining initial and subsequent compliance testing with emission limitations set forth in this permit. [MSP September 10, 2013, Section IV D, Condition 3]	CONTINUOUS	Stack Test	
III-D-2	The Permittee shall conduct initial performance testing. Initial testing was conducted on May 18-19, 2017 for baghouse CD: D02 and June 7-8, 2017 for baghouse CD: D01 to demonstrate compliance with the grain loading standard of 40 CFR Part 60, Subpart OOO and with the mass emission rates (pounds per hour). [ATC February 17, 2017, Section V B, Condition 2 and 40 CFR 60.672]	CONTINUOUS	Stack Test	
III-D-3	The Permittee shall conduct initial performance testing for opacity for the new belt conveyors (EUs: A02, A04, A06, A09, A11, and A12) and a facility-wide opacity testing. Initial testing was conducted on May 26, 2017 and June 7, 2017 to demonstrate compliance with 40 CFR Part 60, Subpart OOO of 7% opacity and local opacity standard of 20% (EUs: A01 and A32). [ATC February 17, 2017, Section V B, Condition 3, 40 CFR 60.672, and AQR 26.1.1]	CONTINUOUS	Record Keeping	
III-D-4	The Permittee shall conduct subsequent performance testing according to the following conditions [ATC February 17, 2017, Section V B, Condition 4]:			
III-D-4-a	Performance tests on the facility for opacity shall be conducted annually within 45 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-D-4-b	Performance tests on the baghouses for grain loading standard and mass emission rates (pounds per hour) shall be conducted every five years within 90 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-D-5	After completion of three consecutive compliant performance tests for opacity, the permittee can request to the Control Officer in writing consideration to change the performance testing frequency. [ATC February 17, 2017, Section V B, Condition 5]	CONTINUOUS	Stack Test	
III-D-6	The Permittee shall utilize performance testing methodologies for individual emission units as indicated in Table III-D-1. [ATC February 17, 2017, Section V B, Condition 6]:	CONTINUOUS	Stack Test	
III-D-7	The Control Officer will consider approving the Permittee's request for alternatives performance test methods if proposed in writing in the performance test protocols. [MSP September 10, 2013, Section IV D, Condition 5]	CONTINUOUS	Stack Test	
III-D-8	The Permittee of any stationary source that fails to demonstrate compliance with the emissions standards or limitations during any performance test, shall submit a compliance plan to the Control Officer within 90 days from the end of the performance test. [MSP September 10, 2013, Section IV D, Condition 7 and AQR 10.1]	CONTINUOUS	Stack Test	
III-D-9	The Control Officer may require additional performance testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [MSP September 10, 2013, Section IV D, Condition 8 and AQR 4.5]	CONTINUOUS	Stack Test	
III-E-	<b>Recordkeeping [AQR 12.5.2.6(d) and AQR 12.5.2.8]</b>			
III-E-1	All records Logss, etc. shall be made available to the Control Officer during regular business hours.	CONTINUOUS	Record Keeping	
III-E-2	All records, Logss, etc., or a copy thereof, shall be kept onsite for a minimum of 5 years from the date the measurement, or data was entered.	CONTINUOUS	Record Keeping	All records that were made are being kept.
III-E-3	Records and data required by this permit to be maintained by the Permittee may be audited at any time by a third party selected by the Control Officer. [AQR 4.4]	CONTINUOUS	Record Keeping	No request was made.
III-E-4	The Permittee shall maintain the following records onsite:			

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III-E-4-a	dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;	CONTINUOUS	Record Keeping	
III-E-4-b	daily hours of operation;	CONTINUOUS	Record Keeping	
III-E-4-c	daily production of gypsum materials processed;	CONTINUOUS	Record Keeping	
III-E-4-d	daily shipment of gypsum materials;	CONTINUOUS	Record Keeping	
III-E-4-e	daily production of the overburden operations;	CONTINUOUS	Record Keeping	
III-E-4-f	monthly number of holes drilled;	CONTINUOUS	Record Keeping	
III-E-4-g	daily water usage for water trucks;	CONTINUOUS	Record Keeping	
III-E-4-h	daily water applied to the gypsum process;	CONTINUOUS	Record Keeping	
III-E-4-i	maintenance on water trucks;	INTERMITTENT	Record Keeping	Maintenance records are inconsistent for the Certification Period. Maintenance repair records were put into place in June 2019.
III-E-4-j	dust control measures applied to unpaved roads;	CONTINUOUS	Record Keeping	
III-E-4-k	dust control measures applied to paved roads;	CONTINUOUS	Record Keeping	
III-E-4-l	daily baghouse differential pressure drop readings;	CONTINUOUS	Record Keeping	
III-E-4-m	equipment inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	Equipment inspections were conducted except as noted in the Semi-annual Deviation Logs
III-E-4-n	monthly control device inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	Monthly baghouse interior inspection records are not available for January, February, March, April, May, and June 2019.
III-E-4-o	maintenance on the spray bars and/or water suppression systems;	CONTINUOUS	Record Keeping	
III-E-4-p	monthly amount of dust palliative applied;	CONTINUOUS	Record Keeping	
III-E-4-q	manufacturer specification sheets for the continuous-duty diesel engines (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07); and	INTERMITTENT	Record Keeping	Generator manufacturer specification sheets were not available for the entire Certification Period
III-E-4-r	all performance test results.	CONTINUOUS	Record Keeping	
III-E-5	The Permittee shall maintain the following records onsite for reporting:			
III-E-5-a	monthly hourly operational Logss;	CONTINUOUS	Record Keeping	
III-E-5-b	throughput of gypsum material processed monthly and consecutive 12-month total;	CONTINUOUS	Record Keeping	
III-E-5-c	amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);	CONTINUOUS	Record Keeping	
III-E-5-d	monthly square footage of blasting area and consecutive 12-month total (EU: A001);	CONTINUOUS	Record Keeping	
III-E-5-e	production of overburden material processed monthly and consecutive 12-month total (EU: A002);	CONTINUOUS	Record Keeping	
III-E-5-f	number of holes drilled per each month and consecutive 12-month total (EU: A003);	CONTINUOUS	Record Keeping	
III-E-5-g	monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01);	CONTINUOUS	Record Keeping	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2019 - 11/13/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-E -5-h	monthly VMT on the on-site paved haul roads and consecutive 12-month total (EU: B02);	INTERMITTENT	Record Keeping	Facility maintained monthly records of VMT traveled. Asphalt millings was layed on roadways for pavement, however the roadways were not consistently maintained.
III-E -5-i	monthly VMT on the overburden paved haul roads and consecutive 12-month total (EU: B03);	INTERMITTENT	Record Keeping	Facility maintained monthly records of VMT traveled. Asphalt millings was layed on roadways for pavement, however the roadways were not consistently maintained.
III-E -5-j	monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);	INTERMITTENT	Record Keeping	The required hours of operation for the on-site generators and water pump were recorded and reported as required. All permitted generators and water pump were changed out during the Certification Period.
III-E -5-k	monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);	CONTINUOUS	Record Keeping	
III-E -5-l	weekly and monthly moisture sampling results; (reported as required in Section III-F)	INTERMITTENT	Record Keeping	Moisture results are not consistently available.
III-E -5-m	deviations from permit requirements that result in excess emissions (reported as required in Section II-D of this permit);	INTERMITTENT	Record Keeping	Deviation reporting was conducted except as noted in the Semi-annual Deviation Logs.
III-E -5-n	deviations from permit requirements that do not result in excess emissions; and	CONTINUOUS	Record Keeping	
III-E -5-o	calculation of annual emissions for each emission unit and for the entire source.	CONTINUOUS	Record Keeping	
III-F-	<b>Reporting [AQR 12.5.2.6(d) and AQR 12.5.2.8]</b>			
III-F-1	All report submissions shall be addressed to the attention of the Control Officer.	CONTINUOUS	Record Keeping	
III-F-2	All reports shall contain the following:			
III-F-2-a	A certification statement on the first page, i.e., "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete." (A sample form is available from Air Quality).	CONTINUOUS	Record Keeping	
III-F-3	A certification signature from a responsible official of the company and the date of certification.	CONTINUOUS	Record Keeping	
III-F-4	The Permittee shall submit semi-annual monitoring reports to Air Quality.	CONTINUOUS	Record Keeping	
III-F-5	The following requirements apply to semi-annual reports:			
III-F-5-a	The report shall include a semi-annual summary of each item listed in Section III-E-5(a through n).	CONTINUOUS	Record Keeping	
III-F-5-b	The report shall be based on a calendar semi-annual period, which includes partial reporting periods.	CONTINUOUS	Record Keeping	
III-F-5-c	The report shall be received by Air Quality within 30 calendar days after the semiannual period.	CONTINUOUS	Record Keeping	
III-F-6	Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table III-F-1:	CONTINUOUS	Record Keeping	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 1/1/2019 - 11/13/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-F-7	The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit emission limits, applicable permit requirements, and requirements of applicable federal regulations. [AQR 4.4]	CONTINUOUS	Record Keeping	
III-G-	<b>Mitigation</b>			
III-G-1	The source has no federal offset requirements. [AQR 59.1.1]			
IV-	<b>IV. OTHER REQUIREMENTS</b>			
IV-1-	The Permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a CFC or HCFC compound as a working fluid, unless such fluid has been approved for sale in such use by the Administrator. The Permittee shall keep record of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on site. [40 CFR Part 82]	CONTINUOUS	Work Practice	
V-	<b>V. PERMIT SHIELD</b>			
V-1-	The source has not requested a permit shield. [AQR 12.5.2.9]			

**Clark County Department of Air Quality**  
**TITLE V ANNUAL COMPLIANCE CERTIFICATION FORM**

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-	<b>GENERAL CONDITIONS</b>			
II-A-	<b>General Requirements</b>			
II-A-1	The Permittee shall comply with all conditions of the Part 70 Operating Permit. Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations, Nevada law, and the Clean Air Act and is grounds for the following: enforcement action; permit termination; revocation and reissuance; revision; or denial of a permit renewal application. [AQR 12.5.2.6(e)(1)]	INTERMITTENT	Review of Records	Facility has not complied with all conditions of the permit.
II-A-2	If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid. [AQR 12.5.2.6(f)]	CONTINUOUS	Review of Records	
II-A-3	The Permittee shall pay all permit fees pursuant to AQR Section 18. [AQR 12.5.2.6(h)]	CONTINUOUS	Other	
II-A-4	The permit does not convey any property rights of any sort, or any exclusive privilege.[AQR 12.5.2.6(g)(4)]	CONTINUOUS	Other	
II-A-5	The Permittee agrees to allow inspection of the premises, to which this permit relates, by the Control Officer at any time during the Permittee's hours of operation without prior notice. The Permittee shall not obstruct, hamper or interfere with any such inspection. [AQR 4.3.3; AQR 4.9; AQR 5.1.1; and AQR 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6	The Permittee shall allow the Control Officer, upon presentation of credentials to: [AQR 4.3 and 12.5.2.8(b)]	CONTINUOUS	Inspections	
II-A-6-a	Have access to and copy any records that must be kept under the conditions of the permit;	CONTINUOUS	Inspections	
II-A-6-b	Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;	CONTINUOUS	Inspections	
II-A-6-c	Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and	CONTINUOUS	Inspections	
II-A-6-d	Document alleged violations using devices such as cameras or video equipment.	CONTINUOUS	Inspections	
II-A-7	Any Permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR Section 12.5.2.4. [AQR 12.5.2.2]	CONTINUOUS	Review of Records	
II-A-8	The Permittee who has been issued a permit under Section 12.5 shall post such permit in a location which is clearly visible and accessible to the facility's employees and representatives of the department. [AQR 12.5.2.6(m)]	CONTINUOUS	Work Practice	
II-B-	<b>Modification, Revision, Renewal Requirements</b>			
II-B-1	No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an ATC Permit from the Control Officer [AQR 12.4.1.1(a)]	INTERMITTENT	Work Practice	Facility has had unpermitted diesel-fired generators operating on-site.



Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-B-2	The permit may be revised, revoked, reopened and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [AQR 12.5.2.6(e)(3)]	CONTINUOUS	Work Practice	
II-B-3	A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: [AQR 12.5.2.10(a)]			
II-B-3-a	The Permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal, except that a complete application need not be received before a Part 70 general permit is issued pursuant to Section 12.5.2.20; and	CONTINUOUS	Other	
II-B-3-b	The conditions of the permit provide for compliance with all applicable requirements and the requirements of Section 12.5	CONTINUOUS	Other	
II-B-4	The Permittee shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere reduces or conceals an emission, which would otherwise constitute a violation of an applicable requirement. [AQR 80.1 and 40 CFR 60.12]	CONTINUOUS	Work Practice	
II-B-5	No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. [AQR 12.5.2.6(i)]	CONTINUOUS	Work Practice	
II-B-6	Permit expiration terminates the Permittee's right to operate unless a timely and complete renewal application has been submitted. [AQR 12.5.2.11(b)]	CONTINUOUS	Work Practice	
II-B-7	For purposes of permit renewal, a timely application is a complete application that is submitted at least six (6) months and not greater than eighteen (18) months prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. [AQR 12.5.2.1(a)(2)]	CONTINUOUS	Work Practice	
II-C-	<b>Reporting, Notifications, and Information Requirements</b>			
II-C-1	The Permittee shall submit all compliance certifications to EPA and to the Control Officer. [AQR 12.5.2.8(e)(4)]	CONTINUOUS	Record Keeping	This document is being submitted to both DAQ and EPA.
II-C-2	Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or AQRs shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under AQR 12.5 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [AQR 12.5.2.6(l)]	CONTINUOUS	Review of Records	
II-C-3	The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [AQR 12.5.2.6(e)(5)]	CONTINUOUS	Review of Records	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-C-4	Upon request of the Control Officer, the Permittee shall provide such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and the Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report.[AQR 4.4]	CONTINUOUS	Review of Records	
II-C-5	The Permittee shall submit annual emissions inventory reports that meet the following requirements: [AQR 18.6.1]	CONTINUOUS	Record Keeping	
II-C-5-a	The annual emissions inventory must be submitted to Air Quality by March 31 of each calendar year(if March 31 falls on a Saturday or Sunday, or on a federal or Nevada holiday, the submittal shall be due on the next regularly scheduled business day):	CONTINUOUS	Record Keeping	
II-C-5-b	The calculated actual annual emissions from each emission unit (EU) shall be reported, even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the PTE in the permit or an equivalent method approved by the Control Officer prior to submittal; and	CONTINUOUS	Record Keeping	
II-C-5-c	The first page of text will be a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a responsible official of the company (a sample form is available from DAQ).	CONTINUOUS	Record Keeping	
II-D-	<b>Compliance Requirements</b>			
II-D-1	The Permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [AQR 12.5.2.6(g)(2)]	CONTINUOUS	Work Practice	
II-D-2	Any person who violates any provision of the AQR, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry or monitoring activities or any requirements by Air Quality is guilty of a civil offense and shall pay civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. [AQR 9.1 and NRS 445B.640]	CONTINUOUS	Work Practice	
II-D-3	Any person aggrieved by an order issued pursuant to AQR Section 9.1 is entitled to review as provided in Chapter 233B of NRS. [AQR 9.12]	CONTINUOUS	Inspections	
II-D-4	The Permittee shall comply with the requirements of 40 CFR 61, Subpart M, of the National Emission Standard for Asbestos for all demolition and renovation projects. [AQR 13.1(b)(8)]	CONTINUOUS	Work Practice	
II-D-5	The Permittee shall certify compliance with terms and conditions contained in the OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. [AQR 12.5.2.8(e)]	CONTINUOUS	Work Practice	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-D-6	The Permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W Russell Road, Suite 200, Las Vegas, NV 89118) and the Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30th of the following year and shall include the following: [AQR 12.5.2.8(a)]	CONTINUOUS	Review of Records	
II-D-6-a	The identification of each term or condition of the permit that is the basis of the certification;	CONTINUOUS	Record Keeping	
II-D-6-b	The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR 70.6(a)(3). If necessary, the Permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information.	CONTINUOUS	Record Keeping	
II-D-6-c	The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection II.D.6(b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.	CONTINUOUS	Record Keeping	
II-D-7	The Permittee shall report to the Control Officer (4701 West Russell Road, Suite – 200, Las Vegas, NV 89118) any startup, shutdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below: [AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]	CONTINUOUS	Record Keeping	
II-D-7-a	within twenty-four (24) hours of the time the Permittee learns of the event, the report shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at: <a href="mailto:airquality@clarkcountynv.gov">airquality@clarkcountynv.gov</a> ; and	CONTINUOUS	Record Keeping	
II-D-7-b	within seventy-two (72) hours of the required notification, the permittee shall submit a detailed written report to DAQ containing the information required by AQR Section 25.6.3.	CONTINUOUS	Record Keeping	
II-D-8	With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. [AQR 12.5.2.6(d)(4)(B)]	CONTINUOUS	Record Keeping	
II-D-9	The owner or operator of any source required to obtain a permit under Section 12 shall report to the Control Officer emissions that are in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health, safety or the environment as soon as possible, but in no case later than twelve (12) hours after the deviation is discovered, and submit a written report within two days of the occurrence. [AQR 25.6.2]	CONTINUOUS	Work Practice	
II-E-	<b>Performance Testing Requirements</b>			

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
II-E-1	Upon request of the Control Officer, the Permittee shall test or have tests performed to determine the emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Quality regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. [AQR 4.5]	CONTINUOUS	Stack Test	
II-E-2	Upon request of the Control Officer, the Permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. [AQR 4.6]	CONTINUOUS	Stack Test	
II-E-3	The Permittee shall submit for approval a performance testing protocol which contains testing, reporting, and notification schedules, test protocols, and anticipated test dates to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, NV 89118) not less than 45, nor more than 90 days prior to the anticipated date of the performance test, unless otherwise specified in the Performance Testing sections of Section IV through XVII. [AQR 12.5.2.8]	CONTINUOUS	Stack Test	
II-E-4	The Permittee shall submit to EPA for approval any alternative test methods that are not already approved by EPA, to demonstrate compliance with a requirement under 40 CFR Part 60. [40 CFR 60.8(b)]	CONTINUOUS	Stack Test	
II-E-5	The Permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days from the end of the performance test. [12.5.2.8]	CONTINUOUS	Stack Test	
III-	<b>EMISSION UNITS AND APPLICABLE REQUIREMENTS</b>			
III-A-	<b>Emission Units</b>			
III-A-1	The stationary source covered by this Part 70 OP is defined to consist of the emission units and associated appurtenances summarized in Table III-A-1. [ATC February 17, 2017 & AQR 12.5.2.3]			
III-B-	<b>Nonroad Engines</b> - Pursuant to Title 40, Part 1068.30 of the Code of Federal Regulations (40 CFR Part 1068.30), nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source. Records of location changes for portable or transportable nonroad engines shall be maintained, and shall be made available to the Control Officer upon request. Nonroad engines used on self-propelled equipment do not have this 12-month limitation or the associated recordkeeping requirements.	CONTINUOUS	Record Keeping	
III-C-	<b>Emission Limitations and Standards</b>			
III-C-1	<b>Emission Limits</b>			
III-C-1-a	The permittee shall not allow actual emissions from the individual emission units to exceed the calculated PTE listed in Table III-B-1 on a consecutive 12-month total. [Title V OP, 11/13/2017; Application for Revision, 8/17/2018]	INTERMITTENT	Record Keeping	C01 Diesel Generator was replaced in November 2019. The C01 PTE for VOC was exceeded in December 2019.

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-C-1-b	The Permittee shall not exhibit fugitive emissions with an opacity in excess of 7 percent, based on the average of five 6-minute averages, from all the conveyors and transfer points (EUs: A02, A03, A04, A06, A09, A11, A12, A35, A36 A40, A41, A48, E01, E02, E03, E04, F01 and F02) and stackers (EUs: A33, A38, and A79). [MSP September 10, 2013, Section IV A, Condition 2(b) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records have been maintained except as noted in the Semi-annual Deviation Logs.
III-C-1-c	The Permittee shall not discharge visible emissions from the HSI Crusher (EU: A05), HSI Underbelt (EU: A07), Surge Bin (EU: A10), West Screen (EU: A08), and Cone Crusher (EU: A34) vented to baghouse #1 stack (CD: D01) and the reject screen (EU: A39) vented to baghouse #2 stack (CD: D02) that exhibit an opacity in excess of 7 percent, based on the average of ten 6-minute averages. [ATC February 17, 2017, Section IV A, Condition 2(c) and 40 CFR 60.672]	INTERMITTENT	Record Keeping	Records have been maintained except as noted in the Semi-annual Deviation Logs.
III-C-1-d	The Permittee shall not discharge particulate matter (PM) emissions from the baghouse stacks in excess of 0.032 g/dscm (0.014 gr/dscf) from the emission units that commenced construction after April 22, 2008 (CDs: D01 and D02). [ATC February 17, 2017, Section IV A, Condition 2(d) and 40 CFR 60.672]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.
III-C-1-e	The Permittee shall not discharge PM emissions from the baghouse stacks in excess of 2.17 lbs/hr from CD: D01. [ATC February 17, 2017, Section IV A, Condition 2(e) and AQR 12.5.2.6(b)]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.
III-C-1-f	The Permittee shall not discharge PM emissions from the baghouse stacks in excess of 0.57 lbs/hr from CD: D02. [ATC February 17, 2017, Section IV A, Condition 2(f) and AQR 12.5.2.6(b)]	CONTINUOUS	Stack Test	Stack testing conducted in June and July of 2018 confirmed compliance with the permit limit.
III-C-1	<b>Other</b>			
III-C-1-g	The Permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20 percent opacity for a period of more than 6 consecutive minutes (EUs: A002, A003, A00, A01, A32, B01, B02, B03, C01, C05, C06, C07 and C08). [MSP September 10, 2013, Section IV A, Condition 2(a) and AQR 26.1.1]	CONTINUOUS	Record Keeping	
III-C-2	<b>Operational Limits</b>			
III-C-2-a	The Permittee shall not allow any operational activities, which includes truck loading, on Sundays. [ATC February 17, 2017, Section IV A, Condition 3(a)]	CONTINUOUS	Record Keeping	
III-C-2-b	The Permittee is limited to operate 16 hours per day during the weekdays (Monday through Friday) and 10 hours per day on Saturday, which includes truck loading. [ATC February 17, 2017, Section IV A, Condition 3(b)]	CONTINUOUS	Record Keeping	
III-C-2-c	The Permittee shall limit the total throughput of materials for production of both 1/8" and 2" products to 1,280,000 tons per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(e)]	CONTINUOUS	Record Keeping	
III-C-2-d	The permittee shall limit the number of blasts to 200 in any consecutive 12-month period (EU: A001). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-e	The permittee shall limit the blasting operations to an average 25,000 square feet per blast in any consecutive 12-month period (EU: A001). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-f	The permittee shall limit the consumption of ammonium nitrate-fuel oil (ANFO) for all blasting activities to 600 tons in any consecutive 12-month period (EU: A001). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-g	The Permittee shall limit the overburden operations to 3,400,000 tons per any consecutive 12-month period (EU: A002). [ATC February 17, 2017, Section IV A, Condition 3(f)]	CONTINUOUS	Record Keeping	

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III-C-2-h	The permittee shall limit the drilling operations to 14,000 holes in any consecutive 12-month period (EU: A003). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-i	The permittee shall limit the total stockpile area to 25 acres at any given time (EU: A32). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	INTERMITTENT	Record Keeping	Facility did not monitor stockpile area to until December 2019.
III-C-2-j	The permittee shall limit the unpaved Bureau of Land Management (BLM) access road to 128,000 vehicle miles traveled (VMT) in any consecutive 12-month period (EU: B01). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-k	The permittee shall limit the paved roads for on-site operations to 32,000 VMT in any consecutive 12-month period (EU: B02). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	INTERMITTENT	Record Keeping	Facility limited the VMT traveled on the roadway. Asphalt millings was layed on roadways for pavement, however the roadways were not consistently maintained.
III-C-2-l	The permittee shall limit the paved roads for overburden operations to 68,000 VMT in any consecutive 12-month period (EU: B03). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	INTERMITTENT	Record Keeping	Facility limited the VMT traveled on the roadway. Asphalt millings was layed on roadways for pavement, however the roadways were not consistently maintained.
III-C-2-m	The permittee shall limit the unpaved roads for material hauling operations to 38,400 VMT in any consecutive 12-month period (EU: B04). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-C-2-n	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EU: C01) and continuous-duty diesel water pump (EU: C07) to 4,200 hours per any consecutive 12-month period. [ATC February 17, 2017, Section IV A, Condition 3(k)]	INTERMITTENT	Record Keeping	Facility limited the operating hours for the water pump and Crusher generator. The water pump and generator were both changed out prior to the Certification Period due to mechanical issues.
III-C-2-o	The Permittee shall limit the hours for the operation of each continuous-duty diesel engine (EUs: C05 and C06) to 6,500 hours per any consecutive 12-month period. [Significant Permit Revision to the Part 70 OP received August 18, 2018]	INTERMITTENT	Record Keeping	Facility limited the operating hours for the both generators, however both generators were changed out prior to the Certification Period due to mechanical issues.
III-C-2-p	The Permittee shall limit the total truck loading for shipping of material to 1,280,000 tons per any consecutive 12-month period (EUs: E01, E02, E03, E04, F01 and F02).	CONTINUOUS	Record Keeping	
III-C-3	<b>Emission Controls</b>			
III-C-3	<b>Gypsum Processing</b>			
III-C-3-a	The Permittee shall incorporate, and maintain in good operating condition at all times, an effective water suppression system to control visible emissions within allowable opacity limits for the transfer points, drop points, drilling, and overburden operations. [MSP September 10, 2013, Section IV B, Condition 2 and STL contained in HOO dated September 27, 2013] The Permittee shall maintain the moisture for any gypsum processes not controlled by the baghouses by applying moisture at a minimum of 1.5% in materials less than 0.25 inches in diameter which will maintain an 81.5 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 2]	INTERMITTENT	Work Practice	Facility did not perform moisture analyses to confirm material moisture content as noted in the Semi-annual Deviation Logs.

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III-C-3-b	The Permittee shall maintain the moisture for the overburden operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions. [ATC February 17, 2017, Section IV B, Condition 3]	INTERMITTENT	Review of Records	Facility did not perform moisture analyses to confirm material moisture content as noted in the Semi-annual Deviation Logs.
III-C-3-c	The Permittee shall maintain the moisture for the drilling operations by applying moisture at a minimum of 2.5% in materials less than 0.25 inches in diameter which will maintain a 90 percent control on the PM10 emissions.	CONTINUOUS	Work Practice	
III-C-3-d	The Permittee shall employ adequate water sprays at pertinent locations where moisture is required to insure compliance with the moisture and opacity limits. [MSP September 10, 2013, Section IV B, Condition 3]	CONTINUOUS	Work Practice	
III-C-3-	<b>Control Devices</b>			
III-C-3-e	The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]	CONTINUOUS	Inspections	
III-C-3-f	The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]	CONTINUOUS	Inspections	
III-C-3-g	The Permittee shall operate each baghouse at all times any affected emission unit is operating, as indicated in Table III-C-1. [ATC February 17, 2017, Section IV B, Condition 7]	CONTINUOUS	Record Keeping	
III-C-3-h	The Permittee shall operate and maintain the baghouses on the associated emission units to attain a control efficiency of 99.0 percent for all particulate emissions. [HHO dated August 15, 2016 and ATC February 17, 2017, Section IV B, Condition 8]	CONTINUOUS	Review of Records	
III-C-3-i	The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]	CONTINUOUS	Review of Records	
III-C-3-j	The Permittee shall maintain the pressure drop across the baghouses (CDs: D01 and D02) within the range specified by the manufacturer which is ½" - 8" water column. [ATC February 17, 2017, Section IV B, Condition 10]	CONTINUOUS	Record Keeping	
III-C-3-	<b>Engines/Water Pump</b>			
III-C-3-k	The Permittee shall operate each of the continuous-duty diesel engines (EUs: C01, C05, C06 and C08) and the continuous-duty diesel water pump (EU: C07) with turbochargers and aftercoolers. [ATC February 17, 2017, Section IV B, Condition 11 and 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ]	INTERMITTENT	Work Practice	The on-site generators and water pump were operated with turbochargers and aftercoolers. All permitted generators and water pump were changed out prior to the Certification Period.
III-C-3-l	The Permittee shall operate and maintain each of the continuous-duty diesel engines (EUs: C01, C05, C06, and C08) and the continuous-duty diesel water pump (EU: C07) in accordance with the manufacturer's specifications. [ATC February 17, 2017, Section IV B, Condition 12 and 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ]	INTERMITTENT	Inspections	The on-site generators and water pump were operated in accordance with manufacturers specification however, records are not available to support continuous compliance. All permitted generators and water pump were changed out prior to the Certification Period.

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III-C-3-m	The Permittee shall maintain the continuous-duty diesel water pump (EU: C07) as follows, unless the manufacturer's specifications are more stringent: [ATC February 17, 2017, Section IV B, Condition 13 and 40 CFR Part 63, Subpart ZZZZ].	INTERMITTENT	Inspections	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out prior to the Certification Period.
III-C-3-m-i	Change oil and filter every 1,000 hours of operation or annually, whichever comes first;	INTERMITTENT	Inspections	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out prior to the Certification Period.
III-C-3-m-ii	Inspect air cleaners every 1,000 hours of operation or annually, whichever comes first; and	INTERMITTENT	Record Keeping	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out prior to the Certification Period.
III-C-3-m-iii	Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	INTERMITTENT	Record Keeping	Records for on-site generators and water pump are not available to support continuous compliance. All permitted generators and water pump were changed out prior to the Certification Period.
III-C-3-m-iv	the Permittee may utilize an oil analysis program as described in Subpart 63.6625(i) in order to extend the specified oil change requirement and can petition the Control Officer pursuant to the requirements of 40 CFR 63.6(e) for alternative work practices.	CONTINUOUS	Record Keeping	This option was not selected by the source.
III-C-3-n	During startup periods, the permittee shall minimize the time the continuous-duty diesel water pump (EU: C07) spends at idle, and shall minimize engine startup time to a period needed for appropriate and safe loading of the engine (not to exceed 30 minutes), after which nonstartup emission limitations apply. [ATC February 17, 2017, Section IV B, Condition 14 & 40 CFR 63.6603(a)]	INTERMITTENT	Record Keeping	The on-site water pump was operated as required. The permitted water pump was changed out prior to the Certification Period.
III-C-3-	<b>Haul Roads/Disturbed Surfaces/Stockpile</b>			
III-C-3-o	The Permittee shall not track out onto a paved road mud or dirt that extends 50 feet or more in cumulative length from the point of origin or allow any track out to accumulate to a depth greater than 0.25 inches. All accumulations of mud or dirt on curbs, gutters, sidewalks or paved roads including track out less than 50 feet in length and 0.25 inches in depth, shall be cleaned of all observable deposits and maintained to eliminate emissions of fugitive dust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 18]	CONTINUOUS	Work Practice	
III-C-3-p	The Permittee shall use daily control measures to remove any rock debris along the paved portion of Highway 159 that junctions with the unpaved BLM access roadway leading to the mine, including the designated bike lanes along Highway 159. [STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	



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III-C-3-q	The Permittee shall control fugitive dust emissions from any disturbed open area or disturbed vacant lot owned or operated by the Permittee by paving, applying gravel, applying a dust palliative or applying water to form a crust. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section IV B, Condition 19]	CONTINUOUS	Work Practice	
III-C-3-r	The Permittee shall implement long-term stabilization of disturbed surfaces when the stationary source, or a portion thereof, is to be closed or idled for a period of 30 days or more, within 10 days of cessation of active operations. Long-term stabilization includes, but is not limited to, one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, and denying unauthorized access, or other effective control measure to prevent fugitive dust from becoming airborne. [MSP September 10, 2013, Section IV B, Condition 5 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	Closure or idling for more than 30 days has not occurred during the compliance period.
III-C-3-s	The Permittee shall control PM emissions from any unpaved parking lot owned or operated by the Permittee by paving, applying a dust palliative or by an alternate method approved by the Control Officer regardless of the number of days of its use. [ATC February 17, 2017, Section IV B, Condition 21]	INTERMITTENT	Record Keeping	Inspection records are not sufficient to assess continuous compliance for the entire year.
III-C-3-t	The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour (mph) or when DAQ issues a Construction Advisory or Dust Advisory. [MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Record Keeping	
III-C-3-u	The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Record Keeping	
III-C-3-v	The Permittee shall water, for fugitive dust control, the BLM portion of the access haul road to ensure on-going compliance with the AQR, the Permittee shall monitor the roadway daily and at any time visible emissions become visible, and employ the stabilization standards and test methods contained in AQR Subsection 91.4 which will determine the frequency of watering the unpaved roadway. [MSP September 10, 2013, Section IV B, Condition 8 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Record Keeping	
III-C-3-w	The Permittee shall post and enforce a speed limit of 15 mph on the unpaved access haul road from the paved highway to the mine site. [MSP September 10, 2013, Section IV B, Condition 9 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Record Keeping	Speed limit is posted, but enforcement has proven difficult and thus compliance has not been continuous.
III-C-3-x	The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 10 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-C-3-y	The Permittee shall require haul truck drivers to clean and remove any loose debris from the haul trucks prior to leaving the mine property. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 11 and STL contained in HOO dated September 27, 2013]	INTERMITTENT	Work Practice	This requirement has been stressed to drivers and is normal operating procedure. Continuous compliance can not be assured during the certification period.

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III-C-3-z	The Permittee shall water all haul roads that are in use and stockpiles to the extent that the opacity limits are continually complied with. [AQR 12.5.2.6(d)]	CONTINUOUS	Inspections	
III-C-3-aa	The permittee shall treat unpaved roads located on the stationary source to keep visible emissions within allowable opacity limits. Treatment shall consist of watering, chemical or organic dust suppression, paving, gravelling, or equivalent control measures. [AQR 12.5.2.6(d)]	CONTINUOUS	Inspections	
III-C-3bb	The permittee shall sweep and/or rinse as necessary all paved roads accessing or located at the site to remove all observable deposits. [AQR 12.5.2.6(d)]	CONTINUOUS	Inspections	
III-C-3-	<b>Other</b>			
III-C-3-cc	The Permittee shall not cause, suffer or allow the discharge from any source whatsoever such quantities of air contaminants or other material which cause a nuisance, including excessive odors. [MSP September 10, 2013, Section IV B, Condition 17, AQR 40, and AQR 43]	CONTINUOUS	Work Practice	There are no neighbors close to the facility.
III-C-3-dd	The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions. [MSP September 10, 2013, Section IV B, Condition 1 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-C-3-ee	The permittee shall not cause or permit the handling, transporting, or storage of any material in a manner that allows or may allow controllable PM to become airborne. [AQR 41.1.2]	INTERMITTENT	Work Practice	This requirement has been met except as noted in the Semi-annual Deviation Logs.
III-C-3-ff	The Permittee shall implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends one hundred (100) yards from the point of origin or beyond the lot line of the property on which the emissions originate, horizontally or vertically, whichever is less. [MSP September 10, 2013, Section IV B, Condition 4 and STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-C-3-gg	The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-C-3-hh	The Permittee shall water the disturbed soils to form a crust immediately following blasts and safety clearance. [STL contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-D-	<b>Monitoring</b>			
III-D-	<b>Visible Emissions</b>			
III-D-1	The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 1]	INTERMITTENT	Record Keeping	Daily visible emission checks have been performed except as noted in the Semi-annual Deviation Logs.
III-D-2	If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. [MSP September 10, 2013, Section IV C, Condition 2]	INTERMITTENT	Record Keeping	Daily visible emission checks have been performed except as noted in the Semi-annual Deviation Logs.
III-D-3	If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall: [MSP September 10, 2013, Section IV C, Condition 3]			
III-D-3-a	take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or	CONTINUOUS	Work Practice	

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III-D-3-b	have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Appendix A-4, "Test Methods 6 through 10B: Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources."	CONTINUOUS	Record Keeping	
III-D-4	Visible emissions checks do not require a certified VE observer, except where visible emissions appear to exceed the allowable opacity limit and exceed 30 seconds in duration, and an EPA Method 9 observation is made to establish it does not exceed the standard. [MSP September 10, 2013, Section IV C, Condition 4]	CONTINUOUS	Inspections	
III-D-5	The Permittee shall have a certified opacity reader on-site at all times the facility is operating. [MSP September 10, 2013, Section IV C, Condition 13]	CONTINUOUS	Work Practice	
III-D-	<b>Gypsum Processing/Stockpiles/Haul Road</b>			
III-D-6	The Permittee shall visually inspect the water spray system daily at all emission units controlled through water suppression, and monitor its effectiveness. Inspections shall include, but not be limited to, flow rates, leaks and nozzle conditions, as applicable. The Permittee shall either replace ineffective spray nozzles immediately, or shut-down the subject processing equipment until such time repairs can be completed to the water spray suppression system, as applicable. [STL contained in HOO dated September 27, 2017 and ATC February 17, 2017, Section V A, Condition 6]	CONTINUOUS	Inspections	
III-D-7	The Permittee shall monitor daily hours of operation. [ATC February 17, 2017, Section V A, Condition 7]	CONTINUOUS	Record Keeping	
III-D-8	The Permittee shall monitor daily the throughput of all mineral products processed in the gypsum in tonnage and calculate the total, on a monthly basis. [ATC February 17, 2017, Section V A, Condition 8]	CONTINUOUS	Record Keeping	
III-D-9	The permittee shall monitor the number of blasts on a monthly basis (EU: A001). [Significant Permit revision application received August 18, 2018]	CONTINUOUS	Record Keeping	
III-D-10	The permittee shall monitor the area blasted per each blast and record it for inclusion in the monthly total blasting area (EU: A001). [ATC February 17, 2017, Section V A, Condition 9]	CONTINUOUS	Record Keeping	
III-D-11	The Permittee shall monitor the amount of ANFO used during each blast, and calculate the total, on monthly basis (EU: A001). [ATC February 17, 2017, Section V A, Condition 10]	CONTINUOUS	Record Keeping	
III-D-12	The Permittee shall monitor the production of overburden in tonnage and calculate, on a monthly basis (EU: A002).	CONTINUOUS	Record Keeping	
III-D-13	The Permittee shall monitor the number of holes drilled, on a monthly basis (EU: A003).	CONTINUOUS	Record Keeping	
III-D-14	The Permittee shall monitor the total acreage of stockpiles on a monthly basis (EU: A32). [MSP September 10, 2013, Section IV C, Condition 10]	INTERMITTENT	Work Practice	Monthly stockpile acreage was not monitored during the Certification Period until December 2019.
III-D-15	The Permittee shall monitor daily the number of VMT traveled for BLM roads by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B01). [ATC February 17, 2017, Section V A, Condition 11]	CONTINUOUS	Record Keeping	
III-D-16	The Permittee shall monitor daily the number of VMT onsite by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B02). [ATC February 17, 2017, Section V A, Condition 12]	CONTINUOUS	Record Keeping	
III-D-17	The Permittee shall monitor daily the number of VMT traveled for overburden operations by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B03). [ATC February 17, 2017, Section V A, Condition 13]	CONTINUOUS	Record Keeping	

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III-D-18	The permittee shall monitor daily the number of VMT traveled for material hauling by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: B04). [Significant Permit revision to the Part 70 Permit received August 18, 2018]	CONTINUOUS	Record Keeping	
III-D-19	The Permittee shall monitor daily the total truck loading for shipping of all mineral products in tonnage and calculate the total, on a monthly basis (EUs: E01, E02, E03, E04, F01 and F02).	CONTINUOUS	Record Keeping	
III-D-20	The Permittee shall have an adequate number of water trucks on-site at all times to control dust emissions from the site and to constantly use them for the control of dust emissions. [STI contained in HOO dated September 27, 2013]	CONTINUOUS	Work Practice	
III-D-21	The Permittee shall monitor daily operation of the water trucks for the following [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 15]:			
III-D-21-a	amount of water used, and	CONTINUOUS	Record Keeping	
III-D-21-b	maintenance of the water trucks.	CONTINUOUS	Record Keeping	
III-D-	<b>Engines/Water Pump</b>			
III-D-22	The Permittee shall operate each continuous-duty engine and continuous-duty diesel water pump with a nonresettable hour meter, monitor the hours of operation of each engine (EUs: C01, C05, C06, and C08) and continuous-duty diesel water pump (EU: C07), and calculate the hours of operation of each engine and water pump per month. [ATC February 17, 2017, Section V A, Condition 16]	INTERMITTENT	Record Keeping	The on-site generators and water pump were operated with nonresettable hour meters and the hours of operation were monitored and recorded monthly. All permitted generators and water pump were changed out prior to the Certification Period.
III-D-	<b>Baghouse (CDs: D01 and D02)</b>			
III-D-23	The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications. Gauges shall be installed where they are accessible and can be easily read. [ATC February 17, 2017, Section V A, Condition 17]	CONTINUOUS	Record Keeping	
III-D-24	The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within five working days of the discovery of the malfunction. If the malfunction renders the baghouse ineffective in controlling particulate emissions, material processing shall cease until repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]	INTERMITTENT	Record Keeping	Baghouse interior inspections have been performed except as noted in the Semi-Annual Deviation Logs.
III-D-25	The Permittee shall have a standard operating procedure (SOP) manual for the baghouses. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 19]	CONTINUOUS	Record Keeping	
III-D-26	The Permittee shall conduct daily visual observations of the baghouse stack discharges to verify that visible emissions are not present in excess of allowable opacity limits. If they are, the Permittee shall cease operations producing the emissions until the problem is corrected. [ATC February 17, 2017, Section V A, Condition 20 and 40 CFR 60.674(c)]	CONTINUOUS	Record Keeping	
III-D-	<b>Other</b>			
III-D-27	The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]:	INTERMITTENT	Review of Records	Material moisture testing was not performed weekly during the Certification Period.

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-D-27-a	Testing shall be in accordance with Section 17 of ASTM Method C471M16a, "Standard Test Method for Chemical Analysis of Gypsum and Gypsum Products"; and	CONTINUOUS	Review of Records	
III-D-27-b	Samples for moisture testing shall be retrieved from the following locations:			
III-D-27-b-i	3rd belt conveyor after the West Screen for 2" product	CONTINUOUS	Review of Records	
III-D-27-b-ii	3rd belt conveyor after the West Screen for 1/8" product	CONTINUOUS	Review of Records	
III-D-27-b-iii	Reject stockpile	CONTINUOUS	Review of Records	
III-D-27-b-iv	2" stockpile	CONTINUOUS	Review of Records	
III-D-27-b-v	1/8" stockpile	CONTINUOUS	Review of Records	
III-D-27-b-vi	Direct loading from the overburden removal	CONTINUOUS	Review of Records	
III-D-27-b-vii	Truck loading conveyor (EU: E02 or E04).	CONTINUOUS	Review of Records	
III-D-28	The Permittee shall also use a third party to conduct monthly moisture testing on three of the seven sample locations, provided that all seven of the sampling locations are tested by the third party lab every three months. [ATC February 17, 2017, Section V A, Condition 22]	INTERMITTENT	Review of Records	Third party moisture testing was not performed in December 2019.
III-D-29	The Permittee shall allow representatives of Clark County to conduct moisture testing. [ATC February 17, 2017, Section V A, Condition 23]	CONTINUOUS	Inspections	
III-D-30	The Control Officer may require additional moisture testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [ATC February 17, 2017, Section V A, Condition 24 and AQR 4.5]	CONTINUOUS	Inspections	
III-D-31	The Permittee shall submit the weekly and monthly moisture results along with the semi-annual summary reporting to the Control Officer as specified in Section III-F. [ATC February 17, 2017, Section V A, Condition 25]	INTERMITTENT	Review of Records	Moisture testing records were not consistently available during the Certification Period. All available records were submitted with the reports.
III-D-32	The Permittee shall have an SOP manual for the moisture testing that meets the approval of the Control Officer. The procedures specified in the manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with this permit and the manufacturer's instructions for routine and long-term maintenance. [ATC February 17, 2017, Section V A, Condition 26]	CONTINUOUS	Record Keeping	
III-E-	<b>Testing</b>			
III-E-1	All performance testing is subject to 40 CFR Part 60.8 and Clark County Department of Air Quality Guideline for Source Testing (2/21/2019). Performance testing shall be the instrument for determining initial and subsequent compliance with the emission limitations set forth in this permit. [MSP September 10, 2013, Section IV D, Condition 3 and AQR 12.5.2.8(a)]	CONTINUOUS	Stack Test	
III-E-2	The Permittee shall conduct initial performance testing. Initial testing was conducted on May 18-19, 2017 for baghouse CD: D02 and June 7-8, 2017 for baghouse CD: D01 to demonstrate compliance with the grain loading standard of 40 CFR Part 60, Subpart OOO and with the mass emission rates (pounds per hour). [ATC February 17, 2017, Section V B, Condition 2 and 40.CER.60.672]	CONTINUOUS	Stack Test	
III-E-3	The Permittee shall conduct initial performance testing for opacity for the new belt conveyors (EUs: A02, A04, A06, A09, A11, and A12) and a facility-wide opacity testing. Initial testing was conducted on May 26, 2017 and June 7, 2017 to demonstrate compliance with 40 CFR Part 60, Subpart OOO of 7% opacity and local opacity standard of 20% (EUs: A01 and A32). [ATC February 17, 2017, Section V B, Condition 3, 40.CER.60.672, and AQR 26.1.1]	CONTINUOUS	Record Keeping	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-E-4	The Permittee shall conduct subsequent performance testing according to the following conditions [ATC February 17, 2017, Section V B, Condition 4]:			
III-E-4-a	Performance tests on the facility for opacity shall be conducted annually within 45 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-E-4-b	Performance tests on the baghouses for grain loading standard and mass emission rates (pounds per hour) shall be conducted every five years within 90 days of the anniversary date of the previous successful performance test.	CONTINUOUS	Stack Test	
III-E-5	After completion of three consecutive compliant performance tests for opacity, the permittee can request to the Control Officer in writing consideration to change the performance testing frequency. [ATC February 17, 2017, Section V B, Condition 5]	CONTINUOUS	Stack Test	
III-E-6	The Permittee shall utilize performance testing methodologies for individual emission units as indicated in Table III-D-1. [ATC February 17, 2017, Section V B, Condition 6]:	CONTINUOUS	Stack Test	
III-E-7	The Control Officer will consider approving the Permittee's request for alternatives performance test methods if proposed in writing in the performance test protocols. [MSP September 10, 2013, Section IV D, Condition 5]	CONTINUOUS	Stack Test	
III-E-8	The Permittee of any stationary source that fails to demonstrate compliance with the emissions standards or limitations during any performance test, shall submit a compliance plan to the Control Officer within 90 days from the end of the performance test. [MSP September 10, 2013, Section IV D, Condition 7 and AOR 10.1]	CONTINUOUS	Stack Test	
III-E-9	The Control Officer may require additional performance testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. [MSP September 10, 2013, Section IV D, Condition 8 and AOR 4.5]	CONTINUOUS	Stack Test	
III-F-	<b>Recordkeeping</b>			
III-F-1	All records logs, etc. shall be made available to the Control Officer during regular business hours.	CONTINUOUS	Record Keeping	
III-F-2	All records, logs, etc., or a copy thereof, shall be kept onsite for a minimum of five years from the date the measurement, or data was entered.	CONTINUOUS	Record Keeping	
III-F-3	Records and data required by this permit to be maintained by the Permittee may be audited at any time by a third party selected by the Control Officer. [AQR 4.4]	CONTINUOUS	Record Keeping	
III-F-4	The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer's authorized representative upon request and without prior notice during the permittee's hours of operation. This section is for records that do not need to be reported semiannually. [AQR 12.5.2.6(d) & AQR 12.5.2.8]	INTERMITTENT		Records are available except as noted in the Semi-annual Deviation Logs.
III-E-4-a	dates and times when visible emissions checks and observations are taken and the corrective steps taken to bring opacity into compliance;	CONTINUOUS	Record Keeping	
III-F-4-b	daily hours of operation;	CONTINUOUS	Record Keeping	
III-F-4-c	daily production of gypsum materials processed;	CONTINUOUS	Record Keeping	
III-F-4-d	daily shipment of gypsum materials;	CONTINUOUS	Record Keeping	
III-F-4-e	daily production of the overburden operations;	CONTINUOUS	Record Keeping	
III-F-4-f	monthly number of holes drilled;	CONTINUOUS	Record Keeping	
III-F-4-g	daily water usage for water trucks;	CONTINUOUS	Record Keeping	
III-F-4-h	daily water applied to the gypsum process;	CONTINUOUS	Record Keeping	
III-F-4-i	maintenance on water trucks;	CONTINUOUS	Record Keeping	
III-F-4-j	dust control measures applied to unpaved roads;	CONTINUOUS	Record Keeping	
III-F-4-k	dust control measures applied to paved roads;	CONTINUOUS	Record Keeping	

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-F-4-l	daily baghouse differential pressure drop readings;	CONTINUOUS	Record Keeping	
III-F-4-m	equipment inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	Equipment inspection records are available except as noted in the Semi-annual Deviation Logs
III-F-4-n	monthly control device inspections, maintenance, and repairs;	INTERMITTENT	Record Keeping	Monthly baghouse inspection records are available except as noted in the Semi-annual Deviation Log.
III-F-4-o	maintenance on the spray bars and/or water suppression systems;	CONTINUOUS	Record Keeping	
III-F-4-p	monthly amount of dust palliative applied;	CONTINUOUS	Record Keeping	
III-F-4-q	manufacturer specification sheets for the continuous-duty diesel engines (EUs: C01, C05, C06, and C08) and continuous-duty diesel water pump (EU: C07); and	INTERMITTENT	Record Keeping	Generator manufacturer specification sheets were not available for the entire Certification Period
III-F-4-r	all performance test results.	CONTINUOUS	Record Keeping	
III-F-5	The permittee shall create and maintain the following records, at a minimum, all of which must be producible on-site to the Control Officer's authorized representative upon request and without prior notice during the permittee's hours of operation. This section is for records that shall be reported semiannually, as required by this permit. [AQR 12.5.2.6(d) & AQR 12.5.2.8]			
III-F-5-a	monthly hourly operational logs;	CONTINUOUS	Record Keeping	
III-F-5-b	throughput of gypsum material processed monthly and consecutive 12-month total;	CONTINUOUS	Record Keeping	
III-F-5-c	number of blasts monthly and consecutive 12-month total (EU: A001);	CONTINUOUS	Record Keeping	
III-F-5-d	amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);	CONTINUOUS	Record Keeping	
III-F-5-e	square footage of blasting area per blast and consecutive 12-month total (EU: A001);	CONTINUOUS	Record Keeping	
III-F-5-f	production of overburden material processed monthly and consecutive 12-month total (EU: A002);	CONTINUOUS	Record Keeping	
III-F-5-g	number of holes drilled for blasting each month and consecutive 12-month total (EU: A003);	CONTINUOUS	Record Keeping	
III-F-5-h	monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01);	CONTINUOUS	Record Keeping	
III-F-5-i	monthly VMT on the on-site paved haul roads and consecutive 12-month total (EU: B02);	INTERMITTENT	Record Keeping	Facility maintained monthly records of VMT traveled. Asphalt millings was layed on roadways for pavement, however the roadways were not maintained.
III-F-5-j	monthly VMT on the overburden paved haul roads and consecutive 12-month total (EU: B03);	INTERMITTENT	Record Keeping	Facility maintained monthly records of VMT traveled. Asphalt millings was layed on roadways for pavement, however the roadways were not maintained.
III-F-5-k	Monthly VMT on the material hauling unpaved haul roads and consecutive 12-month total (EU: B04);	CONTINUOUS	Record Keeping	
III-F-5-l	Monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C05, C06, C07, & C08);	INTERMITTENT	Record Keeping	The required hours of operation for the on-site generators and water pump were recorded and reported as required. All permitted generators and water pump were changed out prior to the Certification Period.

Company Name: Gypsum Resources, LLC				Facility ID: 17286
Certification Period: 11/14/2019 - 12/31/2019				
COLUMN 1 Emission Unit or Condition Number	COLUMN 2 Permit Condition	COLUMN 3 Compliance Status During Period: "CONTINUOUS", "INTERMITTENT", OR "NOT IN COMPLIANCE".	COLUMN 4 Method For Determining Compliance Status	COLUMN 5 Additional Information: Identify each deviation, each possible exception to Compliance and each excursion or exceedance.
III-F -5-m	monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);	CONTINUOUS	Record Keeping	
III-F -5-n	weekly and monthly moisture sampling results; (reported as required in Section III-F of this OP)	INTERMITTENT	Record Keeping	Moisture results are not consistently available.
III-F -5-o	deviations from permit requirements that result in excess emissions (reported as required in Section II-D of this OP);	CONTINUOUS	Record Keeping	
III-F -5-p	deviations from permit requirements that do not result in excess emissions; and	CONTINUOUS	Record Keeping	
III-F -5-q	calculation of annual emissions for each emission unit and for the entire source.	CONTINUOUS	Record Keeping	
III-G-	<b>Reporting</b>			
III-G-1	All report submissions shall be addressed to the attention of the Control Officer. [AQR 12.5.2.6(d) & AQR 12.5.2.8]	CONTINUOUS	Record Keeping	
III-G-2	All reports shall contain the following: [AQR 12.5.2.6(d) & AQR 12.5.2.8]			
III-G-2-a	A certification statement on the first page, i.e., "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete." (A sample form is available from DAQ).	CONTINUOUS	Record Keeping	
III-G-2-b	A certification signature from a responsible official of the company and the date of certification.	CONTINUOUS	Record Keeping	
III-G-3	The Permittee shall submit semi-annual monitoring reports to DAQ. [AQR 12.5.2.6(d) & AQR 12.5.2.8]	CONTINUOUS	Record Keeping	
III-G-4	The following requirements apply to semi-annual reports: [AQR 12.5.2.6(d) & AQR 12.5.2.8]			
III-G-4-a	The report shall include a semi-annual summary of each item listed in Section III-E-5 (a through p) of this OP.	CONTINUOUS	Record Keeping	
III-G-4-b	The report shall be based on a calendar semi-annual period, which includes partial reporting periods.	CONTINUOUS	Record Keeping	
III-G-4-c	The report shall be received by DAQ within 30 calendar days after the semiannual period.	CONTINUOUS	Record Keeping	
III-G-5	Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table III-F-1: [AQR 12.5.2.6(d) & AQR 12.5.2.8]	INTERMITTENT	Record Keeping	The emission inventory was not submitted by the submission date.
III-G-6	The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit emission limits, applicable permit requirements, and requirements of applicable federal regulations. [AQR 4.4]	CONTINUOUS	Record Keeping	
III-H-	<b>Mitigation</b>			
III-H-1	The source has no federal offset requirements. [AQR 59.1.1]			
IV--	<b>OTHER REQUIREMENTS</b>			
IV-1-	The Permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a CFC or HCFC compound as a working fluid, unless such fluid has been approved for sale in such use by the Administrator. The Permittee shall keep record of all paperwork relevant to the applicable requirements of 40 CFR Part 82. [40 CFR Part 82]	CONTINUOUS	Work Practice	
V--	<b>V. PERMIT SHIELD</b>			
V-1-	The source has not requested a permit shield. [AQR 12.5.2.9]			



**Attachment 7**



**CLARK COUNTY • DEPARTMENT OF AIR QUALITY**

4701 W. Russell Rd., Suite 200 • 2<sup>nd</sup> Floor • Las Vegas, NV 89118-2231  
 (702) 455-5942 • Fax (702) 383-9994

For DAQ Use Only

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**Certification Statement**

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the following stationary source:

Source ID:	Source Name:
17286	Gypsum Resources, LLC

**Certification**

Name of Responsible Official:	Responsible Official's Title:	Company/Organization:
Rocky Rhodes	Mine Manager	Gypsum Resources, LLC
Responsible Official's Signature		Certification Date

**ATTACHMENT A: 2018 Emission Inventory**

EU	Description	Throughput (tons/yr)		PM <sub>10</sub> EF	Control Factor	PM <sub>10</sub> Emissions (tons/yr)	
		Permitted	Actual	lbs/ton		Permitted	Actual
<b>Mineral Processing Plant</b>							
A00	Truck Unloading to Stockpile from Mining	1,280,000	1,127,424	0.08	0.10	5.12	4.51
A01	Loader to VGF Vibrating Grizzly Feeder (VGF to VGF Underbelt)	1,280,000	1,127,424	0.04	0.10	2.79	2.46
A02	VGF Underbelt (VGF Underbelt to Reject Conveyor)	560,000	493,248	0.01	1.00	2.80	2.47
A03	Reject Conveyor (Reject Conveyor to Reject Screen)	560,000	493,248	Emissions included in A39			
A39	Reject Screen (6' x 20')	560,000	493,248	0.08	0.01	0.22	0.20
A04	Screen Underbelt (Screen Underbelt to Recirc Conveyor #1)	560,000	493,248	0.01	1.00	2.80	2.47
A06	Recirc Conveyor #1 (Recirc Conveyor #1 to VGF)	560,000	493,248	Emissions included in A01			
A09	Reject Underbelt (Reject Underbelt to Reject Stacker)	560,000	493,248	0.01	0.185	0.52	0.46
A33	Reject Stacker (Reject Stacker to Reject Stockpile)	560,000	493,248	0.04	0.185	2.07	1.83
A05	HSI Crusher (VGF to HSI Crusher) HSI Underbelt	1,280,000	1,127,424	0.13	0.01	0.83	0.73
A07	HSI Underbelt to Surge Bin	1,280,000	1,127,424	0.01	0.01	0.06	0.06
A10	Surge Bin (Surge Bin to West Conveyor)	1,280,000	1,127,424	0.01	0.01	0.06	0.06
A11	West Conveyor (West Conveyor to West Screen)	1,280,000	1,127,424	Emissions included in A08			
A08	West Screen (8' x 20')	1,280,000	1,127,424	0.08	0.01	0.51	0.45
A12	West Underbelt (West Underbelt to Cone Conveyor)	400,000	352,320	0.01	1.00	2.00	1.76
A48	Cone Conveyor (Cone Conveyor to Cone Crusher)	400,000	352,320	Emissions included in A34			
A34	Cone Crusher Cone Underbelt	400,000	352,320	0.13	0.01	0.26	0.23
A35	Cone Underbelt to Recirc Conveyor #2	400,000	352,320	0.01	1.00	2.00	1.76
A40	Recirc Conveyor #2 (Recirc Conveyor #2 to West Screen)	400,000	352,320	Emissions included in A08			
A36	Conveyor System (Belts #1-#7)	1,280,000	1,127,424	0.07	0.185	8.29	7.30
A38	Stacker 2"	1,280,000	1,127,424	0.04	0.185	4.74	4.17
A41	Conveyor System (Belts #8-#14)	1,280,000	1,127,424	Emissions included in A36			
A79	Stacker 1/8"	1,280,000	1,127,424	Emissions included in A38			
<b>Truck Loading</b>							
E01	Loader to Hopper	1,280,000	934,103	0.04	0.185	4.74	3.46
E02	Conveyor System (2 belts)	1,280,000	934,103	0.02	0.185	2.37	1.73
E03	Loader to Hopper	1,280,000	934,103	Emissions included in E01 & E02			
E04	Conveyor System (2 belts)	1,280,000	934,103				
F01	Loader to Hopper	1,280,000	934,103				
F02	Conveyor System (2 belts)	1,280,000	934,103				
<b>Overburden Removal</b>							
A002	Overburden Removal	3,400,000	864,891	0.08	0.10	13.60	3.46

Stockpiles							
EU	Description	Permitted Acreage	Actual Acreage	PM <sub>10</sub> EF (lbs/acre-day)	Control Factor	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
A32	Stockpiles	15.0	15.0	1.66	Moisture	4.54	4.54
Haul Roads							
EU	Description	Permitted VMT	Actual VMT	PM <sub>10</sub> EF (lbs/VMT)	Control Factor	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
B01	BLM Haul Road (unpaved)	170,750	113,020	7.57	0.10	64.63	42.78
B02	Onsite Haul Road (paved)	42,750	28,255	7.57	0.02	3.24	2.14
B03	Overburden Haul Road (paved)	340,000	108,220	7.57	0.02	25.74	8.19
Blasting & Drilling							
EU	Description	Permitted Blasting Operations (ft <sup>2</sup> )	Actual Blasting Operations (ft <sup>2</sup> )	EF (lbs/blast)	Control Factor	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - PM <sub>10</sub>	700,000	499,703	2571.58	1.00	2.13	1.29
	Blasting - PM <sub>2.5</sub>			148.36	1.00	0.12	0.07
EU	Description	Permitted ANFO Usage (tons/yr)	Actual ANFO Usage (tons/yr)	EF (lbs/ton)	Control Factor	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - NO <sub>x</sub>	75	303	7.92	1.00	0.30	1.20
	Blasting - CO			40.97	1.00	1.54	6.21
EU	Description	Permitted Drilling Operations (holes/yr)	Actual Drilling Operations (holes/yr)	EF (lbs/hole)	Control Factor	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A003	Drilling - PM <sub>10</sub>	28,105	4,186	0.68	1.00	9.56	1.42
	Drilling - PM <sub>2.5</sub>			0.04	1.00	0.55	0.08

Internal Combustion Engines							
EU	Description	Permitted Hours of Operation	Actual Hours of Operation	EF (lbs/hr)	Pollutant	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
C01	Caterpillar Diesel Engine 2,206 hp D.O.M. 2007	4,200	3,876	0.19	PM <sub>10</sub>	0.41	0.38
				0.19	PM <sub>2.5</sub>	0.41	0.38
				32.00	NO <sub>x</sub>	67.20	62.02
				4.23	CO	8.89	8.21
				0.03	SO <sub>x</sub>	0.06	0.05
				0.78	VOC	1.63	1.50
				0.07	HAP	0.14	0.13
C03*	Isuzu Diesel Engine 99 hp D.O.M. 2007	4,800	5,360	0.03	PM <sub>10</sub>	0.08	0.09
				0.03	PM <sub>2.5</sub>	0.08	0.09
				1.09	NO <sub>x</sub>	2.62	2.92
				0.24	CO	0.59	0.65
				0.01	SO <sub>x</sub>	0.01	0.01
				0.25	VOC	0.60	0.67
				0.01	HAP	0.01	0.01
C05*	Isuzu Diesel Engine 173 hp D.O.M 2007	4,800	5,875	0.05	PM <sub>10</sub>	0.12	0.15
				0.05	PM <sub>2.5</sub>	0.12	0.15
				0.74	NO <sub>x</sub>	1.78	2.17
				0.31	CO	0.75	0.92
				0.01	SO <sub>x</sub>	0.01	0.01
				0.43	VOC	1.04	1.27
				0.01	HAP	0.02	0.03
C06*	John Deere Diesel Engine 99 hp D.O.M. 2011	4,200	6,391	0.03	PM <sub>10</sub>	0.06	0.10
				0.03	PM <sub>2.5</sub>	0.06	0.10
				0.67	NO <sub>x</sub>	1.40	2.15
				0.38	CO	0.79	1.20
				0.01	SO <sub>x</sub>	0.01	0.02
				0.25	VOC	0.52	0.79
				0.01	HAP	0.01	0.02
C07	John Deere Diesel Engine 80 hp D.O.M. 1998	4,200	3,607	0.18	PM <sub>10</sub>	0.37	0.32
				0.18	PM <sub>2.5</sub>	0.37	0.32
				2.48	NO <sub>x</sub>	5.21	4.47
				0.53	CO	1.12	0.96
				0.01	SO <sub>x</sub>	0.01	0.01
				0.20	VOC	0.42	0.36
				0.01	HAP	0.01	0.01

\*Operating hours for EUs C03, C05, and C06 were assumed to be between first and last truck through the scale house during plant operations from January until April since records weren't available.

2018 Facility-Wide Emissions							
Pollutant	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
Actual Emissions (tons/yr)	100.93	1.18	74.94	18.15	0.11	4.60	0.19
Permit Limit (tons/yr)	166.66	1.71	78.51	13.68	0.10	4.21	0.19

**ATTACHMENT B: Monthly Production Records**

Gypsum Resources Monthly Production Records

	Facility Operating Hours	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	16 hrs/day M - F 10 hrs/day Sat	1,280,000	700,000	75	3,400,000	28,105	170,750	42,750	340,000	4,200	4,800	4,800	4,200	4,200	1,280,000
	hours	ton/year	ft <sup>2</sup> /year	tons/year	tons/year	holes/year	VMT/year	VMT/year	VMT/year	hours/year	hours/year	hours/year	hours/year	hours/year	tons/year
<b>2018</b>															
January	524	76,533	59,900	33	93,681	599	9,984	2,496	13,412	424	524	524	524	350	86,746
February	407	81,974	66,379	41	74,131	512	8,620	2,155	10,584	266	407	407	407	350	74,363
March	504	145,887	73,347	55	44,923	525	11,180	2,795	11,108	425	504	504	504	350	96,284
April	540	77,157	29,373	13	80,705	263	9,496	2,374	10,056	314	540	540	540	350	83,675
May	390	73,155	66,261	40	65,541	570	7,804	1,951	8,056	313	390	493	722	203	64,665
June	383	104,605	58,401	30	74,460	531	9,364	2,341	10,236	326	249	596	498	113	73,053
July	383	83,704	8,798	5	108,213	88	7,852	1,963	10,380	245	627	344	428	143	60,026
August	404	63,467	17,500	14	58,558	175	8,596	2,149	7,352	263	600	412	463	191	65,819
September	360	93,202	18,789	21	45,611	188	9,460	2,365	7,100	319	586	329	505	157	73,057
October	400	117,489	46,645	18	80,700	238	11,796	2,949	7,800	390	354	636	722	617	92,158
November	380	108,833	28,834	15	57,668	296	10,004	2,501	7,228	367	307	633	634	489	86,152
December	344	101,418	25,476	20	80,700	201	8,864	2,216	4,908	225	274	458	445	294	78,107
SEMI-ANNUAL TOTAL (January - June):	2,746	559,311	353,661	211	433,441	3,000	56,448	14,112	63,452	2,068	2,612	3,063	3,194	1,716	478,786
SEMI-ANNUAL TOTAL (July - December):	2,271	568,113	146,042	92	431,450	1,186	56,572	14,143	44,768	1,809	2,748	2,812	3,197	1,891	455,318
2018 TOTAL:	5,017	1,127,424	499,703	303	864,891	4,186	113,020	28,255	108,220	3,876	5,360	5,875	6,391	3,607	934,103



March 29, 2019

Project No. 16-01-183

Control Officer, Compliance Division  
Clark County Department of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118

**RE: 2018 Emission Inventory  
Gypsum Resources, LLC – Air Quality Source 17286**

On behalf of Gypsum Resources, LLC, Broadbent & Associates, Inc. (Broadbent) is pleased to present the following Emission Inventory for calendar year 2018. The Part 70 Operating Permit (Permit) requires that an emission inventory be generated and submitted to the Department of Air Quality (Air Quality), which includes the emission factors and calculations used to determine the emissions from each permitted emission unit (Attachment A: *2018 Emission Inventory*). The annual summary of production records as provided by the source are also attached (Attachment B: *Monthly Usage Logs*).

It should be noted that the operating hours for emission units (EUs) C03, C05, and C06 were based on daily hours of plant operation from January through April when logs were created tracking generator runtimes. Daily hours of plant operation were based on first and last trucks loaded through the scale house. As there were no recordkeeping logs available for these units, these hours are assumed to be overestimates of actual generator runtime hours based on the best data available.

It should be noted that an Application for a Significant Revision to the Part 70 Operating Permit requesting an increase in the permitted ANFO usage, and the permitted continuous-duty engine usage at the mine was submitted on August 17, 2018. It was anticipated that this permit would be issued during the calendar year and the source would not exceed any operational limits.

Actual emissions for calendar year 2018 are given in the table below. For further details and emission calculations, please refer to Attachment A: *2018 Emission Inventory*.

	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
<b>Actual Emissions (tons/yr)</b>	<b>100.93</b>	<b>1.18</b>	<b>74.94</b>	<b>18.15</b>	<b>0.11</b>	<b>4.60</b>	<b>0.19</b>
Permit Limit (tons/yr)	166.66	1.71	78.51	13.68	0.10	4.21	0.19

Should you have any questions or concerns regarding this submittal, please feel free to contact me at [smcnulty@broadbentinc.com](mailto:smcnulty@broadbentinc.com) or (702) 563-0600.

Sincerely,  
BROADBENT & ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Scott McNulty". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Scott McNulty  
Principal Geologist

Attachments: A: 2018 Emission Inventory  
B: Monthly Production Records

cc: Mr. Rocky Rhodes, Gypsum Resources, LLC, P.O. Box 147, Blue Diamond, NV 89004

**Attachment 8**

## **Blue Diamond Hill Mine**

**8360 Nevada Hwy 159  
Blue Diamond, NV 89004  
(702) 373-0730 Scale House Main**

March 26, 2018

Clark County Department of Air Quality  
4701 W Russell Road Suite 200  
Las Vegas, NV 89118

Attn: Mr Shibi Paul, Compliance Reporting Supervisor  
Subject: Blue Diamond Hill Gypsum-ID# 17286 Part 70 Operating Permit Semi Annual  
Compliance Report: July-Dec 2017

Dear Mr. Paul:

On behalf of Blue Diamond Hill Gypsum, is submitting the semi-annual permit. Compliance report for part 70 Operating Permit source: 17286 As stipulated in table V-D-1.

The compliance reports contains semi-annual summaries of the record items specified in Sections V-C-5, items a-h, of the Authority to Construct for part 70 Source issued February 17, 2017.

Attachment D, no records found.

Section V-C-5, Item i, Based on no recordkeeping. I am not able to submit any numbers. As no documents are found.

We trust this information is adequate for DAQ staff evaluation. If you have any questions related to this please contact the undersigned.

Best Regards,

Sia'asu Puaina  
Compliance Coordinator



**CLARK COUNTY • DEPARTMENT OF AIR QUALITY**

4701 W. Russell Rd., Suite 200 • 2<sup>nd</sup> Floor • Las Vegas, NV 89118-2231  
 (702) 455-5942 • Fax (702) 383-9994

**For DAQ Use Only**

RECEIVED CC DAQ  
 2018 MAR 30 PM 12:57

**Certification Statement**

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the following stationary source:

Source ID:	Source Name:
17286	BLUE DIAMOND HILL GYPSUM

**Certification**

Name of Responsible Official:	Responsible Official's Title:	Company/Organization:
CHRIS MENDES	GENERAL MANAGER	BLUE DIAMOND HILL GYPSUM
Responsible Official's Signature		Certification Date

**Annual Summaries of each item listed in Section V-C-5**

- a. **Amount of ANFO used monthly and consecutive 12-month total;**
- b. **Total blasting area per each month and consecutive 12-month total;**

Refer to Attachment "A" for ANFO usage and total blasting area per month.

- c. **Throughput of gypsum material processed monthly and consecutive 12-month total;**

Refer to Attachment "B" for monthly and consecutive 12-month total throughput of gypsum materials.

- d. **Production of overburden material processed monthly and consecutive 12-month total;**

No overburden material was processed during the subject reporting period.

- e. **Monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);**

Refer to Attachment "C" for monthly hours of operation of each continuous

- f. **Monthly VMT on the BLM unpaved haul road and consecutive 12-month total;**
- g. **Monthly VMT on the on-site paved haul roads and consecutive 12-month total;**
- h. **Monthly VMT on the overburden paved haul roads and consecutive 12-month total;**

Refer to Attachment "D" for monthly VMT from the various haul roads at the source.

- i. **Weekly and monthly moisture sampling results; (reported as required in Section V-A)**

Refer to Attachment "E" for moisture sampling results.

**j. Deviations from permit requirements that result in excess emissions (reported as required in Section II-D of this permit);**

Blue Diamond Hill Gypsum conducted performance testing on the baghouses venting the screens and crushers operating at the source. The baghouses were testing in accordance with the pretest protocol. The test results showed an exceedance of the of the grain loading standard of 0.032 g/dscm (0.014 gr/dscf) which would therefore result in excess emissions.

The issues with the baghouse were fixed and retested showing that the grain loading standards were met.

**k. Deviations from permit requirements that do not result in excess emissions; and**

Permit Condition Section IV-B-28 states the following:

*“The Permittee shall not cause, suffer or allow the discharge from any source whatsoever such quantities of air contaminants or other material which cause a nuisance, including excessive odors. [AQR 40 and AQR 43]”*

Blue Diamond Hill Gypsum has had complaints from individuals in the area to which DAQ has responded. During times when there are no complaints Blue Diamond Hill Gypsum cannot confirm compliance with the subjective opinion of others.

Permit Condition Section V-A-5 states the following:

*“The Permittee shall have a certified opacity reader on-site at all times the facility is operating.”*

There were times when a certified opacity reader was not on-site when the facility was operating. Several additional employees have been certified ensuring that a certified opacity reader is on-site at all times the facility is operating.

**l. Calculation of annual emissions for each emission unit and the entire source.**

The annual emissions for each unit will be submitted to DAQ by March 31 as required by Section II-C-5 of the Part 70 Operating Permit.

# **GWE Consulting Inc**

## **ATTACHMENT A**

**Amount of ANFO used monthly and consecutive 12-month total  
&  
Total blasting area per each month and consecutive 12-month total**



### Blasting Area Explosives Monthly Totals

Months	Blasting Area	Blasting Explosives ANFO
January	99,640	1180.7
February	138,252	16,781
March	106,022	18,884
April	0	0
May	0	0
June	764	0
July	700	29,892
August	16,20	70,372
September	300	12,906
October	60,916	41,163
November	388	0
December	1,548	96,602
<b>TOTALS</b>	<b>3700</b>	<b>287,780.7</b>

# **GWE Consulting Inc**

## **ATTACHMENT B**

**Throughput of gypsum material processed monthly and consecutive 12-month total**

## Blue Diamond Hill Gypsum Gypsum Processing

Production Limits ( Rolling 12- Months)

Months	Jan	Feb	Mar	0	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jan	NA	NA		NA	NA	NA	NA	NA	NA	NA	NA	NA
Feb	NA	49,832	49,832	49,832	49,832	49,832	49,832	49,832	49,832	49,832	49,832	49,832
Mar	NA		49,313	49,313	49,313	49,313	49,313	49,313	49,313	49,313	49,313	49,313
Apr	NA			49,113	49,113	49,113	49,113	49,113	49,113	49,113	49,113	49,113
May	NA				49,784	49,784	49,784	49,784	49,784	49,784	49,784	49,784
Jun	NA					96,234	96,234	96,234	96,234	96,234	96,234	96,234
Jul							68,349	68,349	68,349	68,349	68,349	68,349
Aug								95,662	95,662	95,662	95,662	95,662
Sep									98,922	98,662	98,662	98,662
Oct										72,085	72,085	72,085
Nov											64,819	64,819
Dec												27,306
<b>TOTALS</b>		<b>49,832</b>	<b>99,145</b>	<b>148,258</b>	<b>198,042</b>	<b>294,276</b>	<b>294,276</b>	<b>458,287</b>	<b>557,209</b>	<b>629,034</b>	<b>693,853</b>	<b>819,821</b>

# **GWE Consulting Inc**

## **ATTACHMENT D**

**Monthly VMT of the BLM unpaved haul road and consecutive 12-month total  
&  
Monthly VMT on the on-site paved haul roads and consecutive 12-month total  
&  
Monthly VMT on the overburden paved haul roads and consecutive 12-month total**

Blue Diamond Hill Gypsum  
BLM Unpaved Haul Road

Operational Limits (Rolling 12-Months)  
(VMT)

Month	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17
Jan-16	NA	---	---	---	---	---	---	---	---	---	---	---	---
Feb-16	NA	NA	---	---	---	---	---	---	---	---	---	---	---
Mar-16	NA	NA	NA	---	---	---	---	---	---	---	---	---	---
Apr-16	NA	NA	NA	NA	---	---	---	---	---	---	---	---	---
May-16	NA	NA	NA	NA	NA	---	---	---	---	---	---	---	---
Jun-16	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---	---
Jul-16	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---
Aug-16	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---
Sep-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---
Oct-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---
Nov-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---
Dec-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---
Jan-17	---	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Feb-17	---	---	15,450	15,450	15,450	15,450	15,450	15,450	15,450	15,450	15,450	15,450	15,450
Mar-17	---	---	---	12,228	12,228	12,228	12,228	12,228	12,228	12,228	12,228	12,228	12,228
Apr-17	---	---	---	---	11,982	11,982	11,982	11,982	11,982	11,982	11,982	11,982	11,982
May-17	---	---	---	---	---	13,776	13,776	13,776	13,776	13,776	13,776	13,776	13,776
Jun-17	---	---	---	---	---	---	12,780	12,780	12,780	12,780	12,780	12,780	12,780
Jul-17	---	---	---	---	---	---	---	0	0	0	0	0	0
Aug-17	---	---	---	---	---	---	---	---	0	0	0	0	0
Sep-17	---	---	---	---	---	---	---	---	---	0	0	0	0
Oct-17	---	---	---	---	---	---	---	---	---	---	0	0	0
Nov-17	---	---	---	---	---	---	---	---	---	---	---	0	0
Dec-17	---	---	---	---	---	---	---	---	---	---	---	---	0
Totals	0	0	15,450	27,678	39,660	53,436	66,216	66,216	66,216	66,216	66,216	66,216	66,216

Blue Diamond Hill Gypsum  
Overburden Paved Haul Road

Operational Limits (Rolling 12-Months)  
(VMT)

Month	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17
Jan-16	NA	---	---	---	---	---	---	---	---	---	---	---	---
Feb-16	NA	NA	---	---	---	---	---	---	---	---	---	---	---
Mar-16	NA	NA	NA	---	---	---	---	---	---	---	---	---	---
Apr-16	NA	NA	NA	NA	---	---	---	---	---	---	---	---	---
May-16	NA	NA	NA	NA	NA	---	---	---	---	---	---	---	---
Jun-16	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---	---
Jul-16	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---
Aug-16	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---
Sep-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---
Oct-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---
Nov-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---
Dec-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---
Jan-17	---	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Feb-17	---	---	632	632	632	632	632	632	632	632	632	632	632
Mar-17	---	---	---	654	654	654	654	654	654	654	654	654	654
Apr-17	---	---	---	---	1,022	1,022	1,022	1,022	1,022	1,022	1,022	1,022	1,022
May-17	---	---	---	---	---	1,030	1,030	1,030	1,030	1,030	1,030	1,030	1,030
Jun-17	---	---	---	---	---	---	896	896	896	896	896	896	896
Jul-17	---	---	---	---	---	---	---	0	0	0	0	0	0
Aug-17	---	---	---	---	---	---	---	---	0	0	0	0	0
Sep-17	---	---	---	---	---	---	---	---	---	0	0	0	0
Oct-17	---	---	---	---	---	---	---	---	---	---	0	0	0
Nov-17	---	---	---	---	---	---	---	---	---	---	---	0	0
Dec-17	---	---	---	---	---	---	---	---	---	---	---	---	0
Totals	0	0	632	1,286	2,308	3,338	4,234	4,234	4,234	4,234	4,234	4,234	4,234

Blue Diamond Hill Gypsum  
On-site Paved Haul Roads

Operational Limits (Rolling 12-Months)  
(VMT)

Month	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17
Jan-16	NA	---	---	---	---	---	---	---	---	---	---	---	---
Feb-16	NA	NA	---	---	---	---	---	---	---	---	---	---	---
Mar-16	NA	NA	NA	---	---	---	---	---	---	---	---	---	---
Apr-16	NA	NA	NA	NA	---	---	---	---	---	---	---	---	---
May-16	NA	NA	NA	NA	NA	---	---	---	---	---	---	---	---
Jun-16	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---	---
Jul-16	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---	---
Aug-16	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---	---
Sep-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---	---
Oct-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---	---
Nov-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---	---
Dec-16	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	---
Jan-17	---	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Feb-17	---	---	1,897	1,897	1,897	1,897	1,897	1,897	1,897	1,897	1,897	1,897	1,897
Mar-17	---	---	---	1,963	1,963	1,963	1,963	1,963	1,963	1,963	1,963	1,963	1,963
Apr-17	---	---	---	---	1,899	1,899	1,899	1,899	1,899	1,899	1,899	1,899	1,899
May-17	---	---	---	---	---	1,913	1,913	1,913	1,913	1,913	1,913	1,913	1,913
Jun-17	---	---	---	---	---	---	2,091	2,091	2,091	2,091	2,091	2,091	2,091
Jul-17	---	---	---	---	---	---	---	0	0	0	0	0	0
Aug-17	---	---	---	---	---	---	---	---	0	0	0	0	0
Sep-17	---	---	---	---	---	---	---	---	---	0	0	0	0
Oct-17	---	---	---	---	---	---	---	---	---	---	0	0	0
Nov-17	---	---	---	---	---	---	---	---	---	---	---	0	0
Dec-17	---	---	---	---	---	---	---	---	---	---	---	---	0
Totals	0	0	1,897	3,860	5,759	7,672	9,763	9,763	9,763	9,763	9,763	9,763	9,763

# **GWE Consulting Inc**

## **ATTACHMENT E**

### **Weekly and monthly moisture sampling results**



## NEW MOISTURE LOGS

## GYPSUM RESOURCES

DATE		FREE MOISTURE	MOISTURE WEIGHT
2/6/-2/10	2017		
2 inch Conveyor		5.72	35.77 grams
2 inch Stockpile		18.63	35.79 grams
1/8 inch Conveyor		5.71	35.81 grams
1/8 inch Stockpile		17.33	35.86 grams
Reject Stockpile		17.21	35.78 grams
Overburden		14.23	35.83 grams
Crusher Pad		15.35	35.93 grams
2/13-2/17	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		15.79	35.79 grams
2 inch Stockpile		15.48	35.91 grams
1/8 inch Conveyor		15.34	35.96 grams
1/8 inch Stockpile		4.95	35.81 grams
Reject Stockpile		15.47	35.88 grams
Overburden		14.38	35.9 grams
Crusher Pad		4.41	35.98 grams
2/20-2/24	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		4.96	35.83 grams
2 inch Stockpile		8.42	35.88 grams
1/8 inch Conveyor		4.79	35.95 grams
1/8 inch Stockpile		6.64	35.92 grams
Reject Stockpile		18.36	35.89 grams
Overburden		19.37	35.96 grams
Crusher Pad		16.5	35.87 grams
2/27-3/3	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		6.35	35.99 grams
2 inch Stockpile		4.96	35.93 grams
1/8 inch Conveyor		18.52	35.97 grams
1/8 inch Stockpile		17.52	35.82 grams
Reject Stockpile		15.62	35.8 grams
Overburden		16.68	35.96 grams
Crusher Pad		17.5	35.97 grams

3/6-3/10	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		15.95	35.99 grams
2 inch Stockpile		18.41	35.82 grams
1/8 inch Conveyor		16.55	35.82 grams
1/8 inch Stockpile		15.05	35.94 grams
Reject Stockpile		13.46	35.95 grams
Overburden		16.03	35.94 grams
Crusher Pad		14.8	35.87 grams

3/13-3/17	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		16.73	35.81 grams
2 inch Stockpile		2.09	35.88 grams
1/8 inch Conveyor		16.74	35.83 grams
1/8 inch Stockpile		16.25	35.93 grams
Reject Stockpile		6.33	35.99 grams
Overburden		14.22	35.92 grams
Crusher Pad		14.56	35.81 grams

3/20-3/24	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		16.94	35.84 grams
2 inch Stockpile		2.49	35.93 grams
1/8 inch Conveyor		1.63	35.87 grams
1/8 inch Stockpile		2.52	35.79 grams
Reject Stockpile		13.67	35.93 grams
Overburden		13.66	35.96 grams
Crusher Pad		3.61	35.7 grams

3/27-3/31		FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		11.92	35.98 grams
2 inch Stockpile		3.34	35.93 grams
1/8 inch Conveyor		4.6	35.89 grams
1/8 inch Stockpile		16.01	35.99 grams
Reject Stockpile		14.76	35.84 grams
Overburden		3.4	35.97 grams
Crusher Pad		15.68	35.97 grams

4/3-4/7	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		15.18	35.82 grams
2 inch Stockpile		14.19	35.78 grams
1/8 inch Conveyor		14.9	35.81 grams
1/8 inch Stockpile		2.83	35.85 grams
Reject Stockpile		12.26	35.85 grams
Overburden		17.92	35.92 grams
loadout conveyor		12.85	35.83 grams

4/10-4/14	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		2.2	35.85 grams
2 inch Stockpile		17.26	35.92 grams
1/8 inch Conveyor		1.96	35.88 grams
1/8 inch Stockpile		15.89	35.86 grams
Reject Stockpile		15.71	35.89 grams
Overburden		12.59	35.87 grams
loadout conveyor		15.73	35.96 grams

4/17-4/21	2017	FREE MOISTURE	MOISTURE WEIGHT
2 inch Conveyor		15.01	35.98 grams
2 inch Stockpile		2.4	35.91 grams
1/8 inch Conveyor		16.69	35.95 grams
1/8 inch Stockpile		1.71	35.84 grams
Reject Stockpile		15.4	35.81 grams
Overburden		13.5	35.81 grams
loadout conveyor		14.84	35.86 grams

4/24-4/28	2017		
2 inch Conveyor		16.92	35.89 grams
2 inch Stockpile		5.12	35.78 grams
1/8 inch Conveyor		16.18	35.98 grams
1/8 inch Stockpile		11.54	35.87 grams
Reject Stockpile		11.94	35.75 grams
Overburden		16.32	35.86 grams
Loadout Conveyor		14.84	35.77 grams

5/1-5/5	2017		
2 inch Conveyor		5.22	35.77 grams
2 inch Stockpile		9.72	35.95 grams
1/8 inch Conveyor		3.32	35.79 grams
1/8 inch Stockpile		14.96	35.96 grams
Reject Stockpile		8.5	35.77 grams
Overburden		5.84	35.77 grams
Loadout Conveyor		5.58	35.88 grams

5/8-5/12	2017		
2 inch Conveyor		16.03	35.91 grams
2 inch Stockpile		5.47	35.87 grams
1/8 inch Conveyor		15.57	35.84 grams
1/8 inch Stockpile		1.64	35.8 grams
Reject Stockpile		4.04	35.85 grams
Overburden		6.22	35.84 grams
Loadout Conveyor		15.95	35.94 grams

5/15-19 20	2017		
2 inch Conveyor		15.49	35.93 grams
2 inch Stockpile		15.47	35.81 grams
1/8 inch Conveyor		16.58	35.95 grams
1/8 inch Stockpile		3.96	35.9 grams
Reject Stockpile		14.41	35.83 grams
Overburden		16.69	35.96 grams
Loadout Conveyor		14.58	35.8 grams

5/22-5/26	2017		
2 inch Conveyor		14.6	35.81 grams
2 inch Stockpile		16.83	35.85 grams
1/8 inch Conveyor		1.82	35.86 grams
1/8 inch Stockpile		1.53	35.89 grams
Reject Stockpile		17.08	35.91 grams
Overburden		18.77	35.77 grams
Loadout Conveyor		5.84	35.83 grams

2 inch Conveyor  
 2 inch Stockpile  
 1/8 inch Conveyor  
 1/8 inch Stockpile  
 Reject  
 Overburden  
 Loadout Conveyor

**Attachment 9**



Clark County Department of Air Quality and Environmental Management

RECEIVED CC 090  
18 JUL 27 PM 1:49

**TITLE V – REQUIRED MONITORING REPORT CERTIFICATION**

<b>Company Name: Gypsum Resources, LLC</b>	<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2018 through June 30, 2018</b>	

**CERTIFICATION:**

I certify that based on information and belief formed after reasonable inquiry, the statements and all information provided in this reporting package is true, accurate, and addresses all deviations during the reporting period:

Signature of Responsible Official RRR Date: 7-23-18

Name of Responsible Official (please print) Ryan Rhodes

Title of Responsible Official (please print) Mine Manager

**Mail to:** Department of Air Quality  
Compliance Reporting Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118



*Gypsum Resource Materials, LLC*  
*P.O. Box 147*  
*Blue Diamond, Nevada 89004*  
*702-830-3378 (Office)*  
*702-441-7148 (Fax)*  
[www.bdhgypsum.com](http://www.bdhgypsum.com)

RECEIVED CC DAQ  
2018 JUL 27 PM 1:50  
DF

July 26, 2018

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Control Officer

Re: Gypsum Resources, LLC (Source ID: 17286)  
1<sup>st</sup> Semi-Annual Report 2018

Dear Control Officer:

Gypsum Resources, LLC is pleased to present the following semi-annual report summarizing source operations during the 1<sup>st</sup> half of 2018. The Part 70 Operating Permit (Permit) requires that a semi-annual report be generated and submitted to the Department of Air Quality (DAQ), which includes a summary of items listed in Section III-E-5 (a) through (n). The following semi-annual report contains the Permit requirements as well as the associated logs and records as provided by the source.

**SEMI-ANNUAL – 1<sup>ST</sup> HALF 2018**

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- c) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application is being prepared to increase the permitted ANFO usage at the mine.

- d) *monthly square footage of blasting area and consecutive 12-month total (EU: A001);*

The square footage of blasting area used monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- e) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.



j) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.

k) *monthly shipment of gypsum material and consecutive 12-month total (EUs: E01,E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

l) *weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

m) *deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

n) *deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Should you have any questions regarding this submittal please feel free to contact us.

Best regards,



Ryan Rhodes, Manager and Responsible Official  
Blue Diamond Hill Gypsum

Attachment: Monthly and Rolling 12-Month Production Tables  
GES Inc. Laboratory Moisture Results  
Deviation Reporting Forms

cc: Ilija Cankovic, Gypsum Resources, LLC  
Scott McNulty, Broadbent & Associates, Inc.

Gypsum Resources Monthly Production Records

	Facility Operating Hours	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	16 hrs/day M - F 10 hrs/day Sat	1,280,000	700,000	75	3,400,000	28,105	170,750	42,750	340,000	4,200	4,800	4,800	4,200	4,200	1,280,000
	hours	ton/year	ft <sup>2</sup> /year	tons/year	tons/year	holes/year	VMT/year	VMT/year	VMT/year	hours/year	hours/year	hours/year	hours/year	hours/year	tons/year
<b>2018</b>															
January	524	76,533	59,900	33	93,681	599	9,984	2,496	13,412	424	524	524	524	350	86,746
February	407	81,974	66,379	41	74,131	512	8,620	2,155	10,584	266	407	407	407	350	74,363
March	504	145,887	73,347	55	44,923	525	11,180	2,795	11,108	425	504	504	504	350	96,284
April	540	77,157	29,373	13	80,705	263	9,496	2,374	10,056	314	540	540	540	350	83,675
May	390	73,155	66,261	40	65,541	570	7,804	1,951	8,056	313	390	493	722	203	64,665
June	383	104,605	58,401	30	74,460	531	9,364	2,341	10,236	326	249	596	498	113	73,053
<b>SEMI-ANNUAL TOTAL (January - June):</b>	2,746	559,311	353,661	211	433,441	3,000	56,448	14,112	63,452	2,068	2,612	3,063	3,194	1,716	478,786

**Gypsum Resources Rolling 12-Month Production**

Rolling 12-Month Production Records	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
February 2017 - January 2018	1,145,477	805,044	260	374,615	7,124	103,632	38,197	41,505	4,019	5,179	5,179	5,179	4,200	788,765
March 2017 - February 2018	1,156,709	828,491	278	425,874	7,206	104,059	37,989	49,802	4,014	5,154	5,154	5,154	4,200	801,706
April 2017 - March 2018	1,227,021	858,554	313	444,560	7,326	105,798	38,260	58,287	4,138	5,286	5,286	5,286	4,200	827,217
May 2017 - April 2018	1,224,705	829,302	294	462,910	6,920	105,487	37,980	62,107	4,193	5,325	5,325	5,325	4,200	837,380
June 2017 - May 2018	1,200,655	866,361	325	511,714	7,118	102,561	36,685	68,489	4,224	5,194	5,297	5,526	4,053	821,607
July 2017 - June 2018	1,218,667	866,021	322	575,211	6,879	101,457	36,133	77,629	4,241	4,898	5,348	5,479	3,816	816,189



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7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** GYPSUM RESOURCE / BLUE DIAMOND MINE

**Lab No.:** 18-042

**Project No.:** 20174152C1

**Tested By:** C. BYER

**Date:** 1/31/2018

Sample:	2" STOCKPILE	2" CONVEYOR	1/8' STOCKPILE	1/8" CONVEYOR	LOADOUT	REJECT
Depth:						
WET WT. + TARE	849.60	726.40	640.70	718.40	761.20	684.90
DRY WT. + TARE	843.50	716.60	629.10	706.80	746.50	672.70
TARE WT.	155.40	126.30	129.90	154.90	156.10	131.00
DRY WT.	688.10	590.30	499.20	551.90	590.40	541.70
WEIGHT LOST	6.10	9.80	11.60	11.60	14.70	12.20
% MOISTURE	0.9	1.7	2.3	2.1	2.5	2.3

**Remarks/Condition:** \_\_\_\_\_  
 \_\_\_\_\_



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### Moisture Content Log

Project Name: GYPSUM RESOURCE / BLUE DIAMOND MINE

Lab No.: 18-042

Project No.: 20174152C1

Tested By: C. BYER

Date: 1/31/2018

Sample:	OVERBURDEN					
Depth:						
WET WT. + TARE	720.60					
DRY WT. + TARE	670.80					
TARE WT.	126.20					
DRY WT.	544.60					
WEIGHT LOST	49.80					
% MOISTURE	9.1					

Remarks/Condition: \_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL

**Lab No.:** 18-091

**Project No.:** 20174152

**Tested By:** KM

**Date:** 2/28/2018

Sample:	OVERBURDEN	LOADOUT	REJECT	2"STOCKPILE	1/8" STOCKPILE	
Depth:						
WET WT. + TARE	549.50	740.60	505.20	686.30	506.10	
DRY WT. + TARE	540.40	731.40	489.30	680.80	497.50	
TARE WT.	131.40	126.90	126.36	132.10	132.00	
DRY WT.	409.00	604.50	362.94	548.70	365.50	
WEIGHT LOST	9.10	9.20	15.90	5.50	8.60	
% MOISTURE	2.2	1.5	4.4	1.0	2.4	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

Project Name: GYPSUM RESOURCE/BLUE DIAMOND HILL

Lab No.: 18-112

Project No.: 20174152C1

Tested By: C. JOYCE

Date: 3/14/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	REJECT	LOADOUT CONVEYOR	OVERBURDEN	
WET WT. + TARE	1427.30	1562.50	1582.10	1513.70	1511.60	
DRY WT. + TARE	1407.20	1526.30	1532.20	1486.90	1417.60	
TARE WT.	108.60	108.50	108.70	108.80	109.60	
DRY WT.	1298.60	1417.80	1423.50	1378.10	1308.00	
WEIGHT LOST	20.10	36.20	49.90	26.80	94.00	
% MOISTURE	1.5	2.6	3.5	1.9	7.2	

Remarks/Condition: \_\_\_\_\_

\_\_\_\_\_



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### Moisture Content Log

**Project Name:** GYPSUM RESOURCE/BLUE DIAMOND HILL

**Lab No.:** 18-138

**Project No.:** 20174152C1

**Tested By:** K. NGUYEN

**Date:** 3/26/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	REJECT	OVERBURDEN	LOADOUT CONVEYOR	
WET WT. + TARE	1159.70	1678.40	1267.50	1457.90	1766.60	
DRY WT. + TARE	1139.30	1671.20	1233.40	1401.30	1739.90	
TARE WT.	133.90	126.30	133.10	130.70	137.60	
DRY WT.	1005.40	1544.90	1100.30	1270.60	1602.30	
WEIGHT LOST	20.40	7.20	34.10	56.60	26.70	
% MOISTURE	2.0	0.5	3.1	4.5	1.7	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_





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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-168

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 4/9/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	LOADOUT CONVEYOR	OVERBURDEN	REJECT	
WET WT. + TARE	818.20	811.50	784.30	762.70	642.60	
DRY WT. + TARE	815.10	789.50	772.40	745.60	633.20	
TARE WT.	271.70	154.90	109.00	109.20	108.40	
DRY WT.	543.40	634.60	663.40	636.40	524.80	
WEIGHT LOST	3.10	22.00	11.90	17.10	9.40	
% MOISTURE	0.6	3.5	1.8	2.7	1.8	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE

**Lab No.:** 18-203

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/1/2018

Sample:	1/8" CONVEYOR	2" CONVEYOR	1/8" STOCKPILE	2" STOCKPILE	LOADOUT CONVEYOR	REJECT
WET WT. + TARE	1205.80	1740.80	1635.80	1749.60	1695.70	1647.20
DRY WT. + TARE	1169.40	1733.60	1628.30	1712.10	1666.30	1610.70
TARE WT.	132.20	131.50	127.40	156.40	128.70	128.50
DRY WT.	1037.20	1602.10	1500.90	1555.70	1537.60	1482.20
WEIGHT LOST	36.40	7.20	7.50	37.50	29.40	36.50
% MOISTURE	3.5	0.4	0.5	2.4	1.9	2.5

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE

**Lab No.:** 18-203

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/1/2018

Sample:	OVERBURDEN					
WET WT. + TARE	1686.60					
DRY WT. + TARE	1679.40					
TARE WT.	132.50					
DRY WT.	1546.90					
WEIGHT LOST	7.20					
% MOISTURE	0.5					

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-224

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/11/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	2" CERTAINTEE STOCKPILE	LOADOUT CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	1573.40	1941.80	1887.50	1829.50	1614.30	1712.60
DRY WT. + TARE	1516.30	1886.40	1861.20	1790.60	1569.80	1647.00
TARE WT.	132.20	108.70	141.90	125.90	126.30	126.30
DRY WT.	1384.10	1777.70	1719.30	1664.70	1443.50	1520.70
WEIGHT LOST	57.10	55.40	26.30	38.90	44.50	65.60
% MOISTURE	4.1	3.1	1.5	2.3	3.1	4.3

**Remarks/Condition:** Material Source #17286



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SERVICES, INC.**

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(702) 365-1001

### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-237

Project No.: 20174152C1

Tested By: A. SANDERS

Date: 5/17/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	CONVEYOR LOADOUT	REJECT
WET WT. + TARE	643.30	633.40	578.20	679.30	658.60	608.30
DRY WT. + TARE	624.80	619.40	568.30	672.80	647.90	578.80
TARE WT.	127.40	155.90	134.00	126.10	127.30	131.30
DRY WT.	497.40	463.50	434.30	546.70	520.60	447.50
WEIGHT LOST	18.50	14.00	9.90	6.50	10.70	29.50
% MOISTURE	3.7	3.0	2.3	1.2	2.1	6.6

Remarks/Condition: Material Source #17286



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SERVICES, INC.**

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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-237

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 5/17/2018

Sample:	OVERBURDEN					
WET WT. + TARE	663.20					
DRY WT. + TARE	652.00					
TARE WT.	132.20					
DRY WT.	519.80					
WEIGHT LOST	11.20					
% MOISTURE	2.2					

**Remarks/Condition:** Material Source #17286



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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-247

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 5/24/2018

Sample:	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	918.80	816.80	682.00	700.90	1046.90	723.00
DRY WT. + TARE	903.90	798.50	672.20	668.00	1038.50	692.20
TARE WT.	156.10	126.60	131.20	132.50	127.20	131.70
DRY WT.	747.80	671.90	541.00	535.50	911.30	560.50
WEIGHT LOST	14.90	18.30	9.80	32.90	8.40	30.80
% MOISTURE	2.0	2.7	1.8	6.1	0.9	5.5

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
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SERVICES, INC.**

7150 Placid Street  
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(702) 365-1001

### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-247

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 5/24/2018

Sample:	LOADOUT CONVEYOR					
WET WT. + TARE	980.90					
DRY WT. + TARE	961.60					
TARE WT.	131.70					
DRY WT.	829.90					
WEIGHT LOST	19.30					
% MOISTURE	2.3					

**Remarks/Condition:** Material Source #17286







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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-271

**Project No.:** 20174152C1

**Tested By:** K. NGUYEN

**Date:** 6/7/2018

Sample:	2" CERTAINTEE STOCKPILE	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	LOADOUT CONVEYOR
WET WT. + TARE	1991.00	1840.80	1859.70	1548.10	1444.10	2125.30
DRY WT. + TARE	1963.70	1808.30	1838.70	1504.80	1421.40	2088.60
TARE WT.	143.60	126.90	126.40	132.40	127.00	130.90
DRY WT.	1820.10	1681.40	1712.30	1372.40	1294.40	1957.70
WEIGHT LOST	27.30	32.50	21.00	43.30	22.70	36.70
% MOISTURE	1.5	1.9	1.2	3.2	1.8	1.9

**Remarks/Condition:** Material Source #17286



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**Moisture Content Log**

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-271

**Project No.:** 20174152C1

**Tested By:** K. NGUYEN

**Date:** 6/7/2018

Sample:	OVERBURDEN	REJECT				
WET WT. + TARE	2189.40	1652.90				
DRY WT. + TARE	2158.80	1584.50				
TARE WT.	154.00	126.90				
DRY WT.	2004.80	1457.60				
WEIGHT LOST	30.60	68.40				
% MOISTURE	1.5	4.7				

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-278

Project No.: 20174152C1

Tested By: R. THOMSEN

Date: 6/15/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	1503.10	2005.60	1578.90	1855.20	1771.00	1496.50
DRY WT. + TARE	1457.00	1980.20	1541.20	1825.50	1712.20	1399.40
TARE WT.	109.60	109.10	109.10	108.70	110.10	108.60
DRY WT.	1347.40	1871.10	1432.10	1716.80	1602.10	1290.80
WEIGHT LOST	46.10	25.40	37.70	29.70	58.80	97.10
% MOISTURE	3.4	1.4	2.6	1.7	3.7	7.5

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-278

**Project No.:** 20174152C1

**Tested By:** R. THOMSEN

**Date:** 6/15/2018

Sample:	LOADOUT CONVEYOR					
WET WT. + TARE	1947.40					
DRY WT. + TARE	1910.00					
TARE WT.	108.60					
DRY WT.	1801.40					
WEIGHT LOST	37.40					
% MOISTURE	2.1					

**Remarks/Condition:** Material Source #17286



Department of Air Quality & Environmental Management Compliance Reporting Section

Title V - REQUIRED MONITORING REPORT – DEVIATION FORM

Company Name: Gypsum Resources, LLC							Facility ID: 17286
Reporting Period: January 1, 2018 through June 30, 2018							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
A001	III.B.3.30 III.B.3.31	Opacity	5/8/2018: 1:55 pm – 2:00 pm	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	5 minutes	Blasting was performed without an available water truck and control measures were not implemented to prevent the dust plume from exceeding 100 yards from the origin.
A001	III.B.3.30 III.B.3.31	Opacity	5/17/2018: 12:20 pm – 12:23 pm	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	3 minutes	A water truck was utilized during blasting operations, however the control measures were not sufficient enough to prevent the dust plume from exceeding 100 yards from the origin. After discussions with DAQ, this incident was not considered a deviation.
A01	III.B.3.30	Opacity	5/17/2018: 10:52 am – 10:56 am	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	4 minutes	The crusher was stopped to clear a buildup of mud. Once the mud was cleared, and the crusher was empty, a loader bucket of rock was placed into the front crusher feeder which released a plume of dust.
Facility	III.C.18	NA	6/21/2018: 6:45 am – 7:15 am	Have an adequate number of water trucks on-site and constantly use them	NA	30 minutes	Water trucks were not in operation because of a lack of water truck drivers.

**Attachment 10**



**BLUE DIAMOND HILL**  
**G Y P S U M**

**Gypsum Resource Materials, LLC**  
**P.O. Box 147**  
**Blue Diamond, Nevada 89004**  
**702-830-3378 (Office)**  
**702-441-7148 (Fax)**  
[www.bdhgypsum.com](http://www.bdhgypsum.com)

RECEIVED CC DAQ  
2019 JAN 30 PM2:31

*MLK*

January 23, 2019

Clark County Department of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Control Officer

**Re: Second Half 2018 Semi-Annual Report**  
**Gypsum Resources, LLC– Air Quality Source 17286**

Dear Control Officer:

Gypsum Resources, LLC is pleased to present the following semi-annual report summarizing source operations during the 2<sup>nd</sup> half of 2018. The Part 70 Operating Permit (Permit) requires that a semi-annual report be generated and submitted to the Department of Air Quality (DAQ), which includes a summary of items listed in Section III-E-5 (a) through (n). The following semi-annual report contains the Permit requirements as well as the associated logs and records as provided by the source.

**SEMI-ANNUAL – 2<sup>ND</sup> HALF 2018**

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.



- c) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that an Application for a Significant Revision to the Part 70 Operating Permit requesting an increase in the permitted ANFO usage at the mine was submitted to DAQ on August 17, 2018.

- d) *monthly square footage of blasting area and consecutive 12-month total (EU: A001);*

The square footage of blasting area used monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Note that the August 2017 blasting area was reported as being nearly three times the amount of any other month for the last two years. We believe that this data point may be incorrect, however, we cannot confirm this and therefore continue to use it when determining rolling 12-month totals. This is why the July 2018 rolling average exceeds the limit to such a degree.

- e) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- j) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that an Application for a Significant Revision to the Part 70 Operating Permit requesting increases in the permitted continuous-duty engine usage at the mine was submitted to DAQ on August 17, 2018.

- k) *monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- l) *weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

- m) *deviations from permit requirements that result in excess emissions;*

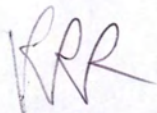
A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

- n) *deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Should you have any questions or concerns regarding this submittal, please feel free to contact my consultant Mr. Scott McNulty with Broadbent & Associates, Inc. at [smcnulty@broadbentinc.com](mailto:smcnulty@broadbentinc.com) or (702) 563-0600.

Best regards,

A handwritten signature in black ink, consisting of the letters 'RRR' in a stylized, cursive font.

Ryan Rhodes, Manager and Responsible Official  
Blue Diamond Hill Gypsum

Attachment: Monthly and Rolling 12-Month Production Tables  
GES Inc. Laboratory Moisture Results  
Deviation Reporting Forms

cc: Ilija Cankovic, Gypsum Resources, LLC  
Scott McNulty, Broadbent & Associates, Inc.

**Gypsum Resources Monthly Production Records**

	Facility Operating Hours	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMТ, BLM unpaved road	VMТ, on-site unpaved roads	VMТ, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	16 hrs/day M - F 10 hrs/day Sat	1,280,000	700,000	75	3,400,000	28,105	170,750	42,750	340,000	4,200	4,800	4,800	4,200	4,200	1,280,000
	<i>hours</i>	<i>ton/year</i>	<i>ft<sup>2</sup>/year</i>	<i>tons/year</i>	<i>tons/year</i>	<i>holes/year</i>	<i>VMТ/year</i>	<i>VMТ/year</i>	<i>VMТ/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>tons/year</i>
<b>2018</b>															
July	383	83,704	8,798	5	108,213	88	7,852	1,963	10,380	245	627	344	428	143	60,026
August	404	63,467	17,500	14	58,558	175	8,596	2,149	7,352	263	600	412	463	191	65,819
September	360	93,202	18,789	21	45,611	188	9,460	2,365	7,100	319	586	329	505	157	73,057
October	400	117,489	46,645	18	80,700	238	11,796	2,949	7,800	390	354	636	722	617	92,158
November	380	108,833	28,834	15	57,668	296	10,004	2,501	7,228	367	307	633	634	489	86,152
December	344	101,418	25,476	20	80,700	201	8,864	2,216	4,908	225	274	458	445	294	78,107
<b>SEMI-ANNUAL TOTAL (July - December):</b>	<b>2,271</b>	<b>568,113</b>	<b>146,042</b>	<b>92</b>	<b>431,450</b>	<b>1,186</b>	<b>56,572</b>	<b>14,143</b>	<b>44,768</b>	<b>1,809</b>	<b>2,748</b>	<b>2,812</b>	<b>3,197</b>	<b>1,891</b>	<b>455,318</b>

**Gypsum Resources Rolling 12-Month Production**

Rolling 12-Month Production Records	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	1,280,000	700,000	75	3,400,000	28,105	170,750	42,750	340,000	4,200	4,800	4,800	4,200	4,200	1,280,000
	<i>ton/year</i>	<i>ft<sup>2</sup>/year</i>	<i>tons/year</i>	<i>tons/year</i>	<i>holes/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>tons/year</i>
August 2017 - July 2018	1,193,770	839,796	311	669,464	6,458	100,304	34,469	86,613	4,147	5,053	5,220	5,435	3,609	808,712
September 2017 - August 2018	1,161,149	577,967	311	721,990	5,689	96,276	33,409	93,362	3,971	5,094	5,073	5,339	3,450	779,894
October 2017 - September 2018	1,156,419	584,387	310	760,160	5,472	94,547	32,503	99,718	3,963	5,173	4,895	5,337	3,257	769,072
November 2017 - October 2018	1,131,579	578,311	305	819,482	4,656	105,351	30,699	105,380	3,917	5,392	5,397	5,925	3,524	853,794
December 2017 - November 2018	1,148,590	524,997	316	831,979	4,656	105,304	30,133	108,091	3,924	5,198	5,529	6,058	3,663	864,601
January 2018 - December 2018	1,127,424	499,703	303	864,891	4,186	113,020	28,255	108,220	3,876	5,360	5,875	6,391	3,607	934,103



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(702) 365-1001

### Moisture Content Log

**Project Name:** GYPSUM RESOURCE / BLUE DIAMOND MINE

**Lab No.:** 18-042

**Project No.:** 20174152C1

**Tested By:** C. BYER

**Date:** 1/31/2018

Moisture Content Log						
Project Name: GYPSUM RESOURCE / BLUE DIAMOND MINE						
Lab No.: 18-042						
Project No.: 20174152C1						
Tested By: C. BYER						
Date: 1/31/2018						
Sample:	2" STOCKPILE	2" CONVEYOR	1/8' STOCKPILE	1/8" CONVEYOR	LOADOUT	REJECT
Depth:						
WET WT. + TARE	849.60	726.40	640.70	718.40	761.20	684.90
DRY WT. + TARE	843.50	716.60	629.10	706.80	746.50	672.70
TARE WT.	155.40	126.30	129.90	154.90	156.10	131.00
DRY WT.	688.10	590.30	499.20	551.90	590.40	541.70
WEIGHT LOST	6.10	9.80	11.60	11.60	14.70	12.20
% MOISTURE	0.9	1.7	2.3	2.1	2.5	2.3

**Remarks/Condition:** \_\_\_\_\_

\_\_\_\_\_



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### Moisture Content Log

Project Name: GYPSUM RESOURCE / BLUE DIAMOND MINE

Lab No.: 18-042

Project No.: 20174152C1

Tested By: C. BYER

Date: 1/31/2018

Sample:	OVERBURDEN					
Depth:						
WET WT. + TARE	720.60					
DRY WT. + TARE	670.80					
TARE WT.	126.20					
DRY WT.	544.60					
WEIGHT LOST	49.80					
% MOISTURE	9.1					

Remarks/Condition: \_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL

Lab No.: 18-091

Project No.: 20174152

Tested By: KM

Date: 2/28/2018

Moisture Content Log						
Project Name: BLUE DIAMOND HILL						
Lab No.: 18-091						
Project No.: 20174152						
Tested By: KM						
Date: 2/28/2018						
Sample:	OVERBURDEN	LOADOUT	REJECT	2"STOCKPILE	1/8" STOCKPILE	
Depth:						
WET WT. + TARE	549.50	740.60	505.20	686.30	506.10	
DRY WT. + TARE	540.40	731.40	489.30	680.80	497.50	
TARE WT.	131.40	126.90	126.36	132.10	132.00	
DRY WT.	409.00	604.50	362.94	548.70	365.50	
WEIGHT LOST	9.10	9.20	15.90	5.50	8.60	
% MOISTURE	2.2	1.5	4.4	1.0	2.4	

Remarks/Condition: \_\_\_\_\_  
 \_\_\_\_\_





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(702) 365-1001

### Moisture Content Log

Project Name: GYPSUM RESOURCE/BLUE DIAMOND HILL

Lab No.: 18-112

Project No.: 20174152C1

Tested By: C. JOYCE

Date: 3/14/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	REJECT	LOADOUT CONVEYOR	OVERBURDEN	
WET WT. + TARE	1427.30	1562.50	1582.10	1513.70	1511.60	
DRY WT. + TARE	1407.20	1526.30	1532.20	1486.90	1417.60	
TARE WT.	108.60	108.50	108.70	108.80	109.60	
DRY WT.	1298.60	1417.80	1423.50	1378.10	1308.00	
WEIGHT LOST	20.10	36.20	49.90	26.80	94.00	
% MOISTURE	1.5	2.6	3.5	1.9	7.2	

Remarks/Condition: \_\_\_\_\_

\_\_\_\_\_



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Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** GYPSUM RESOURCE/BLUE DIAMOND HILL

**Lab No.:** 18-138

**Project No.:** 20174152C1

**Tested By:** K. NGUYEN

**Date:** 3/26/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	REJECT	OVERBURDEN	LOADOUT CONVEYOR	
WET WT. + TARE	1159.70	1678.40	1267.50	1457.90	1766.60	
DRY WT. + TARE	1139.30	1671.20	1233.40	1401.30	1739.90	
TARE WT.	133.90	126.30	133.10	130.70	137.60	
DRY WT.	1005.40	1544.90	1100.30	1270.60	1602.30	
WEIGHT LOST	20.40	7.20	34.10	56.60	26.70	
% MOISTURE	2.0	0.5	3.1	4.5	1.7	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_



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ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-168

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 4/9/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	LOADOUT CONVEYOR	OVERBURDEN	REJECT	
WET WT. + TARE	818.20	811.50	784.30	762.70	642.60	
DRY WT. + TARE	815.10	789.50	772.40	745.60	633.20	
TARE WT.	271.70	154.90	109.00	109.20	108.40	
DRY WT.	543.40	634.60	663.40	636.40	524.80	
WEIGHT LOST	3.10	22.00	11.90	17.10	9.40	
% MOISTURE	0.6	3.5	1.8	2.7	1.8	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE

**Lab No.:** 18-203

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/1/2018

Sample:	1/8" CONVEYOR	2" CONVEYOR	1/8" STOCKPILE	2" STOCKPILE	LOADOUT CONVEYOR	REJECT
WET WT. + TARE	1205.80	1740.80	1635.80	1749.60	1695.70	1647.20
DRY WT. + TARE	1169.40	1733.60	1628.30	1712.10	1666.30	1610.70
TARE WT.	132.20	131.50	127.40	156.40	128.70	128.50
DRY WT.	1037.20	1602.10	1500.90	1555.70	1537.60	1482.20
WEIGHT LOST	36.40	7.20	7.50	37.50	29.40	36.50
% MOISTURE	3.5	0.4	0.5	2.4	1.9	2.5

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE

**Lab No.:** 18-203

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/1/2018

Sample:	OVERBURDEN					
WET WT. + TARE	1686.60					
DRY WT. + TARE	1679.40					
TARE WT.	132.50					
DRY WT.	1546.90					
WEIGHT LOST	7.20					
% MOISTURE	0.5					

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-224

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 5/11/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	2" CERTAINTEE STOCKPILE	LOADOUT CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	1573.40	1941.80	1887.50	1829.50	1614.30	1712.60
DRY WT. + TARE	1516.30	1886.40	1861.20	1790.60	1569.80	1647.00
TARE WT.	132.20	108.70	141.90	125.90	126.30	126.30
DRY WT.	1384.10	1777.70	1719.30	1664.70	1443.50	1520.70
WEIGHT LOST	57.10	55.40	26.30	38.90	44.50	65.60
% MOISTURE	4.1	3.1	1.5	2.3	3.1	4.3

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-237

Project No.: 20174152C1

Tested By: A. SANDERS

Date: 5/17/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	CONVEYOR LOADOUT	REJECT
WET WT. + TARE	643.30	633.40	578.20	679.30	658.60	608.30
DRY WT. + TARE	624.80	619.40	568.30	672.80	647.90	578.80
TARE WT.	127.40	155.90	134.00	126.10	127.30	131.30
DRY WT.	497.40	463.50	434.30	546.70	520.60	447.50
WEIGHT LOST	18.50	14.00	9.90	6.50	10.70	29.50
% MOISTURE	3.7	3.0	2.3	1.2	2.1	6.6

Remarks/Condition: Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-237

Project No.: 20174152C1

Tested By: A. SANDERS

Date: 5/17/2018

Sample:	OVERBURDEN					
WET WT. + TARE	663.20					
DRY WT. + TARE	652.00					
TARE WT.	132.20					
DRY WT.	519.80					
WEIGHT LOST	11.20					
% MOISTURE	2.2					

Remarks/Condition: Material Source #17286





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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-247

**Project No.:** 20174152C1

**Tested By:** A. SANDERS

**Date:** 5/24/2018

Sample:	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	918.80	816.80	682.00	700.90	1046.90	723.00
DRY WT. + TARE	903.90	798.50	672.20	668.00	1038.50	692.20
TARE WT.	156.10	126.60	131.20	132.50	127.20	131.70
DRY WT.	747.80	671.90	541.00	535.50	911.30	560.50
WEIGHT LOST	14.90	18.30	9.80	32.90	8.40	30.80
% MOISTURE	2.0	2.7	1.8	6.1	0.9	5.5

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-247

Project No.: 20174152C1

Tested By: A. SANDERS

Date: 5/24/2018

Sample:	LOADOUT CONVEYOR					
WET WT. + TARE	980.90					
DRY WT. + TARE	961.60					
TARE WT.	131.70					
DRY WT.	829.90					
WEIGHT LOST	19.30					
% MOISTURE	2.3					

Remarks/Condition: Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-271

Project No.: 20174152C1

Tested By: K. NGUYEN

Date: 6/7/2018

Sample:	2" CERTAINTEE STOCKPILE	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	LOADOUT CONVEYOR
WET WT. + TARE	1991.00	1840.80	1859.70	1548.10	1444.10	2125.30
DRY WT. + TARE	1963.70	1808.30	1838.70	1504.80	1421.40	2088.60
TARE WT.	143.60	126.90	126.40	132.40	127.00	130.90
DRY WT.	1820.10	1681.40	1712.30	1372.40	1294.40	1957.70
WEIGHT LOST	27.30	32.50	21.00	43.30	22.70	36.70
% MOISTURE	1.5	1.9	1.2	3.2	1.8	1.9

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-271

**Project No.:** 20174152C1

**Tested By:** K. NGUYEN

**Date:** 6/7/2018

Sample:	OVERBURDEN	REJECT				
WET WT. + TARE	2189.40	1652.90				
DRY WT. + TARE	2158.80	1584.50				
TARE WT.	154.00	126.90				
DRY WT.	2004.80	1457.60				
WEIGHT LOST	30.60	68.40				
% MOISTURE	1.5	4.7				

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-278

**Project No.:** 20174152C1

**Tested By:** R. THOMSEN

**Date:** 6/15/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	1503.10	2005.60	1578.90	1855.20	1771.00	1496.50
DRY WT. + TARE	1457.00	1980.20	1541.20	1825.50	1712.20	1399.40
TARE WT.	109.60	109.10	109.10	108.70	110.10	108.60
DRY WT.	1347.40	1871.10	1432.10	1716.80	1602.10	1290.80
WEIGHT LOST	46.10	25.40	37.70	29.70	58.80	97.10
% MOISTURE	3.4	1.4	2.6	1.7	3.7	7.5

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-278

**Project No.:** 20174152C1

**Tested By:** R. THOMSEN

**Date:** 6/15/2018

Sample:	LOADOUT CONVEYOR					
WET WT. + TARE	1947.40					
DRY WT. + TARE	1910.00					
TARE WT.	108.60					
DRY WT.	1801.40					
WEIGHT LOST	37.40					
% MOISTURE	2.1					

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-291

Project No.: 20174152C1

Tested By: K. MARIN

Date: 6/21/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	LOADOUT	REJECT	OVERBURDEN	
WET WT. + TARE	1557.40	2072.20	2003.40	1908.20	1921.50	
DRY WT. + TARE	1512.50	2024.00	1975.30	1832.30	1887.10	
TARE WT.	196.60	382.00	325.70	377.30	125.10	
DRY WT.	1315.90	1642.00	1649.60	1455.00	1762.00	
WEIGHT LOST	44.90	48.20	28.10	75.90	34.40	
% MOISTURE	3.4	2.9	1.7	5.2	2.0	

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-308

**Project No.:** 20174152C1

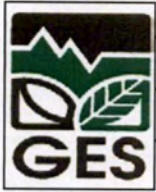
**Tested By:** A. SANDERS

**Date:** 6/29/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	OVERBURDEN	REJECT
WET WT. + TARE	642.00	953.00	617.50	880.50	855.50	579.00
DRY WT. + TARE	624.30	936.60	596.80	862.50	854.80	556.90
TARE WT.	127.50	141.00	126.50	134.00	127.00	156.00
DRY WT.	496.80	795.60	470.30	728.50	727.80	400.90
WEIGHT LOST	17.70	16.40	20.70	18.00	0.70	22.10
% MOISTURE	3.6	2.1	4.4	2.5	0.1	5.5

**Remarks/Condition:** Material Source #17286





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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-322

Project No.: 20174152C1

Tested By: A. SANDERS

Date: 7/9/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	REJECT	LOADOUT
WET WT. + TARE	561.10	704.10	572.90	779.10	598.60	949.10
DRY WT. + TARE	550.90	703.80	551.50	761.60	574.90	934.60
TARE WT.	132.60	126.40	131.90	125.80	137.30	155.70
DRY WT.	418.30	577.40	419.60	635.80	437.60	778.90
WEIGHT LOST	10.20	0.30	21.40	17.50	23.70	14.50
% MOISTURE	2.4	0.1	5.1	2.8	5.4	1.9

Remarks/Condition: \_\_\_\_\_

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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-331

Project No.: 20174152C1

Tested By: K. MARIN

Date: 7/12/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	LOADOUT	OVERBURDEN
WET WT. + TARE	563.20	663.90	713.80	750.00	676.00	627.40
DRY WT. + TARE	543.40	647.80	688.10	734.50	660.20	610.30
TARE WT.	125.90	126.10	134.60	126.60	125.70	131.00
DRY WT.	417.50	521.70	553.50	607.90	534.50	479.30
WEIGHT LOST	19.80	16.10	25.70	15.50	15.80	17.10
% MOISTURE	4.7	3.1	4.6	2.5	3.0	3.6

Remarks/Condition: Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-331

Project No.: 20174152C1

Tested By: K. MARIN

Date: 7/12/2018

Sample:	REJECT					
WET WT. + TARE	550.20					
DRY WT. + TARE	532.10					
TARE WT.	126.60					
DRY WT.	405.50					
WEIGHT LOST	18.10					
% MOISTURE	4.5					

Remarks/Condition: Material Source #17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-341

Project No.: 20174152C1

Tested By: K. MARIN

Date: 7/19/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	REJECT	LOADOUT
WET WT. + TARE	763.10	862.00	628.40	1005.60	786.00	954.40
DRY WT. + TARE	742.30	850.70	613.00	989.70	762.30	929.50
TARE WT.	108.90	108.30	108.90	110.40	110.00	108.60
DRY WT.	633.40	742.40	504.10	879.30	652.30	820.90
WEIGHT LOST	20.80	11.30	15.40	15.90	23.70	24.90
% MOISTURE	3.3	1.5	3.1	1.8	3.6	3.0

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-341

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 7/19/2018

Sample:	OVERBURDEN					
WET WT. + TARE	796.20					
DRY WT. + TARE	774.60					
TARE WT.	111.10					
DRY WT.	663.50					
WEIGHT LOST	21.60					
% MOISTURE	3.3					

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-353

**Project No.:** 20174152C1

**Tested By:** R. THOMSEN

**Date:** 7/26/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	LOADOUT			
WET WT. + TARE	720.20	963.30	1165.30			
DRY WT. + TARE	705.90	935.60	1142.50			
TARE WT.	109.00	109.10	110.50			
DRY WT.	596.90	826.50	1032.00			
WEIGHT LOST	14.30	27.70	22.80			
% MOISTURE	2.4	3.4	2.2			

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-359

**Project No.:** 20174152C1

**Tested By:** R. THOMSEN

**Date:** 8/2/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	LOADOUT	REJECT		
WET WT. + TARE	750.30	1091.20	1158.20	782.70		
DRY WT. + TARE	728.20	1076.40	1124.30	722.10		
TARE WT.	108.60	110.30	109.60	108.60		
DRY WT.	619.60	966.10	1014.70	613.50		
WEIGHT LOST	22.10	14.80	33.90	60.60		
% MOISTURE	3.6	1.5	3.3	9.9		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 18-373

**Project No.:** 20174152

**Tested By:** K. Marin

**Date:** 8/9/2018

Moisture Content Log						
Project Name: Gypsum Moisture Testing						
Lab No.: 18-373						
Project No.: 20174152						
Tested By: K. Marin						
Date: 8/9/2018						
Sample:	1/8" Stockpile	2" Stockpile	Loadout	Reject	Overburden	
Depth:	NA	NA	NA	NA	NA	
WET WT. + TARE	802.30	935.20	1194.70	828.60	1039.00	
DRY WT. + TARE	784.80	910.50	1177.80	798.90	1022.90	
TARE WT.	156.10	132.80	126.20	126.90	126.60	
DRY WT.	628.70	777.70	1051.60	672.00	896.30	
WEIGHT LOST	17.50	24.70	16.90	29.70	16.10	
% MOISTURE	2.8	3.2	1.6	4.4	1.8	

**Remarks/Condition:** MATERIAL SOURCE #17286

0251

0251





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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-386

Project No.: 20174152C1

Tested By: R. THOMSEN

Date: 8/16/2018

Sample:	2" STOCKPILE	1/8" STOCKPILE	2" CONVEYOR	1/8" CONVEYOR	LOADOUT CONVEYOR	REJECT
WET WT. + TARE	1086.20	775.10	1291.80	732.20	1479.90	812.30
DRY WT. + TARE	1071.30	749.30	1274.90	698.50	1459.20	765.70
TARE WT.	109.20	111.20	109.00	110.60	108.80	109.70
DRY WT.	962.10	638.10	1165.90	587.90	1350.40	656.00
WEIGHT LOST	14.90	25.80	16.90	33.70	20.70	46.60
% MOISTURE	1.5	4.0	1.4	5.7	1.5	7.1

Remarks/Condition: Material Source #17286



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### Moisture Content Log

Moisture Content Log							
Project Name: Gypsum Moisture Testing				Lab No.: 18-397			
Project No.: 20174152C1			Tested By: K. Marin		Date: 8/23/18		
Sample:	1/8" Stockpile	2" Stockpile	1/8" Conveyor	2" Conveyor	Loadout	Reject	Overburden
Depth:	NA	NA	NA	NA	NA	NA	NA
WET WT. + TARE	819.10	972.80	784.90	961.50	1067.80	724.40	1079.30
DRY WT. + TARE	799.50	953.70	764.10	948.70	1048.30	690.20	1075.90
TARE WT.	108.80	109.10	109.10	108.40	109.00	108.90	109.00
DRY WT.	690.70	844.60	655.00	840.30	939.30	581.30	966.90
WEIGHT LOST	19.60	19.10	20.80	12.80	19.50	34.20	3.40
% MOISTURE	2.8	2.3	3.2	1.5	2.1	5.9	0.4

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 18-407

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 8/31/2018

Moisture Content Log						
Project Name: Gypsum Moisture Testing						
Lab No.: 18-407						
Project No.: 20174152C1						
Tested By: K. Marin						
Date: 8/31/2018						
Sample:	1/8" Stockpile	2" Stockpile	Reject	Loadout		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	824.40	933.60	884.00	1083.40		
DRY WT. + TARE	800.40	911.70	853.20	1060.10		
TARE WT.	132.60	152.80	132.20	138.50		
DRY WT.	667.80	758.90	721.00	921.60		
WEIGHT LOST	24.00	21.90	30.80	23.30		
% MOISTURE	3.6	2.9	4.3	2.5		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

<b>Moisture Content Log</b>							
Project Name: Gypsum Resource Mine				Lab No.: 18-414			
Project No.: 20174152C1			Tested By: TR		Date: 9/7/18		
<b>Sample:</b>	2" Certainteed	2" Conveyor	2" Stockpile	1/8" Conveyor	1/8" Stockpile	Reject	Loadout
<b>Depth:</b>	NA	NA	NA	NA	NA	NA	NA
WET WT. + TARE	833.90	885.10	888.10	657.90	740.10	807.20	1093.20
DRY WT. + TARE	818.80	879.50	867.10	630.80	722.10	771.50	1082.70
TARE WT.	126.30	132.60	131.40	127.10	156.90	128.30	142.60
DRY WT.	692.50	746.90	735.70	503.70	565.20	643.20	940.10
WEIGHT LOST	15.10	5.60	21.00	27.10	18.00	35.70	10.50
% MOISTURE	2.2	0.7	2.9	5.4	3.2	5.6	1.1

Remarks/Condition: Material Source #17286

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### Moisture Content Log

Project Name: Gypsum Moisture Testing

Lab No.: 18-422

Project No.: 20174152C1

Tested By: R. Thomsen

Date: 9/14/2018

Sample:	Reject	Loadout	2" Conveyor	1/8" Conveyor	2" Stockpile	1/8" Stockpile
Depth:	NA	NA	NA	NA	NA	NA
WET WT. + TARE	1620.80	1699.90	1894.70	1621.80	1865.90	1548.00
DRY WT. + TARE	1550.30	1657.70	1865.80	1606.50	1838.70	1533.90
TARE WT.	108.70	110.10	108.70	108.70	108.40	108.90
DRY WT.	1441.60	1547.60	1757.10	1497.80	1730.30	1425.00
WEIGHT LOST	70.50	42.20	28.90	15.30	27.20	14.10
% MOISTURE	4.9	2.7	1.6	1.0	1.6	1.0

Remarks/Condition: Material Source #17286



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7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

<b>Project Name:</b> Blue Diamond Hill								<b>Lab No.:</b> 18-427	
<b>Project No.:</b> 20174152C1				<b>Tested By:</b> K. Nguyen		<b>Date:</b> 9/20/2018			
<b>Sample:</b>	1/8" Stockpile	1/8" Conveyor	2" Stockpile	2" Conveyor	Reject	Overburden	Loadout Conveyor		
<b>Depth:</b>	NA	NA	NA	NA	NA	NA	NA		
WET WT. + TARE	873.80	784.30	931.50	975.10	768.00	820.30	1013.30		
DRY WT. + TARE	859.90	762.10	914.10	962.60	718.40	796.20	994.50		
TARE WT.	214.60	131.80	125.90	156.40	126.40	127.10	131.30		
DRY WT.	645.30	630.30	788.20	806.20	592.00	669.10	863.20		
WEIGHT LOST	13.90	22.20	17.40	12.50	49.60	24.10	18.80		
% MOISTURE	2.2	3.5	2.2	1.6	8.4	3.6	2.2		

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

**Lab No.:** 18-438

**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 9/28/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	REJECT	LOADOUT
WET WT. + TARE	847.80	818.50	754.00	861.10	790.40	1001.20
DRY WT. + TARE	831.20	794.80	731.60	829.00	749.60	976.70
TARE WT.	131.70	126.20	196.20	132.50	132.50	130.60
DRY WT.	699.50	668.60	535.40	696.50	617.10	846.10
WEIGHT LOST	16.60	23.70	22.40	32.10	40.80	24.50
% MOISTURE	2.4	3.5	4.2	4.6	6.6	2.9

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

Project Name: Gypsum Moisture Content

Lab No.: 18-489

Project No.: 20174152C1

Tested By: K. Marin

Date: 11/16/2018

Sample:	1/8" Stockpile	1/8" Conveyor	2" Stockpile	2" Conveyor		
Depth:	NA	NA	NA	NA		
WET WT. + TARE	1193.00	1048.50	1542.50	1513.70		
DRY WT. + TARE	1161.80	1039.60	1534.70	1505.00		
TARE WT.	109.20	109.20	109.00	109.00		
DRY WT.	1052.60	930.40	1425.70	1396.00		
WEIGHT LOST	31.20	8.90	7.80	8.70		
% MOISTURE	3.0	1.0	0.5	0.6		

Remarks/Condition: Material Source #17286





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### Moisture Content Log

Project Name: BLUE DIAMOND HILL/GYPSUM RESOURCE MINE

Lab No.: 18-438

Project No.: 20174152C1

Tested By: K. MARIN

Date: 9/28/2018

Sample:	1/8" STOCKPILE	2" STOCKPILE	1/8" CONVEYOR	2" CONVEYOR	REJECT	LOADOUT
WET WT. + TARE	847.80	818.50	754.00	861.10	790.40	1001.20
DRY WT. + TARE	831.20	794.80	731.60	829.00	749.60	976.70
TARE WT.	131.70	126.20	196.20	132.50	132.50	130.60
DRY WT.	699.50	668.60	535.40	696.50	617.10	846.10
WEIGHT LOST	16.60	23.70	22.40	32.10	40.80	24.50
% MOISTURE	2.4	3.5	4.2	4.6	6.6	2.9

Remarks/Condition: Material Source #17286



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### Moisture Content Log

**Project Name:** GYPSUM RESOURCE/BLUE DIAMOND HILL MINE

**Lab No.:** 18-522

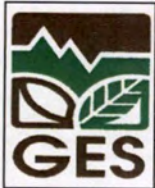
**Project No.:** 20174152C1

**Tested By:** K. MARIN

**Date:** 12/10/2018

Moisture Content Log							
Project Information							
<b>Sample:</b> 1/8" STOCKPILE			1/8" CONVEYOR		2" STOCKPILE	2" CONVEYOR	REJECT
<b>Depth:</b>							
WET WT. + TARE	1878.20	3248.20	2146.20	2154.60	1982.10		
DRY WT. + TARE	1826.00	3120.00	2119.00	2121.50	1902.50		
TARE WT.	381.90	539.80	625.10	626.90	559.90		
DRY WT.	1444.10	2580.20	1493.90	1494.60	1342.60		
WEIGHT LOST	52.20	128.20	27.20	33.10	79.60		
% MOISTURE	3.6	5.0	1.8	2.2	5.9		

**Remarks/Condition:** \_\_\_\_\_  
 \_\_\_\_\_



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 18-538

**Project No.:** 20174152C1

**Tested By:** MJS

**Date:** 12/13/2018

Sample:	1/8" Stockpile	2" Stockpile	Reject			
Depth:	NA	NA	NA			
WET WT. + TARE	658.10	713.00	724.30			
DRY WT. + TARE	632.40	708.10	689.50			
TARE WT.	132.30	127.60	156.10			
DRY WT.	500.10	580.50	533.40			
WEIGHT LOST	25.70	4.90	34.80			
% MOISTURE	5.1	0.8	6.5			

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 18-555

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 12/27/2018

Sample:	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor	Reject	Overburden
Depth:	NA	NA	NA	NA	NA	NA
WET WT. + TARE	860.90	819.80	667.10	678.50	670.90	854.60
DRY WT. + TARE	843.70	811.40	654.10	667.90	650.60	829.40
TARE WT.	124.10	132.00	139.80	127.90	125.70	139.20
DRY WT.	719.60	679.40	514.30	540.00	524.90	690.20
WEIGHT LOST	17.20	8.40	13.00	10.60	20.30	25.20
% MOISTURE	2.4	1.2	2.5	2.0	3.9	3.7

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** GYPSUM RESOURCE/BLUE DIAMOND HILL MINE

**Lab No.:** 18-512

**Project No.:** 20174152C1

**Tested By:** K. N.

**Date:** 12/3/2018

Moisture Content Log						
Project Name: GYPSUM RESOURCE/BLUE DIAMOND HILL MINE						
Lab No.: 18-512						
Project No.: 20174152C1						
Tested By: K. N.						
Date: 12/3/2018						
Sample:	1/8" STOCKPILE	1/8" CONVEYOR	2" STOCKPILE	2" CONVEYOR	REJECT	OVERBURDEN
Depth:						
WET WT. + TARE	1089.00	970.70	1520.00	1360.50	1134.40	1580.00
DRY WT. + TARE	1080.00	952.10	1507.40	1353.10	1077.00	1532.30
TARE WT.	125.00	126.30	127.60	126.60	137.70	131.30
DRY WT.	955.00	825.80	1379.80	1226.50	939.30	1401.00
WEIGHT LOST	9.00	18.60	12.60	7.40	57.40	47.70
% MOISTURE	0.9	2.3	0.9	0.6	6.1	3.4

**Remarks/Condition:** SOURCE# 17286



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### Moisture Content Log

Project Name: BLUE DIAMOND HILL MINE

Lab No.: 18-549

Project No.: 20174152C1

Tested By: K. MARIN

Date: 12/21/2018

Sample:	1/8"	1/8"	2"	2"	REJECT	
Depth:	STOCKPILE	CONVEYOR	CTOCKPILE	CONVEYOR	PILE	
WET WT. + TARE	736.40	869.30	1276.40	1380.40	983.20	
DRY WT. + TARE	721.70	841.20	1259.60	1375.00	951.40	
TARE WT.	132.50	156.10	126.70	132.20	127.10	
DRY WT.	589.20	685.10	1132.90	1242.80	824.30	
WEIGHT LOST	14.70	28.10	16.80	5.40	31.80	
% MOISTURE	2.5	4.1	1.5	0.4	3.9	

Remarks/Condition: \_\_\_\_\_  
\_\_\_\_\_





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SERVICES, INC.**

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(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 18-447

**Project No.:** 20174152C1

**Tested By:** K. Nguyen

**Date:** 10/4/2018

Sample:	1/8" Stockpile	2" Stockpile	1/8" Conveyor	2" Conveyor	Loadout	Reject
Depth:	NA	NA	NA	NA	NA	NA
WET WT. + TARE	962.90	1053.40	806.80	1105.10	1053.00	946.40
DRY WT. + TARE	947.80	1031.70	776.40	1086.30	1029.60	923.40
TARE WT.	132.50	156.40	126.40	156.10	156.30	154.00
DRY WT.	815.30	875.30	650.00	930.20	873.30	769.40
WEIGHT LOST	15.10	21.70	30.40	18.80	23.40	23.00
% MOISTURE	1.9	2.5	4.7	2.0	2.7	3.0

**Remarks/Condition:** Material Source #17286





LAB# 18-447

7150 PLACID STREET  
 LAS VEGAS, NEVADA 89119  
 702.365.1001

Date Received: 10/4/2018 Date of Test: \_\_\_\_\_  
 Project No.: 2017415201 Client: GYPSUM RESOURCES  
 Project Name: GYPSUM MOISTURE TESTING  
 Sample By: CSJR Tested By: KN Reviewed By: \_\_\_\_\_  
 Remarks/Conditions: \_\_\_\_\_  
 Soil Description: \_\_\_\_\_ USCS: \_\_\_\_\_

**MOISTURE DENSITY** content

REMARKS								
SAMPLE	<u>1/8"</u>	<u>2"</u>	<u>1/8"</u>	<u>2"</u>				
DEPTH	<u>STOCKPILE</u>	<u>STOCKPILE</u>	<u>CONVEYOR</u>	<u>CONVEYOR</u>	<u>LOAD OUT</u>	<u>REJECT</u>		
LENGTH								
TUBE+WET SOIL								
TUBE								
TARE+WET SOIL	<u>962.9</u>	<u>1053.4</u>	<u>806.8</u>	<u>1105.1</u>	<u>1053.0</u>	<u>946.4</u>		
TARE+DRY SOIL	<u>947.8</u>	<u>1031.7</u>	<u>776.4</u>	<u>1086.3</u>	<u>1029.6</u>	<u>923.4</u>		
TARE NAME	<u>RICO</u>	<u>C3PO</u>	<u>LOKI</u>	<u>MORTY</u>	<u>MUD</u>	<u>MILK</u>		
TARE WEIGHT	<u>132.5</u>	<u>156.4</u>	<u>126.4</u>	<u>156.1</u>	<u>156.3</u>	<u>154.0</u>		
	<u>1.9</u>	<u>2.5</u>	<u>4.7</u>	<u>2.0</u>	<u>2.7</u>	<u>3.0</u>		

0268



Department of Air Quality & Environmental Management Compliance Reporting Section

Title V - REQUIRED MONITORING REPORT – DEVIATION FORM

<b>Company Name: Gypsum Resources, LLC</b>							<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2018 through December 31, 2018</b>							
<b>Emission Unit Number</b>	<b>Permit Condition #</b>	<b>Parameters Monitored</b>	<b>Periods of Deviation</b>	<b>Permit Limit</b>	<b>Actual Emissions</b>	<b>Excess Emission Deviation Period</b>	<b>Explanation</b>
A001	III.B.3.30 III.B.3.31	Opacity	5/8/2018: 1:55 pm – 2:00 pm	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	5 minutes	Blasting was performed without an available water truck and control measures were not implemented to prevent the dust plume from exceeding 100 yards from the origin.
A001	III.B.3.30 III.B.3.31	Opacity	5/17/2018: 12:20 pm – 12:23 pm	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	3 minutes	A water truck was utilized during blasting operations, however the control measures were not sufficient enough to prevent the dust plume from exceeding 100 yards from the origin. After discussions with DAQ, this incident was not considered a deviation.
A01	III.B.3.30	Opacity	5/17/2018: 10:52 am – 10:56 am	Dust plume cannot exceed 100 yds from origin	Dust plume exceeded 100 yds from origin	4 minutes	The crusher was stopped to clear a buildup of mud. Once the mud was cleared, and the crusher was empty, a loader bucket of rock was placed into the front crusher feeder which released a plume of dust.
Facility	III.C.18	NA	6/21/2018: 6:45 am – 7:15 am	Have an adequate number of water trucks on-site and constantly use them	NA	30 minutes	Water trucks were not in operation because of a lack of water truck drivers.
Facility	III-B-2-e	Operational	3/1/2018 – 12/31/2018	Limit consumption of ANFO for blasting to 75 tons	Annual consumption total exceeded 75 tons	9 months	Permit modification was submitted on 8/16/2018 to increase limits . Original limits were significantly underestimated due to a math error.
C06	III-B-2-l	Operational	September 2018 thru December 2018.	Hours of operation are limited to 4200 hrs per any consecutive 12 month period	12 month rolling total exceeded permitted limit.	4 months	Since operating hours were estimated prior to May 2018 and a worst case scenario was assumed, the rolling 12 month total hours remains above the permitted limit during the year.

C05	III-B-2-m	Operational	November 2018 thru December 2018.	Hours of operation are limited to 4800 hrs per any consecutive 12 month period	12 month rolling total exceeded permitted limit.	2 months	Permit modification was submitted on 8/16/2018 to increase limits well ahead of exceeding the operational total.
C03	III-B-2-m	Operational	November 2018 thru December 2018.	Hours of operation are limited to 4800 hrs per any consecutive 12 month period	12 month rolling total exceeded permitted limit.	2 months	Permit modification was submitted on 8/16/2018 to increase limits.
Facility	III-B-2-b	Operational		Operations are not allowed to exceed 16 hours per day Monday-Friday or 10 hours per day on Saturdays	Between January and April these limits were exceeded occasionally	4 months	Complete records do not exist prior to May 2018 however, we have determined that operations exceeded the 16 hour daily limit on multiple occasions during this timeframe. The operational limits have not been exceeded from May through the end of the 2018 calendar year.



Clark County Department of Air Quality and  
Environmental Management

### TITLE V – REQUIRED MONITORING REPORT CERTIFICATION

<b>Company Name: Gypsum Resources, LLC</b>	<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2018 through December 31, 2018</b>	

#### CERTIFICATION:

I certify that based on information and belief formed after reasonable inquiry, the statements and all information provided in this reporting package is true, accurate, and addresses all deviations during the reporting period:

Signature of Responsible Official RRR Date: 1-29-19

Name of Responsible Official (please print) Ryan Rhodes

Title of Responsible Official (please print) Mine Manager

**Mail to:** Department of Air Quality  
Compliance Reporting Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

**Attachment 11**



**BLUE DIAMOND HILL**  
**G Y P S U M**

**Gypsum Resource Materials, LLC**  
**P.O. Box 147**  
**Blue Diamond, Nevada 89004**  
[www.bdhgypsum.com](http://www.bdhgypsum.com)

October 4, 2019

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Scott Roswell, Senior Air Quality Specialist (**VIA EMAIL AND HAND DELIVERY**)

Office of the Clark County District Attorney – Civil Division  
500 S. Grand Central Pkwy., #5075  
Las Vegas, NV 89155-2215  
Attention: Jason B. Patchett, Deputy District Attorney (**VIA EMAIL ONLY**)

Re: Blue Diamond Hill Gypsum or Gypsum Resources Materials, LLC (the “Company”), Source 17286, Part 70 Operating Permit, dated November 17, 2017 (the “Permit”) – Response to Clark County Department of Air Quality (the “County”) re the Semi-Annual Summary of Reporting Requirements (the “Report”)

To Whom It May Concern:

This correspondence/document serves to supplement the Report delivered to the County on or about July 30, 2019. As we have discussed, the Company has continuously worked to meet or exceed all requirements and conditions set forth in the Permit and as required by all applicable laws.

We understand from the County’s correspondence dated as of September 11, 2019, the County is taking the position that the Company has not fully complied with the reporting and monitoring requirements set forth in the Permit related solely to the baghouse inspection reporting and the moisture sampling reporting. The Company is not aware of nor has the County asserted any other deficiencies with respect to the Report.

Enclosed with this correspondence is additional information relative to satisfy the above-referenced reporting deficiencies. Please note, however, we are unable to provide daily baghouse reports, daily field method 22 reports, daily process method 22 reports and daily pneumatic reports because equipment was down for major repairs and not producing any air pollution during an approximate forty-five-day period for approximately twenty-one consecutive days.

The Company notes, however, it will not be able to provide additional reports for testing done for Moisture Sampling until October 7, 2019, due to its outside consultant's inability to deliver the same. The Company diligently has worked to obtain the test results as of the date of this correspondence and will ensure the County receives them as soon as they are in the Company's possession.

More important, the Company desires to reiterate its full intent to comply with all requirements set forth in the Permit and with all applicable laws. Please note, and as we have communicated with you, the Company has and continues to implement measures to meet every requirement of the County. In furtherance of the foregoing, among other measures, including, without limitation, the Company has hired new members of its management team to ensure there are no negative deviations from our compliance and taken additional measures with respect to policies and procedures in furtherance of the same.

We look forward to working with you on this matter. Please do not hesitate to contact us with any questions. As we indicated, it is our desire and intent to have a great working relationship with the County and its representatives.

Best regards,  
Gypsum Resources Materials, LLC



Ryan Rhodes, Mine Manager and Responsible Official

Enclosures

cc: Scott Jelinek (Via Email Only JELINEK@ClarkCountyNV.gov)  
Shibi Paul (Via Email Only SPAUL@ClarkCountyNV.gov)

*[Certification of Truth, Accuracy and Completeness and Enclosures Appear on the Following Pages]*

**CERTIFICATION OF TRUTH, ACCURACY AND COMPLETENESS**

By my signature, I, Ryan Radey, hereby certify that, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate and complete.

Signature of Responsible Official: RRR Date: October 4, 2019.



**REPORTS/LOGS**

Please See Attached



**GEOTECHNICAL &  
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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** GYPSUM MOISTURE TESTING

**Lab No.:** 19-028

**Project No.:** 20174152C1

**Tested By:** J. VEGA

**Date:** 1/10/2019

Sample:	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	REJECT	LOADOUT
Depth:	N/A	N/A	N/A	N/A	N/A	N/A
WET WT. + TARE	1299.10	1351.40	708.80	853.50	838.00	1470.60
DRY WT. + TARE	1273.70	1330.30	691.30	835.50	801.70	1452.20
TARE WT.	126.40	137.60	131.40	131.50	126.70	127.10
DRY WT.	1147.30	1192.70	559.90	704.00	675.00	1325.10
WEIGHT LOST	25.40	21.10	17.50	18.00	36.30	18.40
% MOISTURE	2.2	1.8	3.1	2.6	5.4	1.4

**Remarks/Condition:** MATERIAL SOURCE #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-243

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/31/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1748.10	1201.90	1181.50	1931.80		
DRY WT. + TARE	1723.70	1194.50	1141.30	1901.10		
TARE WT.	126.90	132.20	130.20	132.00		
DRY WT.	1596.80	1062.30	1011.10	1769.10		
WEIGHT LOST	24.40	7.40	40.20	30.70		
% MOISTURE	1.5	0.7	4.0	1.7		

**Remarks/Condition:** Material Source #17286



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(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-229

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/28/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout Conveyor		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1666.10	922.30	1268.50	1699.30		
DRY WT. + TARE	1651.40	891.00	1240.50	1681.00		
TARE WT.	127.00	134.70	127.20	134.50		
DRY WT.	1524.40	756.30	1113.30	1546.50		
WEIGHT LOST	14.70	31.30	28.00	18.30		
% MOISTURE	1.0	4.1	2.5	1.2		

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
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**7150 Placid Street  
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(702) 365-1001**

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-243

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/31/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1748.10	1201.90	1181.50	1931.80		
DRY WT. + TARE	1723.70	1194.50	1141.30	1901.10		
TARE WT.	126.90	132.20	130.20	132.00		
DRY WT.	1596.80	1062.30	1011.10	1769.10		
WEIGHT LOST	24.40	7.40	40.20	30.70		
% MOISTURE	1.5	0.7	4.0	1.7		

**Remarks/Condition:** Material Source #17286



**BLUE DIAMOND HILL**  
**G Y P S U M**

**Gypsum Resource Materials, LLC**  
**P.O. Box 147**  
**Blue Diamond, Nevada 89004**  
**702-830-3378 (Office) 702-441-7148**  
**(Fax) [www.bdhgypsum.com](http://www.bdhgypsum.com)**

July 29, 2019

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Control Officer

Re: Gypsum Resources, LLC (Source ID: 17286)  
1<sup>st</sup> Semi-Annual Report 2019

Dear Control Officer:

Gypsum Resources, LLC is pleased to present the following semi-annual report summarizing source operations during the 1<sup>st</sup> half of 2019. The Part 70 Operating Permit (Permit) requires that a semi-annual report be generated and submitted to the Department of Air Quality (DAQ), which includes a summary of items listed in Section III-E-5 (a) through (n). The following semi-annual report contains the Permit requirements as well as the associated logs and records as provided by the source.

**SEMI-ANNUAL – 1<sup>ST</sup> HALF 2019**

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- c) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application was submitted to DAQ in August of 2018 to increase the permitted ANFO usage at the mine.

- d) *monthly square footage of blasting area and consecutive 12-month total (EU: A001);*

The square footage of blasting area used monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- e) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*j) monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*k) monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*l) weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

*m) deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

*n) deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Should you have any questions regarding this submittal please feel free to contact us.

Best regards,

Ryan Rhodes, Manager and Responsible Official Blue  
Diamond Hill Gypsum

Attachment: Monthly and Rolling 12-Month Production Tables  
GES Inc. Laboratory Moisture Results  
Deviation Reporting Forms

cc. Scott McNulty, Broadbent & Associates, Inc.



**2019 Gypsum Resources Monthly Production Records**

	Facility Operating Hours	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
<b>Permit Limits</b>	<b>Facility Operating Hours</b>	<b>1,280,000</b>	<b>700,000</b>	<b>75</b>	<b>3,400,000</b>	<b>28,105</b>	<b>170,750</b>	<b>42,750</b>	<b>340,000</b>	<b>4,200</b>	<b>4,800</b>	<b>4,800</b>	<b>4,200</b>	<b>4,200</b>	<b>1,280,000</b>
	<i>hours</i>	<i>ton/year</i>	<i>ft<sup>2</sup>/year</i>	<i>tons/year</i>	<i>tons/year</i>	<i>holes/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>tons/year</i>
January	224	96,492	0	0	42,878	0	6,668	1,667	5,044	239	597	328	380	277	62,572
February	330	29,647	52,544	38	51,426	323	3,996	999	4,312	70	599	313	383	159	32,924
March	372	123,176	185,435	155	45,101	1,133	9,240	2,310	10,840	333	658	426	683	206	81,479
April	356	50,890	205,555	182	13,895	1,097	5,116	1,279	8,736	186	547	228	493	138	44,557
May	408	66,781	37,800	19	13,174	168	4,596	1,149	4,856	217	418	210	269	207	42,721
June	370	100,918	0	0	28,146	0	7,220	1,805	8,672	261	308	231	244	129	63,719
July	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
August	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
September	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
October	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
November	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>SEMI-ANNUAL TOTAL (January - June):</b>	<b>1,486</b>	<b>467,904</b>	<b>481,334</b>	<b>394</b>	<b>194,620</b>	<b>2,721</b>	<b>36,836</b>	<b>9,209</b>	<b>42,460</b>	<b>1,306</b>	<b>3,127</b>	<b>1,736</b>	<b>2,452</b>	<b>1,116</b>	<b>327,973</b>
<b>SEMI-ANNUAL TOTAL (July - December):</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019 TOTAL:</b>	<b>1,486</b>	<b>467,904</b>	<b>481,334</b>	<b>394</b>	<b>194,620</b>	<b>2,721</b>	<b>36,836</b>	<b>9,209</b>	<b>42,460</b>	<b>1,306</b>	<b>3,127</b>	<b>1,736</b>	<b>2,452</b>	<b>1,116</b>	<b>327,973</b>

*2*



Clark County Department of Air Quality and  
Environmental Management

**TITLE V – REQUIRED MONITORING REPORT CERTIFICATION**

<b>Company Name: Gypsum Resources, LLC</b>	<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2019 through June 30, 2019</b>	

**CERTIFICATION:**

I certify that based on information and belief formed after reasonable inquiry, the statements and all information provided in this reporting package is true, accurate, and addresses all deviations during the reporting period:

Signature of Responsible Official *RRR* Date: 7-30-19

Name of Responsible Official (please print) Ryan Rhodes

Title of Responsible Official (please print) Mine Manager

**Mail to:** Department of Air Quality  
Compliance Reporting Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

**Gypsum Resources Rolling 12-Month Production**

	Rolling 12-Month Production Records	Gypsum Material Processed	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site unpaved roads	VMT, overburden unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	Total Truck Loading for Shipment of Gypsum Material
<i>End month</i>	Permit Limits	1,280,000 <i>ton/year</i>	700,000 <i>ft2/year</i>	75 <i>tons/year</i>	3,400,000 <i>tons/year</i>	28,105 <i>holes/year</i>	170,750 <i>VMT/year</i>	42,750 <i>VMT/year</i>	340,000 <i>VMT/year</i>	4,200 <i>hours/year</i>	4,800 <i>hours/year</i>	4,800 <i>hours/year</i>	4,200 <i>hours/year</i>	4,200 <i>hours/year</i>	1,280,000 <i>tons/year</i>
<i>January, 2019</i>	February 2018 - January 2019	1,147,382	439,803	270	814,089	3,587	109,704	27,426	99,852	3,691	5,434	5,679	6,247	3,534	909,929
<i>February, 2019</i>	March 2018 - February 2019	1,095,055	425,968	267	791,385	3,398	105,080	26,270	93,580	3,495	5,626	5,585	6,223	3,343	868,490
<i>March, 2019</i>	April 2018 - March 2019	1,072,344	538,056	368	791,562	4,006	103,140	25,785	93,312	3,403	5,780	5,508	6,403	3,199	853,685
<i>April, 2019</i>	May 2018 - April 2019	1,046,077	714,238	537	724,752	4,840	98,760	24,690	91,992	3,276	5,788	5,196	6,356	2,987	814,567
<i>May, 2019</i>	June 2018 - May 2019	1,039,704	685,777	516	672,385	4,438	95,552	23,888	88,792	3,179	5,816	4,913	5,903	2,991	792,624
<i>June, 2019</i>	July 2018 - June 2019	1,036,017	627,376	486	626,070	3,907	93,408	23,352	87,228	3,115	5,875	4,548	5,649	3,007	783,291



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-229

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/28/2019

<b>Sample:</b>	2" Stockpile	1/8" Stockpile	Reject	Loadout Conveyor		
<b>Depth:</b>	N/A	N/A	N/A	N/A		
WET WT. + TARE	1666.10	922.30	1268.50	1699.30		
DRY WT. + TARE	1651.40	891.00	1240.50	1681.00		
TARE WT.	127.00	134.70	127.20	134.50		
DRY WT.	1524.40	756.30	1113.30	1546.50		
WEIGHT LOST	14.70	31.30	28.00	18.30		
% MOISTURE	1.0	4.1	2.5	1.2		

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-243

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/31/2019

<b>Sample:</b>	2" Stockpile	1/8" Stockpile	Reject	Loadout		
<b>Depth:</b>	N/A	N/A	N/A	N/A		
WET WT. + TARE	1748.10	1201.90	1181.50	1931.80		
DRY WT. + TARE	1723.70	1194.50	1141.30	1901.10		
TARE WT.	126.90	132.20	130.20	132.00		
DRY WT.	1596.80	1062.30	1011.10	1769.10		
WEIGHT LOST	24.40	7.40	40.20	30.70		
% MOISTURE	1.5	0.7	4.0	1.7		

**Remarks/Condition:** Material Source #17286



## Department of Air Quality & Environmental Management Compliance Reporting Section

### Title V - REQUIRED MONITORING REPORT – DEVIATION FORM

<b>Company Name: Gypsum Resources, LLC</b>							<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2019 through June 30, 2019</b>							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
Facility	III-B-2-e	Operational	1/1/2019 – 6/30/2019	Limit consumption of ANFO for blasting to 75 tons	Annual amounts total over 75 tons	6 months	Permit modification was submitted on 8/16/2018 to increase limits. Original limits were significantly underestimated due to a math error.
Facility	III-B-29	Operational	April 23rd, 2019	The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions	Handling material in excavation and blasting area in a manner that allowed particulate to become airborne.	1 hour	Area was not sufficiently watered during operations
Facility	III-B-23	Operational	April 5, 2019	The Permittee shall water, for fugitive dust control, to the BLM portion of the access haul road to ensure on-going compliance with the AQR	Allowed fugitive dust emissions from unpaved BLM haul road	1 hour	Area was not sufficiently watered during operations
Facility	III-B-31	Operational	April 23, 2019	The Permittee shall have a water truck available and utilized during all drilling and blasting operations	Failed to use water to control dust during drilling operations	1 hour	Area was not sufficiently watered during operations

<b>Company Name: Gypsum Resources, LLC</b>							<b>Facility ID: 17286</b>
<b>Reporting Period: January 1, 2019 through June 30, 2019</b>							
<b>Emission Unit Number</b>	<b>Permit Condition #</b>	<b>Parameters Monitored</b>	<b>Periods of Deviation</b>	<b>Permit Limit</b>	<b>Actual Emissions</b>	<b>Excess Emission Deviation Period</b>	<b>Explanation</b>
Facility	III-B-21	Operational	March 27, 2019	The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a Construction Advisory	Conducted blast during a construction notice period	1 hour	Conducted blast during a construction notice period
Facility	III-B-25	Operational	April 5th, 2019	The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee	Allowing haul trucks off site untarped	1 hour	Allowing haul trucks off site untarped
DO1, D02	III-B-10	Operational	June 25, 2019	The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance.	Emissions coming from the duct work between Baghouse D01 and D02	1 hour	Duct work came apart

Company Name: Gypsum Resources, LLC

Facility ID: 17286

Reporting Period: January 1, 2019 through June 30, 2019

Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
Facility	III-C-25	Operational	January 1 2019 thru June 30, 2019	The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing	Moisture sampling was not conducted on a weekly basis	6 months	Moisture sampling was not conducted on a weekly basis
C006	III-B-2-l	Operational	January 1st,2019 thru June 30th, 2019.	Hours of operation are limited to 4200 hrs per any consecutive 12 month period	12 month period total amount was over permitted amount	6 months	Permit modification was submitted on 8/16/2018 to increase limits .
Facility	III-E-4-n	Operational	January 1st,2019 thru June 30th, 2019.	The permittee shall maintain following records onsite: monthly control device inspections	No monthly baghouse inspection records.	6 months	No monthly baghouse inspections records
C003	III-B-2-m	Operational	January 1st,2019 thru June 30th, 2019.	Hours of operation are limited to 4800 hrs per any consecutive 12 month period	12 month period total amount was over permitted amount	6 months	Permit modification was submitted on 8/16/2018 to increase limits.



**Attachment 12**

RECEIVED CC DAQ  
2020 JAN 30 PM2:29



Clark County Department of Air Quality and  
Environmental Management

**TITLE V – REQUIRED MONITORING REPORT CERTIFICATION**

<b>Company Name: Gypsum Resources, LLC</b>	<b>Facility ID: 17286</b>
<b>Reporting Period: July 1, 2019 through December 31, 2019</b>	

**CERTIFICATION:**

I certify that based on information and belief formed after reasonable inquiry, the statements and all information provided in this reporting package is true, accurate, and addresses all deviations during the reporting period:

Signature of Responsible Official RRR Date: 1-30-20

Name of Responsible Official (please print) Ryan Rhodes

Title of Responsible Official (please print) Mine Manager

**Mail to:** Department of Air Quality  
Compliance Reporting Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118



**BLUE DIAMOND HILL  
G Y P S U M**

*Gypsum Resource Materials, LLC*  
*P.O. Box 147*  
*Blue Diamond, Nevada 89004*  
*702-830-3378 (Office) 702-441-7148*  
*(Fax) [www.bdhgypsum.com](http://www.bdhgypsum.com)*

January 29, 2019

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Control Officer

Re: Gypsum Resources, LLC (Source ID: 17286)  
2<sup>nd</sup> Semi-Annual Report 2019

Dear Control Officer:

Gypsum Resources, LLC is pleased to present the following semi-annual report summarizing source operations during the 2<sup>nd</sup> half of 2019. The Part 70 Operating Permit (Permit) requires that a semi-annual report be generated and submitted to the Department of Air Quality (DAQ). The Permit was modified during calendar year 2019. The following semi-annual report contains the requirements from both the original Permit (dated November 13, 2017) and the modified Permit (dated November 14, 2019), as well as the associated logs and records as provided by the source.

**SEMI-ANNUAL – 2<sup>nd</sup> HALF 2019**

Permit Dated: November 13, 2017

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- c) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application was submitted to DAQ in August of 2018 to increase the permitted ANFO usage at the mine.

- d) *monthly square footage of blasting area and consecutive 12-month total (EU: A001);*

The square footage of blasting area used monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- e) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- j) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- k) *monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- l) *weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

- m) *deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

- n) *deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Permit Dated: November 14, 2019

- a) *monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

- b) *throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- c) *number of blasts monthly and consecutive 12-month total (EU: A001);*

The monthly number of blasts is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- d) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application was submitted to DAQ in August of 2018 to increase the permitted ANFO usage at the mine.

- e) *square footage of blasting area per blast and consecutive 12-month total (EU: A001);*

The square footage of blasting area per blast is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- j) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- k) *monthly VMT on the material hauling unpaved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the material hauling road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- l) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C05, C06, C07, and C08);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- m) *monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

n) *weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

o) *deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

p) *deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Should you have any questions regarding this submittal please feel free to contact us.

Best regards,

Ryan Rhodes, Manager and Responsible Official Blue  
Diamond Hill Gypsum

Attachment: Monthly and Rolling 12-Month Production Tables  
GES Inc. Laboratory Moisture Results  
Deviation Reporting Form

cc. Scott McNulty, Broadbent & Associates, Inc.

Gypsum Resources Monthly Production Records

	Facility Operating Hours	Gypsum Material Processed	Number of Blasts	Blasting Area	Blasting Area	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site paved roads	VMT, overburden paved roads	VMT, overburden paved roads	VMT, Material unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	C08 Office Generator, hours	Total Truck Loading for Shipment of Gypsum Material
<b>Permit Limits</b>	16 hrs/day M - F 10 hrs/day Sat	1,280,000	200	25,000	25,000	700,000	600	3,400,000	14,000	128,000	32,000	68,000	340,000	38,400	4,200	4,800	6,500	6,500	4,200	8,760	1,280,000
	hours	ton/year	blasts/year	average ft <sup>2</sup> /blast	ft <sup>2</sup> /blast	ft <sup>2</sup> /year	tons/year	tons/year	holes/year	VMT/year	VMT/year	VMT/year	VMT/year	VMT/year	hours/year	hours/year	hours/year	hours/year	hours/year	hours/year	hours/year
July	400	88,154				0	0	14,975	0	7,636	1,909		4,028		313	697	284	27	309		67,984
August	402	88,213				24,480	25	39,354	170	8,956	2,239		3,916		284	639	261	558	160		75,053
September	356	124,185				13,104	21	27,971	91	8,412	2,103		5,168		302	216	110	511	426		72,837
October	408	126,437				46,656	49	25,276	324	7,676	1,919		6,284		310	707	273	531	150		71,442
November	300	78,243	2	11,180	22,360		20	35,592	195	6,100	1,525	1,409		2,113	251		195	480	66	613	56,648
December	360	68,137	2	16,488	32,975		36	18,091	229	6,008	1,502	1,421		2,131	153		272	0	38	673	58,099
<b>SEMI-ANNUAL TOTAL (January - June):</b>	2,060	467,904	0	#DIV/0!	0	493,455	409	324,560	2,842	36,836	9,209	0	42,460	0	1,306	3,127	1,736	2,452	1,116	0	327,973
<b>SEMI-ANNUAL TOTAL (July - December):</b>	2,226	573,369	4	13,834	55,335	84,240	152	161,259	1,009	44,788	11,197	2,830	19,396	4,244	1,613	2,269	1,395	2,107	1,149	1,286	402,064

NOTE: The above table includes all reportable production records from the permit issued November 13, 2017, and the modified permit issued November 14, 2019. Production records that have areas blacked out are records that are new, discontinued or revised.



**Gypsum Resources Rolling 12-Month Production**

Rolling 12-Month Production Records	Gypsum Material Processed	Number of Blasts	Average Blasting Area	Blasting Area	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site paved roads	VMT, overburden paved roads	VMT, overburden paved roads	VMT, Material unpaved roads	C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	C08 Office Generator, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	1,280,000	200	25,000	25,000	700,000	600	3,400,000	14,000	128,000	32,000	88,000	340,000	38,400	4,200	4,800	6,500	6,500	4,200	8,760	1,280,000
	<i>ton/year</i>	<i>blasts/year</i>	<i>average #2/blast</i>	<i>#2/blast</i>	<i>#<sup>2</sup>/year</i>	<i>tons/year</i>	<i>tons/year</i>	<i>holes/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>hours/year</i>	<i>tons/year</i>
August 2018 - July 2019	1,040,467				630,699	495	662,772	3,940	93,192	23,298		80,876		3,183	5,945	4,488	5,248	3,173		791,249
September 2018 - August 2019	1,065,213				637,679	507	643,568	3,935	93,552	23,388		77,440		3,204	5,984	4,337	5,343	3,142		800,484
October 2018 - September 2019	1,096,196				631,994	508	625,928	3,838	92,504	23,126		75,508		3,187	5,614	4,118	5,349	3,411		800,264
November 2018 - October 2019	1,105,144				632,005	539	570,504	3,924	88,384	22,096		73,992		3,107	5,967	3,755	5,158	2,944		779,549
December 2018 - November 2019	1,074,554	2	11,180	11,180		544	548,428	3,823		21,120	1,409		2,113	2,773		3,317	5,004	2,521	613	750,045
January 2019 - December 2019	1,041,273	4	13,834	27,668		561	485,819	3,851		20,406	2,830		4,244	2,803		3,131	4,569	2,265	1,286	730,037

**NOTE:** The above table includes all reportable production records from the permit issued November 13, 2017, and the modified permit issued November 14, 2019. Production records that have areas blacked out are records that are new, discontinued or revised.



Department of Air Quality Compliance Reporting Section

Title V - REQUIRED MONITORING REPORT – DEVIATION FORM

Company Name: Gypsum Resources, LLC							Facility ID: 17286
Reporting Period: July 1, 2019 through December 31, 2019							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
All Emission Units	III.C.1; III.E.4.m; III.D.1; III.F.4.m	Visible Emissions	July 1, 2019 – December 31, 2019	Two daily VE checks on all emission units	NA	No excess emissions occurred from this deviation	Of the approximately 920 required visible emissions checks, 58 visible emissions checks were not completed while emissions units were in operation.
D01, D02	III.C.22; III.E.4.n; III.D.24; III.F.4.n	Baghouse Inspection	July 1, 2019; December 31, 2019	Monthly baghouse interior inspections	NA	No excess emissions occurred from this deviation	A monthly baghouse interior inspection was not conducted in December 2019.
D02	II.D.7; III.B.3.6; III.C.3.e	Visible Emissions	September 6, 2019	Emissions vented to baghouse at all times	Visible emissions from process equipment ductwork	1 day	Ductwork from process equipment to the baghouse was coming apart and dust was not reaching the baghouse. Facility did not report excess emissions within 24-hours as required.
D02	II.D.7; III.B.3.6; III.C.3.e	Visible Emissions	August 20, 2019, 10:00 AM – 3:00 PM	Emissions vented to baghouse at all times	Visible emissions from process equipment ductwork	5 hours	Ductwork from process equipment to the baghouse was coming apart and dust was not reaching the baghouse.
Facility	III.C.25; III.E.5.1; III.D.27; III.F.5.n	Moisture Content	July 1, 2019 – December 31, 2019	Conduct weekly moisture content testing	NA	No excess emissions occurred from this deviation	Moisture content sampling and analysis was not conducted the following weeks : Jul 22, Jul 29, Aug 5, Aug, 12, Aug 19, Aug, 26, Sept 2, Sept 9, Sept 16, Oct 7, Oct 14, Oct 21, Nov 4, Nov 18, Nov 25, Dec 2, Dec 9, Dec 16, and Dec 23.
Facility	III.C.26; III.E.5.1; III.D.28; III.F.5.n	Moisture Content	July 1, 2019 – December 31, 2019	Conduct monthly third party moisture content testing	NA	No excess emissions occurred from this deviation	Third Party moisture content sampling and analysis was not conducted the following months : August and December 2019.
Generators	II.B.1	Unpermitted Emission Units	July 1, 2019 – December 31, 2019	Unpermitted Generators	Diesel-fired generator emissions	July 1, 2019 – December 31, 2019	Facility has had unpermitted diesel-fired generators on-site.

Company Name: Gypsum Resources, LLC							Facility ID: 17286
Reporting Period: July 1, 2019 through December 31, 2019							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
Generators	III.B.3.13; III.E.4.m; III.B.3.14; III.C.1; III.C.m; III.F.4.m	Generator Maintenance	July 1, 2019 – December 31, 2019	Maintenance per manufacturer's specifications	NA	No excess emissions occurred from this deviation	Diesel-fired generator maintenance records were not available.
Generators	III.E.4.q; III.F.4.q	Manufacturer specification sheets	July 1, 2019 – December 31, 2019	Manufacturer specification sheets on-site	NA	No excess emissions occurred from this deviation	Facility did not maintain manufacturer specification sheets on-site during the reporting period.
Facility	III.B.2.e	ANFO for Blasting	July 1, 2019 – October 31, 2019	75 tons/year	12 month rolling total exceeded permitted limit	4 months	Permit modification was submitted on 8/16/2018 to increase limits. Original limits were significantly underestimated due to a math error. Updated permit was issued November 19, 2019.
A32	III.B.2.h; III.C.13; III.C.2.i; III.D.14	Stockpile Acres	July 1, 2019 – November 30, 2019	15.0 acres/25.0 acres	NA	NA	Facility did not monitor stockpile acreage during the following months: July, August, September, October, and November.
B02	III.B.2.j; III.E.5.h; III.C.2.k; III.F.5.i	Paved Roads	July 1, 2019 – December 31, 2019	Paved road	Unpaved road emissions	12 months	Facility did not maintain paved on-site roads through the continued addition of milled asphalt cuttings continuously during the reporting period.
B03	III.B.2.k; III.E.5.i; III.C.2.l; III.F.5.j	Paved Roads	July 1, 2019 – December 31, 2019	Paved road	Unpaved road emissions	12 months	Facility did not maintain paved on-site roads through the continued addition of milled asphalt cuttings continuously during the reporting period.



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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

**Moisture Content Log**

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-288

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/3/2019

Sample:	2" Conveyor	2" Stockpile	1/8" Conveyor	1/8" Stockpile		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1155.30	1344.20	820.50	839.30		
DRY WT. + TARE	1133.90	1318.50	811.00	819.20		
TARE WT.	127.70	131.40	132.80	126.60		
DRY WT.	1006.20	1187.10	678.20	692.60		
WEIGHT LOST	21.40	25.70	9.50	20.10		
% MOISTURE	2.1	2.2	1.4	2.9		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-295

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/8/2019

Sample:	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1659.60	1325.30	993.80	945.10		
DRY WT. + TARE	1645.90	1284.10	961.70	923.20		
TARE WT.	110.10	110.60	96.00	110.20		
DRY WT.	1535.80	1173.50	865.70	813.00		
WEIGHT LOST	13.70	41.20	32.10	21.90		
% MOISTURE	0.9	3.5	3.7	2.7		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-306

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/15/2019

Sample:	2" Stockpile - High Quality	2" Stockpile - Low Quality	1/8" Stockpile	Reject Stockpile		
WET WT. + TARE	1085.60	897.10	1119.30	1057.70		
DRY WT. + TARE	1066.80	883.30	1113.70	992.50		
TARE WT.	159.90	155.60	159.50	155.70		
DRY WT.	906.90	727.70	954.20	836.80		
WEIGHT LOST	18.80	13.80	5.60	65.20		
% MOISTURE	2.1	1.9	0.6	7.8		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-406

**Project No.:** 20174152C1

**Tested By:** D. Chenault

**Date:** 9/26/2019

Sample:	Crusher Ag	Crusher Concrete	Reject sample	Mining Gypsum	Mining Dirty Gypsum	
WET WT. + TARE	519.10	533.80	512.70	532.60	543.20	
DRY WT. + TARE	509.30	521.70	498.10	521.20	518.00	
TARE WT.	129.00	125.80	133.00	132.20	127.10	
DRY WT.	380.30	395.90	365.10	389.00	390.90	
WEIGHT LOST	9.80	12.10	14.60	11.40	25.20	
% MOISTURE	2.6	3.1	4.0	2.9	6.4	

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-406

**Project No.:** 20174152C1

**Tested By:** D. Chenault

**Date:** 10/1/2019

Sample:	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor	Reject Stockpile	Reject Conveyor
WET WT. + TARE	532.50	565.20	538.70	515.00	555.10	553.40
DRY WT. + TARE	527.50	557.30	523.60	506.80	543.30	544.70
TARE WT.	152.70	132.40	126.90	153.60	126.20	128.30
DRY WT.	374.80	424.90	396.70	353.20	417.10	416.40
WEIGHT LOST	5.00	7.90	15.10	8.20	11.80	8.70
% MOISTURE	1.3	1.9	3.8	2.3	2.8	2.1

**Remarks/Condition:** Material Source #17286





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### Moisture Content Log

**Project Name:** Blue Diamond Hill Gypsum Resource

**Lab No.:** 19-447

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 10/28/2019

Sample:	Reject	2" Stockpile	1/8" Stockpile	Loadout Conveyor		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	983.70	1759.80	896.40	1502.80		
DRY WT. + TARE	953.60	1749.40	879.30	1485.30		
TARE WT.	132.30	135.70	156.70	143.60		
DRY WT.	821.30	1613.70	722.60	1341.70		
WEIGHT LOST	30.10	10.40	17.10	17.50		
% MOISTURE	3.7	0.6	2.4	1.3		

**Remarks/Condition:** Material Source #17268



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-470

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 11/18/2019

Sample:	Reject	2" Stockpile	2" Conveyor	1/8" Stockpile	Loadout Conveyor	
WET WT. + TARE	1334.30	1688.00	1529.50	854.00	1879.90	
DRY WT. + TARE	1299.20	1668.60	1508.50	820.30	1851.70	
TARE WT.	131.80	127.30	152.90	132.10	133.50	
DRY WT.	1167.40	1541.30	1355.60	688.20	1718.20	
WEIGHT LOST	35.10	19.40	21.00	33.70	28.20	
% MOISTURE	3.0	1.3	1.5	4.9	1.6	

Remarks/Condition: \_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-478

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 11/25/2019

Sample:	2" Stockpile	1/8" Stockpile	Loadout Conveyor			
WET WT. + TARE	1571.10	1173.70	1590.00			
DRY WT. + TARE	1510.60	1078.70	1554.80			
TARE WT.	126.90	132.60	135.30			
DRY WT.	1383.70	946.10	1419.50			
WEIGHT LOST	60.50	95.00	35.20			
% MOISTURE	4.4	10.0	2.5			

**Remarks/Condition:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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### Moisture Content Log

**Project Name: Gypsum Moisture Testing**

**Lab No.: 19-483**

**Project No.: 20174152C1**

**Tested By: R. Thomsen**

**Date: 11/27/2019**

Sample:	2" Stockpile	1/8" Stockpile	2" Certainfeed Stockpile	Loadout Conveyor		
WET WT. + TARE	1071.50	730.10	1092.50	1105.70		
DRY WT. + TARE	1044.80	710.70	1076.20	1067.90		
TARE WT.	95.90	108.80	108.60	108.90		
DRY WT.	948.90	601.90	967.60	959.00		
WEIGHT LOST	26.70	19.40	16.30	37.80		
% MOISTURE	2.8	3.2	1.7	3.9		

**Remarks/Condition:**

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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-489

**Project No.:** 20174152C1

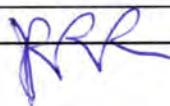
**Tested By:** J. Garcia-Vega

**Date:** 12/9/2019

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt	Loadout Conveyor
WET WT. + TARE	1145.70	1773.40	1666.40	965.50	1057.00	1638.30
DRY WT. + TARE	1103.50	1731.70	1644.30	944.70	1031.00	1583.90
TARE WT.	154.40	124.20	133.10	128.40	127.40	157.30
DRY WT.	949.10	1607.50	1511.20	816.30	903.60	1426.60
WEIGHT LOST	42.20	41.70	22.10	20.80	26.00	54.40
% MOISTURE	4.4	2.6	1.5	2.5	2.9	3.8

**Remarks/Condition:** Material Source #17268

**ATTACHMENT A: 2019 Annual Compliance Certification**

Part 70 - Annual Compliance Certification Clark County Department of Air Quality		Reporting Period				For DAQ Use Only	
		From Date: (MM/DD/YYYY)		To Date: (MM/DD/YYYY)			
		01/01/2019		12/31/2019			
Pursuant to 40 CFR, Part 70 and Section 12.5 of the Clark County Air Quality Regulations, this form should be used to satisfy the annual compliance certification requirement for Part 70 sources.							
Source Information						Contact (If different from Responsible Official)	
Source ID:	Source Name:		Company/Organization (Permittee):			Name	
17286	GYPSUM RESOURCES, LLC		GYPSUM RESOURCES, LLC			SCOTT MCNULTY	
Source Location						Office Phone:	702-563-0600
Number:	Direction:	Street:		Street Type:	Suite:	Cell Phone:	702-497-9743
8360		NEVADA HIGHWAY 159				Email Address:	
City:	BLUE DIAMOND		State:	NV	Zip:	89004	SMCNULTY@BROADBENTINC.COM
Has a copy of this Annual Compliance Certification been sent to EPA Region IX (as required): <input checked="" type="radio"/> Yes <input type="radio"/> No							
Certification Statement							
I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the specified stationary source:							
Name of Responsible Official:		Responsible Official's Title:			Company/Organization:		
RYAN RHODES		MINE MANAGER/RESPONSIBLE OFFICIAL			GYPSUM RESOURCES, LLC		
Email Address:	ROCKY@GYPSUMRESOURCES.COM			Office Phone:	702-465-7391	Cell:	
Responsible Official's Signature 						01/29/2019	
						Certification Date	

1-30-20

**Annual Compliance Certification**  
 (List every condition in the Part 70 Operating Permit)

	Permit Condition Citation	Permit Condition/Term/Requirement	Compliance Status	Compliance Monitoring Methods	Deviation Date(s) and/or Additional Information

**Compliance Status:** CC (Continuous Compliance) or IC (Intermittent Compliance)

**Compliance Monitoring Method:** CEMS (Continuous Emissions Monitoring System), ST (Stack Testing), VE (Visible Emissions), RK (Record Keeping), RR (Records Review), MB (Mass Balance), EF (Emissions Factor), INSP (Inspection), FA (Fuel Analysis), WP (Work Practice), PM (Parametric Monitoring, CALC (Calculations), OTH (Other, specify in comments)

0315



**Attachment 13**

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER  
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9110 ) ORDER  
Issued to )  
GYPSUM RESOURCES, LLC, and )  
JIM RHODES, Individually, Respondents. )  
\_\_\_\_\_ )

The above-entitled matter was heard on September 19, 2018, before Hearing Officer Lona Webb on the Contested Docket. Representatives of Clark County Department of Air Quality (**Air Quality**) and GYPSUM RESOURCES, LLC (**GYPSUM RESOURCES**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9110 was issued by the Department of Air Quality (**Air Quality**) to Respondents GYPSUM RESOURCES and Jim Rhodes (**RHODES**) on May 25, 2018, for alleged violations of the Authority to Construct for Part 70 Permit #17286 issued on February 17, 2017 (**ATC Permit**), Part 70 Operating Permit #17286 issued on November 13, 2017 (**Part 70 Permit**) and the Clark County Air Quality Regulations (**AQRs**). GYPSUM RESOURCES operates a major stationary source consisting of a gypsum processing facility at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**). The violations alleged in the NOV include:

(a) Violation of Part 70 Permit conditions III-B-3(6 - 8 & 10) for operating Emission Units (EUs): A01, A39, A05, A07, A08, A10 and A34 without operating the associated control devices (CDs): D01 and D02;

(b) Violation of Part 70 Permit condition III-B-3-30 for failing to implement control measures to prevent the release of a dust plume extending more than 100 yards;

(c) Violation of AQR Section 41.1.2 for allowing controllable particulate matter to become airborne from the screening and crushing plant area;

1 (d) Violation of Part 70 Permit condition III-B-3-25 for allowing loaded haul  
2 trucks to travel without covering their materials;

3 (e) Violation of ATC Permit conditions IV-A-3(a and b) and Part 70 Permit  
4 conditions III-B-2(a and b) for exceeding operational limits as follows: (1) on eleven  
5 Sundays, (2) in excess of 16 hours on one-hundred nine weekdays, and (3) in excess of  
6 10 hours on twenty-two Saturdays;

7 (f) Violation of ATC Permit conditions V-A-(1, 2, 3, 7, 8, 10, 15(a), 16, 17,  
8 18, 20, 21 and 22) and Part 70 Permit conditions III-C-(1, 2, 3, 7, 8, 10, 19(a), 20, 21,  
9 22, 24, 25 and 26) for failing to conduct required monitoring to demonstrate compliance  
10 with monitoring requirements;

11 (g) Violation of ATC Permit conditions V-C-4(a, b, c, e, j and l) and V-C-  
12 5(a, e and i), and Part 70 Permit conditions III-E-4(a, b, c, g, l and n) and III-E-5(j and  
13 l) for failing to maintain records onsite to demonstrate compliance with recordkeeping  
14 requirements;

15 (h) Violation of Part 70 Permit conditions II-D-6, III-F-5(c), III-F-6 and II-  
16 C-5(a) for failing to submit the 2017 annual compliance certification (ACC) and 2017  
17 2<sup>nd</sup> semi-annual report on or before the January 30, 2018 deadline, and for failing to  
18 submit the 2017 annual emissions inventory report (EIR) on or before the March 31,  
19 2018 deadline;

20 (i) Violation of Part 70 Permit conditions III-F-3 and III-F-5(a) for  
21 submitting the 2017 2<sup>nd</sup> semi-annual report with deficiencies; and

22 (j) Violation of Part 70 Permit conditions II-D-7(a and b) for not submitting  
23 the required 24-hour and 72-hour deviation reports for operating EUs: A01, A39, A05,  
24 A07, A08, A10 and A34 without operating the associated CDs: D01 and D02.

25 2. The penalty recommended by Air Quality in NOV #9110 was \$852,200.00.

26 3. The Hearing Officer finds that the violations alleged in NOV #9110 occurred in  
27 that GYPSUM RESOURCES violated Part 70 Permit conditions III-B-3(6 - 8 & 10), III-B-3-  
28

1 30, III-B-3-25, III-B-2(a and b), III-C-(1, 2, 3, 7, 8, 10, 19(a), 20, 21, 22, 24, 25, and 26), III-  
2 E-4(a, b, c, g, l and n), III-E-5(j and l), II-D-6, III-F-5(c), III-F-6, II-C-5(a), III-F-3, III-F-5(a),  
3 II-D-7(a and b), ATC Permit conditions IV-A-3(a and b), V-A-(1, 2, 3, 7, 8, 10, 15(a), 16, 17,  
4 18, 20, 21, and 22), V-C-4(a, b, c, e, j and l), V-C-5(a, e and i) and AQR Section 41.1.2  
5 identified during a multiple compliance evaluations between December 27, 2017 and April 5,  
6 2018.

7 4. **IT IS HEREBY ORDERED** that GYPSUM RESOURCES and RHODES pay  
8 a penalty of Six Hundred Seventy-Six Thousand Four Hundred and no/100 Dollars  
9 (\$676,400.00). Four Hundred Seventy-Six Thousand Four Hundred and no/100 Dollars  
10 (\$476,400.00) is due within 30 days of the date of this ORDER, by check or money order  
11 payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite  
12 200, Las Vegas, Nevada 89118. Two-Hundred Thousand and no/100 Dollars (\$200,000.00)  
13 shall be held in abeyance. If GYPSUM RESOURCES does not violate any emissions  
14 limitations or standards contained in the ATC Permit, Part 70 Permit or the AQRs, from  
15 September 19, 2018 through March 1, 2019, this portion of the penalty shall be waived. If  
16 GYPSUM RESOURCES does violate any such emissions limitations or standards during that  
17 time period, then the portion of the penalty that is held in abeyance will be due within 30 days  
18 of issuance of the Hearing Officer's Order finding GYPSUM RESOURCES in violation.

19 5. GYPSUM RESOURCES and RHODES has the right to appeal this ORDER to  
20 the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be:  
21 (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One  
22 Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10)  
23 days of GYPSUM RESOURCE'S and RHODES' receipt of this ORDER.

24 DATED this 3<sup>rd</sup> day of October, 2018.

25  
26 

27 \_\_\_\_\_  
28 Lona Webb  
Hearing Officer



# INVOICE

## Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN RHODES  
 GYPSUM RESOURCES LLC  
 PO Box 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
033596	11/21/2018	SHERRIER	PART 70 ENFORCEMENT	7/22/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$42,519.25

Notes: NOV #9110 & 9134 (Source ID 17286); H/O 9/19/18. Penalty Payment Plan (\$551,600 total penalty). Payment 8 of 12.

Subtotal:	\$42,519.25
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$42,519.25

Make check or money order payable to Department of Air Quality or DAQ. Credit card payment must be made in person at the DAQ office. For questions regarding this invoice, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 033596  
 Balance Due: \$42,519.25  
 Due Date: 7/22/2019



# INVOICE

## Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
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 AirQuality@clarkcountynv.gov

RYAN RHODES  
 GYPSUM RESOURCES LLC  
 PO Box 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
033598	11/21/2018	SHERRIER	PART 70 ENFORCEMENT	8/20/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$42,519.25

Notes: NOV #9110 & 9134 (Source ID 17286); H/O 9/19/18. Penalty Payment Plan (\$551,600 total penalty). Payment 9 of 12.

Subtotal:	\$42,519.25
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$42,519.25

Make check or money order payable to Department of Air Quality or DAQ. Credit card payment must be made in person at the DAQ office. For questions regarding this invoice, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 033598  
 Balance Due: \$42,519.25  
 Due Date: 8/20/2019



# INVOICE

## Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN RHODES  
 GYPSUM RESOURCES LLC  
 PO Box 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
033599	11/21/2018	SHERRIER	PART 70 ENFORCEMENT	9/20/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$42,519.25

Notes: NOV #9110 & 9134 (Source ID 17286); H/O 9/19/18. Penalty Payment Plan (\$551,600 total penalty). Payment 10 of 12.

Subtotal:	\$42,519.25
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$42,519.25

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Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 033599  
 Balance Due: \$42,519.25  
 Due Date: 9/20/2019



# INVOICE

## Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN RHODES  
 GYPSUM RESOURCES LLC  
 PO Box 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
033600	11/21/2018	SHERRIER	PART 70 ENFORCEMENT	10/21/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$42,519.25

Notes: NOV #9110 & 9134 (Source ID 17286); H/O 9/19/18. Penalty Payment Plan (\$551,600 total penalty). Payment 11 of 12.

Subtotal:	\$42,519.25
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$42,519.25

Make check or money order payable to Department of Air Quality or DAQ. Credit card payment must be made in person at the DAQ office. For questions regarding this invoice, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 033600  
 Balance Due: \$42,519.25  
 Due Date: 10/21/2019





# INVOICE

## Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN RHODES  
 GYPSUM RESOURCES LLC  
 PO Box 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
033601	11/21/2018	SHERRIER	PART 70 ENFORCEMENT	11/20/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$42,518.25

Notes: NOV #9110 & 9134 (Source ID 17286); H/O 9/19/18. Penalty Payment Plan (\$551,600 total penalty). Payment 12 of 12

Subtotal:	\$42,518.25
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$42,518.25

Make check or money order payable to Department of Air Quality or DAQ. Credit card payment must be made in person at the DAQ office. For questions regarding this invoice, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 033601  
 Balance Due: \$42,518.25  
 Due Date: 11/20/2019



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

May 25, 2018

CERTIFIED MAIL #9171 9690 0935 0151 9348 00

Jim Rhodes, Manager  
[jrhodes@harmonyhomes.com](mailto:jrhodes@harmonyhomes.com) and [rgillette@kingmanfarms.com](mailto:rgillette@kingmanfarms.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

Ryan Rhodes, Mine Manager and Responsible Official  
[ryanrhodes2@me.com](mailto:ryanrhodes2@me.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

Michael Rhodes, Manager  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9110

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) and Jim Rhodes (**J. Rhodes**), individually, of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of Eight Hundred Fifty-Two Thousand Two Hundred and no/100 Dollars (\$852,200.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit issued on November 13, 2017 (**Part 70 Permit**). During a time period relevant to some of the violations alleged below (June 1, 2017 through November 12, 2017), Gypsum Resources was operating under the terms of an Authority to Construct for Part 70 Source issued on February 17, 2017 (**ATC Permit**).
- B. On June 3, 2016, Gypsum Resources submitted a Declaration of Responsible Official form signed by J. Rhodes in which J. Rhodes replaced a prior Responsible Official and certified

that he (J. Rhodes) would, “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” During relevant time periods, J. Rhodes was president, secretary and treasurer of Gypsum Resources’ manager, Truckee Springs Holdings, Inc. In this position, he had the power to prevent violations of the AQRs and is liable for any such violations by Gypsum Resources, regardless of whether he personally participated in the wrongful conduct pursuant to AQR Section 8.1 and applicable law.

- C. On January 10, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by both J. Rhodes and Mapuana Urquijo (**Urquijo**) in which Urquijo replaced Chris Mends (**Mends**) as Responsible Official and certified that she would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit B** and incorporated herein by reference. Without counting J. Rhodes, Gypsum Resources has had a succession of four different designated Responsible Officials since early 2016.
- D. On May 1, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by both J. Rhodes and Ryan Rhodes (**R. Rhodes**) in which R. Rhodes certified that he would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit C** and incorporated herein by reference. J. Rhodes, Urquijo, and R. Rhodes were designated as Responsible Officials of Gypsum Resources as of May 1, 2018.
- E. On May 15, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by R. Rhodes in which R. Rhodes replaced Urquijo and J. Rhodes as Responsible Official and certified that he would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit D** and incorporated herein by reference. R. Rhodes is currently designated as Responsible Official of Gypsum Resources.
- F. On December 27 and 28, 2017, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) conducted a Partial Compliance Evaluation to verify that the Facility was operating in compliance with Clark County Air Quality Regulations (**AQRs**), the ATC Permit, and the Part 70 Permit. In his report dated April 9, 2018 (**April 9 Report**), attached hereto as **Exhibit E** and incorporated herein by reference, Rowsell described his observations and findings from a review of required records. In reviewing Gypsum Resources’ records, Rowsell identified the following operational deficiencies:

1. Operation on Sundays: June 11, 25, August 6, 13, September 10, 24, November 19, 26 and December 10, 2017, despite ATC Permit and Part 70 Permit conditions prohibiting operations on Sundays (**Exh. E, Att. 2, p 22-30**).
2. Operation on 109 weekdays and 22 Saturdays between June 1, 2017 through December 26, 2017, exceeding the 16-hour weekday or 10-hour Saturday operational ATC Permit limits (**Exh. E, Att. 3**).
3. Failed to perform the following monitoring activities as required by the ATC Permit and Part 70 Permit:
  - i. twice daily visual emission observations and any corresponding EPA Reference Method 9 visual emission observations;
  - ii. daily hours of operation;
  - iii. daily production of gypsum materials;
  - iv. monthly ANFO usage;
  - v. water usage by water trucks;
  - vi. monthly hours of operation for the continuous-duty engine and continuous-duty diesel fired water pump;
  - vii. daily differential pressure drop of each baghouse;
  - viii. monthly baghouse interior inspections;
  - ix. daily visual emission observations of each baghouse stack;
  - x. weekly moisture testing results; and
  - xi. 3<sup>rd</sup> party moisture testing results.
4. Failed to maintain the following required records onsite to demonstrate compliance with the recordkeeping requirements from the ATC Permit and Part 70 Permit:
  - i. onsite visual emission records provided were labeled “Daily Method 9” from June 1 through November 21, 2017, and did not include twice daily visual emission checks on all emission units. Records of twice daily visual emission checks (Method 22) were not available for review for June 1 through December 26, 2017;
  - ii. daily visual emission observations of each baghouse stack were not available for review for December 1 through December 26, 2017;
  - iii. daily hours of operation records were not available for review for December 10 through 26, 2017;
  - iv. gypsum production records were not available for review for December 10 through 26, 2017;
  - v. daily water usage records for the water trucks were not available for review for June 1 through December 26, 2017;
  - vi. daily differential pressure records for the baghouses for November 30 through December 26, 2017, were not available for review;
  - vii. monthly baghouse inspection records were not available for review for June, July, August, September, October, and November of 2017;
  - viii. monthly ANFO usage records were not available for review for the following dates in 2017: (7/18, 7/20, 8/5, 8/10, 8/23, 8/26, 8/30, & 10/2);
  - ix. monthly hours of operation for each continuous-duty diesel engine/water pump records were not available for review for June through December 2017;
  - x. weekly gypsum moisture testing records were not available for review for June through December 2017; and

- xi. monthly records of 3rd party gypsum testing results were not available for review for June, September, and November of 2017.
  - 5. Failed to submit the 2017 Annual Compliance Certification (ACC) and 2017 2nd semi-annual report to the Control Officer on or before January 30, 2018 (**Exh. E, Att. 5**).
- G. On March 16, 2018, at approximately 5:20 a.m., Air Quality received a complaint alleging Gypsum Resources was continuously emitting dust, baghouse dust collectors on the plant were not working, and crushers were running during wind advisories. At approximately 8:45 a.m., Senior Air Quality Specialists Camon Liddell (**Liddell**) and Rowsell responded to the complaint by conducting an investigation at the Facility. Their findings are documented in the complaint investigation report dated April 18, 2018 (**April 18 Report**), attached hereto as **Exhibit F** and incorporated herein. Liddell and Rowsell began their investigation at the site's entrance/exit onto State Highway 159 where they observed an uncovered haul truck on the unpaved BLM haul road (**Exh. F, Att. 3, Photos 4 and 5**). The haul truck stopped at the site's exit and covered its load. After this observation, Liddell and Rowsell drove on the unpaved BLM haul road to reach the Facility where they observed two additional uncovered haul trucks heading for the site's exit (**Exh. F, Att. 3, Photos 6 – 8**). Once they arrived at the Facility, Liddell and Rowsell observed that the ductwork for baghouses #1 and #2 was missing and/or damaged. Liddell and Rowsell entered the mine office and asked for Urquijo. They were informed Urquijo was out of town, so they spoke to Andy Stake (**Stake**), site foreman for Gypsum Resources. Rowsell questioned Stake about the missing/damaged ductwork for the baghouses. Stake replied that the ductwork was accidentally damaged on March 11, 2018. Rowsell asked to see the production records for crushing between March 11 and 16, 2018 by which he determined the crushing plant operated on March 13 through 15, 2018 after the damage to the ductwork occurred (**Exh. F, Att. 3, Photos 9 – 14**). After the review of the records, Liddell and Rowsell inspected the ductwork for baghouses #1 and #2 with Stake (**Exh. F, Att. 3, Photos 15 – 19**). During their inspection, Liddell and Rowsell observed deficiencies in Gypsum Resource's compliance with the Part 70 Permit and the AQRs which are summarized below and included in the April 18 Report:
- 1. Failure to cover three haul trucks after loading to ensure material would not be deposited on the roadway (**Exh. F, Att. 3, Photos 4 – 8**); and
  - 2. Based upon a review of onsite records, baghouses #1 and #2 were not operational while screening/crushing operations took place on March 13 through 15, 2018 (**Exh. F, Att. 3, Photos 9 – 19**).
- H. On March 20, 2018, at approximately 4:25 p.m., Air Quality received a complaint via voice message, which alleged crushing activities were occurring at the Blue Diamond Mine without a permit. On March 21, 2018, at approximately 4:50 p.m., Senior Air Quality Specialist Mike Doyle (**Doyle**) conducted a complaint investigation at the Facility (**Exh. F, Att. 4, Complaint Report**). Doyle spoke to Urquijo and requested to see the production records for March 16 through 21, 2018, however, Urquijo was unable to find the records. Doyle then performed observations of the crushing area and baghouses where he documented the ductwork for baghouse #2 was disconnected from the hood (**Exh. F, Att. 4, Photos 1 and 2**).

- I. On March 29, 2018, Liddell and Rowsell returned to the Facility to conduct a follow-up inspection to the March 16, 2018 inspection to determine Gypsum Resource's compliance with the Part 70 Permit and the AQRs (**Exh. F, pp. 3 and 4**). Liddell and Rowsell first stopped at the site's entrance/exit and observed four covered haul trucks exiting the property. After this observation, Liddell and Rowsell drove the unpaved BLM haul road to the Facility, where they spoke to Stake. Rowsell questioned Stake when the ductwork for baghouses #1 and #2 was repaired and returned to service. Stake stated he was unsure of the exact date when the ductwork was fixed, but he believed it was March 17 or 18, 2018. Rowsell then requested to see the crushing production records for all of March 2018 (**Exh. F, Att. 5, Photos 20 - 65**). Liddell and Rowsell then went to the crushing area and observed the ductwork for baghouse #2 was misaligned and not properly installed (**Exh. F, Att. 5, Photos 66 and 67**), and the ductwork for baghouse #1 was not effectively sealed to prevent leaks around the capture hood (**Exh. F, Att. 5, Photos 68 – 70**). Rowsell questioned Stake about the condition of the ductwork and Stake claimed no production took place after baghouse #2 ductwork came loose. During their inspection, Liddell and Rowsell observed deficiencies in Gypsum Resource's compliance with the Part 70 Permit and the AQRs which are summarized below and included in the March 29 inspection report dated April 18, 2018:
1. The 2017 annual compliance certification (**ACC**) was not submitted to Air Quality on or before January 30, 2018.
  2. The 2017 2<sup>nd</sup> semi-annual report was not submitted to Air Quality on or before January 30, 2018.
  3. The 24-hour and 72-hour deviation reports for excess emissions from the crushing and screening plant operations without their control devices, were not submitted to Air Quality.
  4. The crushing and screening plant operated without the required control devices in violation of several Permit conditions.

Stake stated he would look into the deficiencies and discuss them with Urquijo.

After a review of Air Quality records and records provided by Stake on March 29, 2018, Rowsell determined the following:

1. Gypsum Resources operated the screening/crushing plant on March 12-15, 18-23, 25-28, 2018 without utilizing properly installed and maintained baghouses and ductwork (**Exh. F, Att. 3, Photos 15-19**) (**Exh. F, Att. 5, Photos 20-70**).
  2. Gypsum Resources did not submit the required 24-hour and 72-hour deviation reports for excess emissions for the operation of the screening/crushing plant on March 12-15, 18-23, 25-28, 2018.
  3. Gypsum Resources operated on two Sundays in March of 2018. Screening/crushing operations were conducted on March 18, & 25, 2018 (**Exh. F, Att. 5, Photos 32, 33, 54 and 55**).
- J. On April 5, 2018, at approximately 5:40 a.m., Rowsell conducted a follow-up inspection to the March 16 and 29, 2018 inspections (**Exh. F, pp. 4 – 6**) to verify Gypsum Resources was operating in compliance with the Part 70 Permit and AQRs. As Rowsell entered into the

Facility, he observed a large visible plume of visible emissions that originated from the crushing and screening area of the Facility, which he later determined through use of the Google Earth map was over 600 yards in length (**Exh. F, Att. 6**). Rowsell observed this plume for approximately 20 minutes (**Exh. F, Att. 7, Photos 71 – 76**) (**Exh. F, Att. 8, Videos 1 – 4**) and then went to the Facility's office to speak to Urquijo, but instead was directed to Stake and Siaasu Puaina (**Puaina**), Compliance Manager for Gypsum Resources. Stake stated he did not know why there was a plume from the crushing and screening area. Rowsell asked Stake if baghouses #1 and #2 were fixed, to which he stated the ductwork had not been fixed. Rowsell then asked Stake if Gypsum Resources had produced any material since the March 29 inspection. Stake stated Gypsum Resources had not. Rowsell then went with Stake to the crushing and screening area and observed the ductwork for baghouses #1 and #2 was misaligned and not properly installed (**Exh. F, Att. 7, Photos 77 – 79**). Rowsell and Stake returned to the office where Rowsell requested to see production records from March 29 through April 5, 2018, and baghouse inspection and pressure drop records from January through April of 2018. At this time Rowsell was joined by R. Rhodes, representative of Gypsum Resources who stated he did not have a company title. As per R. Rhodes' request, Rowsell provided him with telephone numbers for Scott Jelinek, Compliance Supervisor for Air Quality, and Shibi Paul, Compliance Manager for Air Quality. Rowsell determined from the records, Gypsum Resources operated the crushing and screening area April 2, 3 and 4, 2018 without baghouses #1 and 2 functioning properly (**Exh. F, Att. 7, Photos 80 – 85**). Puaina was unable to locate any baghouse inspection records for 2018 and did not know if they existed. Rowsell suggested they begin collecting those records immediately. Rowsell also informed Puaina that the Responsible Official had not signed the 2<sup>nd</sup> semi-annual compliance report for 2017 and some Permit conditions were not in the report.

- K. On March 30, 2018, Air Quality received the 2<sup>nd</sup> semi-annual 2017 report from Gypsum Resources (**Exh. F, Att. 9**). On April 11, 2018, Rowsell reviewed the report and found the following deficiencies:
1. Gypsum Resources, LLC (Gypsum Resources) submitted the 2017 2nd semi-annual report to Air Quality on March 30, 2018, which is 58 days late.
  2. The 2017 2nd semi-annual report was not signed by the responsible official.
  3. Gypsum Resources failed to report all required Permit conditions. Summaries for Permit conditions III-E-5(a, e, f, j, k, and l) were not reported.
  4. Permit conditions III-E-5(g, h and i) were reported as "0". (Per previous discussions with Puaina on April 5, 2018 during an onsite inspection, she stated that if reporting records were missing she indicated a "0" in the 2nd semi-annual report).
  5. Weekly and monthly moisture testing requirements required by permit condition III-E-5(l) reported events that occurred in February through May 2017 (1st semi-annual report) and deviation reporting required by Permit conditions III-E-5(m & n) reported events that occurred in May & June 2017 (1st semi-annual report).

Additionally, Rowsell noted Gypsum Resources did not submit the 2017 annual Emission Inventory Report (EIR) to Air Quality on or before March 31, 2018. As of April 17, 2018, Gypsum Resources had not submitted the 2017 annual EIR.

- L. On April 17, 2018, Rowsell emailed J. Rhodes and Urquijo a preliminary list of deficiencies observed during his inspections (**Exh. F, Att. 10**).
- M. As of May 24, 2018, Gypsum Resources had not submitted the 2017 ACC and 2017 annual EIR.

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following ATC Permit conditions, Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

Gypsum Resources operated EUs: A01 (vibrating grizzly feeder), A39 (reject screen), A05 (HSI crusher), A07 (HSI underbelt), A08 (West screen), A10 (surge bin) and A34 (cone crusher) on March 12-15, 18-23, 25-28, and April 2-4, 2018 (17 days), without operating the associated control devices (baghouses #1 and #2) to effectively control particulate matter at all times the processing equipment was operating, in violation of Part 70 Permit conditions III-B-3(6-8 & 10):

“3. Emission Controls AQR 12.5.2.6(a) and (b)

...

#### Control Devices

- 6. The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]
- 7. The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]
- 8. The Permittee shall operate each baghouse at all times any affected emission unit is operating, as indicated in Table III-C-1. [ATC February 17, 2017, Section IV B, Condition 7]



**Table III-C-1: Summary of Add-On Control Devices**

CD	Affected EU	Device Type	Manufacturer	Model No.	Pollutant
D01	A05, A07, A08, A10, and A34	Baghouse #1	Southern Felt	120-TA-12	PM/PM <sub>10</sub> /PM <sub>2.5</sub>
D02	A01 and A39	Baghouse #2	Southern Felt	80-TA-12	PM/PM <sub>10</sub> /PM <sub>2.5</sub>

...

10. The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]”

**Repeat violation: NOV #9006 issued December 22, 2017.**

**Violation 2:**

On April 5, 2018, Gypsum Resources emitted a large continuous plume of visible emissions from the screening and crushing plant area that was in excess of 600 yards in horizontal length, in violation of Part 70 Permit condition III-B-3-30:

3. Emission Controls [AQR 12.5.2.6(a) and (b)]

Other

...

- “30. The Permittee shall implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends one hundred (100) yards from the point of origin or beyond the lot line of the property on which the emissions originate, horizontally or vertically, whichever is less. [MSP September 10, 2013, Section IV B, Condition 4 and STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9006 issued December 22, 2017, NOV #8762 issued March 7, 2016, and NOV #8731 issued December 18, 2015.**

**Violation 3:**

On April 5, 2018, Gypsum Resources inadequately applied water to gypsum material to effectively control visible particulate emissions originating from the screening and crushing plant and surrounding area, in violation of AQR Section 41.1.2:

“No person shall cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne;”

**Repeat violation: NOV #9006 issued December 22, 2017.**

**Violation 4:**

Gypsum Resources allowed loaded haul trucks to travel without covering their materials on March 16, 2018, in violation of Part 70 Permit condition III-B-3-25:

“3. Emission Controls AQR 12.5.2.6(a) and (b)]

...

Haul Roads/Disturbed Surfaces/Stockpiles

...

25. The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 10 and STL contained in HOO dated September 27, 2013]”

**Violation 5:**

Gypsum Resources operated on eleven (11) Sundays during the time period of June 1, 2017 through March 25, 2018, in violation of the ATC Permit condition IV-A-3-a and of Part 70 Permit condition III-B-2-a.

Gypsum Resources operated on one hundred and nine (109) weekdays (Monday-Friday) and twenty-two (22) Saturdays during the time period of June 1, 2017 through December 26, 2017, in violation of the ATC Permit condition IV-A-3-b and of Part 70 Permit condition III-B-2-b.

ATC Permit condition IV-A-3-a states:

“3. Operational Limitations [AQR 12.4.3.1(a)(3) and 12.4.3.1(e)(10)(A)]

- a. The Permittee shall not allow any operational activities on Sundays.”

Part 70 Permit condition III-B-2-a states:

“2. Operational Limits [AQR 12.5.2.6(a) and (b)]

- a. The Permittee shall not allow any operational activities, which includes truck loading, on Sundays. [ATC February 17, 2017, Section IV A, Condition 3(a)]”

ATC Permit condition IV-A-3-b states:

“3. Operational Limitations [AQR 12.4.3.1(a)(3) and 12.4.3.1(e)(10)(A)]

...

- b. The Permittee is limited to operate 16 hours per day during the weekdays (Monday through Friday) and 10 hours per day on Saturday.”

Part 70 Permit condition III-B-2-b states:

“2. Operational Limits [AQR 12.5.2.6(a) and (b)]

...

- b. The Permittee is limited to operate 16 hours per day during the weekdays (Monday through Friday) and 10 hours per day on Saturday, which includes truck loading. [ATC February 17, 2017, Section IV A, Condition 3(b)]”

**Repeat violation: NOV #9006 issued 12/22/17.**

**Violation 6:**

Between June 1, 2017 and April 4, 2018, Gypsum Resources failed to conduct monitoring to demonstrate compliance with the monitoring and requirements in violation of ATC Permit conditions V-A(1, 2, 3, 7, 8, 10, 15(a), 16, 17, 18, 20, 21, & 22) and the Part 70 Permit conditions III-C(1, 2, 3, 7, 8, 10, 19(a), 20, 21, 22, 24, 25, & 26):

ATC Permit conditions V-A(1, 2, 3, 7, 8, 10, 15(a), 16, 17, 18, 20, 21, and 22) state:

“A. MONITORING [AQR 12.4.3.1(e)(10)(B)]

Visible Emissions

1. The Permittee shall conduct two daily visual emissions check for visible emissions using EPA Method 22 on all emissions units while it is in operation. [Settlement Agreement signed July 20, 2016]
2. If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation.
3. If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall:
  - a. take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or
  - b. have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR 60 Appendix A: Reference Method 9.

...

Gypsum Processing/Stockpiles/Haul Road

...

7. The Permittee shall monitor daily hours of operation.
8. The Permittee shall monitor the throughput of all mineral products processed in the gypsum in tonnage and calculate, on a monthly basis,

...

10. The Permittee shall monitor the amount of ANFO used during each blast, on monthly basis.

...

15. The Permittee shall monitor daily operation of the water trucks for the following:  
a. amount of water used, ...

Engines/Water Pump

16. The Permittee shall operate each continuous-duty engine and continuous-duty diesel water pump with a nonresettable hour meter, monitor the hours of operation of each engine (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07), and calculate, on a monthly basis, the hours of operation of each engine and water pump per month.

Baghouse (CDs: D01 and D02)

17. The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications until performance testing is conducted and parameters are established  $\pm 1$  in of the testing data and calibrated on an annual basis in accordance with manufacturer's instructions. [40 CFR 60.674(a)(1)]

18. The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed.

...

20. The Permittee shall conduct daily visual observations of the baghouse stack discharges to verify that visible emissions are not present in excess of allowable opacity limits. If they are, the Permittee shall cease operations producing the emissions until the problem is corrected. [40 CFR 60.674(c)]

Other [Settlement Agreement signed July 20, 2016]

21. The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows:

- a. Testing shall be in accordance with ASTM Method C471M16a Standard Test Method for Chemical Analysis of Gypsum and Gypsum Products (Section 17); and
- b. Samples for moisture testing shall be retrieved from the following locations:
  1. 3rd belt conveyor after the West Screen for 2" product
  2. 3rd belt conveyor after the West Screen for 1/8" product
  3. Reject stockpile
  4. 2" stockpile
  5. 1/8" stockpile
  6. Direct loading from the overburden removal
  7. Truck loading conveyor (EU: E04).

22. The Permittee shall also use a third party to conduct monthly moisture testing on three of the seven sample locations, provided that all seven of the sampling locations are tested by the third party lab every 3 months."

Part 70 Permit conditions III-C- (1, 2, 3, 7, 8, 10, 19(a), 20, 21, 22, 24, 25, and 26) state:

“C. Monitoring [AQR 12.5.2.6(d) and AQR 12.5.2.8(a)]

Visible Emissions

1. The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 1]
2. If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. [MSP September 10, 2013, Section IV C, Condition 2]
3. If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall: [MSP September 10, 2013, Section IV C, Condition 3]
  - a. take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or
  - b. have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Part 60 Appendix A: Reference Method 9.

...

Gypsum Processing/Stockpiles/Haul Road

...

7. The Permittee shall monitor daily hours of operation. [ATC February 17, 2017, Section V A, Condition 7]
8. The Permittee shall monitor daily the throughput of all mineral products processed in the gypsum in tonnage and calculate the total, on a monthly basis. [ATC February 17, 2017, Section V A, Condition 8]

...

10. The Permittee shall monitor the amount of ANFO used during each blast, and calculate the total, on monthly basis (EU: A001). [ATC February 17, 2017, Section V A, Condition 10]

...

19. The Permittee shall monitor daily operation of the water trucks for the following [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 15]:
  - a. amount of water used, ...

Engines/Water Pump

20. The Permittee shall operate each continuous-duty engine and continuous-duty diesel water pump with a nonresettable hour meter, monitor the hours of operation of each engine (EUs: C01, C03, C05, and C06) and continuous-duty diesel water pump (EU: C07), and calculate, on a monthly basis, the hours of operation of each engine and water pump per month. [ATC February 17, 2017, Section V A, Condition 16]

Baghouse (CDs: D01 and D02)

21. The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications. Gauges shall be installed where they are accessible and can be easily read. [ATC February 17, 2017, Section V A, Condition 17]
22. The Permittee shall visually inspect the baghouse interior at least monthly for air leaks. Defective baghouse compartments shall be sealed off and repairs completed within 5 working days of the discovery of the malfunction. Should the malfunction cause the baghouse to be ineffective in controlling particulate emissions, the processing of material shall cease until such repairs to the baghouse are completed. [ATC February 17, 2017, Section V A, Condition 18]
- ...
24. The Permittee shall conduct daily visual observations of the baghouse stack discharges to verify that visible emissions are not present in excess of allowable opacity limits. If they are, the Permittee shall cease operations producing the emissions until the problem is corrected. [ATC February 17, 2017, Section V A, Condition 20 and 40 CFR 60.674(c)]

Other

25. The Permittee shall demonstrate compliance with the minimum moisture control requirement by conducting weekly moisture testing and recording the results on materials less than 0.25 inches in diameter as follows [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 21(a) and (b)(1-7)]:
  - a. Testing shall be in accordance with ASTM Method C471M16a Standard Test Method for Chemical Analysis of Gypsum and Gypsum Products (Section 17); and
  - b. Samples for moisture testing shall be retrieved from the following locations:
    1. 3rd belt conveyor after the West Screen for 2" product
    2. 3rd belt conveyor after the West Screen for 1/8" product
    3. Reject stockpile
    4. 2" stockpile
    5. 1/8" stockpile
    6. Direct loading from the overburden removal
    7. Truck loading conveyor (EU: E02 or E04).
26. The Permittee shall also use a third party to conduct monthly moisture testing on three of the seven sample locations, provided that all seven of the sampling locations are tested by the third party lab every 3 months. [ATC February 17, 2017, Section V A, Condition 22]"

**Repeat violation: NOV #9006 issued December 22, 2017.**

**Violation 7:**

Between June 1, 2017 and April 4, 2018, Gypsum Resources did not maintain the required onsite records to demonstrate compliance with the record keeping requirements in violation of ATC Permit conditions V-C-4(a, b, c, e, j, and l) and V-C-5 (a, e and i), and Part 70 Permit conditions III-E-4(a, b, c, g, l, and n), and III-E-5(j & l):

ATC Permit condition V-C-4(a, b, c, e, j, and l) and V-C-5(a, e and i) state:

“C. RECORDKEEPING

...

- “4. The Permittee shall maintain the following records onsite: [AQR 12.4.3.1(e)(10)(B)]
- a. dates and time when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;
  - b. daily hours of operation;
  - c. daily production of gypsum materials processed;
  - ...
  - e. daily water usage for water trucks;
  - ...
  - j. daily baghouse differential pressure drop readings;
  - ...
  - l. monthly control device inspections, maintenance, and repairs;”
  - ...
5. The Permittee shall maintain the following records onsite for reporting: [AQR 12.4.3.1(e)(10)(B)]
- a. amount of ANFO used monthly and consecutive 12-month total;
  - ...
  - e. monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);
  - ...
  - i. weekly and monthly moisture sampling results; (reported as required in Section V-A)”

Part 70 Permit conditions III-E-4(a, b, c, g, l, and n), and III-E-5(j & l) state:

“E. Recordkeeping [AQR 12.5.2.6(d) and AQR 12.5.2.8]

...

4. The Permittee shall maintain the following records onsite:
- a. dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;
  - b. daily hours of operation;
  - c. daily production of gypsum materials processed;
  - ...
  - g. daily water usage for water trucks;
  - ...
  - l. daily baghouse differential pressure drop readings;
  - ...
  - n. monthly control device inspections, maintenance, and repairs;

5. The Permittee shall maintain the following records onsite for reporting:
  - ...
  - j. monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);
  - ...
  - l. weekly and monthly moisture sampling results; (reported as required in Section III-F)”

**Repeat violation: NOV #9006 issued December 22, 2017 and NOV #8731 issued December 18, 2015.**

**Violation 8:**

Gypsum Resources did not submit the 2017 Annual Compliance Certification (ACC) and 2017 2<sup>nd</sup> semi-annual report to the Control Officer on or before January 30, 2018 and did not submit the 2017 annual EIR to Air Quality on or before March 31, 2018, in violation of Part 70 Permit conditions II-D-6, III-F-5 (c) and 6, and II-C-5 (a):

Part 70 Permit condition II-D-6 states:

- “6. The Permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W Russell Road, Suite 200, Las Vegas, Nevada 89118) and the Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105). A compliance certification for each calendar year will be due on or before January 30th of the following year and shall include the following: [AQR 12.5.2.8(e)]
- a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the Permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information; and
  - c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection II.D.6 (b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.



Part 70 Permit conditions III-F 5(c) and 6 state:

5. The following requirements apply to semi-annual reports:
  - ...
  - c. The report shall be received by Air Quality within 30 calendar days after the semiannual period.
6. Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table III-F-1:

**Table III-F-1: Required Submission Dates for Various Reports**

Required Report	Applicable Period	Due Date
Semi-annual Report for 1 <sup>st</sup> Six-Month Period	January, February, March, April, May, June	July 30 <sup>th</sup> each year <sup>1</sup>
Semi-annual Report for 2 <sup>nd</sup> Six-Month Period, Any additional annual records required	July, August, September, October, November, December	January 30 <sup>th</sup> each year <sup>1</sup>
Annual Compliance Certification	Calendar Year	January 30 <sup>th</sup> each year <sup>1</sup>
Annual Emission Inventory Report	Calendar Year	March 31 <sup>st</sup> each year <sup>1</sup>
Notification of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As Required	Within 24 hours of the Permittee learns of the event
Report of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As Required	Within 72 hours of the notification
Deviation Report without Excess Emissions	As Required	Along with semi-annual reports <sup>1</sup>
Performance Testing	As Required	Within 60 days from the end of the test <sup>1</sup>

<sup>1</sup> If the due date falls on a Saturday, Sunday or a Federal or Nevada holiday, then the submittal is due on the next regularly scheduled business day.

Part 70 Permit conditions II-C-5 (a) states:

“C. Reporting/Notifications/Providing Information Requirements

...

5. The Permittee shall submit annual emissions inventory reports based on the following: [AQR 18.6.1]
  - a. The annual emissions inventory must be submitted to Air Quality by March 31 of each calendar year; ..”

**Violation 9:**

Gypsum Resources submitted the 2017 2nd semi-annual report on March 30, 2018, which was determined to contain the following deficiencies: (1) the report was not signed by the responsible official and (2) summary of Permit conditions III-E-5(a, e, f, j, k, and l) were not reported and

Permit conditions III-E-5(g, h and i) were reported as "0". (Per previous discussions with Puaina, on April 5, 2018, during an onsite inspection, she stated that if reporting records were missing she indicated a "0" in the 2nd semi-annual report), in violation of Part 70 Permit conditions III-F-3 and 5 (a):

“F. Reporting [AQR 12.5.2.6(d) and AQR 12.5.2.8]

3. A certification signature from a responsible official of the company and the date of certification.

...

5. The following requirements apply to semi-annual reports:
  - a. The report shall include a semi-annual summary of each item listed in Section III-E-5(a through n).”

### **Violation 10:**

Gypsum Resources did not submit the required 24-hour and 72-hour deviation reports for excess emissions for operating EUs: A01 (vibrating grizzly feeder), A39 (reject screen), A05 (HSI crusher), A07 (HSI underbelt), A08 (West screen), A10 (surge bin) and A34 (cone crusher) on March 12-15, 18-23, 25-28, and April 2-4, 2018 (17 days), without operating the associated control devices (baghouses #1 and #2) to effectively control particulate matter at all times the processing equipment was operating, in violation of Part 70 Permit conditions II-D-7(a and b):

“D. Compliance Requirements

...

7. The Permittee shall report to the Control Officer (4701 West Russell Road, Suite – 200, Las Vegas, Nevada 89118) any startup, shutdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below: [AQR 12.5.2.6(d)(4)(B) and AQR 25.6.1]
  - a. within twenty-four (24) hours of the time the Permittee learns of the excess emissions, the report shall be communicated by phone (702) 455-5942, fax (702) 383-9994, or email: [airquality@clarkcountynv.gov](mailto:airquality@clarkcountynv.gov); and
  - b. within seventy-two (72) hours of the notification required by paragraph (a) above, the detailed written report containing the information required by AQR Section 25.6.3 shall be submitted.”

### III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality recommends a civil penalty be levied against Gypsum and Rhodes in the amount of \$852,200.00 (**Exh. A**).

### IV. HEARING

Air Quality has scheduled a hearing for **Wednesday, July 18, 2018, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed "**Notice of Violation Response Form**" and return it to Air Quality by June 26, 2018. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please **bring six copies** for distribution to the Hearing Officer and Air Quality staff.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

  
\_\_\_\_\_  
Marci Henson,  
Control Officer

#### Exhibit(s):

- A. Penalty Calculation Table
- B. Declaration of Responsible Official form dated January 10, 2018
- C. Declaration of Responsible Official form dated May 1, 2018
- D. Declaration of Responsible Official form dated May 15, 2018
- E. Partial Compliance Evaluation Report dated April 9, 2018, with attachments
- F. Complaint Investigation Report dated April 18, 2018, with attachments

**NOV #9110**

**Gypsum Resources, LLC**

**EXHIBIT A**

**PENALTY CALCULATION TABLE**

Viol.	Date(s)	Description of Violation	EUs or CDs	Cond./Rule Violated	Exhibit/Evidence		Penalty
1	3/12 – 3/15, 3/18 – 3/23, 3/25 – 3/28, 4/2 – 4/4/18	Operated emission units without required emission control equipment = <b>17 days</b> (Repeat Violation: NOV #9006)	A01, A39, A05, A07, A08, A10, A34	III-B-3 (6, 7, 8, 10)	F	Att. 3, Photos 9 - 19 Att. 5, Photos 20 - 70	\$10,000/day = \$170,000
2	4/5/18	Dust plume in excess of 100 yds from screening and crushing plant area (Repeat violation: NOV #9006, NOV #8762, and NOV #8731)	N/A	III-B-3-30	F	Att. 6, Att. 8, Videos 1-4	\$10,000
3	4/5/18	Allowed controllable PM to become airborne from screening and crushing plant area (Repeat Violation: NOV #9006)	N/A	AQR 41.1.2	F		\$10,000
4	3/16/18	Failed to cover haul trucks after loading ( <b>3 trucks observed</b> )	N/A	III-B-3-25	F	Att. 3, Photos 4 – 8	\$2,000
5	6/1/17 through 3/25/18	Operated on Sunday and beyond 16/10 hours on a weekday/Saturday = <b>142 days</b> (Repeat Violation: NOV #9006)	N/A	ATC: IV-A-3(a,b) and Part 70: III-B-2(a,b)	E F	Att. 2, 3 Att. 5	142 x \$1,000 = \$142,000
6	6/1/17 through 4/4/18	Failed to perform all required monitoring and inspections (6/1/17 through 4/4/18) = <b>308 days</b> (Repeat Violation: NOV #9006)	all emission units	ATC Permit: V-A (1, 2, 3, 7, 8, 10, 15a, 16, 17, 18, 20, 21, 22) Part 70 Permit: III-C (1, 2, 3, 7, 8, 10, 19a, 20, 21, 22, 24, 25, 26)	E & F	Partial or no records provided to verify inspections occurred	308 x \$1,000 = \$308,000
7	6/1/17 through 4/4/18	Failed to maintain records onsite from required inspections (6/1/17 through 4/4/18) = <b>308 days</b> (Repeat Violation: NOV #9006 and 8731)	all emission units	ATC Permit: V-C-4 (a, b, c, e, j and l) and V-C-5 (a, e and i) Part 70 Permit: III-E-4 (a, b, c, g, l and n) and III-E-5 (j and l)	E & F	Partial or no records provided	308 x \$500 = \$154,000
8	1/30/18	Failed to submit the 2017 annual compliance certification report to the control officer on or before January 30, 2018 1/31/18 through 5/24/18 = 114 days – 8 day grace period = <b>106 days</b>	all emission units	II-D-6	F	N/A	106 x \$250 = \$26,500
	1/30/18	Submitted the 2 <sup>nd</sup> semi-annual report to the control officer on March 30, 2018 (58 days late) 1/31/18 through 3/29/18 = 58 days – 8 day grace period = <b>50 days</b>	all emission units	III-F-5 (c) and 6	F		50 x \$250 = \$12,500
	3/31/18	Failed to submit the 2017 Annual Emission Inventory Report on or before March 31, 2018 4/1/18 through 5/24/18 = 54 days – 8 day grace period = <b>46 days</b>	various	II-C-5 (a & b)	F		46 x \$250 = \$11,500

<b>Viol.</b>	<b>Date(s)</b>	<b>Description of Violation</b>	<b>EUs or CDs</b>	<b>Cond./Rule Violated</b>	<b>Exhibit/Evidence</b>		<b>Penalty</b>
9	3/30/18	Submitted the 2017 2 <sup>nd</sup> semi-annual report with deficiencies including no signature from responsible official and inaccurate/incomplete summary of permit conditions ( <b>2 deficiencies</b> )	various	III-F-3 and 5 (a)	F		\$4,000
10	3/12 – 3/15, 3/18 – 3/23, 3/25 – 3/28, 4/2 – 4/4/18	Failed to submit required 24-hour/72-hour deviation reports for operating emission units without required emission control equipment = <b>17 days</b>	A01, A39, A05, A07, A08, A10, A34	II-D-7(a & b)	F		17 x \$100 = \$1,700
						<b>TOTAL:</b>	<b>\$852,200</b>

**Attachment 14**

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

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In the Matter of the Notice of Violation #9134 )  
Issued to )  
GYPSUM RESOURCES, LLC, Respondent. )  
\_\_\_\_\_ )

ORDER

The above-entitled matter was heard on September 19, 2018, before Hearing Officer Lona Webb on the Contested Docket. Representatives of both the Clark County Department of Air Quality (**Air Quality**) and GYPSUM RESOURCES, LLC (**GYPSUM RESOURCES**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9134 was issued by the Department of Air Quality (**Air Quality**) to Respondent GYPSUM RESOURCES on August 17, 2018 for alleged violations of Part 70 Operating Permit #17286 (**Permit**) and the Clark County Air Quality Regulations (**AQRs**). GYPSUM RESOURCES operates a stationary source consisting of a gypsum processing facility at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**).

The violations alleged in the NOV include:

(a) Violation of Permit conditions III-B-3(6 - 8 & 10) for operating Emission Units (EUs): A01, A39, A05, A07, A08, A10 and A34 without operating the associated control devices (CDs): D01 and D02;

(b) Violation of Permit conditions II-D-7-a, II-D-7-b, and III-F-6 for not submitting the required 24-hour and 72-hour deviation reports for operating EUs: A01, A39, A05, A07, A08, A10 and A34 without operating the associated CDs: D01 and D02;

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///

1 (c) Violation of Permit conditions II-D-6 and II-C-5-a for failing to submit  
2 the 2017 annual compliance certification (ACC) on or before the January 30, 2018  
3 deadline, and for failing to submit the 2017 annual emissions inventory report (EIR) on  
4 or before the March 31, 2018 deadline;

5 (d) Violation of Permit conditions III-C-(1, 2, 3, 6 and 21) for failing to  
6 conduct required monitoring to demonstrate compliance with monitoring requirements;

7 (e) Violation of Permit conditions III-E-4(a, h, l, and m) and III-E-5(g, h, and  
8 i) for failing to maintain records onsite to demonstrate compliance with recordkeeping  
9 requirements;

10 (f) Violation of AQR Section 12.5.2.12(a)(2) for failing to provide at least  
11 seven days written notice of temporary replacements for diesel-fired water pump (EU:  
12 C07) and a diesel-fired generator (EU: C03);

13 (g) Violation of Permit conditions III-B-3(30 and 31) for failing to  
14 implement control measures to prevent the release of a dust plume, and failing to have  
15 a water truck available during blasting operations;

16 (h) Violation of Hearing Officer Order (HOO) condition 2(b) for failing to  
17 limit gypsum material throughput to a maximum of 50,000 tons per month;

18 (i) Violation of Permit condition III-B-2-d for failing to limit blasting  
19 operations (EU: A001) to 700,000 square feet per any consecutive 12-month period;  
20 and

21 (j) Violation of Permit condition III-B-2-e for failing to limit the  
22 consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-  
23 month period.

24 2. The penalty recommended by Air Quality in NOV #9134 was \$144,700.00.

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1           3.     The Hearing Officer finds that the violations alleged in NOV #9134 occurred in  
2 that GYPSUM RESOURCES violated Permit Conditions III-B-3(6 - 8 & 10), II-D-7-a,  
3 II-D-7-b, III-F-6, II-D-6, II-C-5-a, III-C-(1, 2, 3, 6 and 21), III-E-4(a, h, l, and m), III-E-5(g,  
4 h, and i), III-B-3(30 and 31), III-B-2-d, and III-B-2-e, AQR Section 12.5.2.12(a)(2), and HOO  
5 Condition 2(b) identified during a multiple compliance evaluations between April 20, 2018  
6 and June 21, 2018.

7           4.     **IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of  
8 Seventy-Five Thousand Two Hundred and no/100 Dollars (\$75,200.00) within 30 days of the  
9 date of this ORDER, by check or money order payable to the Clark County DAQ, and  
10 submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

11           5.     GYPSUM RESOURCES has the right to appeal this ORDER to the Clark  
12 County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in  
13 writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred  
14 Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of  
15 GYPSUM RESOURCES's receipt of this ORDER.

16           DATED this 3<sup>rd</sup> day of October, 2018.

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19           \_\_\_\_\_  
20           Lona Webb  
21           Hearing Officer

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CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

August 17, 2018

CERTIFIED MAIL #9171 9690 0935 0151 5227 55

Jim Rhodes, Responsible Official (through May 15, 2018)  
E-mail: [jrhodes@harmonyhomes.com](mailto:jrhodes@harmonyhomes.com) and [rgillette@kingmanfarms.com](mailto:rgillette@kingmanfarms.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

Ryan Rhodes, Mine Manager and Responsible Official  
E-mail: [ryanrhodes2@me.com](mailto:ryanrhodes2@me.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

Michael Rhodes, Manager  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9134

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of One Hundred Forty-Four Thousand Seven Hundred and no/100 Dollars (\$144,700.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit issued on November 13, 2017 (**Part 70 Permit**).
- B. On June 3, 2016, Gypsum Resources submitted a Declaration of Responsible Official form signed by J. Rhodes in which J. Rhodes replaced a prior Responsible Official and certified that he (J. Rhodes) would, “assume the role of Responsible Official, with full scope of

responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.”

- C. On January 10, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by both J. Rhodes and Mapuana Urquijo (**Urquijo**) in which Urquijo replaced Chris Mends (**Mends**) as Responsible Official and certified that she would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit B** and incorporated herein by reference. Without counting J. Rhodes, Gypsum Resources has had a succession of four different designated Responsible Officials since early 2016.
- D. On May 1, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by both J. Rhodes and Ryan Rhodes (**R. Rhodes**) in which R. Rhodes certified that he would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit C** and incorporated herein by reference. J. Rhodes, Urquijo, and R. Rhodes were designated as Responsible Officials of Gypsum Resources as of May 1, 2018.
- E. On May 15, 2018, Gypsum Resources submitted a Declaration of Responsible Official form signed by R. Rhodes in which R. Rhodes replaced Urquijo and J. Rhodes as Responsible Official and certified that he would “assume the role of Responsible Official, with full scope of responsibilities for the certification of all communications, letters, reports, notifications, invoices, permits, and applications, for this operating permit.” This Declaration of Responsible Official form is attached hereto as **Exhibit D** and incorporated herein by reference. R. Rhodes is currently designated as Responsible Official of Gypsum Resources.
- F. On April 20, 2018, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) and Air Quality Specialist II Syed Hyder (**Hyder**) conducted a Partial Compliance Evaluation (PCE) to verify that the Facility was operating in compliance with AQRs, and the Part 70 Permit for the time period of April 5, 2018 through April 19, 2018. Their findings are documented in the PCE report dated June 15, 2018 (**April 20 Report**), attached hereto as **Exhibit E** and incorporated herein. In the April 20 Report, Rowsell and Hyder described their observations and findings from a review of required records. The following deficiencies were identified:
1. Gypsum Resources operated Emission Units (**EUs**): A01, A39, A05, A07, A08, A10 and A34 on April 5, 6, 7, 9, 12, 17 and 18, 2018 without venting particulate matter emissions to a properly installed and maintained baghouse at all times as evidenced by the unsealed ductwork and leaks on the capture hood attached to control device (**CD**): D01 (Baghouse #1), and misaligned and improperly installed ductwork on CD: D02 (Baghouse #2). (**Exh. E, Att. 1, Photographs 1 - 4**)

2. Gypsum Resources failed to submit the required 24-hour and 72-hour deviation reports for operating EUs: A01, A39, A05, A07, A08, A10 and A34 without venting particulate matter emissions to a properly installed and maintained baghouse at all times.
- G. On May 2, 2018, Rowsell and Hyder conducted a PCE to verify that the Facility was operating in compliance with AQRs, and the Part 70 Permit for the time period of April 19, 2018 through May 1, 2018. Their findings are documented in the PCE report dated June 15, 2018 (**May 2 Report**), attached hereto as **Exhibit F** and incorporated herein. In the May 2 Report, Rowsell and Hyder described their observations and findings from a review of required records and identified the following deficiencies:
1. Gypsum Resources failed to require haul truck operators to cover their load prior to exiting the site to ensure material would not be deposited on the roadway. This deficiency was not a violation as it was raining which prevented material from leaving the truck.
  2. Gypsum Resources failed to maintain records onsite to demonstrate compliance with the monitoring and/or recordkeeping provisions of the Part 70 Permit as follows:
    - i. Only partial EPA Reference Method 22 records and any corresponding EPA Reference Method 9 evaluations for April 19, 20, 21, 23, and 24, 2018 were available and no records were available for April 25, 26, 27, 30, and May 1, 2018;
    - ii. Records of daily water applied to the gypsum process were not available for April 19, 20, 21, 23, 24, 25, 26, 27, 30 and May 1, 2018;
    - iii. Inspection records of CD: D01 and D02 did not include the differential pressure reading for April 19, 20, 21, 23, 24, 25, 26, 27, 30 and May 1, 2018;
    - iv. Inspection records of the spray bars and water suppression system were not available for April 19, 20, 21, 23, 24, 25, 26, 27, 30 and May 1, 2018; and
    - v. Records of monthly vehicle miles traveled on the unpaved BLM Haul Road, onsite paved haul roads, and overburden paved haul roads were not available for April 2018.
- H. On June 1, 2018, Rowsell conducted a PCE to verify that the Facility was operating in compliance with AQRs, and the Part 70 Permit for the time period of May 2, 2018 through May 31, 2018. His findings are documented in the PCE report dated June 15, 2018 (**June 1 Report**), attached hereto as **Exhibit G** and incorporated herein. In the June 1 Report, Rowsell described his observations and findings from a review of required records. The following deficiencies were identified:
1. Gypsum Resources failed to submit the 2017 annual emission inventory report (**EIR**) to the Control Officer on or before March 31, 2018. This violation was determined in a previous enforcement action (NOV #9110) for failure to submit the 2017 EIR, however, it was only identified in violation up to May 24, 2018. The 2017 EIR was received by Air Quality on June 19, 2018. Therefore, Gypsum Resources was in violation of Part 70 Permit condition II-C-5-a for an additional twenty-five (25) days.
  2. Gypsum Resources failed to submit the 2017 annual compliance certification (**ACC**) to the Control Officer on or before January 30, 2018. This violation was determined in a previous enforcement action (NOV #9110) for failure to submit the 2017 ACC, however,

it was only identified in violation up to May 24, 2018. The 2017 ACC was received by Air Quality on June 19, 2018. Therefore, Gypsum Resources was in violation of Part 70 Permit condition II-D-6 for an additional twenty-five (25) days.

3. Gypsum Resources submitted a 24-hour deviation report to Air Quality on May 8, 2018. This was followed up by Gypsum Resources with a 72-hour deviation report on May 9, 2018. The deviation reports stated Gypsum Resources failed to implement control measures which resulted in a dust plume and failed to have a water truck onsite during blasting operations on May 8, 2018.
  4. Gypsum Resources did not maintain records onsite to demonstrate compliance with the monitoring and recordkeeping requirements of the Part 70 Permit as follows:
    - i. Only partial EPA Reference Method 22 records and any corresponding EPA Reference Method 9 evaluations for May 19 and 31, 2018 were available; and
    - ii. Inspection records of CD: D01 and D02 were not available for May 3 and 4, 2018, and inspection records of CD: D01 and D02 did not include the differential pressure reading for May 5, 7, 8, 9, 10, 11, 12, 14, and 16, 2018.
  5. Gypsum Resources did not provide at least seven days written notice to the Control Officer when a rental diesel-fired water pump was brought onsite to temporarily replace EU: C07. The rental pump was brought onsite March 2, 2018, however the written notice was received by Air Quality on May 4, 2018, which was seventy (70) days late. Additionally, Gypsum Resources did not provide at least seven days written notice to the Control Officer when a rental diesel-fired generator was brought onsite to temporarily replace EU: C03. The rental generator was brought onsite May 22, 2018. The written notice was received by Air Quality on June 4, 2018, which was twenty (20) days late.
- I. On June 20 and 21, 2018, Rowsell conducted an offsite PCE to verify that the Facility's 2017 ACC and 2017 annual EIR received by Air Quality on June 19, 2018 were in compliance with AQRs, and the Part 70 Permit. On July 24, 2018, Rowsell conducted an onsite PCE to verify that the Facility was operating in compliance with AQRs, and the Part 70 Permit for the time period of June 1, 2018 through July 24, 2018. His findings from the June 20 and 21, 2018 evaluation and from the July 24, 2018 evaluation are documented in the PCE report dated August 8, 2018 (**August 8 Report**), attached hereto as **Exhibit H** and incorporated herein. In the August 8 Report, Rowsell described his observations and findings from a review of required records. The following deficiencies were identified:
1. Gypsum Resources did not limit gypsum material throughput during January 2017 to a maximum of 50,000 tons per month as specified in the Hearing Officer Order dated August 15, 2016 (**HOO**). The 2017 annual EIR submitted by Gypsum Resources detailed a January 2017 monthly gypsum production of 89,182 tons which exceeded the HOO limit by 39,182 tons. (**Exh. H, p. 13, Att. 1**)
  2. Gypsum Resources did not limit their blasting operations (EU: A001) to 700,000 square feet per any consecutive 12-month period. The 2017 annual EIR detailed the 2017 consecutive 12-month (January through December) blasting area as 868,248 square feet which exceeded the permit limit by 168,248 square feet. Gypsum Resources exceeded

the maximum 700,000 square feet per any consecutive 12-month period in October, November, and December of 2017.

3. Gypsum Resources did not limit their consumption of ammonium nitrate fuel oil (**ANFO**) (EU: A001) for all blasting activities to 75 tons per any consecutive 12-month period. The 2017 annual EIR detailed the 2017 consecutive 12-month (January through December) ANFO usage as 287 tons [Air Quality correctly calculated 12-month consecutive total as 286 tons for 2017] which exceeded the permit limit by 211 tons. Gypsum Resources exceeded the maximum 75 tons per any consecutive 12-month period in February through December of 2017.

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

Gypsum Resources operated EUs: A01 (vibrating grizzly feeder), A39 (reject screen), A05 (HSI crusher), A07 (HSI underbelt), A08 (West screen), A10 (surge bin) and A34 (cone crusher) without operating the associated control devices (CD: D01 and D02) to effectively control particulate matter at all times the processing equipment was operating on April 5, 6, 7, 9, 12, 17, and 18, 2018 (7 days), in violation of Part 70 Permit conditions III-B-3(6 - 8 & 10):

“3. Emission Controls [AQR 12.5.2.6(a) and (b)]

...

### **Control Devices**

6. The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]
7. The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]
8. The Permittee shall operate each baghouse at all times any affected emission unit is operating, as indicated in Table III-C-1. [ATC February 17, 2017, Section IV B, Condition 7]

**Table III-C-1: Summary of Add-On Control Devices**

CD	Affected EU	Device Type	Manufacturer	Model No.	Pollutant
D01	A05, A07, A08, A10, and A34	Baghouse #1	Southern Felt	120-TA-12	PM/PM <sub>10</sub> /PM <sub>2.5</sub>
D02	A01 and A39	Baghouse #2	Southern Felt	80-TA-12	PM/PM <sub>10</sub> /PM <sub>2.5</sub>

...

10. The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]”

**Repeat violation: NOV #9110 issued May 25, 2018, and NOV #9006 issued December 22, 2017.**

**Violation 2:**

Gypsum Resources did not submit the required 24-hour and 72-hour deviation reports for operating EUs: A01 (vibrating grizzly feeder), A39 (reject screen), A05 (HSI crusher), A07 (HSI underbelt), A08 (West screen), A10 (surge bin) and A34 (cone crusher), without operating the associated control devices (CD: D01 and D02) to effectively control particulate matter at all times the processing equipment was operating on April 5, 6, 7, 9, 12, 17, and 18, 2018, in violation of Part 70 Permit conditions II-D-7-a, II-D-7-b, and III-F-6:

Part 70 Permit conditions II-D-7-a and b state:

- “7. The Permittee shall report to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118) any startup, shutdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below: [AQR 12.5.2.6(d)(4)(B) and AQR 25.6.1]
  - a. within twenty-four (24) hours of the time the Permittee learns of the excess emissions, the report shall be communicated by phone (702) 455-5942, fax (702) 383-9994, or email: [airquality@clarkcountynv.gov](mailto:airquality@clarkcountynv.gov); and
  - b. within seventy-two (72) hours of the notification required by paragraph (a) above, the detailed written report containing the information required by AQR Section 25.6.3 shall be submitted.”

Part 70 Permit condition III-F-6 states:

- “6. Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table III-F-1:”

**Table III-F-1: Required Submission Dates for Various Reports**

Required Report	Applicable Period	Due Date
Semi-annual Report for 1 <sup>st</sup> Six-Month Period	January, February, March, April, May, June	July 30 <sup>th</sup> each year <sup>1</sup>
Semi-annual Report for 2 <sup>nd</sup> Six-Month Period, Any additional annual records required	July, August, September, October, November, December	January 30 <sup>th</sup> each year <sup>1</sup>
Annual Compliance Certification	Calendar Year	January 30 <sup>th</sup> each year <sup>1</sup>
Annual Emission Inventory Report	Calendar Year	March 31 <sup>st</sup> each year <sup>1</sup>
Notification of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As Required	Within 24 hours of the Permittee learns of the event
Report of Malfunctions, Startup, Shutdowns or Deviations with Excess Emission	As Required	Within 72 hours of the notification
Deviation Report without Excess Emissions	As Required	Along with semi-annual reports <sup>1</sup>
Performance Testing	As Required	Within 60 days from the end of the test <sup>1</sup>

<sup>1</sup> If the due date falls on a Saturday, Sunday or a Federal or Nevada holiday, then the submittal is due on the next regularly scheduled business day.

**Repeat violation: NOV #9110 issued May 25, 2018.**

**Violation 3:**

Gypsum Resources submitted the 2017 ACC on June 19, 2018, in violation of Part 70 Permit condition II-D-6. A previous Hearing Officer order found Gypsum Resources in violation of Part 70 Permit condition II-D-6 through May 24, 2018. This NOV alleges Gypsum Resources in violation of Part 70 Permit condition from May 25, 2018 through June 18 2018.

Gypsum Resources submitted the 2017 EIR on June 19, 2018, in violation of Part 70 Permit condition II-C-5-a. A previous Hearing Officer order found Gypsum Resources in violation of Part 70 Permit condition II-C-5-a through May 24, 2018. This NOV alleges Gypsum Resources in violation of Part 70 Permit condition from May 25, 2018 through June 18, 2018.

Part 70 Permit condition II-D-6 states:

“6. The Permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W Russell Road, Suite 200, Las Vegas, Nevada 89118) and the Administrator at USEPA Region IX (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, California 94105). A compliance certification for each calendar year will be due on or before January 30th of the following year and shall include the following: [AQR 12.5.2.8(e)]

- a. The identification of each term or condition of the permit that is the basis of the certification;
- b. The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related



- recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the Permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information; and
- c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection II.D.6 (b). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.”

Part 70 Permit condition II-C-5-a states:

- “5. The Permittee shall submit annual emissions inventory reports based on the following:  
[AQR 18.6.1]
- a. The annual emissions inventory must be submitted to Air Quality by March 31 of each calendar year;”

**Repeat violation: NOV #9110 issued May 25, 2018.**

**Violation 4:**

Between April 19 and May 31, 2018, Gypsum Resources failed to conduct monitoring to demonstrate compliance with the monitoring requirements in violation of Part 70 Permit conditions III-C-(1, 2, 3, 6, and 21):

“C. Monitoring [AQR 12.5.2.6(d) and AQR 12.5.2.8(a)]

Visible Emissions

1. The Permittee shall conduct two daily visual emissions checks for visible emissions using EPA Method 22 on all emissions units while in operation. [HOO dated August 15, 2016 and ATC February 17, 2017, Section V A, Condition 1]
2. If the Permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. [MSP September 10, 2013, Section IV C, Condition 2]
3. If the Permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the Permittee shall: [MSP September 10, 2013, Section IV C, Condition 3]
  - a. take immediate action to correct causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or

- b. have a certified VE observer take an EPA Method 9 observation of the plume and record the results, and take immediate action to correct causes of fugitive emissions in excess of allowable opacity limits in accordance with 40 CFR Part 60 Appendix A: Reference Method 9.

...

Gypsum Processing/Stockpiles/Haul Road

6. The Permittee shall visually inspect the water spray system daily at all emission units controlled through water suppression, and monitor its effectiveness. Inspections shall include, but not be limited to, flow rates, leaks and nozzle conditions, as applicable. The Permittee shall either replace ineffective spray nozzles immediately, or shut-down the subject processing equipment until such time repairs can be completed to the water spray suppression system, as applicable. [STL contained in HOO dated September 27, 2013 and ATC February 17, 2017, Section V A, Condition 6]

...

Baghouse (CDs: D01 and D02)

21. The Permittee shall conduct daily monitoring of the pressure drop across each baghouse with the installation and operation of a pressure differential (Magnehelic) gauge per manufacturer's specifications. Gauges shall be installed where they are accessible and can be easily read. [ATC February 17, 2017, Section V A, Condition 17]"

**Repeat violation: NOV #9110 issued May 25, 2018, and NOV #9006 issued December 22, 2017.**

**Violation 5:**

Between April 19 and May 31, 2018, Gypsum Resources failed to maintain records onsite to demonstrate compliance with the recordkeeping requirements in violation of Part 70 Permit conditions III-E-4(a, h, l, and m) and III-E-5(g, h, and i):

Part 70 Permit condition III-E-4(a, h, l, and m) states:

“E. Recordkeeping [AQR 12.5.2.6(d) and AQR 12.5.2.8]

...

4. The Permittee shall maintain the following records onsite:
  - a. dates and times when visible emissions checks and observations are taken and the steps taken to make any necessary corrections to bring opacity into compliance;

...

h. daily water applied to the gypsum process;

...

l. daily baghouse differential pressure drop readings;

m. equipment inspections, maintenance, and repairs;”

Part 70 Permit condition III-E-5(g, h, and i):

“5. The Permittee shall maintain the following records onsite for reporting:

...

g. monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01);

h. monthly VMT on the on-site paved haul roads and consecutive 12-month total (EU: B02);

i. monthly VMT on the overburden paved haul roads and consecutive 12-month total (EU: B03);”

**Repeat violation: NOV #9110 issued May 25, 2018, NOV #9006 issued December 22, 2017, and NOV #8731 issued December 18, 2015.**

**Violation 6:**

Gypsum Resources did not provide at least seven days written notice to the Control Officer that a temporary diesel-fired water pump was brought onsite March 2, 2018 to temporarily replace EU: C07, in violation of AQR Section 12.5.2.12(a)(2).

Gypsum Resources did not provide at least seven days written notice to the Control Officer that a temporary diesel-fired generator was brought onsite May 22, 2018 to temporarily replace EU: C03, in violation of AQR Section 12.5.2.12(a)(2).

AQR Section 12.5.2.12(a)(2) states:

“12.5.2.12 Permit Revision: Changes that Do Not Require a Permit Revision

(a) A Part 70 source may make changes that are not addressed or prohibited by the permit without a permit revision, unless such changes are subject to any requirements under Title IV of the Act or are modifications under any provisions of Title I of the Act.

...

(2) Sources must provide at least seven (7) days’ written notice to the Control Officer and EPA of each such change, except for changes that qualify as insignificant under Section 12.5.2.5. Such written notice shall describe each such change, including the date, any

change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.”

**Violation 7:**

As reported by Gypsum Resources in deviation reports on May 8 and 9, 2018, Gypsum Resources did not apply control measures to prevent a dust plume and did not have a water truck available during blasting operations, in violation of Part 70 Permit condition III-B-3(30 and 31):

“3. Emission Controls [AQR 12.5.2.6(a) and (b)]

Other

...

30. The Permittee shall implement control measures when handling, transporting, or storing any material to prevent the release of a dust plume that extends one hundred (100) yards from the point of origin or beyond the lot line of the property on which the emissions originate, horizontally or vertically, whichever is less. [MSP September 10, 2013, Section IV B, Condition 4 and STL contained in HOO dated September 27, 2013]

31. The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]”

**Violation 8:**

By operating with a gypsum material throughput of 89,182 tons during January 2017, Gypsum Resources failed to limit gypsum material throughput to a maximum of 50,000 tons per month, in violation of HOO condition 2(b).

Condition 2(b) of the HOO states:

“Limit the material throughput rate to 50,000 tons per month commencing on July 20, 2016, measured from the 1<sup>st</sup> of each month through the end of the month, until the Baghouses have commenced operation and a revised ATC permit is issued by Air Quality. Submit monthly production throughput reports to Air Quality by the 10<sup>th</sup> of the following month. The material throughput rate applicable to the remainder of July, 2016, shall be 18,500 tons.”

**Violation 9:**

Gypsum Resources failed to limit their blasting operations (EU: A001) to 700,000 square feet per any consecutive 12-month period in October, November, and December of 2017, in violation of Part 70 Permit condition III-B-2-d.

Part 70 Permit condition III-B-2-d states:

“d. The Permittee shall limit the blasting operations to 700,000 square feet per any consecutive 12-month period (EU: A001). [MSP September 10, 2013, Section IV A, Condition 3(a) and STL contained in HOO dated September 27, 2013]”

**Violation 10:**

Gypsum Resources failed to limit their consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-month period in eleven instances from February through December of 2017 in violation of Part 70 Permit condition III-B-2-e.

Part 70 Permit condition III-B-2-e states:

“e. The Permittee shall limit the consumption of ANFO for all blasting activities to 75 tons per any consecutive 12-month period (EU: A001). [MSP September 29, 2014, Section IV A, Condition 3(b)]”

**III. RECOMMENDED CIVIL PENALTY**

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$144,700.00 (**Exh. A**).

**IV. HEARING**

Air Quality has scheduled a hearing for **Wednesday, September 19, 2018, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by September 4, 2018. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please **bring six copies** for distribution to the Hearing Officer and Air Quality staff.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



\_\_\_\_\_  
Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9134
- B. Declaration of Responsible Official form, dated January 10, 2018
- C. Declaration of Responsible Official form, dated May 1, 2018
- D. Declaration of Responsible Official form, dated May 15, 2018
- E. Partial Compliance Evaluation Report, dated June 15, 2018 (April 20 Report) with attachments
- F. Partial Compliance Evaluation Report, dated June 15, 2018 (May 2 Report) with attachments
- G. Partial Compliance Evaluation Report, dated June 15, 2018 (June 1 Report) with attachments
- H. Partial Compliance Evaluation Report, dated August 8, 2018 (August 8 Report) with attachments

jmr

**NOV #9134**

**Gypsum Resources, LLC**

**EXHIBIT A**

**PENALTY CALCULATION TABLE**

<b>Viol.</b>	<b>Date(s)</b>	<b>Description of Violation</b>	<b>EUs or CDs</b>	<b>Cond./Rule Violated</b>	<b>Exhibit/Evidence</b>		<b>Penalty</b>
1	4/5 - 4/7, 4/9, 4/12, 4/17 and 4/18/18	Operated emission units without required emission control equipment = <b>7 days</b> (Repeat Violation: NOV #9110 and 9006)	A01, A39, A05, A07, A08, A10, A34	III-B-3 (6, 7, 8, 10)	E	Att. 1, Photos 1 - 4	\$10,000/day = \$70,000
2	4/5 - 4/7, 4/9, 4/12, 4/17 and 4/18/18	Failed to submit required 24-hour/72-hour deviation reports for operating emission units without required emission control equipment = <b>7 days</b> (Repeat Violation: NOV #9110)	A01, A39, A05, A07, A08, A10, A34	II-D-7-a, II-D-7-b, and III-F-6	E		\$100/day = \$700
3	5/25/18	Failed to submit the 2017 annual compliance certification report on or before January 30, 2018 (Previous NOV charged 1/31/18 through 5/24/18) 5/25/18 through 6/18/18 = <b>25 days</b> (Repeat Violation: NOV #9110)	all emission units	II-D-6	G		25 x \$250 = \$6,250
	5/25/18	Failed to submit the 2017 Annual Emission Inventory Report on or before March 31, 2018 (Previous NOV charged 4/1/18 through 5/24/18) 5/25/18 through 6/18/18 = <b>25 days</b> (Repeat Violation: NOV #9110)	various	II-C-5-a	G		25 x \$250 = \$6,250
4	23 days between 4/19 and 5/31/18	Failed to perform all required monitoring and inspections (4/19/18 through 5/31/18) = <b>23 days</b> (Repeat Violation: NOV #9110 and 9006)	all emission units	III-C (1, 2, 3, 6, 21)	F G	Partial or no records provided to verify inspections occurred	23 x \$1,000 = \$23,000
5	23 days between 4/19 and 5/31/18	Failed to maintain records onsite from required inspections (4/19/18 through 5/31/18) = <b>23 days</b> (Repeat Violation: NOV #9110, 9006, and 8731)	all emission units	III-E-4 (a, h, l and m) and III-E-5 (g, h and i)	F G	Partial or no records provided	23 x \$1,000 = \$23,000
6	3/2/18 through 5/4/18 and 5/22/18 through 6/4/18	Failed to submit two prior notifications of "like kind" equipment replacement to Air Quality: 1. diesel-fired water pump notice submitted 70 days late; and 2. diesel-fired generator notice submitted 20 days late.	C07 and C03	AQR Section 12.5.2.12(a)(2)	G		90 x \$50 = \$4,500
7	5/8/18	Failed to apply control measures to prevent a dust plume and have a water truck available during blasting operations.	N/A	III-B-3(30 and 31)	G		\$2,000
8	Jan 2017	Failed to limit gypsum material throughput to 50,000 tons per month.	all emission units	Hearing Officer Order, Condition 2(b)	H	Page 13, Att. 1	\$2,000
9	2017	Failed to limit blasting operations to 700,000 square feet during three consecutive 12-month periods.	A001	III-B-2-d	H		3 x \$500 = \$1,500
10	2017	Failed to limit blasting agent (ANFO) to 75 tons during eleven consecutive 12-month periods.	A001	III-B-2-e	H		11 x \$500 = \$5,500
<b>TOTAL:</b>							<b>\$144,700</b>

**Attachment 15**






1           2.     The penalty recommended by Air Quality in NOV #9280 was \$24,000.00.

2           3.     The Hearing Officer finds that the violations alleged in NOV #9280 occurred in  
3 that GYPSUM RESOURCES Violated AQR Section 41.1.2 and Permit conditions III.B.3.23,  
4 III.B.3.31, III.B.3.21, and III.B.3.25.

5           4.     **IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of  
6 Twenty Four Thousand and no/100 Dollars (\$24,000.00) within 30 days of the date of this  
7 ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ,  
8 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

9           DATED this 25<sup>th</sup> day of July, 2019.

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\_\_\_\_\_  
Christine T. Smith  
Hearing Officer



# INVOICE

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
038300	7/25/2019	GREEN	PART 70 ENFORCEMENT	8/26/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY UNCONTESTED	SPEN02		\$24,000.00

Notes: NOV #9280, Part 70 Source ID: 17286, H/O 7/18/19

Subtotal:	\$24,000.00
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$24,000.00

Make check or money order payable to Department of Air Quality or DAQ. Credit card (MasterCard or Visa) payment must be made at the DAQ Office. If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 038300  
 Balance Due: \$24,000.00  
 Due Date: 8/26/2019

June 13, 2019

CERTIFIED MAIL #9489 0090 0027 6092 2628 65  
Ryan Rhodes, Mine Manager and Responsible Official  
E-mail: [rocky@gypsumresources.com](mailto:rocky@gypsumresources.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

CERTIFIED MAIL #9489 0090 0027 6092 2628 72  
James M. Rhodes, President of  
E-mail: [jrhodes@harmonyhomes.com](mailto:jrhodes@harmonyhomes.com)  
Truckee Springs Holdings, Inc., Manager of  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9280

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of Twenty Four Thousand and no/100 Dollars (\$24,000.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**Part 70 Permit**).
- B. On March 28, 2019, at approximately 11:59 a.m., Air Quality received a complaint which alleged dust coming from the Facility (**Exh. B, Att. 1**). At approximately 1:10 p.m. on the same day, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) conducted a complaint investigation at the Facility to determine their compliance with AQRs, and the Part 70 Permit. His findings are documented in the Complaint Investigation Report dated

April 23, 2019 (**April 23 Report**), attached hereto as **Exhibit B** and incorporated herein. In the April 23 Report, Rowsell described his observations and findings from the investigation. The following deficiencies were identified on March 28, 2019:

1. Gypsum Resources handled material in the excavation and blasting area in a manner that allowed controllable particulate matter to become airborne (**Exh. B, Att. 3, Photos 1 - 3, 6; Exh. B, Att. 4, Videos 1, 2 and 4**);
  2. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, Emission Unit (EU): B01 (**Exh. B, Att. 4, Videos 5 – 7**);
  3. Gypsum Resources allowed fugitive dust emissions from the drilling operations (EU: A003) by failing to use water for dust control (**Exh. B, Att. 4, Video 3**); and
  4. Gypsum Resources conducted blasting operations on March 27, 2019 at 11:37 a.m., which was during a high wind event as advised in the Construction Notice, issued by Air Quality on March 26, 2019 at 4:59 p.m. (**Exh. B, Att. 5 and 6**).
- C. On April 5, 2019, Rowsell and Air Quality Specialist I Mike Murphy (**Murphy**) conducted a follow-up inspection to determine if the Facility was operating in compliance with AQRs, and the Part 70 Permit. Rowsell and Murphy described their observations in the April 23 Report and identified the following deficiencies:
1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01 (**Exh. B, Att. 3, Photos 16 and 17; Exh. B, Att. 4, Videos 8, 10 and 11**); and
  2. Gypsum Resources failed to ensure haul trucks, after loading, were covered to prevent materials from being deposited on the roadway (**Exh. B, Att. 3, Photos 7 - 10; Exh. B, Att. 4, Video 9**).

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

By handling material in the excavation and blasting area, in a manner that allowed controllable particulate matter to become airborne, Gypsum Resources violated AQR Section 41.1.2. (Deficiency I.B.1)

AQR Section 41.1.2 states:

“No person shall cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne;”

**Repeat violation: NOV #9006, Violation 5, issued December 22, 2017; and NOV #9110, Violation 3, issued May 25, 2018.**

### **Violation 2:**

By allowing fugitive dust emissions from the unpaved BLM haul road (EU: B01), Gypsum Resources violated Part 70 Permit condition III.B.3.23. (Deficiencies I.B.2 and I.C.1)

Part 70 Permit conditions III.B.3.23 states:

“The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9006, Violation 3, issued December 22, 2017.**

### **Violation 3:**

By failing to use water to control dust during drilling operations that resulted in plumes of fugitive dust, Gypsum Resources violated Part 70 Permit condition III.B.3.31. (Deficiency I.B.3)

Part 70 Permit condition III.B.3.31 states:

“The Permittee shall have a water truck available and utilized during all drilling and blasting operations. [STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9134, Violation 7, issued August 17, 2018.**

### **Violation 4:**

By conducting blasting during a Construction Notice period, Gypsum Resources violated Part 70 Permit condition III.B.3.21. (Deficiency I.B.4)

Part 70 Permit condition III.B.3.21 states:

“The Permittee shall allow no blasting when the National Weather Service forecasts wind gusts above 25 miles per hour or when Air Quality issues a Construction Advisory or Dust Advisory. [MSP September 10, 2013, Section IV B, Condition 6 and STL contained in HOO dated September 27, 2013]”

### **Violation 5:**

By allowing loaded haul trucks, after loading, to leave the site without covering their loads, Gypsum Resources violated Part 70 Permit condition III.B.3.25. (Deficiency I.C.2)

Part 70 Permit condition III.B.3.25 states:

“The Permittee shall insure that haul trucks, after loading, be covered to ensure that materials will not be deposited on the roadway. This condition applies to trucks regardless of whether they are owned and operated by the Permittee. [MSP September 10, 2013, Section IV B, Condition 10 and STL contained in HOO dated September 27, 2013]”

**Repeat violation: NOV #9110, Violation 4, issued May 25, 2018.**

### **III. RECOMMENDED CIVIL PENALTY**

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The violations are considered willful.
- Violation 4 occurred during a Construction Notice advisory period.
- Three prior NOVs issued to Gypsum Resources and adjudicated within last two years:
  - NOV #9006 issued December 22, 2017
  - NOV #9110 issued May 25, 2018
  - NOV #9134 issued August 17, 2018


Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$24,000.00 (**Exh. A**).

### **IV. HEARING**

Air Quality has scheduled a hearing for **Thursday, July 18, 2019, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by July 3, 2019. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

  
for \_\_\_\_\_  
Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9280
- B. Air Quality Complaint Investigation Report, with attachments, dated April 23, 2019

jmr



**Exhibit A**

**NOV # 9280  
Penalty Calculation Table  
Gypsum Resources, LLC**



Viol.	Date(s)	Violation Description	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
					Description	Amount					
1	3/28/2019	Handled material in the excavation and blasting area in a manner that allowed controllable particulate matter to become airborne. (Repeat Violation: NOV #9006 and 9110)	AQR Section 41.1.2	Exh. B, Att. 3, photos 1-3, 6; and Exh. B, Att. 4, videos 1, 2 & 4	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Three prior NOV's <sup>2</sup>	175%	\$ 7,000	\$ 10,000
2	3/28 & 4/5/19	Allowed fugitive dust from the unpaved BLM haul road by failing to employ stabilization standards. (Repeat Violation: NOV #9006)	Part 70 Permit condition III.B.3.23	Exh. B, Att. 3, photos 16 & 17; and Exh. B, Att. 4, videos 5-8, 10 & 11	Major/Minor	\$ 1,000	2	1) Willful violation; and 2) Three prior NOV's <sup>2</sup>	175%	\$ 1,750	\$ 5,500
3	3/28/2019	Failed to utilize water to control dust during drilling operations that resulted in fugitive dust. (Repeat Violation: NOV #9134)	Part 70 Permit condition III.B.3.31	Exh. B, Att. 4, video 3	Major/Minor	\$ 1,000	1	1) Willful violation; and 2) Three prior NOV's <sup>2</sup>	175%	\$ 1,750	\$ 2,750
4	3/27/2019	Conducted drilling and blasting operations during a Construction Notice advisory.	Part 70 Permit condition III.B.3.21	Exh. B, Att. 5	Major/Minor	\$ 1,000	1	1) Willful violation; 2) Three prior NOV's <sup>2</sup> ; and 3) Construction Notice	200%	\$ 2,000	\$ 3,000
5	4/5/2019	Allowed loaded haul trucks to leave the facility with loads uncovered. (Repeat Violation: NOV #9110)	Part 70 Permit condition III.B.25	Exh. B, Att. 3, photos 7 - 9; and Exh. B, Att. 4, videos 9	Major/Minor	\$ 1,000	1	1) Willful violation; and 2) Three prior NOV's <sup>2</sup>	175%	\$ 1,750	\$ 2,750

**Total Penalty:** \$ 24,000

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

<sup>2</sup> Three prior NOV's: 9006, 9110 and 9134, adjudicated within two years of issuance of this NOV

Regulatory maximum: \$10,000 per day, per violation  
[AQR Section 9.1 & NRS 445B.270(2)]

**Attachment 16**







# INVOICE

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
040096	11/14/2019	SHERRIER	PART 70 ENFORCEMENT	12/16/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$5,500.00

Notes: NOV #9321; Part 70 Source ID: 17286; H/O 11/7/19

Subtotal:	\$5,500.00
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$5,500.00

Make check or money order payable to Department of Air Quality or DAQ. Credit card (MasterCard or Visa) payment must be made at the DAQ Office. If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 040096  
 Balance Due: \$5,500.00  
 Due Date: 12/16/2019



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

August 21, 2019

CERTIFIED MAIL #9489 0090 0027 6102 1729 86  
Ryan Rhodes, Mine Manager and Responsible Official  
E-mail: [rocky@gypsumresources.com](mailto:rocky@gypsumresources.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

CERTIFIED MAIL #9489 0090 0027 6102 1729 93  
James M. Rhodes, President of  
Truckee Springs Holdings, Inc., Manager of  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9321

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of Ten Thousand and no/100 Dollars (\$10,000.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**Part 70 Permit**).
- B. On July 8, 2019 at approximately 12:55 p.m., Air Quality received a complaint that alleged a large dust plume was emitting from the Facility. At approximately 1:40 p.m. on the same day, Senior Air Quality Specialists Scott Rowsell (**Rowsell**) and Camon Liddell (**Liddell**) conducted a complaint investigation at the Facility to determine their compliance with AQRs, and the Part 70 Permit. Their observations and findings from the investigation are documented in the Complaint Investigation Report dated July 17, 2019 (**July 17 Report**), attached hereto as **Exhibit B** and incorporated herein. The following deficiency was identified on July 8, 2019:

1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01, without taking reasonable precautions (**Exh. B, Att. 2, Photos 1 – 15; Exh. B, Att. 3, Videos 1 – 5**).

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

By allowing fugitive dust emissions from the unpaved BLM haul road (EU: B01) without taking reasonable precautions, Gypsum Resources violated Part 70 Permit conditions III.B.3.23 and III.B.3.29. (Deficiency I.B.1)

Part 70 Permit condition III.B.3.23 states:

“The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]”

Part 70 Permit condition III.B.3.29 states:

“The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions.”

**Repeat violation: NOV #9006, Violation 3, issued December 22, 2017.**

## III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The violation is considered willful; and
- Three prior NOVs issued to Gypsum Resources and adjudicated within two years of discovery of the violation:

- NOV #9006 issued December 22, 2017
- NOV #9110 issued May 25, 2018
- NOV #9134 issued August 17, 2018

Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$10,000.00 (Exh. A).

#### IV. HEARING

Air Quality has scheduled a hearing for **Thursday, September 19, 2019, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed "**Notice of Violation Response Form**" and return it to Air Quality by September 5, 2019. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



\_\_\_\_\_  
Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9321
- B. Air Quality Complaint Investigation Report, with attachments, dated July 17, 2019

jmr



**Exhibit A**

**NOV # 9321  
Penalty Calculation Table  
Gypsum Resources, LLC**



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty <sup>3</sup>
						Description	Amount					
1	7/8/19	Allowed fugitive dust from the unpaved BLM haul road to become airborne by failing to employ stabilization standards. (Repeat Violation: NOV #9006)	B01	Part 70 Permit conditions III.B.3.23 and III.B.3.29	Exh. B, Att. 2, Photos 1 - 15; and Exh. B, Att. 3, Videos 1 - 5	Major/ Major	\$ 4,000	1	1) Willful violation; and 2) Three prior NOV's <sup>2</sup>	175%	\$ 7,000	\$ 10,000

**Total Penalty: \$ 10,000**

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Source Classification	Major	\$ 4,000	\$ 2,000	\$ 1,000
	Complex	\$ 3,000	\$ 1,500	\$ 750
	Significant	\$ 2,000	\$ 1,000	\$ 500
	Baseline	\$ 1,000	\$ 500	\$ 250

<sup>2</sup> Three prior NOV's: #9006, #9110, and #9134, adjudicated within two years of discovery of this NOV

<sup>3</sup> Regulatory maximum: \$10,000 per day, per violation  
[AQR Section 9.1 & NRS 445B.270(2)]

**Attachment 17**







# INVOICE

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
040098	11/14/2019	SHERRIER	PART 70 ENFORCEMENT	12/16/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$15,500.00

Notes: NOV #9324; Part 70 Source ID: 17286; H/O 11/7/19

Subtotal:	\$15,500.00
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$15,500.00

Make check or money order payable to Department of Air Quality or DAQ. Credit card (MasterCard or Visa) payment must be made at the DAQ Office. If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 040098  
 Balance Due: \$15,500.00  
 Due Date: 12/16/2019



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

August 21, 2019

CERTIFIED MAIL #9489 0090 0027 6102 1730 06  
Ryan Rhodes, Mine Manager and Responsible Official  
E-mail: [rocky@gypsumresources.com](mailto:rocky@gypsumresources.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

CERTIFIED MAIL #9489 0090 0027 6122 5440 15  
James M. Rhodes, President of  
Truckee Springs Holdings, Inc., Manager of  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9324

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of Fifteen Thousand Five Hundred and no/100 Dollars (\$15,500.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**Part 70 Permit**).
- B. On June 25, 2019, at approximately 1:50 p.m. Senior Air Quality Specialist Scott Rowsell (**Rowsell**) and Air Quality Specialist Syed Hyder (**Hyder**) conducted a Partial Compliance Evaluation (**PCE**) to verify that the Facility was operating in compliance with AQRs, and the Part 70 Permit. Their findings are documented in the PCE report, dated July 17, 2019 (**July 17 Report**), attached hereto as **Exhibit B** and incorporated herein. In the

July 17 Report, Rowsell and Hyder described their observations and findings from the evaluation. The following deficiency was identified on June 25, 2019:

1. Gypsum Resources operated the vibrating grizzly feeder, HSI crusher and surge bin, Emission Units (EUs): A01, A05 and A10, respectively, with damaged ductwork that was disconnected from the emission hoods that direct particulate matter to the baghouses, Control Devices (CDs): D01 and D02 (**Exh. B, Att. 1, Photos 1 – 12**)
- C. On June 26, 2019, at approximately 12:25 p.m., Rowsell returned to the Facility to conduct a follow-up inspection. Rowsell’s findings are included in the July 17 Report. The following deficiency was identified on June 26 2019:
1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01, without taking reasonable precautions (**Exh. B, Att. 1, Photos 22 – 29**).

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

By operating the processing equipment EUs: A01 (vibrating grizzly feeder), A05 (HIS 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), Gypsum Resources violated Part 70 Permit conditions III.B.3.(6, 7, and 10). (Deficiency I.B.1)

Part 70 Permit condition III.B.3.6 states:

“The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]”

Part 70 Permit condition III.B.3.7 states:

“The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]”

Part 70 Permit condition III.B.3.10 states:

“The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]”

**Repeat violations: NOV #9006 issued December 22, 2017, NOV #9110 issued May 25, 2018, and NOV #9134 issued August 17, 2018.**

**Violation 2:**

By allowing fugitive dust emissions from the unpaved BLM haul road (EU: B01) without taking reasonable precautions, Gypsum Resources violated Part 70 Permit conditions III.B.3.23 and III.B.3.29. (Deficiency I.C.1)

Part 70 Permit condition III.B.3.23 states:

“The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]”

Part 70 Permit condition III.B.3.29 states:

“The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions.”

**Repeat violation: NOV #9006, Violation 3, issued December 22, 2017.**

**III. RECOMMENDED CIVIL PENALTY**

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The violations are considered willful; and
- Three prior NOVs issued to Gypsum Resources and adjudicated within two years of discovery the violations:
  - NOV #9006 issued December 22, 2017
  - NOV #9110 issued May 25, 2018
  - NOV #9134 issued August 17, 2018

Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$15,500.00 (**Exh. A**).




#### IV. HEARING

Air Quality has scheduled a hearing for **Thursday, September 19, 2019, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by September 5, 2019. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



---

Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9324
- B. Air Quality Partial Compliance Evaluation, with attachments, dated July 17, 2019 (July 17 Report)

jmr

**Exhibit A**

**NOV # 9324  
Penalty Calculation Table  
Gypsum Resources, LLC**



CLARK COUNTY - DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty <sup>3</sup>
						Description	Amount					
1	6/25/19	Failed to vent particulate matter emissions from the crushers, screens and surge bin, failed to maintain and operate the baghouses to effectively control particulate matter and failed to maintain effective seals around the baghouses. (Repeat Violation: NOV #9134, #9110, & #9134)	EU: A01, A05 and A10 with CD: D01 and D02	Part 70 Permit conditions III.B.3.6, III.B.3.7, and III.B.3.10	Exh. B, Att. 1, Photos 1 - 12	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Three prior NOV <sup>2</sup>	175%	\$ 7,000	\$ 10,000
2	6/26/19	Allowed fugitive dust from the unpaved BLM haul road to become airborne by failing to employ stabilization standards. (Repeat Violation: NOV #9006)	B01	Part 70 Permit conditions III.B.3.23 and III.B.3.29	Exh. B, Att. 1, Photos 22 - 29	Major/Moderate	\$ 2,000	1	1) Willful violation; and 2) Three prior NOV <sup>2</sup>	175%	\$ 3,500	\$ 5,500

**Total Penalty: \$ 15,500**

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

<sup>2</sup> Three prior NOV<sup>2</sup>: #9006, #9110, and #9134, adjudicated within two years of discovery of this NOV

<sup>3</sup> Regulatory maximum: \$10,000 per day, per violation  
[AQR Section 9.1 & NRS 445B.270(2)]

**Attachment 18**



1           2.     The penalty recommended by Air Quality in NOV #9339 was \$60,000.00.

2           3.     The Hearing Officer finds that the violations alleged in NOV #9339 occurred in  
3 that GYPSUM RESOURCES violated Part 70 Permit conditions III.B.3.6, III.B.3.7, III.B.3.10,  
4 III.B.3.23, and III.B.3.29.

5           4.     **IT IS HEREBY ORDERED** that GYPSUM RESOURCES pay a penalty of  
6 Sixty Thousand and no/100 Dollars (\$60,000.00) within 30 days of the date of this ORDER,  
7 by check or money order payable to the Clark County DAQ, and submitted to DAQ, 4701  
8 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

9           5.     GYPSUM RESOURCES has the right to appeal this ORDER to the Clark  
10 County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in  
11 writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred  
12 Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of  
13 GYPSUM RESOURCES' receipt of this ORDER.

14           DATED this 14<sup>th</sup> day of November, 2019.

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*Christine T. Smith*

Christine T. Smith  
Hearing Officer



# INVOICE

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

RYAN R RHODES  
 GYPSUM RESOURCES LLC  
 PO BOX 147  
 BLUE DIAMOND NV 89004

Facility Information Source ID: 17286  
 BLUE DIAMOND HILL GYPSUM  
 8360 N HIGHWAY 159  
 BLUE DIAMOND, NV 89004

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
040099	11/14/2019	SHERRIER	PART 70 ENFORCEMENT	12/16/2019

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		\$60,000.00

Notes: NOV #9339; Part 70 Source ID: 17286; H/O 11/7/19

Subtotal:	\$60,000.00
Paid:	\$0.00
Adjustments:	\$0.00
Balance Due:	\$60,000.00

Make check or money order payable to Department of Air Quality or DAQ. Credit card (MasterCard or Visa) payment must be made at the DAQ Office. If you have invoice questions, please contact Michael Uhl at UHL@ClarkCountyNV.gov or 702-455-1628.

Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118-2231

Source Name: BLUE DIAMOND HILL GYPSUM  
 Source ID: 17286  
 Invoice #: 040099  
 Balance Due: \$60,000.00  
 Due Date: 12/16/2019



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

September 26, 2019

CERTIFIED MAIL #9489 0090 0027 6122 5443 43

Ryan Rhodes, Mine Manager and Responsible Official  
E-mail: [rocky@gypsumresources.com](mailto:rocky@gypsumresources.com)  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

James M. Rhodes, President of  
Truckee Springs Holdings, Inc., Manager of  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite 200  
Las Vegas, NV 89148

## NOTICE OF VIOLATION #9339

Clark County Department of Air Quality (**Air Quality**) provides this notice to Gypsum Resources, LLC (**Gypsum Resources**) of the violation of the Clark County Air Quality Regulations (**AQRs**) and Permit conditions as alleged below and recommends levying a civil penalty of Sixty Thousand and no/100 Dollars (\$60,000.00). A Penalty Calculation Table showing how Air Quality calculated the recommended penalty is attached hereto as **Exhibit A** and incorporated herein by reference.

### I. FACTS

- A. Gypsum Resources owns and currently operates a major stationary source consisting of a gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada (**Facility**), under a Part 70 Operating Permit, Source ID: 17286, issued on November 13, 2017 (**Part 70 Permit**).
- B. On Friday, August 16, 2019, at approximately 2:20 p.m., Air Quality received a complaint that alleged a large cloud of dust was emitting from the haul road as trailers were traveling down and exiting onto Highway 159 from the Facility (**Exh. B, Att. 1**). At approximately 3:20 p.m. on the same day, Senior Air Quality Specialist Scott Rowsell (**Rowsell**) and Air Quality Specialist II Pat Ringgenberg (**Ringgenberg**) conducted a complaint investigation at the Facility to determine their compliance with AQRs, and the Part 70 Permit. Their observations and findings from the investigation are documented in the Complaint Investigation Report dated August 27, 2019 (**August 16 Report**), attached hereto as **Exhibit B** and incorporated herein. The following deficiency was identified on August 16, 2019:

1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, Emission Unit (EU): B01, due to truck traffic on dry, unstable road conditions, without taking reasonable precautions (**Exh. B, Att. 2, Photo 1; Exh. B, Att. 3, Video 1**).
- C. On Saturday, August 17, 2019, at approximately 7:15 a.m. and 8:20 a.m., Air Quality received two complaints that alleged dust was originating from the Facility (**Exh. C, Att. 1**). On Monday, August 19, 2019, at approximately 8:45 a.m., Air Quality received a complaint that alleged dust was emitting from trucks going back and forth from the mine (**Exh. C, Att. 1**). At approximately 8:45 a.m. on the same day, Rowsell and Senior Air Quality Specialist Jeff Robb (**Robb**) conducted a complaint investigation at the Facility to determine their compliance with AQRs, and the Part 70 Permit. Their observations and findings from the investigation are documented in the Complaint Investigation Report dated August 27, 2019 (**August 19 Report**), attached hereto as **Exhibit C** and incorporated herein. The following deficiency was identified on August 19, 2019:
1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01, due to truck traffic on dry, unstable road conditions, without taking reasonable precautions (**Exh. C, Att. 2, Videos 1 through 7**).
- D. On Tuesday, August 20, 2019, at approximately 8:05 a.m. and 8:30 a.m., Air Quality received two complaints that alleged dust was originating from the Facility. At approximately 9:10 a.m. on the same day, Rowsell and Robb conducted a complaint investigation at the Facility to determine their compliance with AQRs, and the Part 70 Permit. Their observations and findings from the investigation are documented in the Complaint Investigation Report dated August 27, 2019 (**August 20 Report**), attached hereto as **Exhibit D** and incorporated herein. The following deficiencies were identified on August 20, 2019:
1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01, due to truck traffic on dry, unstable road conditions, without taking reasonable precautions (**Exh. D, Att. 2, Videos 1 through 6**); and
  2. Upon inspection, Rowsell and Robb observed the crushing and screen plants operating for approximately 10 minutes. During that time, Gypsum Resources operated EU: A01, vibrating grizzly feeder, with disconnected ductwork that was not directing particulate matter to the baghouse Control Device (CD): D01; and the capture hood associated with EU: A05, the HSI Crusher and CD: D01, baghouse, was damaged and not able to effectively capture emissions (**Exh. D, Att. 3, Photos 1 through 5**).
- E. On August 21, 2019, at approximately 2:30 p.m., Rowsell and Senior Air Quality Specialist Camon Liddell (**Liddell**) conducted a follow-up inspection at the Facility to determine the status of the noncompliance issues observed on August 20, 2019. Their observations and findings from the inspection are documented in the August 20 Report (**Exh. D**). The following deficiencies were identified on August 21, 2019:
1. Gypsum Resources allowed fugitive dust emissions from the unpaved BLM haul road, EU: B01, due to truck traffic on dry, unstable road conditions, without taking reasonable precautions (**Exh. D, Att. 3, Photos 6 and 7; Exh. D, Att. 2, Video 7**); and



2. Gypsum Resources conducted truck loading operations with a front-end loader in a manner that allowed controllable particulate matter to become airborne (**Exh. D, Att. 2, Video 8**).
- F. On August 26, 2019, at approximately 7:55 a.m., Rowsell and Air Quality Supervisor Scott Jelinek (**Jelinek**) conducted a follow-up inspection at the Facility to confirm the unpaved BLM haul road, EU: B01, was treated with a dust palliative as was discussed with Mine President, Jerry Wyatt (**Wyatt**) during the August 21, 2019 inspection. Their observations and findings from the inspection are documented in the Partial Compliance Evaluation dated August 27, 2019 (**August 26 Report**). Upon inspection, the BLM haul road was in compliance with AQRs, and the Part 70 Permit.

## II. VIOLATIONS

Based on these facts, Air Quality alleges Gypsum Resources has violated the following Part 70 Permit conditions, AQRs and/or EPA regulations:

### **Violation 1:**

By allowing fugitive dust emissions from the unpaved BLM haul road, EU: B01, without taking reasonable precautions, Gypsum Resources violated Part 70 Permit conditions III.B.3.23 and III.B.3.29. (Deficiencies I.B.1, I.C.1, I.D.1, and I.E.1)

Part 70 Permit condition III.B.3.23 states:

“The Permittee shall water down and apply chemical suppressant to unpaved access and mine haul roads and unpaved areas to provide additional dust control. The stabilizations standards and test methods referenced in AQR Subsection 91.2.1.4 and 91.4 will be utilized to monitor the emissions from the subject roadways and frequency as to when additional applications of a chemical suppressant will be applied to the roadway to prevent fugitive dust emissions. [MSP September 10, 2013, Section IV B, Condition 7 and STL contained in HOO dated September 27, 2013]”

Part 70 Permit condition III.B.3.29 states:

“The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions.”

**Repeat violation: NOV #9006, Violation 3, issued December 22, 2017; NOV #9280, Violation 2, issued June 13, 2019.**

## **Violation 2:**

By operating EUs: A01 (vibrating grizzly feeder) and A05 (HSI crusher) without effectively controlling and venting particulate matter to the baghouse, Gypsum Resources violated Part 70 Permit conditions III.B.3.6, III.B.3.7 and III.B.3.10. (Deficiency I.D.2)

Part 70 Permit condition III.B.3.6 states:

“The Permittee shall vent particulate matter emissions from the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to a baghouse at all times the process equipment is operating. [ATC February 17, 2017, Section IV B, Condition 5]”

Part 70 Permit condition III.B.3.7 states:

“The Permittee shall maintain and operate the baghouses on the crushers (EUs: A05 and A34), screens (EUs: A08 and A39), VGF (EU: A01), surge bin (EU: A10), and belt conveyor (EU: A07) to effectively control particulate matter at all times the processing equipment is operating. [ATC February 17, 2017, Section IV B, Condition 6]”

Part 70 Permit condition III.B.3.10 states:

“The Permittee shall maintain an effective seal around the baghouses by correcting all leaks adversely affecting its performance. [ATC February 17, 2017, Section IV B, Condition 9]”

**Repeat violation: NOV #9006, Violations 1 and 2, issued December 22, 2017; NOV #9110, Violation 1, issued May 25, 2018; NOV #9134, Violation 1, issued August 17, 2018.**

## **Violation 3:**

By conducting truck loading activities with a front-end loader that allowed controllable particulate matter to become airborne without taking reasonable precautions, Gypsum Resources violated Part 70 Permit condition III.B.3.29. (Deficiency I.E.2)

Part 70 Permit condition III.B.3.29 states:

“The Permittee shall not cause or allow fugitive dust to become airborne without taking reasonable precautions.”

**Repeat violation: NOV #9006, Violations 5, issued December 22, 2017.**

### III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The violations are considered willful; and
- Four prior NOVs issued to Gypsum Resources and adjudicated within two years of discovery of the violation:
  - NOV 9006 issued December 22, 2017
  - NOV 9110 issued May 25, 2018
  - NOV 9134 issued August 17, 2018
  - NOV 9280 issued June 13, 2019

Air Quality recommends a civil penalty be levied against Gypsum Resources in the amount of \$60,000.00 (**Exh. A**).

### IV. HEARING

Air Quality has scheduled a hearing for **Thursday, November 7, 2019, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by October 24, 2019. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



Marci Henson,  
Control Officer

Exhibit(s):

- A. Penalty Calculation Table, NOV #9339
- B. Air Quality Complaint Investigation Report, with attachments, dated August 27, 2019 (August 16 Report)
- C. Air Quality Complaint Investigation Report, with attachments, dated August 27, 2019 (August 19 Report)
- D. Air Quality Complaint Investigation Report, with attachments, dated August 27, 2019 (August 20 Report)
- E. Air Quality Partial Compliance Evaluation, with attachments, dated August 27, 2019 (August 26 Report)

jmr

**Exhibit A**

**NOV # 9339  
Penalty Calculation Table  
Gypsum Resources, LLC**



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

Viol.	Date(s)	Violation Description	EU's or CD's	AQR Section or Permit Condition	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty <sup>3</sup>
						Description	Amount					
1	8/16/19	Allowed fugitive dust from the unpaved BLM haul road to become airborne by failing to employ stabilization standards. (Repeat Violation: NOVs #9006, 9280, 9321, 9324)	B01	Part 70 Permit conditions III.B.3.23 and III.B.3.29	Exh. B, Att. 2, Photo 1 and Att. 3 Video 1;	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000
	8/19/19				Exh. C, Att. 2, Videos 1 - 7;	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000
	8/20/19				Exh. D, Att. 2, Videos 1 - 6	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000
	8/21/19				Exh. D, Att. 2, Video 7 and Att. 3, Photos 6 & 7	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000
2	8/20/19	Operated emission units with disconnected and damaged ductwork, which failed to vent emissions to control devices;	A01 & A05	Part 70 Permit conditions III.B.3.6, III.B.3.7, and III.B.3.10	Exh. D, Att. 2, Videos 1 - 6, Exh. D, Att. 3, Photos 1 - 5; and Exh. D, Att. 4	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000
3	8/21/19	Conducted truck loading operations with a front-end loader that allowed controllable particulate matter to become airborne.	B01	Part 70 Permit conditions III.B.3.39; and AQR Section 41.1.2	Exh. D, Att. 2, Video 8	Major/Major	\$ 4,000	1	1) Willful violation; and 2) Four prior NOV <sup>s</sup> <sup>2</sup>	200%	\$ 8,000	\$ 10,000

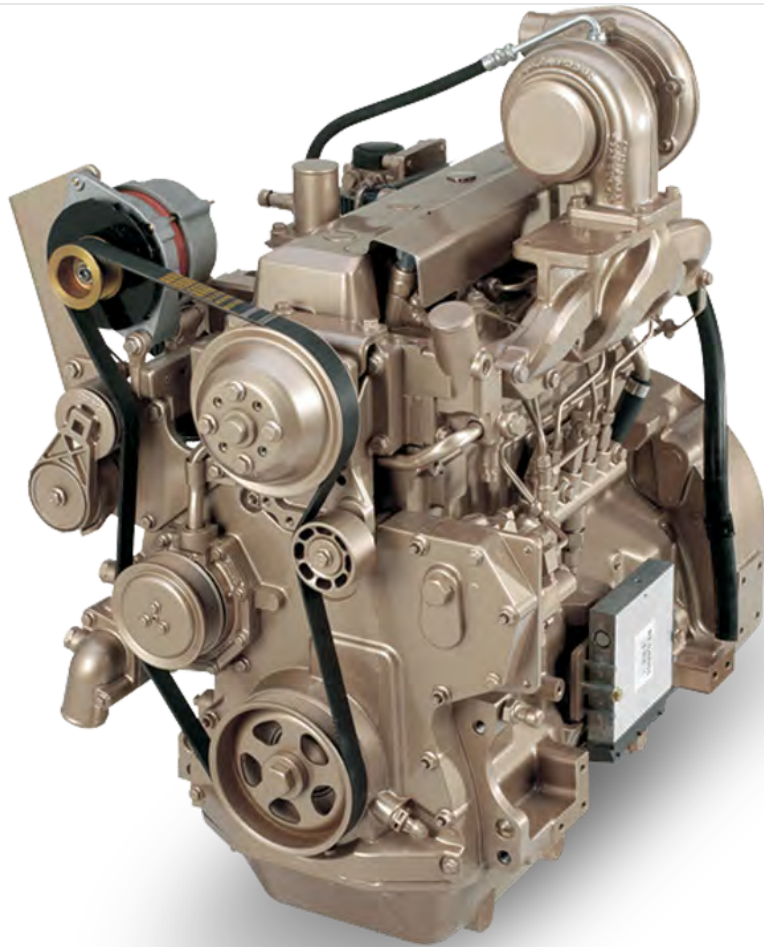
**Total Penalty: \$ 60,000**

Source Classification	Extent of Deviation from Requirement		
	Major	Moderate	Minor
Major	\$ 4,000	\$ 2,000	\$ 1,000
Complex	\$ 3,000	\$ 1,500	\$ 750
Significant	\$ 2,000	\$ 1,000	\$ 500
Baseline	\$ 1,000	\$ 500	\$ 250

<sup>2</sup> Four prior NOV<sup>s</sup>: 9006, 9110, 9134, and 9280 adjudicated within two years of discovery of this NOV

<sup>3</sup> Regulatory maximum: \$10,000 per day, per violation [AQR Section 9.1 & NRS 445B.270(2)]

**Attachment 19**



## 4045TF285

### 4.5L Industrial Diesel Engine

- PowerTech™
- 63 - 74 kW (84 - 99 hp)

**Contact a Distributor**

[Tier 3 Brochure >](#)

[Tier 3 Selection Guide >](#)

[Industrial PowerSource Magazine >](#)

# Features

Expand All

+ 2-valve cylinder head

+ High-pressure common-rail (HPCR) and engine control unit (ECU)

+ Fixed geometry turbocharger

+ Multiple injection strategy

+ John Deere electronic engine controls

Show More

# Specifications

## Emissions Certifications

CARB

EPA Tier 3

EU Stage III A

MSHA

## General engine data

Model

4045TF285

Number of cylinders

4

Displacement-- L (cu in)

4.5 (275)



<b>Bore and Stroke-- mm (in)</b>	106 x 127 (4.17 x 5.00)
<b>Compression Ratio</b>	19.0:1
<b>Engine Type</b>	In-line, 4-Cycle
<b>Aspiration</b>	Turbocharged
<b>Length - mm (in)</b>	867 (34.1)
<b>Width-- mm (in)</b>	680 (26.8)
<b>Height-- mm (in)</b>	1055 (41.5)
<b>Weight, dry - kg (lb)</b>	491 (1082)

Show More

### Drivetrain Components

Pump Drives  
 Transmissions  
 Axles  
 Planetary Gear Drives  
 Vehicle Electrification

### Accessories

Engine Accessories Brochure

### Parts

Engine Parts

## Resources



## Confidence is Built In

Backed by a powerful support network

[Engine Parts >](#)

[Engine Support >](#)

### Warranty

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[Warranty & Protection Plans >](#)

[Register Your Engine or Drivetrain Component >](#)

### Safety

---

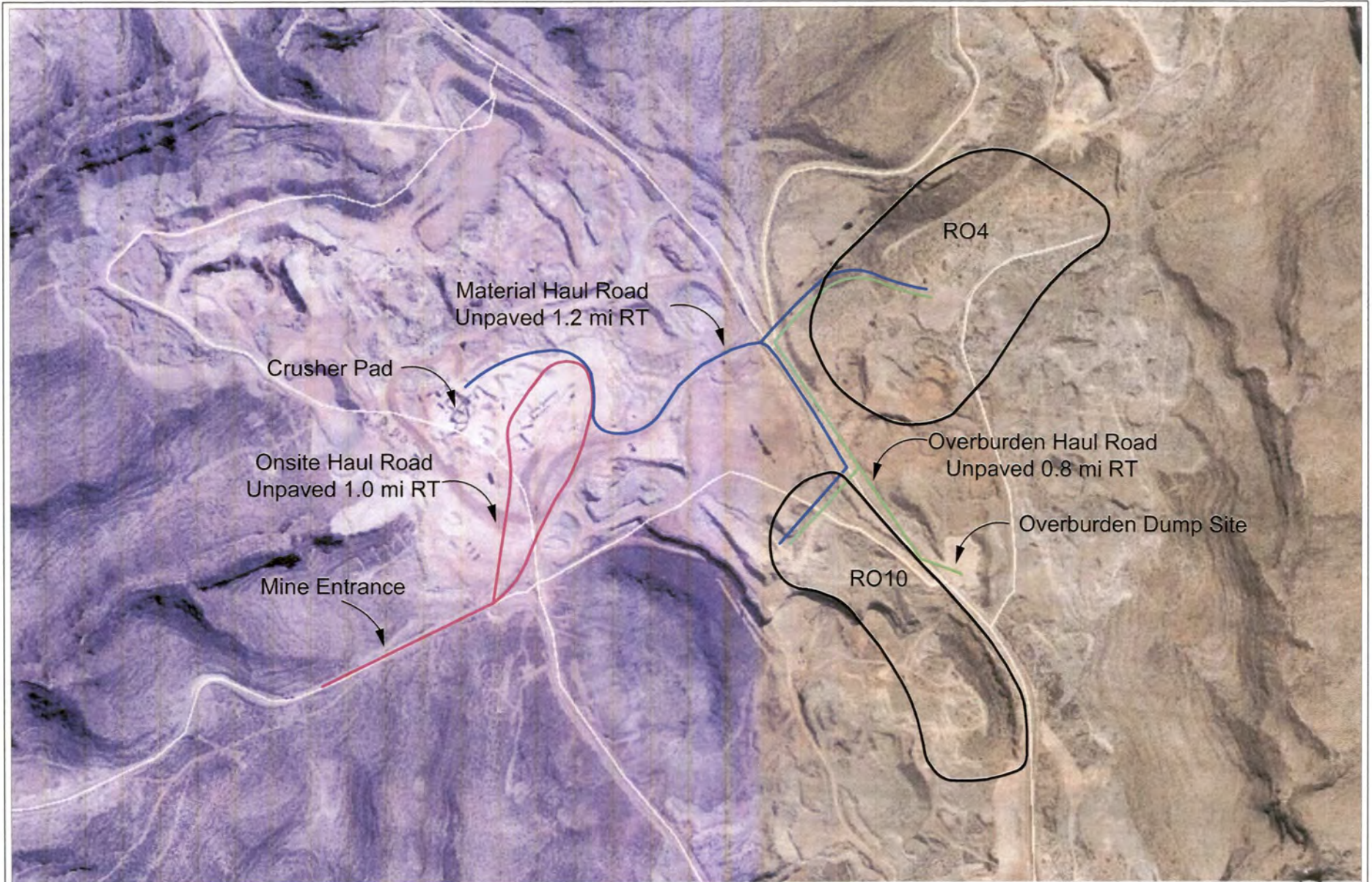
[Safety Tips & Maintenance >](#)

### Manuals

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[Manuals & Training >](#)

**Attachment 20**



**LEGEND**

- Onsite Haul Road (1.0 mi RT)
- Material Haul Road (1.2 mi RT)
- Overburden Haul Road (0.8 mi RT)
- Extent of Blasting/Drilling Area (RO4/RO10)



Drawn By: SO Approved By: SCM Date: 7/18/18

Site Map  
Gypsum Resources LLC

Project No. 16-01-183

Drawing

**1**

0407

**Attachment 21**

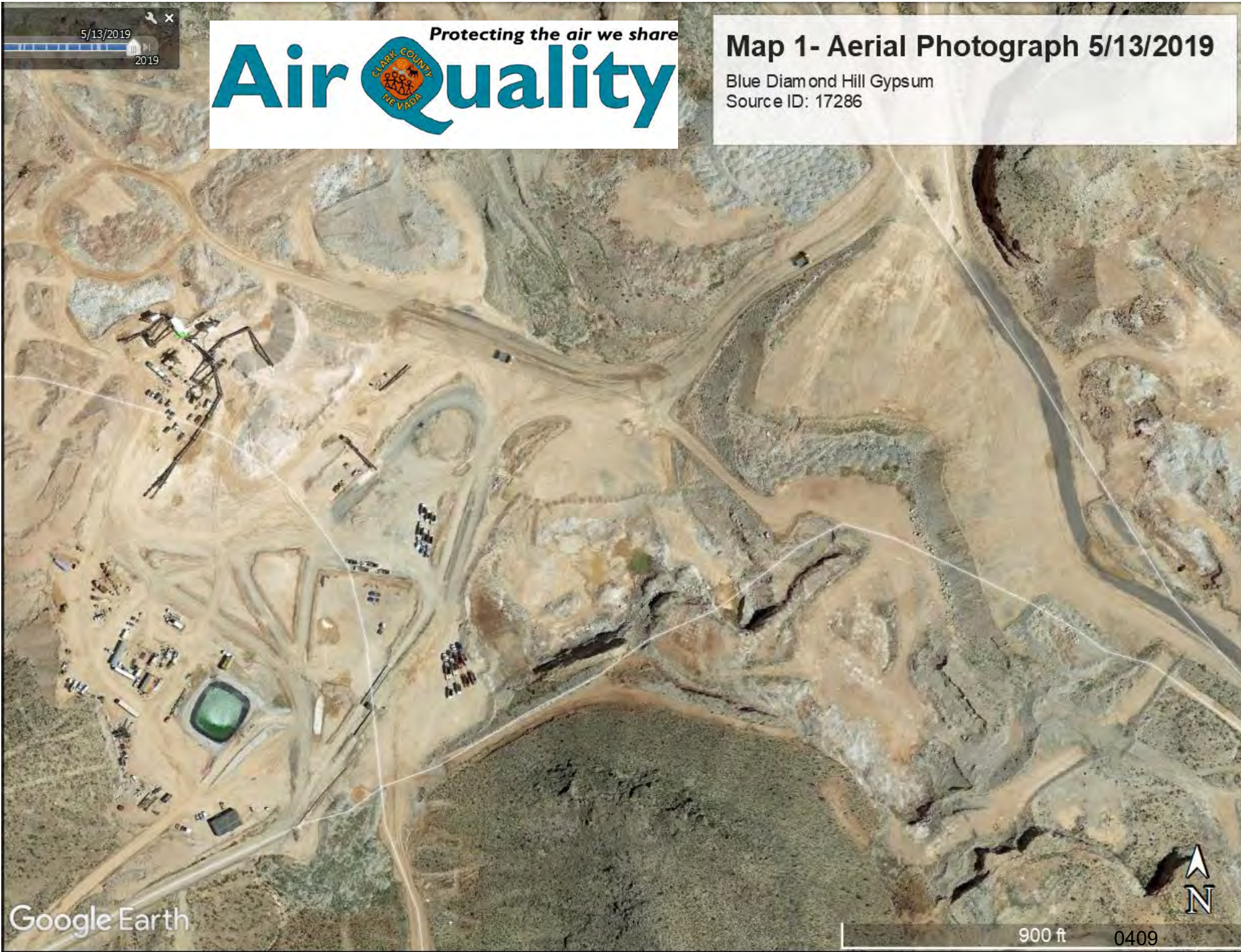
5/13/2019

2019



# Map 1- Aerial Photograph 5/13/2019

Blue Diamond Hill Gypsum  
Source ID: 17286



0409

Google Earth



900 ft 0409

**Attachment 22**

5/13/2017  
2019

Protecting the air we share  
**Air Quality**



# Map 2- Aerial Photograph 5/13/2017

Blue Diamond Hill Gypsum  
Source ID: 17286



Google Earth

900 ft

0411

0411



**Attachment 23**



**BLUE DIAMOND HILL**  
**G Y P S U M**

**Gypsum Resource Materials, LLC**  
**P.O. Box 147**  
**Blue Diamond, Nevada 89004**  
[www.bdhgypsum.com](http://www.bdhgypsum.com)

October 4, 2019

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Scott Roswell, Senior Air Quality Specialist (**VIA EMAIL AND HAND DELIVERY**)

Office of the Clark County District Attorney – Civil Division  
500 S. Grand Central Pkwy., #5075  
Las Vegas, NV 89155-2215  
Attention: Jason B. Patchett, Deputy District Attorney (**VIA EMAIL ONLY**)

Re: Blue Diamond Hill Gypsum or Gypsum Resources Materials, LLC (the “Company”), Source 17286, Part 70 Operating Permit, dated November 17, 2017 (the “Permit”) – Response to Clark County Department of Air Quality (the “County”) re the Semi-Annual Summary of Reporting Requirements (the “Report”)

To Whom It May Concern:

This correspondence/document serves to supplement the Report delivered to the County on or about July 30, 2019. As we have discussed, the Company has continuously worked to meet or exceed all requirements and conditions set forth in the Permit and as required by all applicable laws.

We understand from the County’s correspondence dated as of September 11, 2019, the County is taking the position that the Company has not fully complied with the reporting and monitoring requirements set forth in the Permit related solely to the baghouse inspection reporting and the moisture sampling reporting. The Company is not aware of nor has the County asserted any other deficiencies with respect to the Report.

Enclosed with this correspondence is additional information relative to satisfy the above-referenced reporting deficiencies. Please note, however, we are unable to provide daily baghouse reports, daily field method 22 reports, daily process method 22 reports and daily pneumatic reports because equipment was down for major repairs and not producing any air pollution during an approximate forty-five-day period for approximately twenty-one consecutive days.

The Company notes, however, it will not be able to provide additional reports for testing done for Moisture Sampling until October 7, 2019, due to its outside consultant's inability to deliver the same. The Company diligently has worked to obtain the test results as of the date of this correspondence and will ensure the County receives them as soon as they are in the Company's possession.

More important, the Company desires to reiterate its full intent to comply with all requirements set forth in the Permit and with all applicable laws. Please note, and as we have communicated with you, the Company has and continues to implement measures to meet every requirement of the County. In furtherance of the foregoing, among other measures, including, without limitation, the Company has hired new members of its management team to ensure there are no negative deviations from our compliance and taken additional measures with respect to policies and procedures in furtherance of the same.

We look forward to working with you on this matter. Please do not hesitate to contact us with any questions. As we indicated, it is our desire and intent to have a great working relationship with the County and its representatives.

Best regards,  
Gypsum Resources Materials, LLC



Ryan Rhodes, Mine Manager and Responsible Official

Enclosures

cc: Scott Jelinek (Via Email Only [JELINEK@ClarkCountyNV.gov](mailto:JELINEK@ClarkCountyNV.gov))  
Shibi Paul (Via Email Only [SPAUL@ClarkCountyNV.gov](mailto:SPAUL@ClarkCountyNV.gov))

*[Certification of Truth, Accuracy and Completeness and Enclosures Appear on the Following Pages]*

**CERTIFICATION OF TRUTH, ACCURACY AND COMPLETENESS**

By my signature, I, Rya A Rhodes, hereby certify that, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate and complete.

Signature of Responsible Official: RRR Date: October 4, 2019.

**REPORTS/LOGS**

Please See Attached



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** GYPSUM MOISTURE TESTING

**Lab No.:** 19-028

**Project No.:** 20174152C1

**Tested By:** J. VEGA

**Date:** 1/10/2019

	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	REJECT	LOADOUT
<b>Sample:</b>	2" STOCKPILE	2" CONVEYOR	1/8" STOCKPILE	1/8" CONVEYOR	REJECT	LOADOUT
<b>Depth:</b>	N/A	N/A	N/A	N/A	N/A	N/A
WET WT. + TARE	1299.10	1351.40	708.80	853.50	838.00	1470.60
DRY WT. + TARE	1273.70	1330.30	691.30	835.50	801.70	1452.20
TARE WT.	126.40	137.60	131.40	131.50	126.70	127.10
DRY WT.	1147.30	1192.70	559.90	704.00	675.00	1325.10
WEIGHT LOST	25.40	21.10	17.50	18.00	36.30	18.40
% MOISTURE	2.2	1.8	3.1	2.6	5.4	1.4

**Remarks/Condition:** MATERIAL SOURCE #17286



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(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-243

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/31/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1748.10	1201.90	1181.50	1931.80		
DRY WT. + TARE	1723.70	1194.50	1141.30	1901.10		
TARE WT.	126.90	132.20	130.20	132.00		
DRY WT.	1596.80	1062.30	1011.10	1769.10		
WEIGHT LOST	24.40	7.40	40.20	30.70		
% MOISTURE	1.5	0.7	4.0	1.7		

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-229

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/28/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout Conveyor		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1666.10	922.30	1268.50	1699.30		
DRY WT. + TARE	1651.40	891.00	1240.50	1681.00		
TARE WT.	127.00	134.70	127.20	134.50		
DRY WT.	1524.40	756.30	1113.30	1546.50		
WEIGHT LOST	14.70	31.30	28.00	18.30		
% MOISTURE	1.0	4.1	2.5	1.2		

**Remarks/Condition:** Material Source #17286





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Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-243

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 5/31/2019

Sample:	2" Stockpile	1/8" Stockpile	Reject	Loadout		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1748.10	1201.90	1181.50	1931.80		
DRY WT. + TARE	1723.70	1194.50	1141.30	1901.10		
TARE WT.	126.90	132.20	130.20	132.00		
DRY WT.	1596.80	1062.30	1011.10	1769.10		
WEIGHT LOST	24.40	7.40	40.20	30.70		
% MOISTURE	1.5	0.7	4.0	1.7		

**Remarks/Condition:** Material Source #17286

**Attachment 24**



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SERVICES, INC.**

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Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-041

**Project No.:** 20174152C1

**Tested By:** J. Vega

**Date:** 1/17/2019

<b>Sample:</b>	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor	Loadout	
<b>Depth:</b>	N/A	N/A	N/A	N/A	N/A	
WET WT. + TARE	1009.60	1493.70	764.20	1279.10	1489.70	
DRY WT. + TARE	967.80	1484.00	744.50	1120.30	1430.60	
TARE WT.	141.20	133.90	127.30	127.70	131.30	
DRY WT.	826.60	1350.10	617.20	992.60	1299.30	
WEIGHT LOST	41.80	9.70	19.70	158.80	59.10	
% MOISTURE	5.1	0.7	3.2	16.0	4.5	

**Remarks/Condition:** Material Source #17286



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(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 20-009

**Project No.:** 20174152C1

**Tested By:** D. Chenault

**Date:** 1/13/2020

Sample:	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor	Reject	
Depth:	NA	NA	NA	NA	NA	NA
WET WT. + TARE	882.00	814.50	609.00	621.00	550.50	
DRY WT. + TARE	880.40	807.40	599.10	611.00	530.90	
TARE WT.	133.50	126.00	157.50	132.00	132.50	
DRY WT.	746.90	681.40	441.60	479.00	398.40	
WEIGHT LOST	1.60	7.10	9.90	10.00	19.60	
% MOISTURE	0.2	1.0	2.2	2.1	4.9	

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-057

**Project No.:** 20174152C1

**Tested By:** JGV

**Date:** 1/24/2019

Sample:	2" Stockpile	1/8" Stockpile	Loadout Conveyor			
Depth:	NA	NA	NA			
WET WT. + TARE	867.70	732.60	1518.50			
DRY WT. + TARE	849.00	693.50	1509.80			
TARE WT.	126.30	127.80	156.20			
DRY WT.	722.70	565.70	1353.60			
WEIGHT LOST	18.70	39.10	8.70			
% MOISTURE	2.6	6.9	0.6			

**Remarks/Condition:** Material Source #17286



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Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-256

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 6/10/2019

<b>Sample:</b>	2" Stockpile	1/8" Stockpile	Reject	Loadout	2" Conveyor	
<b>Depth:</b>	N/A	N/A	N/A	N/A	N/A	
WET WT. + TARE	1873.10	1067.30	1086.10	1668.20	1901.50	
DRY WT. + TARE	1852.00	1062.00	1037.90	1631.50	1871.50	
TARE WT.	126.40	156.90	131.90	126.40	126.00	
DRY WT.	1725.60	905.10	906.00	1505.10	1745.50	
WEIGHT LOST	21.10	5.30	48.20	36.70	30.00	
% MOISTURE	1.2	0.6	5.3	2.4	1.7	

**Remarks/Condition:** Material Source #17286



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-267

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 6/17/2019

<b>Sample:</b>	2" Stockpile	1/8" Stockpile	Reject	Loadout Conveyor	2" Conveyor	1/8" Conveyor
<b>Depth:</b>	N/A	N/A	N/A	N/A	N/A	N/A
WET WT. + TARE	1809.90	1028.00	1402.80	1654.30	1707.30	1066.50
DRY WT. + TARE	1807.00	996.00	1338.60	1642.10	1687.40	1031.90
TARE WT.	125.80	125.80	126.50	127.00	141.00	127.80
DRY WT.	1681.20	870.20	1212.10	1515.10	1546.40	904.10
WEIGHT LOST	2.90	32.00	64.20	12.20	19.90	34.60
% MOISTURE	0.2	3.7	5.3	0.8	1.3	3.8

**Remarks/Condition:** Material Source #17286



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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-277

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 6/21/2019

<b>Sample:</b>	2" Stockpile	1/8" Stockpile	Reject	Loadout Conveyor		
<b>Depth:</b>	N/A	N/A	N/A	N/A		
WET WT. + TARE	1771.60	1311.40	1390.00	1912.20		
DRY WT. + TARE	1738.50	1301.60	1360.10	1872.40		
TARE WT.	125.70	126.10	135.30	156.20		
DRY WT.	1612.80	1175.50	1224.80	1716.20		
WEIGHT LOST	33.10	9.80	29.90	39.80		
% MOISTURE	2.1	0.8	2.4	2.3		

**Remarks/Condition:** Material Source #17286





**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-470

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 11/15/2019

<b>Sample:</b>	Reject	2" Stockpile	2" Conveyor	1/8" Stockpile	Loadout Conveyor	
<b>Depth:</b>	N/A	N/A	N/A	N/A	N/A	
WET WT. + TARE	1334.30	1688.00	1529.50	854.00	1879.90	
DRY WT. + TARE	1299.20	1668.60	1508.50	820.30	1851.70	
TARE WT.	131.80	127.30	152.90	132.10	133.50	
DRY WT.	1167.40	1541.30	1355.60	688.20	1718.20	
WEIGHT LOST	35.10	19.40	21.00	33.70	28.20	
% MOISTURE	3.0	1.3	1.5	4.9	1.6	

**Remarks/Condition:** Material Source #17268



**GEOTECHNICAL &  
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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

**Moisture Content Log**

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-489

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 12/16/2019

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile		
WET WT. + TARE	918.20	1567.20	1413.50	1065.90		
DRY WT. + TARE	878.20	1535.90	1400.30	1049.90		
TARE WT.	126.60	126.80	127.70	127.70		
DRY WT.	751.60	1409.10	1272.60	922.20		
WEIGHT LOST	40.00	31.30	13.20	16.00		
% MOISTURE	5.3	2.2	1.0	1.7		

**Remarks/Condition:** Material Source #17268

**Attachment 25**



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7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-520

**Project No.:** 20174152C1

**Tested By:** R. Thomsen

**Date:** 12/30/2019

Sample:	2" Stockpile	1/8" Stockpile	2" Certainteed Stockpile			
WET WT. + TARE	1055.20	885.70	979.00			
DRY WT. + TARE	1033.80	865.40	965.60			
TARE WT.	112.30	110.10	114.50			
DRY WT.	921.50	755.30	851.10			
WEIGHT LOST	21.40	20.30	13.40			
% MOISTURE	2.3	2.7	1.6			

**Remarks/Condition:** Material Source #17268



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 20-023

**Project No.:** 20174152C1

**Tested By:** J. Garcia Vega

**Date:** 1/20/2020

Sample:	2" Stockpile	1/8" Stockpile	Loadout Conveyor			
WET WT. + TARE	1612.60	1057.60	2046.70			
DRY WT. + TARE	1563.20	1039.10	2016.20			
TARE WT.	132.20	134.80	214.70			
DRY WT.	1431.00	904.30	1801.50			
WEIGHT LOST	49.40	18.50	30.50			
% MOISTURE	3.5	2.0	1.7			

**Remarks/Condition:** Material Source #17286



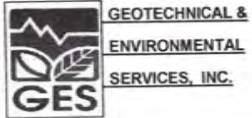
7150 Placid Street  
 Las Vegas, NV 89119  
 (702) 365-1001

**Moisture Content Log**

**Project Name:** Gypsum Moisture Testing      **Tested By:** J. Garcia Vega      **Lab No.:** 20-032  
**Project No.:** 20174152C1      **Date Sampled:** 01/24/2020      **Date Tested:** 1/27/2020

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt	
WET WT. + TARE	928.70	1574.70	1410.80	949.20	896.70	
DRY WT. + TARE	910.90	1550.50	1406.20	941.60	883.80	
TARE WT.	126.60	133.00	156.30	125.10	127.50	
DRY WT.	784.30	1417.50	1249.90	816.50	756.30	
WEIGHT LOST	17.80	24.20	4.60	7.60	12.90	
% MOISTURE	2.3	1.7	0.4	0.9	1.7	

Remarks/Condition: Material Source #17286



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 (702) 365-1001

**Moisture Content Log**

**Project Name:** Gypsum Moisture Testing      **Tested By:** D. Chenault      **Lab No.:** 20-044  
**Project No.:** 20174152C1      **Date Sampled:** 01/31/2020      **Date Tested:** 2/3/2020

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt	
WET WT. + TARE	650.50	832.70	947.20	475.80	539.30	
DRY WT. + TARE	621.10	832.10	946.50	465.90	528.10	
TARE WT.	128.50	125.00	155.00	132.50	131.60	
DRY WT.	492.60	707.10	791.50	333.40	396.50	
WEIGHT LOST	29.40	0.60	0.70	9.90	11.20	
% MOISTURE	6.0	0.1	0.1	3.0	2.8	

Remarks/Condition: Material Source #17286



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**Moisture Content Log**

**Project Name:** Gypsum Moisture Testing **Tested By:** J. Garcia Vega **Lab No.:** 20-066  
**Project No.:** 20174152C1 **Date Sampled:** 2/7/2020 **Date Tested:** 2/10/2020

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt
WET WT. + TARE	1021.50	1650.50	1648.50	1026.50	946.00
DRY WT. + TARE	994.00	1629.00	1640.00	1013.00	928.50
TARE WT.	138.50	125.50	132.50	132.00	124.50
DRY WT.	855.50	1503.50	1507.50	881.00	804.00
WEIGHT LOST	27.50	21.50	8.50	13.50	17.50
% MOISTURE	3.2	1.4	0.6	1.5	2.2

**Remarks/Condition:** Material Source #17286





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(702) 365-1001

### Moisture Content Log

**Project Name:** Gypsum Moisture Testing      **Tested By:** J. Vega      **Lab No.:** 20-077  
**Project No.:** 20174152C1      **Date Sampled:** 2/14/20      **Date Tested:** 2/17/20

Sample:	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt
WET WT. + TARE	1585.90	1237.20	764.30	573.50
DRY WT. + TARE	1553.30	1235.40	751.40	568.90
TARE WT.	126.60	133.00	131.40	156.40
DRY WT.	1426.70	1102.40	620.00	412.50
WEIGHT LOST	32.60	1.80	12.90	4.60
% MOISTURE	2.3	0.2	2.1	1.1

**Remarks/Condition:** Material Source #17286

**Attachment 26**

DO NOT CHANGE (Cell is calculated or a fixed number)														
Day	Operating Hours	Blasting Area	ANFO Used For Blasting	Holes Drilled	BLM Access Road	Overburden Roads	BLM Access Road	On-site Roads	Overburden Roads	Product Shipped	Stockpile Area	Dust Palliative Applied	Water Applied To Site	Gypsum Process Water Used
Permit Limit	M-F = 16 hrs/day Sat = 10 hrs/day	No Daily Limit	No Daily Limit	No Daily Limit	NA	NA	No Daily Limit	No Daily Limit	No Daily Limit	No Daily Limit	15 acres	No Limit	No Limit	No Limit
	hours	sq ft	tons	# holes	trips	trips	VMT	VMT	VMT	tons	acres at any time	tons	gallons	gallons
1	16.00				62.00	131.00	248.00	62.00	524.00	2,271.31				
2	16.00	14,832.00	22.29	103.00	41.00	79.00	164.00	41.00	316.00	1,087.48				
3	16.00				42.00	36.00	168.00	42.00	144.00	1,102.53				
4	16.00	26,100.00	17.13	116.00	45.00	100.00	180.00	45.00	400.00	1,150.65				
5	16.00				79.00	218.00	316.00	79.00	872.00	2,912.95				2,000.00
6	16.00				12.00	112.00	48.00	12.00	448.00	381.72				3,500.00
7							0.00	0.00	0.00					
8	16.00				97.00	174.00	388.00	97.00	696.00	3,612.90				7,000.00
9	16.00				53.00	29.00	212.00	53.00	116.00	1,675.80				
10	16.00				39.00	0.00	156.00	39.00	0.00	1,031.08				
11	16.00	18,000.00	10.96	80.00	19.00	256.00	76.00	19.00	1,024.00	509.54				
12						215.00	0.00	0.00	860.00					
13							0.00	0.00	0.00					3,500.00
14							0.00	0.00	0.00					
15	16.00	24,075.00	14.29	107.00	93.00	189.00	372.00	93.00	756.00	3,537.32				7,000.00
16	16.00	22,725.00	10.64	101.00	87.00	66.00	348.00	87.00	264.00	2,804.98				3,000.00
17	16.00	20,250.00	11.62	90.00	110.00		440.00	110.00	0.00	3,583.53				7,000.00
18	0.00						0.00	0.00	0.00					7,000.00
19	16.00				111.00	129.00	444.00	111.00	516.00	4,025.00				5,000.00
20	10.00				41.00	24.00	164.00	41.00	96.00	1,641.60				
21							0.00	0.00	0.00					
22	16.00				76.00	132.00	304.00	76.00	528.00	2,453.50				7,000.00
23	16.00				90.00	141.00	360.00	90.00	564.00	3,698.42				7,000.00
24	16.00	38,160.00	58.29	265.00	89.00	98.00	356.00	89.00	392.00	3,474.49				3,500.00
25	16.00	20,925.00	10.77	93.00	25.00	55.00	100.00	25.00	220.00	967.69				
26	16.00				66.00	0.00	264.00	66.00	0.00	2,581.76				
27	10.00				0.00	0.00	0.00	0.00	0.00	0.00				
28							0.00	0.00	0.00					
29	16.00				2.00	0.00	8.00	2.00	0.00	52.50				
30	16.00	20,488.00	26.30	142.00	0.00	0.00	0.00	0.00	0.00	0.00				
31							0.00	0.00	0.00					
<b>Total</b>	<b>356.00</b>	<b>205,555.00</b>	<b>182.29</b>	<b>1,097.00</b>			<b>5,116.00</b>	<b>1,279.00</b>	<b>8,736.00</b>	<b>44,556.75</b>		<b>0.00</b>		<b>62,500.00</b>

See Water Truck Log for More Details

**Attachment 27**

## AQDCP

---

**From:** AQDCP@ClarkCountyNV.gov  
**Sent:** Monday, April 1, 2019 9:42 AM  
**To:** AQDCP  
**Subject:** Clark County Air Quality is Issuing a Dust Advisory (EOP)  
**Importance:** High

You sent out the email below to 1318 Dust contacts.



## Clark County Department of Air Quality

### DUST ADVISORY

**For Tuesday April 02, 2019**

#### **Attention Dust Control Permit Holders, Contractors, and Stationary Sources**

The National Weather Service and the weather models used by the Department of Air Quality predict **sustained winds of 20 mph to greater than 25 mph**, with **gusts of 30 mph to greater than 40 mph**, starting Tuesday morning, April 2, 2019 and continuing into the evening hours.

Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. Permittees with multiple sites should contact each site superintendent to ensure compliance with the Clark County Air Quality Regulations.

**BLASTING:** This forecast is for wind gusts of [wind] mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service for wind speeds, if wind gusts above 25 mph are stated, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

Compliance officers will inspect construction and stationary source sites during this episode to ensure Best Available Control Measures are being implemented. Any observed violation may receive a Notice of Violation.

**It is important this Dust Advisory be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM<sub>10</sub> stationary sources.**

Please direct questions about this Dust Advisory to a DAQ compliance supervisor at (702) 455-5942.

Issued: 04/01/2019

You are receiving this notice because you have asked to be on our mailing list or because your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ E-mail Notification System, reply to this message or e-mail [AQDCP@ClarkCountyNV.gov](mailto:AQDCP@ClarkCountyNV.gov), use subject line: Remove From E-mail List, include your name and company. If possible please send from the e-mail address to be removed. If your e-mail address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide a replacement contact all e-mail information will be removed from your permit record and further contact will be by telephone and/or US Mail only.

**Attachment 28**

## AQDCP

---

**From:** AQDCP@ClarkCountyNV.gov  
**Sent:** Monday, April 15, 2019 9:27 AM  
**To:** AQDCP  
**Subject:** Clark County Air Quality is Issuing a Construction Notice  
  
**Importance:** High

You sent out the email below to 1343 Dust contacts.



## Clark County Department of Air Quality

### CONSTRUCTION NOTICE

**For Monday April 15, 2019**

#### **Attention Dust Control Permit Holders, Contractors, and Stationary Sources**

The National Weather Service and the weather models used by the Department of Air Quality are showing the potential for high winds beginning mid-afternoon and remaining into the night. The forecast is for **sustained winds of 20 mph**, with gusts to **30 mph**.

Air Quality directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

**BLASTING:** This forecast is for wind gusts of 30 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service for wind speeds, if wind gusts above 25 mph are stated, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

Air Quality will continue to monitor these forecasts for any further wind development. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

**It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM<sub>10</sub> stationary sources.**

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 04/15/2019



You are receiving this notice because you have asked to be on our mailing list or because your e-mail address is listed as the point of contact on an active Dust Control Permit.

**UNSUBSCRIBE:** If you do not want to continue receiving these notices and wish to be removed from the DAQ E-mail Notification System, reply to this message or e-mail [AQDCP@ClarkCountyNV.gov](mailto:AQDCP@ClarkCountyNV.gov), use subject line: Remove From E-mail List, include your name and company. If possible please send from the e-mail address to be removed. If your e-mail address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide a replacement contact all e-mail information will be removed from your permit record and further contact will be by telephone and/or US Mail only.

**Attachment 29**



2019 Daily Forms Checklist

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22 Loadout		Method 22 Field		Method 22 Process		Spray Bar Inspection	Baghouse Inspection	Baghouse Inspection	Moisture Content	Hourly Genset Readings		✓
2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			x
3		<i>Twice Daily</i>		<i>Twice Daily</i>		<i>Twice Daily</i>		<i>Twice Daily</i>		<i>Twice Daily</i>		<i>Twice Daily</i>		<i>Once Daily</i>	<i>Once Daily</i>	<i>Monthly</i>	<i>Weekly</i>			
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# 2019 Daily Forms Checklist

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2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly		
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly		
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# 2019 Daily Forms Checklist

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1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
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# 2019 Daily Forms Checklist



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1		Crusher		Mine		Water Truck		Method 22 Loadout		Method 22 Field		Method 22 Process		Spray Bar Inspection	Baghouse Inspection	Baghouse Inspection	Moisture Content	Hourly Genset Readings		✓
2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
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### 2019 Daily Forms Checklist

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1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					x
6	2	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					x
7	3	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					x
8	4	✓						✓		✓		✓		✓	✓					
9	5																			
10	6	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
11	7	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
12	8	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
13	9	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
14	10	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
15	11	✓						✓		✓		✓		✓	✓					
16	12																			
17	13	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
18	14	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
19	15	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
20	16	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
21	17	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
22	18	✓						✓		✓		✓		✓	✓					
23	19																			
24	20	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
25	21	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
26	22	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
27	23	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
28	24	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
29	25	✓						✓		x		✓		✓	✓					
30	26																			
31	27	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
32	28	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓			✓
33	29	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
34	30	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					✓
35	31	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓			✓

+ [list] January February March April May June July August September October November December



# 2019 Daily Forms Checklist



File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22 Loadout		Method 22 Field		Method 22 Process		Spray Bar Inspection	Baghouse Inspection	Baghouse Inspection	Moisture Content	Hourly Genset Readings		✓
2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1	✓						✓		✓		✓		✓	✓					
6	2																			
7	3	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					
8	4	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
9	5	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
10	6	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
11	7	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
12	8	✓						✓		x		✓		✓	✓					
13	9																			
14	10	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
15	11	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
16	12	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
17	13	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
18	14	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
19	15	✓						✓		✓		✓		✓	✓					
20	16																			
21	17	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
22	18	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
23	19	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
24	20	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
25	21	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
26	22	✓						✓		x		✓		✓	✓					
27	23																			
28	24	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
29	25	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
30	26	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
31	27	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
32	28	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓				✓	
33	29	✓						✓		✓		✓		✓	✓					
34	30																			

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# 2019 Daily Forms Checklist



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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1		Crusher		Mine		Water Truck		Method 22 Loadout		Method 22 Field		Method 22 Process		Spray Bar Inspection	Baghouse Inspection	Baghouse Inspection	Moisture Content	Hourly Genset Readings		✓	
2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			x	
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly				
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A						
5	1	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
6	2	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
7	3	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			
8	4	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			x			
9	5	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
10	6	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
11	7																				
12	8	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			
13	9	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
14	10	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
15	11	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
16	12	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
17	13	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
18	14																				
19	15	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓		✓	x			
20	16	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			x			
21	17	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
22	18	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
23	19	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
24	20	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
25	21																				
26	22	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
27	23	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
28	24	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
29	25	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
30	26	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
31	27	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
32	28																				
33	29	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
34	30	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
35	31	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			

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# 2019 Daily Forms Checklist



File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓	
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x	
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly				
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A						
5	1	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
6	2	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
7	3	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
8	4																				
9	5	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
10	6	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			x			
11	7	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
12	8	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			x			
13	9	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
14	10	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
15	11																				
16	12	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
17	13	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
18	14	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
19	15	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
20	16	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
21	17	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
22	18																				
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24	20	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
25	21	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			x			
26	22	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
27	23	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
28	24	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			
29	25																				
30	26	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
31	27	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
	28	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
	29	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
	30	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓			✓			
	31	✓						✓	✓	✓	✓	✓	✓	✓	✓			x			

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# 2019 Daily Forms Checklist

File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1																			
6	2	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				x
7	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
8	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
9	5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
10	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
11	7	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓					x
12	8																			
13	9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
14	10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
15	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
16	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
17	13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
18	14	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓					x
19	15																			
20	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
21	17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
22	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
23	19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
24	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
25	21	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓					x
26	22																			
27	23	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
28	24	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
29	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
30	26	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			x
31	27	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x
32	28	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓					x
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34	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					x

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# 2019 Daily Forms Checklist



File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

90% \$ % .0 .00 123 Arial 11 B I U A [Grid] [List] [Align] [Format] [Filter] [Sum]

=HYPERLINK("https://documentcloud.adobe.com/link/track?uri=urn%3Aaad%3Aasc%3AUS%3Ab3e49030-58b8-4b28-8568-531b2b2c94c4", "✓")

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓	
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x	
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly				
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A						
5	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
6	2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						
7	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						
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15	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓		
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28	24	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓		
29	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓		
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32	28	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						
33	29	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓		
34	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓		
35	31	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓		

+ [Menu] January February March April May June July August September October November December



# 2019 Daily Forms Checklist



File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

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=HYPERLINK("https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ausc%3A41151c1d-8cb7-4ce1-985c-a5b5b32bf3ad", "✓")

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
6	2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
7	3																			
8	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			x		
9	5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
10	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
11	7	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
12	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
13	9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
14	10																			
15	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		
16	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
17	13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
18	14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
19	15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
20	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
21	17																			
22	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
23	19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
24	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
25	21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
26	22	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
27	23	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
28	24																			
29	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	✓		✓	✓		
30	26	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
31	27	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
32	28	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
33	29	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
34	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		

+ ☰ January February March April May June July August September October November December



# 2019 Daily Forms Checklist



File Edit View Insert Format Data Tools Form Add-ons Help Last edit was made on January 27 by Sabrina Homer

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=HYPERLINK("https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ausc%3A8c5bafc8-efa5-4c63-8484-ce614420fb26", "✓")

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1																			
6	2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
7	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
8	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
9	5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
10	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
11	7	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓				✓	
12	8																			
13	9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
14	10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
15	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
16	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
17	13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
18	14	✓		✓		✓		✓		✓	✓	✓	✓	✓	✓				✓	
19	15																			
20	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
21	17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
22	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
23	19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
24	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	
25	21	✓		✓		✓		✓		✓	✓	✓	✓	✓	✓				✓	
26	22																			
27	23	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
28	24	✓	✓			✓		✓	✓	x	x	✓	✓	✓	✓					
29	25	✓	✓																	
30	26	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓					
31	27	✓	✓	✓	✓	✓	✓	✓	✓	x	x	✓	✓	✓	✓				✓	
32	28	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓					
33	29																			
34	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
35	31	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	

+ [Menu] January February March April May June July August September October November December



# 2020 Daily Forms Checklist



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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1		Crusher		Mine		Water Truck		Method 22 Loadout		Method 22 Field		Method 22 Process		Spray Bar Inspection	Baghouse Inspection	Baghouse Inspection	Moisture Content	Hourly Genset Readings		✓	
2	Day	Production Logs		Production Logs		Production Logs		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			x	
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly				
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A						
5	1																				
6	2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
7	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
8	4	✓		✓		✓		✓		✓		✓		✓							✓
9	5																				
10	6	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
11	7	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
12	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
13	9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
14	10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
15	11	✓		✓		✓		✓		✓		✓		✓							✓
16	12																				
17	13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓				✓
18	14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
19	15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
20	16	✓		✓		✓		✓		✓		✓		✓							✓
21	17	✓		✓		✓		✓		✓		✓		✓							✓
22	18	✓		✓		✓		✓		✓		✓		✓							✓
23	19																				
24	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓				✓
25	21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
26	22	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
27	23	✓		✓		✓		✓		✓		✓		✓							✓
28	24	✓		✓		✓		✓		✓		✓		✓							✓
29	25	✓		✓		✓		✓		✓		✓		✓							
30	26																				
31	27	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓				✓
32	28			✓		✓		✓		✓		✓		✓							
33	29	✓	✓	✓		✓		✓		✓		✓		✓							✓
34	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓
35	31	✓		✓		✓		✓		✓		✓		✓			✓				x

January February March April May June July August September October November December



# 2020 Daily Forms Checklist



File Edit View Insert Format Data Tools Add-ons Help Last edit was made 3 hours ago by Sabrina Homer

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Crusher		Mine		Water Truck		Method 22		Method 22		Method 22		Spray Bar	Baghouse	Baghouse	Moisture	Hourly Genset		✓
2	Day	Production Logs		Production Logs		Production Logs		Loadout		Field		Process		Inspection	Inspection	Inspection	Content	Readings		x
3		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Twice Daily		Once Daily	Once Daily	Monthly	Weekly			N/A
4		A	B	A	B	A	B	A	B	A	B	A	B	A	A					
5	1																			
6	2																			
7	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
8	4	N/A	N/A	✓	✓	✓	✓	✓	✓	✓	✓	N/A	N/A	N/A	N/A					✓
9	5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
10	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
11	7	✓	N/A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
12	8	N/A		N/A		✓		✓	✓	N/A	N/A	N/A	N/A	N/A	N/A					
13	9																			
14	10	✓	✓	N/A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
15	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
16	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
17	13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
18	14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
19	15	N/A		N/A		✓		✓	✓	✓	✓	N/A	N/A	N/A	N/A					N/A
20	16																			
21	17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			x
22	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
23	19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
24	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
25	21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓
26	22	✓				✓		N/A	N/A	✓	✓	✓	✓	✓	✓					
27	23																			
28	24	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
29	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓
30	26																			
31	27																			
32	28																			
33	29																			

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January February March April May June July August September October November December

NOTE: Ms. Sample stated May of 2019 documents began being entered with a comprehensive record beginning in September of 2019. Document links begin in June of 2019, but were uploaded with permission restrictions until November of 2019. November of 2019-February of 2020 a complete and reviewable record is available.



**Attachment 30**

DAILY METHOD 22 - FIELD  
(2x/day)

Gypsum Resources Materials, LLC  
Blue Diamond Hill Mine

DATE: 2-3-202  
TIME: 4:00pm

NAME: Delbert Martinez

EU#	EU DESCRIPTION	VISIBLE EMISSIONS		CONTROL MEASURE OR CORRECTIVE ACTION TAKEN (Required if checked "YES")
		YES	NO	
A001	Blasting		✓	
A002	Overburden Removal		✓	
A003	Drilling		✓	
A32	Stockpiles		✓	
B01	Unpaved Access Road; BLM Road		✓	
B02	Gypsum Haul Road: On-site		✓	
B03	Gypsum Haul Road: Overburden		✓	
C01	Diesel Generator (Crusher)		✓	
C03	Diesel Generator (Office)		✓	
C05	Diesel Generator (Loadout)		✓	
C06	Diesel Generator		✓	
C07	Diesel Water Pump		✓	

NOTES: \_\_\_\_\_  
\_\_\_\_\_

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DAILY METHOD 22 - FIELD  
(2x/day)

Gypsum Resources Materials, LLC  
Blue Diamond Hill Mine

DATE: 2-3-2020

NAME: Delbert Martinez

TIME: 7:00 pm

EU#	EU DESCRIPTION	VISIBLE EMISSIONS		CONTROL MEASURE OR CORRECTIVE ACTION TAKEN (Required if checked "YES")
		YES	NO	
A001	Blasting		✓	
A002	Overburden Removal		✓	
A003	Drilling		✓	
A32	Stockpiles		✓	
B01	Unpaved Access Road; BLM Road		✓	
B02	Gypsum Haul Road: On-site		✓	
B03	Gypsum Haul Road: Overburden		✓	
C01	Diesel Generator (Crusher)		✓	
C03	Diesel Generator (Office)		✓	
C05	Diesel Generator (Loadout)		✓	
C06	Diesel Generator		✓	
C07	Diesel Water Pump		✓	

NOTES: \_\_\_\_\_  
\_\_\_\_\_

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**Attachment 31**

## BAG HOUSE MONTHLY INSPECTION

MONTH:	July	INSPECTOR:	Andy Stake
TO BE INSPECTED:	CONDITION:	REPAIRS AND COMMENTS	
CATWALK & STAIRS	Bad	N/A	
AIR COMPRESSOR	Good	Changed oil in agg side	
AIR LOCK	Good		
AUGER	Good		
MAIN BLOWER	Good		
DUCT PIPING	Fair	Few cracks, sealed with tape	
FRAME (WELDS)	Good		
DRIVE BELTS (ALL MOTORS)	Fair	Minimal cracking	
GAUGES	Good		
ELECTRICAL LINES	Good		
SEALS/LEAKS	Fair	Good condition, no leaks	
BAGS/CAGES	Fair		
HOUSEKEEPING	Bad	Excessive build up of material on pad	
OTHER			
NOTES:			

# BAG HOUSE MONTHLY INSPECTION

<b>MONTH:</b>	September		<b>INSPECTOR:</b>	Andy Stake
<b>TO BE INSPECTED:</b>	<b>CONDITION:</b>	<b>REPAIRS AND COMMENTS</b>		
CATWALK & STAIRS	Bad	NONE		
AIR COMPRESSOR	Good			
AIR LOCK	Good			
AUGER	Fair			
MAIN BLOWER	Good			
DUCT PIPING	Fair	need cross support		
FRAME (WELDS)	Good			
DRIVE BELTS (ALL MOTORS)	Fair	loose, cracking		
GAUGES	Fair			
ELECTRICAL LINES	Good			
SEALS/LEAKS	Good	No new leaks		
BAGS/CAGES	Fair			
HOUSEKEEPING	Fair	EXCESSIVE MATERIAL		
OTHER				
<b>NOTES:</b>				

# BAG HOUSE MONTHLY INSPECTION

<b>MONTH:</b>	October		<b>INSPECTOR:</b>	Andy Stake
<b>TO BE INSPECTED:</b>	<b>CONDITION:</b>	<b>REPAIRS AND COMMENTS</b>		
CATWALK & STAIRS	Fair	N/A		
AIR COMPRESSOR	Good			
AIR LOCK	Good			
AUGER	Good			
MAIN BLOWER	Good			
DUCT PIPING	Fair			
FRAME (WELDS)	Good			
DRIVE BELTS (ALL MOTORS)	Good	REPLACED WITH NEW 8V1700		
GAUGES	Good			
ELECTRICAL LINES	Good			
SEALS/LEAKS	Fair	NO NEW LEAKS		
BAGS/CAGES	Fair	BEGINNING TO GET PLUGGED		
HOUSEKEEPING	Bad	MISC. BAGS AND MATERIAL ON PAD		
OTHER				
<b>NOTES:</b>				

## BAG HOUSE MONTHLY INSPECTION

MONTH:	November	INSPECTOR:	Andy Stake
TO BE INSPECTED:			
CONDITION:	REPAIRS AND COMMENTS		
CATWALK & STAIRS	Bad	N/A	
AIR COMPRESSOR	Good	Serviced by Pioneer Equipment on 11/11	
AIR LOCK	Good		
AUGER	Good		
MAIN BLOWER	Good		
DUCT PIPING	Fair	Few cracks, sealed with tape	
FRAME (WELDS)	Good		
DRIVE BELTS (ALL MOTORS)	Fair	Minimal cracking	
GAUGES	Good		
ELECTRICAL LINES	Good		
SEALS/LEAKS	Fair	Good condition, no leaks	
BAGS/CAGES	Fair		
HOUSEKEEPING	Bad	Excessive build up of material on pad	
OTHER			
NOTES:			



## BAG HOUSE MONTHLY INSPECTION

<b>MONTH:</b>	February	<b>INSPECTOR:</b>	Andy Stake
<b>TO BE INSPECTED:</b>	<b>CONDITION:</b>	<b>REPAIRS AND COMMENTS</b>	
CATWALK & STAIRS	Bad	N/A	
AIR COMPRESSOR	Good	cleaned radiator and cooling fins	
AIR LOCK	Good		
AUGER	Good		
MAIN BLOWER	Good	clean side stack has cracks	
DUCT PIPING	Fair	Few cracks, sealed with tape	
FRAME (WELDS)	Good		
DRIVE BELTS (ALL MOTORS)	Fair	Minimal cracking/ loose	
GAUGES	Good		
ELECTRICAL LINES	Good		
SEALS/LEAKS	Fair	Good condition, no leaks	
BAGS/CAGES	Fair	excessive caking on bags, purged tell clean	
HOUSEKEEPING	Bad	AGG Side bags bulding up	
OTHER		Bags need replaced soon	
<b>NOTES:</b>			
Feb. 07, 2020			

**Attachment 32**

April 23, 2018

CERTIFIED MAIL #9171 9690 0935 0151 9340 60

Jim Rhodes, President and Responsible Official  
Gypsum Resources, LLC  
8912 Spanish Ridge Avenue, Suite #200  
Las Vegas, NV 89148

E-mail: [jrhodes@harmonyhomes.com](mailto:jrhodes@harmonyhomes.com)  
[rgillette@kingmanfarms.com](mailto:rgillette@kingmanfarms.com)

**Re: Blue Diamond Hill Gypsum, 8360 Nevada Highway 159, Blue Diamond, Nevada 89004; Source ID # 17286 - Performance Testing of Baghouses**

Dear Mr. Rhodes:

Based on the compliance evaluations performed at your Blue Diamond Hill Gypsum facility (Facility) on March 16, March 29 and April 5, 2018, Air Quality has determined, among other things, that Baghouse #1 and Baghouse #2 [Control Devices: CD01 and CD02] at the Facility are not operating in compliance with the Facility's Part 70 Operating Permit, issued November 13, 2017 (Permit). During our April 18, 2018 meeting held at the Air Quality offices, we informed you that retesting of the baghouses, after completion of necessary repairs, would be required to ensure both baghouses were operating in compliance with the Permit.

Therefore, pursuant to Subsection 4.4<sup>1</sup> of the Clark County Air Quality Regulations (AQR) and Condition III-D-9<sup>2</sup> of the Permit, the Control Officer directs you to conduct performance tests on the exhaust stacks of both baghouses by May 25, 2018 to demonstrate compliance with the applicable Permit requirements in accordance with the following:

- Submit a complete performance testing protocol to the Control Officer on or before the close of business on May 1, 2018 for testing both baghouses for PM/PM<sub>10</sub> and opacity utilizing the methodologies indicated in Table III-D-1 of the Permit. In the protocol, you must request test dates so that both baghouses are tested on or before the close of business on May 25, 2018.
- Submit the complete test results report for each baghouse to the Control Officer on or before the close of business on June 8, 2018.

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<sup>1</sup> "The Control Officer at any time may require from any person such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use . . ."

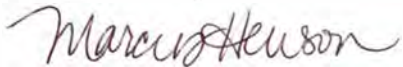
<sup>2</sup> "The Control Officer may require additional performance testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit."

Jim Rhodes, President  
April 23, 2018  
Page Two

All information submitted in response to this request must be certified as *true, accurate and complete* by the Facility's Responsible Official.

Should you have any questions regarding these matters, please contact Shibi Paul, Compliance and Enforcement Manager at (702) 455-1499 or Scott Jelinek, Compliance Supervisor at (702) 455-1680.

Sincerely,



Marci Henson  
Director and Control Officer

MH/pt

cc: Mapuana Urquijo, Responsible Official  
E-mail: [MURQUIJO@HIGHGRADEGYPSUM.COM](mailto:MURQUIJO@HIGHGRADEGYPSUM.COM)  
Gypsum Resources, LLC  
P.O. Box 147, Blue Diamond, NV 89004

**Attachment 33**

## Camon Liddell

---

**From:** Camon Liddell  
**Sent:** Tuesday, March 10, 2020 10:50 AM  
**To:** ROCKY@GYPSUMRESOURCES.COM  
**Cc:** tammy@gypsumresources.com  
**Subject:** Closing Summary & Deficiency List; Source ID: 17286

**Importance:** High

Hello Mr. Rhodes,

On February 26, 2020 and again on March 2, 2020, Air Quality Specialist Scott Rowsell, and I met with you and Ms. Tammy Sample, and performed a Full Compliance Evaluation (FCE) of Blue Diamond Hill Gypsum (Facility), located at 8360 Nevada Highway 159, Blue Diamond, Nevada 89004, which is permitted under Source ID: 17286. The evaluation period for this FCE was July 1, 2018 through March 2, 2020.

Air Quality staff utilized the following permit documents to determine the source's compliance status:

- Part 70 Operating Permit, Issued November 13, 2017 (2017 Permit);
- Part 70 Operating Permit, Issued November 13, 2017, revised November 14, 2019 (2019 Permit);
- Collectively (Permits); and
- Technical Support Document (TSD), dated November 13, 2017 (2017 TSD).

During that FCE, I identified the following deficiencies:

1. Invoice #037456, for stack test fees due 7/01/2019 totaling \$2,417.80, is unpaid. This **is not compliant with permit condition II.A.3 of the Permits.**
2. Invoice #041650, for annual fees due 2/03/2020, has an unpaid balance of \$2,932.58. This **is not compliant with permit condition II.A.3 of the 2019 Permit.**
3. In the 2019 Annual Compliance Certification Report (ACC), the Facility indicated Continuous Compliance under permit conditions associated with weekly moisture testing locations [permit conditions III.C.25.b(1-7) of the 2017 Permit and permit conditions III.D.27.b(i-vii) of the 2019 Permit], however records indicate not all sample locations were tested from throughout 2019. This **was not compliant with permit condition II.D.6.c of the 2019 Permit.**
4. During the period of 7/01/2018 through 12/31/2018, eighty-two (82) weekly moisture tests were not conducted, and twelve (12) tests conducted showed moisture levels below the permitted limit, however, the Semi-annual Report- 2018 2<sup>nd</sup> half did not indicate any permit deviations associated with weekly moisture testing. This **was not in compliance with permit condition II.D.8 of the 2017 Permit.**
5. Civil penalties remain unpaid associated with Notice of Violations (NOV) #9110, 9134, 9280, 9321, 9324, and 9339. This **is not compliant with paragraph 4 of the corresponding Hearing Officer Orders (HOO).** *Note: Deficiencies identified in the above NOVs are not included in this deficiency list.*
6. Continuous-duty Diesel Engines [Emission Unit (EU): C01, C05, & C08] were replaced without providing at least seven days' written notice to the Control Officer. This **is not compliant with Air Quality Regulation (AQR) - Section 12.5.2.12.a(2).** *Note: Air Quality has yet to receive notification of these engine changes.*
7. The Continuous-duty Diesel Engine (EU: C07) was replaced with an engine rated at a high horsepower without receiving prior authority from the Control Officer. This **is not compliant with permit conditions II.B.1 of the Permits.** *Note: Air Quality has yet to receive an application to include this engine change.*

8. The Gypsum Paved Haul Road; on-site (EU: B02) and Gypsum Paved Haul Road; Overburden (EU: B03) were operated as unpaved haul roads throughout the entire FCE period. This *is not compliant with permit condition II.B.1 of the Permits*.
9. Due to the the Gypsum Paved Haul Road; on-site (EU: B02) and Gypsum Paved Haul Road; Overburden (EU: B03) being operated as unpaved haul roads, the actual and potential emission limits during the entire FCE period were exceeded for these EUs. This *is not compliant with TSD Table III-B-1-1 of the 2017 TSD and Permit Table III-B-1 of the 2019 Permit*.
10. The operation limit of seventy-five (75) tons per 12 month consecutive limit of ANFO was exceeded for sixteen (16) consecutive months from July of 2018 through October of 2019. This *was not compliant with permit condition III.B.2.e of the 2017 Permit*.
11. The operational limit of 4,200 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C06) was exceeded for sixteen (16) consecutive months from July of 2018 through October of 2019. This *was not compliant with permit condition III.B.2.l of the 2017 Permit*.
12. The operational limit of 4,800 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C03) was exceeded for sixteen (16) consecutive months from July of 2018 through October of 2019. This *was not compliant with permit condition III.B.2.m of the 2017 Permit*.
13. The operational limit of 4,800 hours per any consecutive 12-month period for the Continuous-duty Diesel Engine (EU: C05) was exceeded for eleven (11) consecutive months from July of 2018 through May of 2019. This *was not compliant with permit condition III.B.2.m of the 2017 Permit*.
14. Forty (40) samples were taken within the FCE period that showed values below 1.5% moisture content. These were conducted from weekly moisture testing at six (6) locations with a minimum moisture level of 1.5% [3<sup>rd</sup> belt conveyor after the West Screen for 2” product (2” Conveyor), 3<sup>rd</sup> belt conveyor after the West Screen for 1/8” product (1/8” Conveyor), Reject Stockpile, 2” Stockpile, and Truck loading conveyor (EU: E02 or E04) (Truck Loading)]. This *was not compliant with permit condition III.B.3.2 of the 2017 Permit and III.C.3.a of the 2019 Permit*.
15. Two (2) samples were taken during the FCE period that showed values below 2.5% moisture. These were conducted from weekly moisture testing at one (1) location with a minimum moisture level of 2.5% [Direct loading from the overburden removal (Overburden)]. This *was not compliant with permit condition III.B.3.3 of the 2017 Permit*.
16. Maintenance records were not provided for the Continuous-duty Diesel Engine Water Pump (EU: C07) from July 1, 2018 through March 21, 2019, prior to the rental engine replacement, which indicates the required maintenance was not conducted. This *was not compliant with permit conditions III.B.3.14(a-c) & III.E.4.m of the 2017 Permit*.
17. Blasting operations were conducted on 4/02/2019 and 4/15/2019, with the 4/02/2019 event occurring during a Dust Advisory, and the 4/15/2019 event occurring during a Construction Notice. This *was not compliant with permit condition III.B.3.21 of the 2017 Permit*.
18. On February 26, 2020, Air Quality Staff observed fugitive dust emissions from the Unpaved Haul Road; BLM road (EU: B01) which demonstrated the Facility did not adequately water the unpaved BLM haul road to control fugitive dust emissions. This *was not compliant with permit conditions III.C.3.u & III.C.3.dd of the 2019*.
19. On February 26, 2020, Air Quality Staff documented two (2) haul trucks exceeding the speed limit of 15 miles per hour (mph) on the Unpaved Haul Road; BLM road (EU: B01). This *was not compliant with permit condition III.C.3.w of the 2019 Permit*.
20. In the Semi-annual Report- 2019 1<sup>st</sup> half, an incident was reported on 4/23/2019 in which a water truck was not utilized during drilling and blasting causing fugitive dust emissions. This *was not in compliance with permit conditions III.B.3.29 and III.B.3.31 of the 2017 Permit*.
21. Records were not provided for Method 22 Evaluation twice per day on all emissions units during eight (8) occurrences during the FCE period, which demonstrates the required monitoring was not conducted. Additionally, the Unpaved Haul Road; Material Hauling (EU: B04) was added in the 2019 Permit issuance and has yet to be evaluated from 11/14/2019 through 2/26/2020, totaling 104 days. This *was not compliant with permit conditions III.C.1 & III.E.4.a of the 2017 Permit and III.D.1 & III.F.4.a of the 2019 Permit*.

22. Records were not provided for monthly inspections of the interior Baghouse #1 [Control Device (CD): D01] and Baghouse #2 (CD: D02) for eight (8) nonconsecutive months between February of 2019 and January of 2020, which demonstrates the required monitoring was not conducted. Additionally, six (6) monthly interior baghouse records provided do not differentiate between CD: D01 and CD: D02, rendering the data contained within the documents of no use. This *was not compliant with permit conditions III.C.22 & III.E.4.n of the 2017 Permit and III.D.24 & III.F.4.n of the 2019 Permit.*
23. A Standard Operating Procedure for the Baghouse #1 (CD: D01) and Baghouse #2 (CD: D02) was not provided. This *is not compliant with permit conditions III.C.23 & III.E.4.m of the 2017 Permit and III.D.25 & III.F.4.m of the 2019 Permit.*
24. Records were not provided for weekly moisture sampling at the 2” Conveyor location for fifty-seven (57) nonconsecutive weeks, at the 1/8” Conveyor location for sixty-one (61) nonconsecutive weeks, at the Reject Stockpile location for fifty-five (55) nonconsecutive weeks, at the 2” Stockpile location for forty-six (46) nonconsecutive weeks, at the 1/8” Stockpile location for forty-six (46) nonconsecutive weeks, at the Overburden location for seventy-nine (79) nonconsecutive weeks, and at the Truck Loading location for sixty-one (61) nonconsecutive weeks, which demonstrates the required monitoring was not conducted. This *was not compliant with permit conditions III.C.25.b(1-7) & III.E.5.l of the 2017 Permit and III.D.27.b(i-vii) & III.F.5.n of the 2019 Permit*
25. Five (5) weekly moisture test reports consisting of twenty-three (23) samples were not submitted in the 2019 1<sup>st</sup> Semi-annual Report and two (2) test reports consisting of nine (9) samples were not submitted in the 2019 2<sup>nd</sup> Semi-annual Report. This *was not compliant with permit conditions III.C.29, III.E.5.l & III.F.5.a of the 2017 Permit and III.D.31, III.F.5.n & III.G.4.a of the 2019 Permit.*
26. Records were not provided for the daily gypsum materials processed for thirty-one (31) days of May of 2019, however, credible evidence was provided that the monitoring occurred. This *was not compliant with permit condition III.E.4.c of the 2017 Permit.*
27. Rental agreements containing engine manufacturer information were not provided regarding on-site engines for the Continuous-duty Diesel Engines (EUs: C05, C07 & C08). This *is not compliant with permit condition III.E.4.q of the 2017 Permit and III.F.4.q of the 2019 Permit.*

The deficiencies noted above for Blue Diamond Hill Gypsum are my preliminary findings and should be corrected immediately. The Division of Air Quality **may** issue a Notice of Violation even if the deficiencies are corrected. Once the FCE report is internally finalized, you may receive further documentation which will officially identify all the deficiencies. If you have any questions regarding this matter, please contact me via email or call me at the telephone number below.

**Please confirm receipt of this email by Friday, March 13, 2020.**

Thank you,

**Camon Liddell**

Sr. Air Quality Specialist  
Department of Environment & Sustainability  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118  
702.455.1648 (Direct Line)  
702.383.9994 (Fax)  
[camon.liddell@clarkcountyNV.gov](mailto:camon.liddell@clarkcountyNV.gov)





# EXHIBIT C

4701 W. Russell Road 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118-2231  
 Phone: (702) 455-5942 • Fax: (702) 383-9994  
 Marci Henson, Director

## Major Stationary Source Partial Compliance Evaluation Report

<b>1. Source Information:</b>					
Source Name:	Blue Diamond Hill Gypsum				
Source Address:	8360 Nevada Highway 159, Blue Diamond, NV 89004				
Source ID:	17286				
Applicable Permit:	Part 70 Operating Permit, issued on November 13, 2017				
Permit Issuance Dates*:	11/14/19	N/A	N/A	N/A	N/A
*Dates identify permits that were valid during this evaluation.					
SIC Code/Description:	1499: Miscellaneous Nonmetallic Minerals, Except Fuels				
NAICS Code/Description:	212399: All Other Nonmetallic Mineral Mining				
<b>2. Company Information:</b>					
Company Name:	Gypsum Resources, LLC				
Company Address:	8360 Nevada Highway 159, Blue Diamond, NV 89004				
<b>3. Contact Information:</b>					
Responsible Official (RO):	Ryan Rhodes	Title:	Mine Manager		
Mailing Address:	8360 Nevada Highway 159, Blue Diamond, NV 89004				
Telephone Number:	702-465-7391	Email:	rocky@gypsumresources.com		
<b>4. Evaluation Information:</b>					
Evaluation type:	Partial Compliance Evaluation				
Evaluation Period:	01/01/19 to 12/31/19				
Evaluation Performed by:	Scott Rowsell	Title:	Senior Air Quality Specialist		
<b>Evaluation Site Inspection</b>					
Inspection Date:	05/05/20				
Inspection Start Time:	N/A				
Inspection End Time:	N/A				
Previous Evaluation Date:					
<b>5. Report Preparation, Review and Approval:</b>					
<b>Report Action:</b>	<b>Name:</b>	<b>Completed:</b>			
Prepared By:	Scott Rowsell	05/05/2020			
Peer/Senior AQS Review:	Camon Liddell	05/05/2020			
Supervisor Review:	Scott Jelinek	05/06/2020			

**Summary:** On May 5, 2020, I, Scott Rowsell, Senior Air Quality Specialist conducted a Partial Compliance Evaluation (PCE) of Blue Diamond Hill Gypsum (Source ID: 17286), located at 8360 Nevada Highway 159, Blue Diamond, NV (Facility). This PCE consisted of a compliance review of the revised 2019 annual emission inventory report (EIR) and revised 2019, 2<sup>nd</sup> semi-annual report submitted to the Department of Environment and Sustainability, Division of Air Quality (Air Quality) on April 28, 2020. I utilized the following permits to determine the compliance status of the Facility:

- Part 70 Operating Permit, Source ID: 17286, issued November 13, 2017, revised on November 14, 2019 (2019 Permit);
- Part 70 Operating Permit, Source ID: 17286, issued November 13, 2017 (2017 Permit); and
- Collectively as “Permits”

During the PCE, I determined the following deficiencies:

1. Per a review of the revised 2019 EIR, the Facility reported annual source-wide CO emissions of 30.49 tons which exceeded the annual permit limit of 24.62 tons by 5.87 tons in calendar year 2019. Furthermore, the Facility reported annual source-wide VOC emissions of 4.61 tons which exceeded the annual permit limit of 4.28 tons by 0.33 tons in calendar year 2019; therefore, the Facility is ***not compliant with Table 1 of the 2019 Permit.***

*Note: Enforcement action is not recommended for this deficiency. Instead, this deficiency is being addressed in deficiency #2 as an unpermitted emission unit (EU) along with the EUs unpermitted emissions.*

2. Per a review of the revised 2019 EIR, I determined the Facility replaced the continuous-duty generator rated at 2,206 horsepower (hp) designated as [emission unit (EU: C01)] in the Permits with a continuous-duty generator rated at 2,922 hp without first obtaining an Authority to Construct permit from the Control Officer. Per the 2019 EIR, the unpermitted, 2,922 hp continuous-duty generator was designated as (EU: C01-1<sup>st</sup> Replace) and operated 341 hours during the 2019 calendar year; therefore, the Facility is ***not compliant with permit condition II.B.1 of the Permits*** which states that no person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) Permit from the Control Officer.

*Note: Enforcement action is recommended for this deficiency.*

**Narrative:** On May 5, 2020, I reviewed the revised 2019 EIR and 2019, 2<sup>nd</sup> semi-annual report submitted to Air Quality on April 28, 2020 (**Attachment 1**).

On May 5, 2020, I emailed Mr. Ryan Rhodes, Responsible Official a list of the preliminary deficiencies (**Attachment 2**).

**Source-wide Potential to Emit Review**

Per a review of the revised 2019 EIR, I determined that the Facility exceeded the permitted annual source-wide potential to emit (PTE) limits for the following two criteria pollutants: (1) carbon monoxide (CO) and (2) volatile organic compounds (VOC). The table below summarizes the source-wide PTE permit limits, reported emissions for calendar year 2019, and total exceedances for CO and VOC.

	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
<b>Actual Emissions (tons/year)</b>	81.08	1.38	66.46	30.49	0.09	4.61	0.17
<b>2019 Permit PTE Limit (tons/year)</b>	142.59	1.50	81.36	24.62	0.10	4.28	0.21
<b>Exceedance (tons/year)</b>	None	None	None	<b>5.87</b>	None	<b>0.33</b>	None

The Facility reported annual source-wide CO emissions as 30.49 tons which exceeded the annual permit limit of 24.62 tons by 5.87 tons in calendar year 2019 (**Attachment 1**). Furthermore, the Facility reported annual source-wide VOC emissions as 4.61 tons which exceeded the annual permit limit of 4.28 tons by 0.33 tons in calendar year 2019 (**Attachment 1**); therefore, the Facility is *not compliant with Table 1 of the 2019 Permit* which states:

**Table 1. Source-wide Potential to Emit**

<b>Pollutant</b>	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
Tons/year	142.59	1.50	81.36	24.62	0.10	4.28	0.21

*Note: Enforcement action is not recommended for this deficiency. Instead, this deficiency is being addressed in deficiency #2 as an unpermitted emission unit (EU) along with the EUs unpermitted emissions.*

**General Conditions Review**

Per a review of the revised 2019 EIR, I determined the Facility replaced the continuous-duty generator rated at 2,206 horsepower (hp) designated as [emission unit (EU: C01)] in the Permits with a continuous-duty generator rated at 2,922 hp without first obtaining an Authority to Construct permit from the Control Officer. Per the 2019 EIR, the unpermitted, 2,922 hp continuous-duty generator was designated as (EU: C01-1<sup>st</sup> Replace) and operated 341 hours during the 2019 calendar year (**Attachment 1**); therefore, the Facility was *not compliant with permit condition II.B.1 of the Permits* which states:

“No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) Permit from the Control Officer [AQR 12.4.1.1(a)]”

*Note: Enforcement action is recommended for this deficiency.*

## **Attachments**

**Attachment 1:** 2019 EIR and 2019, 2<sup>nd</sup> semi-annual report submitted on April 28, 2020.

**Attachment 2:** Preliminary deficiencies email sent to Mr. Ryan Rhodes, Responsible Official.

**Attachment 1**



**CLARK COUNTY • DEPARTMENT OF AIR QUALITY**

4701 W. Russell Rd., Suite 200 • 2<sup>nd</sup> Floor • Las Vegas, NV 89118-2231  
 (702) 455-5942 • Fax (702) 383-9994



For DAQ Use Only

**Certification Statement**

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the following stationary source:

Source ID:	Source Name:
17286	Gypsum Resources, LLC

**Certification**

Name of Responsible Official:	Responsible Official's Title:	Company/Organization:
Rocky Rhodes	Mine Manager	Gypsum Resources, LLC
		
Responsible Official's Signature		Certification Date

## Revised 2019 Emission Inventory

The Part 70 Operating Permit (Permit) requires that an emission inventory be generated and submitted to the Division of Air Quality (Air Quality), which includes the emission factors and calculations used to determine the emissions from each permitted emission unit. Actual emissions for calendar year 2019 are given in the table below. Actual emissions for both CO and VOC exceeded the permitted limit for both pollutants. For further details and emission calculations, please refer to the Attachment *Revised 2019 Emission Inventory*.

	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>VOC</b>	<b>HAP</b>
<b>Actual Emissions (tons/yr)</b>	<b>81.08</b>	<b>1.38</b>	<b>66.46</b>	<b>30.49</b>	<b>0.09</b>	<b>4.61</b>	<b>0.17</b>
<b>Permit Limit (tons/yr)</b>	142.59	1.50	81.36	24.62	0.10	4.28	0.21

Should you have any questions or concerns regarding this submittal, please feel free to contact me.

Sincerely,

Ryan Rhodes   
 Manager and Responsible Official

Attachment: Revised 2019 Emission Inventory





**BLUE DIAMOND HILL**

**G Y P S U M**

*Gypsum Resource Materials, LLC*

*P.O. Box 147*

*Blue Diamond, Nevada 89004*

*702-830-3378 (Office) 702-441-7148 (Fax)*

[www.bdhgypsum.com](http://www.bdhgypsum.com)

April 17, 2020

Control Officer, Compliance Division  
Clark County Department of Environment & Sustainability  
Division of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118

**RE: 2019 Emission Inventory - REVISED  
Gypsum Resources, LLC – Air Quality Source 17286**

Gypsum Resources, LLC, is submitting the attached revised Emission Inventory for calendar year 2019 in response to the electronic mail dated April 16, 2020 from Mr. Scott Rowsell. Following are the requested revisions (**bold**) and the associated corrective action.

1. **The 2019 EIR lists the hours of operation for diesel engine (EU: C01) as (2,808 hours); however, the revised 2019, 2<sup>nd</sup> semi-annual report lists the hours of operation as (3,231 hours) in the Gypsum Resources Monthly Production Records table and as (3,319 hours) in the Gypsum Resources Rolling 12-month Production (Jan 2019 - Dec 2019). Please correct the reports with the actual hours of operation (EU:C01) for 2019.**

The 2019 Emission Inventory hours of operation for EU: C01, Continuous-duty Diesel Engine, are correct. The revised 2019 2<sup>nd</sup> Semi-Annual Report is being submitted under separate cover and includes the required explanation and corrective action.

2. **The emission factors for diesel engine (EU: C03) in the “Permitted Emissions (tons/yr)” column are incorrect. Please correct the “Permitted Emissions (tons/yr)” factors for EU: C03.**

The emission factors for EU: C03, Continuous-duty Diesel Engine, have been corrected in the attached revised Emission Inventory.

3. **The PM<sub>10</sub> emission factor for diesel engine (EU: C07) in the “Permitted Emissions (tons/yr)” column is incorrect. Please correct the “Permitted Emissions (tons/yr)” PM<sub>10</sub> factor for EU: C07.**

The PM<sub>10</sub> emission factor for EU: C07, Continuous-duty Diesel Engine, has been corrected in the attached revised Emission Inventory.

EU	Description	Throughput (tons/yr)		PM <sub>10</sub> EF lbs/ton	Control Factor	Controlled PM <sub>10</sub> EF lbs/ton	PM <sub>10</sub> Emissions (tons/yr)	
		Permitted	Actual				Permitted	Actual
<b>Mineral Processing Plant</b>								
A00	Truck Unloading to Stockpile from Mining	1,280,000	1,041,273	0.08	0.10	0.008	5.12	4.17
A01	Loader to VGF	1,280,000	1,041,273	0.04	0.10	0.004	2.79	2.27
	Vibrating Grizzly Feeder (VGF to VGF Underbelt)							
A02	VGF Underbelt (VGF Underbelt to Reject Conveyor)	560,000	455,557	0.01	1.00	0.01	2.80	2.28
A03	Reject Conveyor (Reject Conveyor to Reject Screen)	560,000	455,557	Emissions included in A39				
A39	Reject Screen (6' x 20')	560,000	455,557	0.08	0.01	0.0008	0.22	0.18
A04	Screen Underbelt (Screen Underbelt to Recirc Conveyor #1)	560,000	455,557	0.01	1.00	0.01	2.80	2.28
A06	Recirc Conveyor #1 (Recirc Conveyor #1 to VGF)	560,000	455,557	Emissions included in A01				
A09	Reject Underbelt (Reject Underbelt to Reject Stacker)	560,000	455,557	0.01	0.185	0.0019	0.52	0.42
A33	Reject Stacker (Reject Stacker to Reject Stockpile)	560,000	455,557	0.04	0.185	0.0074	2.07	1.69
A05	HSI Crusher (VGF to HSI Crusher)	1,280,000	1,041,273	0.13	0.01	0.0013	0.83	0.68
	HSI Underbelt							
A07	HSI Underbelt to Surge Bin	1,280,000	1,041,273	0.01	0.01	0.0001	0.06	0.05
A10	Surge Bin (Surge Bin to West Conveyor)	1,280,000	1,041,273	0.01	0.01	0.0001	0.06	0.05
A11	West Conveyor (West Conveyor to West Screen)	1,280,000	1,041,273	Emissions included in A08				
A08	West Screen (8' x 20')	1,280,000	1,041,273	0.08	0.01	0.0008	0.51	0.42
A12	West Underbelt (West Underbelt to Cone Conveyor)	400,000	325,398	0.01	1.00	0.01	2.00	1.63
A48	Cone Conveyor (Cone Conveyor to Cone Crusher)	400,000	325,398	Emissions included in A34				
A34	Cone Crusher	400,000	325,398	0.13	0.01	0.0013	0.26	0.21
	Cone Underbelt							
A35	Cone Underbelt to Recirc Conveyor #2	400,000	325,398	0.01	1.00	0.01	2.00	1.63
A40	Recirc Conveyor #2 (Recirc Conveyor #2 to West Screen)	400,000	325,398	Emissions included in A08				
A36	Conveyor System (Belts #1-#7)	1,280,000	1,041,273	0.07	0.185	0.013	8.29	6.74
A38	Stacker 2"	1,280,000	1,041,273	0.04	0.185	0.007	4.74	3.85
A41	Conveyor System (Belts #8-#14)	1,280,000	1,041,273	Emissions included in A36				
A79	Stacker 1/8"	1,280,000	1,041,273	Emissions included in A38				
<b>Truck Loading</b>								
E01	Loader to Hopper	1,280,000	730,037	0.04	0.185	0.007	4.74	2.70
E02	Conveyor System (2 belts)	1,280,000	730,037	0.02	0.185	0.004	2.37	1.35
E03	Loader to Hopper	1,280,000	730,037	Emissions included in E01 & E02				
E04	Conveyor System (2 belts)	1,280,000	730,037	Emissions included in E01 & E02				
F01	Loader to Hopper	1,280,000	730,037	Emissions included in E01 & E02				
F02	Conveyor System (2 belts)	1,280,000	730,037	Emissions included in E01 & E02				
<b>Overburden Removal</b>								
A002	Overburden Removal	3,400,000	485,819	0.08	0.10	0.008	13.60	1.94

Stockpiles								
EU	Description	Permitted Acreage	Actual Acreage	PM <sub>10</sub> EF (lbs/acre-day)	Control Factor	Controlled PM <sub>10</sub> EF (lbs/acre-day)	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
A32	Stockpiles	25.0	15.1	1.66	Moisture	1.66	7.57	4.56
Haul Roads								
EU	Description	Permitted VMT	Actual VMT	PM <sub>10</sub> EF (lbs/VMT)	Control Factor	Controlled PM <sub>10</sub> EF (lbs/VMT)	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
B01	BLM Haul Road (unpaved)	128,000	81,624	7.57	0.10	0.757	48.45	30.89
B02	Onsite Haul Road (paved)	32,000	20,406	7.57	0.02	0.151	2.42	1.54
B03	Overburden Haul Road (paved)	68,000	64,686	7.57	0.02	0.151	5.15	4.90
B04	Material Haul Road (unpaved)	38,400	4,244	7.57	0.10	0.757	14.53	1.61
EU	Description	Permitted Blasting Operations (ft <sup>2</sup> /blast)	Number of Blasts (blasts/year)	EF (lbs/blast)	Control Factor	Controlled EF (lbs/blast)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - PM <sub>10</sub>	25,000	31	28.78	1.00	28.78	2.88	0.45
	Blasting - PM <sub>2.5</sub>			1.66	1.00	1.66	0.17	0.03
EU	Description	Permitted ANFO Usage (tons/yr)	Actual ANFO Usage (tons/yr)	EF (lbs/ton)	Control Factor	Controlled EF (lbs/ton)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - NO <sub>x</sub>	600	561	7.92	1.00	7.92	2.38	2.22
	Blasting - CO			40.97	1.00	40.97	12.29	11.49
EU	Description	Permitted Drilling Operations (holes/yr)	Actual Drilling Operations (holes/yr)	EF (lbs/hole)	Control Factor	Controlled EF (lbs/hole)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A003	Drilling - PM <sub>10</sub>	14,000	3,851	0.68	1.00	0.68	4.76	1.31
	Drilling - PM <sub>2.5</sub>			0.04	1.00	0.04	0.28	0.08



Clark County Department of Air Quality and  
Environmental Management

**TITLE V – REQUIRED MONITORING REPORT CERTIFICATION**

<b>Company Name: Gypsum Resources, LLC</b>	<b>Facility ID: 17286</b>
<b>Reporting Period: July 1, 2019 through December 31, 2019</b>	

**CERTIFICATION:**

I certify that based on information and belief formed after reasonable inquiry, the statements and all information provided in this reporting package is true, accurate, and addresses all deviations during the reporting period:

Signature of Responsible Official RRR Date: 4-27-20

Name of Responsible Official (please print) Ryan Rhodes

Title of Responsible Official (please print) Mine Manager

**Mail to:** Department of Air Quality  
Compliance Reporting Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118



**BLUE DIAMOND HILL**

**G Y P S U M**

*Gypsum Resource Materials, LLC*

*P.O. Box 147*

*Blue Diamond, Nevada 89004*

*702-830-3378 (Office) 702-441-7148 (Fax)*

[www.bdhgypsum.com](http://www.bdhgypsum.com)

April 17, 2020

Control Officer, Compliance Division  
Clark County Department of Environment & Sustainability  
Division of Air Quality  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118

**RE: 2019 2<sup>nd</sup> Semi-Annual Report - REVISED  
Gypsum Resources, LLC – Air Quality Source 17286**

Gypsum Resources, LLC, is submitting a revised 2019 2<sup>nd</sup> Semi-Annual Report for the compliance period of July 1, 2019 through December 31, 2019. This revised 2<sup>nd</sup> Semi-Annual Report is being submitted in response to the electronic mail dated April 16, 2020 from Mr. Scott Rowsell.

For calendar year 2019, EU: C01, Continuous-duty Diesel Engine, operated for a total of 2,808 hours. In October, November and December 2019, EU: C01 was replaced with two different diesel engines that operated for a total of 511 hours. The hours of operation for the two replacement diesel engines were included in the total hours of operation for EU: C01 in the report dated March 27, 2020. In the enclosed revised report, the hours of operation for each replacement diesel engine is reported separately.

Should you have any questions or concerns regarding this submittal, please feel free to contact my consultant, Broadbent & Associates, Inc. at [smcnulty@broadbentinc.com](mailto:smcnulty@broadbentinc.com) or (702) 563-0600.

Sincerely,  
Gypsum Resources, LLC.

Ryan Rhodes   
Mine Manager/Responsible Official

Attachment: Revised 2<sup>nd</sup> Semi-Annual Report

**Attachment: Revised 2<sup>nd</sup> Semi-Annual Report**



**BLUE DIAMOND HILL**  
**G Y P S U M**

*Gypsum Resource Materials, LLC*  
*P.O. Box 147*  
*Blue Diamond, Nevada 89004*  
*702-830-3378 (Office) 702-441-7148*  
*(Fax) [www.bdhgypsum.com](http://www.bdhgypsum.com)*

January 29, 2019

Clark County DAQ  
4701 West Russell Road, Suite 200  
Las Vegas, Nevada 89118  
Attention: Control Officer

Re: Gypsum Resources, LLC (Source ID: 17286)  
2<sup>nd</sup> Semi-Annual Report 2019

Dear Control Officer:

Gypsum Resources, LLC is pleased to present the following semi-annual report summarizing source operations during the 2<sup>nd</sup> half of 2019. The Part 70 Operating Permit (Permit) requires that a semi-annual report be generated and submitted to the Department of Air Quality (DAQ). The Permit was modified during calendar year 2019. The following semi-annual report contains the requirements from both the original Permit (dated November 13, 2017) and the modified Permit (dated November 14, 2019), as well as the associated logs and records as provided by the source.

**SEMI-ANNUAL – 2<sup>nd</sup> HALF 2019**

**Permit Dated: November 13, 2017**

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- c) *amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application was submitted to DAQ in August of 2018 to increase the permitted ANFO usage at the mine.

- d) *monthly square footage of blasting area and consecutive 12-month total (EU: A001);*

The square footage of blasting area used monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- e) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- j) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C03, C05, C06, and C07);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.



*k) monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*l) weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

*m) deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

*n) deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Permit Dated: November 14, 2019

*a) monthly hourly operational logs;*

The monthly hourly operational log is presented in the attached Gypsum Resources Monthly Production Records table.

*b) throughput of gypsum material processed monthly and consecutive 12-month total;*

The throughput of gypsum material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*c) number of blasts monthly and consecutive 12-month total (EU: A001);*

The monthly number of blasts is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

*d) amount of ANFO for blasting used monthly and consecutive 12-month total (EU: A001);*

The throughput of ANFO used monthly for blasting is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month throughput is presented in the Gypsum Resources Rolling 12-Month Production table also attached. Please note that a modification application was submitted to DAQ in August of 2018 to increase the permitted ANFO usage at the mine.

*e) square footage of blasting area per blast and consecutive 12-month total (EU: A001);*

The square footage of blasting area per blast is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month blasting area is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- f) *production of overburden material processed monthly and consecutive 12-month total (EU: A002);*

The production of overburden material processed monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month overburden material production total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- g) *number of holes drilled per each month and consecutive 12-month total (EU: A003);*

The number of holes drilled monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month holes drilled total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- h) *monthly VMT on the BLM unpaved haul road and consecutive 12-month total (EU: B01)*

The VMT travelled monthly on the BLM unpaved haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- i) *monthly VMT on the on-site paved haul road and consecutive 12-month total (EU: B02)*

The VMT travelled monthly on the on-site haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- j) *monthly VMT on the overburden paved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the overburden haul road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- k) *monthly VMT on the material hauling unpaved haul road and consecutive 12-month total (EU: B03)*

The VMT travelled monthly on the material hauling road is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month VMT is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- l) *monthly hours of operation of each continuous-duty diesel engine/water pump and consecutive 12-month total (EUs: C01, C05, C06, C07, and C08);*

The monthly hours of operation of each continuous-duty diesel engine/water pump are presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month hourly operation totals are presented in the Gypsum Resources Rolling 12-Month Production table also attached.

- m) *monthly shipment of gypsum material and consecutive 12-month total (EUs: E01, E02, E03, E04, F01, and F02);*

The shipments of gypsum loaded into trucks in tons monthly is presented in the attached Gypsum Resources Monthly Production Records table and the consecutive 12-month tons shipped total is presented in the Gypsum Resources Rolling 12-Month Production table also attached.

n) *weekly and monthly moisture sampling results; (reported as required in Section III-F);*

The weekly and monthly moisture sampling was conducted by GES Inc. Their reported results are attached.

o) *deviations from permit requirements that result in excess emissions;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

p) *deviations from permit requirements that do not result in excess emissions and;*

A summary of all deviations encountered during the reporting period are presented on the attached DAQ provided form.

Should you have any questions regarding this submittal please feel free to contact us.

Best regards,

Ryan Rhodes, Manager and Responsible Official Blue  
Diamond Hill Gypsum

Attachment: Monthly and Rolling 12-Month Production Tables  
GES Inc. Laboratory Moisture Results  
Deviation Reporting Form

cc. Scott McNulty, Broadbent & Associates, Inc.

Gypsum Resources Monthly Production Records

	Facility Operating Hours	Gypsum Material Processed	Number of Blasts	Blasting Area	Blasting Area	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site paved roads	VMT, overburden paved roads	VMT, overburden paved roads	VMT, Material unpaved roads	C01 Crusher Generator, hours	Replacement 1 - C01 Crusher Generator, hours	Replacement 2 - C01 Crusher Generator, hours	C03 Office Generator, hours	C05 Loadout Generator, hours	C06 John Deere Generator, hours	C07 Water Pump, hours	C08 Office Generator, hours	Total Truck Loading for Shipment of Gypsum Material
Permit Limits	16 hrs/day M - F 10 hrs/day Sat	1,280,000	200	25,000	25,000	700,000	600	3,400,000	14,000	128,000	32,000	68,000	340,000	38,400	4,200	NA	NA	4,800	6,500	6,500	4,200	8,760	1,280,000
	hours	ton/year	blasts/year	average ft <sup>2</sup> /blast	ft <sup>2</sup> /blast	ft <sup>2</sup> /year	tons/year	tons/year	holes/year	VMT/year	VMT/year	VMT/year	VMT/year	VMT/year	hours/year	hours/year	hours/year	hours/year	hours/year	hours/year	hours/year	hours/year	tons/year
July	400	88,154				0	0	14,975	0	7,636	1,909		4,026		340			792	320	0	440		67,984
August	402	88,213				24,480	25	39,354	170	8,956	2,239		3,916		318			646	275	0	156		75,053
September	356	124,185				13,154	21	27,971	91	8,412	2,103		5,168		319			763	289	0	535		72,837
October	408	126,437				46,656	49	25,276	324	7,676	1,919		6,284		392	19		735	323	0	159		71,442
November	300	78,243	2	11,180	22,360		20	35,592	195	6,100	1,525	1,409		2,113	0	251		613	195	0	56	0	56,648
December	360	88,137	2	16,488	32,975		36	18,091	229	6,008	1,502	1,421		2,131	0	71	170	72	286	0	42	650	58,099
SEMI-ANNUAL TOTAL (July - December):	2,226	573,369	4	13,834	55,335	84,240	152	161,259	1,009	44,788	11,197	2,830	19,396	4,244	1,369	341	170	3,621	1,888	0	1,388	650	402,064
2019 TOTAL:	4,324	1,041,273	4	13,834	55,335	577,695	501	485,819	3,851	81,624	20,400	2,830	61,856	4,244	2,808	341	170	7,478	3,496	2,589	2,940	650	730,837

NOTE: The above table includes all reportable production records from both permits. Production records that have areas blacked out are records that are new, discontinued or revised.

Gypsum Resources Rolling 12-Month Production

Rolling 12-Month Production Records	Gypsum Material Processed	Number of Blasts	Average Blasting Area	Blasting Area	Blasting Area	Amount of ANFO used for blasting	Overburden Material Processed	Number of Holes Drilled	VMT, BLM unpaved road	VMT, on-site paved roads	VMT, overburden paved roads	VMT, overburden paved roads	VMT, Material unpaved roads	C01 Crus General hours
Permit Limits	1,280,000	200	25,000	25,000	700,000	600	3,400,000	14,000	128,000	32,000	68,000	340,000	38,400	4,200
	<i>ton/year</i>	<i>blasts/year</i>	<i>average ft<sup>2</sup>/blast</i>	<i>ft<sup>2</sup>/blast</i>	<i>ft<sup>2</sup>/year</i>	<i>tons/year</i>	<i>tons/year</i>	<i>holes/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>VMT/year</i>	<i>hours/yr</i>
August 2018 - July 2019	1,040,467				630,699	495	662,772	3,940	93,192	23,298		80,876		3,343
September 2018 - August 2019	1,065,213				637,679	507	643,568	3,935	93,552	23,388		77,440		3,398
October 2018 - September 2019	1,096,196				631,994	508	625,928	3,838	92,504	23,126		75,508		3,398
November 2018 - October 2019	1,105,144				632,005	539	570,504	3,924	88,384	22,096		73,992		3,400
December 2018 - November 2019	1,074,554	2	11,180	11,180		544	548,428	3,823		21,120	1,409		2,113	3,033
January 2019 - December 2019	1,041,273	4	13,834	27,668		561	485,819	3,851		20,406	2,830		4,244	2,808

NOTE: The above table includes all reportable production records from both permits. Production records that have areas blacked out are records that are new, discontinued or revised.



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-288

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/3/2019

Sample:	2" Conveyor	2" Stockpile	1/8" Conveyor	1/8" Stockpile		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	1155.30	1344.20	820.50	839.30		
DRY WT. + TARE	1133.90	1318.50	811.00	819.20		
TARE WT.	127.70	131.40	132.80	126.60		
DRY WT.	1006.20	1187.10	678.20	692.60		
WEIGHT LOST	21.40	25.70	9.50	20.10		
% MOISTURE	2.1	2.2	1.4	2.9		

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-295

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/8/2019

<b>Sample:</b>	<b>2" Stockpile</b>	<b>2" Conveyor</b>	<b>1/8" Stockpile</b>	<b>1/8" Conveyor</b>		
<b>Depth:</b>	N/A	N/A	N/A	N/A		
<b>WET WT. + TARE</b>	1659.60	1325.30	993.80	945.10		
<b>DRY WT. + TARE</b>	1645.90	1284.10	961.70	923.20		
<b>TARE WT.</b>	110.10	110.60	96.00	110.20		
<b>DRY WT.</b>	1535.80	1173.50	865.70	813.00		
<b>WEIGHT LOST</b>	13.70	41.20	32.10	21.90		
<b>% MOISTURE</b>	0.9	3.5	3.7	2.7		

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
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SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-306

**Project No.:** 20174152C1

**Tested By:** K. Marin

**Date:** 7/15/2019

Sample:	2" Stockpile - High Quality	2" Stockpile - Low Quality	1/8" Stockpile	Reject Stockpile		
WET WT. + TARE	1085.60	897.10	1119.30	1057.70		
DRY WT. + TARE	1066.80	883.30	1113.70	992.50		
TARE WT.	159.90	155.60	159.50	155.70		
DRY WT.	906.90	727.70	954.20	836.80		
WEIGHT LOST	18.80	13.80	5.60	65.20		
% MOISTURE	2.1	1.9	0.6	7.8		

**Remarks/Condition:** Material Source #17286





**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-406

**Project No.:** 20174152C1

**Tested By:** D. Chenault

**Date:** 9/26/2019

Sample:	Crusher Ag	Crusher Concrete	Reject sample	Mining Gypsum	Mining Dirty Gypsum	
WET WT. + TARE	519.10	533.80	512.70	532.60	543.20	
DRY WT. + TARE	509.30	521.70	498.10	521.20	518.00	
TARE WT.	129.00	125.80	133.00	132.20	127.10	
DRY WT.	380.30	395.90	365.10	389.00	390.90	
WEIGHT LOST	9.80	12.10	14.60	11.40	25.20	
% MOISTURE	2.6	3.1	4.0	2.9	6.4	

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
ENVIRONMENTAL  
SERVICES, INC.**

7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill/ Gypsum Resource

**Lab No.:** 19-406

**Project No.:** 20174152C1

**Tested By:** D. Chenault

**Date:** 10/1/2019

Sample:	2" Stockpile	2" Conveyor	1/8" Stockpile	1/8" Conveyor	Reject Stockpile	Reject Conveyor
WET WT. + TARE	532.50	565.20	538.70	515.00	555.10	553.40
DRY WT. + TARE	527.50	557.30	523.60	506.80	543.30	544.70
TARE WT.	152.70	132.40	126.90	153.60	126.20	128.30
DRY WT.	374.80	424.90	396.70	353.20	417.10	416.40
WEIGHT LOST	5.00	7.90	15.10	8.20	11.80	8.70
% MOISTURE	1.3	1.9	3.8	2.3	2.8	2.1

**Remarks/Condition:** Material Source #17286



**GEOTECHNICAL &  
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7150 Placid Street  
Las Vegas, NV 89119  
(702) 365-1001

### Moisture Content Log

**Project Name:** Blue Diamond Hill Gypsum Resource

**Lab No.:** 19-447

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 10/28/2019

Sample:	Reject	2" Stockpile	1/8" Stockpile	Loadout Conveyor		
Depth:	N/A	N/A	N/A	N/A		
WET WT. + TARE	983.70	1759.80	896.40	1502.80		
DRY WT. + TARE	953.60	1749.40	879.30	1485.30		
TARE WT.	132.30	135.70	156.70	143.60		
DRY WT.	821.30	1613.70	722.60	1341.70		
WEIGHT LOST	30.10	10.40	17.10	17.50		
% MOISTURE	3.7	0.6	2.4	1.3		

**Remarks/Condition:** Material Source #17268



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-470

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 11/18/2019

Sample:	Reject	2" Stockpile	2" Conveyor	1/8" Stockpile	Loadout Conveyor	
WET WT. + TARE	1334.30	1688.00	1529.50	854.00	1879.90	
DRY WT. + TARE	1299.20	1668.60	1508.50	820.30	1851.70	
TARE WT.	131.80	127.30	152.90	132.10	133.50	
DRY WT.	1167.40	1541.30	1355.60	688.20	1718.20	
WEIGHT LOST	35.10	19.40	21.00	33.70	28.20	
% MOISTURE	3.0	1.3	1.5	4.9	1.6	

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-478

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 11/25/2019

<b>Sample:</b>	<b>2" Stockpile</b>	<b>1/8" Stockpile</b>	<b>Loadout Conveyor</b>			
WET WT. + TARE	1571.10	1173.70	1590.00			
DRY WT. + TARE	1510.60	1078.70	1554.80			
TARE WT.	126.90	132.60	135.30			
DRY WT.	1383.70	946.10	1419.50			
WEIGHT LOST	60.50	95.00	35.20			
% MOISTURE	4.4	10.0	2.5			

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-483

**Project No.:** 20174152C1

**Tested By:** R. Thomsen

**Date:** 11/27/2019

Sample:	2" Stockpile	1/8" Stockpile	2" Certainfeed Stockpile	Loadout Conveyor		
WET WT. + TARE	1071.50	730.10	1092.50	1105.70		
DRY WT. + TARE	1044.80	710.70	1076.20	1067.90		
TARE WT.	95.90	108.80	108.60	108.90		
DRY WT.	948.90	601.90	967.60	959.00		
WEIGHT LOST	26.70	19.40	16.30	37.80		
% MOISTURE	2.8	3.2	1.7	3.9		

**Remarks/Condition:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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### Moisture Content Log

**Project Name:** Gypsum Moisture Testing

**Lab No.:** 19-489

**Project No.:** 20174152C1

**Tested By:** J. Garcia-Vega

**Date:** 12/9/2019

Sample:	Reject	2" Stockpile	2" Conveyor Belt	1/8" Stockpile	1/8" Conveyor Belt	Loadout Conveyor
WET WT. + TARE	1145.70	1773.40	1666.40	965.50	1057.00	1638.30
DRY WT. + TARE	1103.50	1731.70	1644.30	944.70	1031.00	1583.90
TARE WT.	154.40	124.20	133.10	128.40	127.40	157.30
DRY WT.	949.10	1607.50	1511.20	816.30	903.60	1426.60
WEIGHT LOST	42.20	41.70	22.10	20.80	26.00	54.40
% MOISTURE	4.4	2.6	1.5	2.5	2.9	3.8

**Remarks/Condition:** Material Source #17268



## Department of Air Quality Compliance Reporting Section

### Title V - REQUIRED MONITORING REPORT – DEVIATION FORM

<b>Company Name: Gypsum Resources, LLC</b>						<b>Facility ID: 17286</b>	
<b>Reporting Period: July 1, 2019 through December 31, 2019</b>							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
All Emission Units	III.C.1; III.E.4.m; III.D.1; III.F.4.m	Visible Emissions	July 1, 2019 – December 31, 2019	Two daily VE checks on all emission units	NA	No excess emissions occurred from this deviation	Of the approximately 920 required visible emissions checks, 58 visible emissions checks were not completed while emissions units were in operation.
D01, D02	III.C.22; III.E.4.n; III.D.24; III.F.4.n	Baghouse Inspection	July 1, 2019; December 31, 2019	Monthly baghouse interior inspections	NA	No excess emissions occurred from this deviation	A monthly baghouse interior inspection was not conducted in December 2019.
D02	II.D.7; III.B.3.6; III.C.3.e	Visible Emissions	September 6, 2019	Emissions vented to baghouse at all times	Visible emissions from process equipment ductwork	1 day	Ductwork from process equipment to the baghouse was coming apart and dust was not reaching the baghouse. Facility did not report excess emissions within 24-hours as required.
D02	II.D.7; III.B.3.6; III.C.3.e	Visible Emissions	August 20, 2019, 10:00 AM – 3:00 PM	Emissions vented to baghouse at all times	Visible emissions from process equipment ductwork	5 hours	Ductwork from process equipment to the baghouse was coming apart and dust was not reaching the baghouse.
Facility	III.C.25; III.E.5.i; III.D.27; III.F.5.n	Moisture Content	July 1, 2019 – December 31, 2019	Conduct weekly moisture content testing	NA	No excess emissions occurred from this deviation	Moisture content sampling and analysis was not conducted the following weeks : Jul 22, Jul 29, Aug 5, Aug, 12, Aug 19, Aug, 26, Sept 2, Sept 9, Sept 16, Oct 7, Oct 14, Oct 21, Nov 4, Nov 18, Nov 25, Dec 2, Dec 9, Dec 16, and Dec 23.
Facility	III.C.26; III.E.5.i; III.D.28; III.F.5.n	Moisture Content	July 1, 2019 – December 31, 2019	Conduct monthly third party moisture content testing	NA	No excess emissions occurred from this deviation	Third Party moisture content sampling and analysis was not conducted the following months : August and December 2019.
Generators	II.B.1	Unpermitted Emission Units	July 1, 2019 – December 31, 2019	Unpermitted Generators	Diesel-fired generator emissions	July 1, 2019 – December 31, 2019	Facility has had unpermitted diesel-fired generators on-site.



Company Name: Gypsum Resources, LLC							Facility ID: 17286
Reporting Period: July 1, 2019 through December 31, 2019							
Emission Unit Number	Permit Condition #	Parameters Monitored	Periods of Deviation	Permit Limit	Actual Emissions	Excess Emission Deviation Period	Explanation
Generators	III.B.3.13; III.E.4.m; III.B.3.14; III.C.1; III.C.m; III.F.4.m	Generator Maintenance	July 1, 2019 – December 31, 2019	Maintenance per manufacturer's specifications	NA	No excess emissions occurred from this deviation	Diesel-fired generator maintenance records were not available.
Generators	III.E.4.q; III.F.4.q	Manufacturer specification sheets	July 1, 2019 – December 31, 2019	Manufacturer specification sheets on-site	NA	No excess emissions occurred from this deviation	Facility did not maintain manufacturer specification sheets on-site during the reporting period.
Facility	III.B.2.e	ANFO for Blasting	July 1, 2019 – October 31, 2019	75 tons/year	12 month rolling total exceeded permitted limit	4 months	Permit modification was submitted on 8/16/2018 to increase limits. Original limits were significantly underestimated due to a math error. Updated permit was issued November 19, 2019.
A32	III.B.2.h; III.C.13; III.C.2.i; III.D.14	Stockpile Acres	July 1, 2019 – November 30, 2019	15.0 acres/25.0 acres	NA	NA	Facility did not monitor stockpile acreage during the following months: July, August, September, October, and November.
B02	III.B.2.j; III.E.5.h; III.C.2.k; III.F.5.i	Paved Roads	July 1, 2019 – December 31, 2019	Paved road	Unpaved road emissions	12 months	Facility did not maintain paved on-site roads through the continued addition of milled asphalt cuttings continuously during the reporting period.
B03	III.B.2.k; III.E.5.i; III.C.2.l; III.F.5.j	Paved Roads	July 1, 2019 – December 31, 2019	Paved road	Unpaved road emissions	12 months	Facility did not maintain paved on-site roads through the continued addition of milled asphalt cuttings continuously during the reporting period.
C03	III.B.2.m.	Hours of Operation	August 2019 – October 2019	4,800 hours	Generator emissions	3 months	Facility operated C03 for 6,791 hours until November 1, 2019.

Internal Combustion Engines								
EU	Description	Permitted Hours of Operation	Actual Hours of Operation	EF (lbs/hr)	Pollutant	Controlled EF (lbs/hr)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
C01	Caterpillar Diesel Engine 2,206 hp D.O.M. 2007	4,200	2,808	0.19	PM <sub>10</sub>	0.19	0.41	0.27
				0.19	PM <sub>2.5</sub>	0.19	0.41	0.27
				32.00	NO <sub>x</sub>	32.00	67.20	44.93
				4.23	CO	4.23	8.89	5.94
				0.03	SO <sub>x</sub>	0.03	0.06	0.04
				0.78	VOC	0.78	1.63	1.09
				0.07	HAP	0.07	0.14	0.10
C03	Isuzu Diesel Engine 99 hp D.O.M. 2007	4,800	7,478	0.03	PM <sub>10</sub>	0.03	0.08	0.13
				0.03	PM <sub>2.5</sub>	0.03	0.08	0.13
				1.09	NO <sub>x</sub>	1.09	2.62	4.08
				0.24	CO	0.24	0.59	0.91
				0.01	SO <sub>x</sub>	0.01	0.01	0.02
				0.25	VOC	0.25	0.60	0.93
				0.01	HAP	0.01	0.01	0.02
C05	Isuzu Diesel Engine 173 hp D.O.M. 2007	6,500	3,496	0.05	PM <sub>10</sub>	0.05	0.16	0.09
				0.05	PM <sub>2.5</sub>	0.05	0.16	0.09
				0.74	NO <sub>x</sub>	0.74	2.40	1.29
				0.31	CO	0.31	1.02	0.55
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.43	VOC	0.43	1.41	0.76
				0.01	HAP	0.01	0.03	0.02
C06	John Deere Diesel Engine 99 hp D.O.M. 2011	6,500	2,589	0.03	PM <sub>10</sub>	0.03	0.10	0.04
				0.03	PM <sub>2.5</sub>	0.03	0.10	0.04
				0.67	NO <sub>x</sub>	0.67	2.17	0.87
				0.38	CO	0.38	1.22	0.49
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.25	VOC	0.25	0.81	0.32
				0.01	HAP	0.01	0.01	0.01
C07	John Deere Diesel Engine 80 hp D.O.M. 1998	4,200	2,940	0.18	PM <sub>10</sub>	0.18	0.37	0.26
				0.18	PM <sub>2.5</sub>	0.18	0.37	0.26
				2.48	NO <sub>x</sub>	2.48	5.21	3.65
				0.53	CO	0.53	1.12	0.78
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.20	VOC	0.20	0.42	0.29
				0.01	HAP	0.01	0.01	0.01
C08	John Deere Diesel Engine 107 hp D.O.M. 2012	8,760	650	0.01	PM <sub>10</sub>	0.01	0.01	0.00
				0.01	PM <sub>2.5</sub>	0.01	0.01	0.00
				0.46	NO <sub>x</sub>	0.46	2.00	0.15
				0.02	CO	0.02	0.08	0.01
				0.01	SO <sub>x</sub>	0.01	0.01	0.00
				0.01	VOC	0.01	0.01	0.00
				0.01	HAP	0.01	0.02	0.00
C01 1st Replace	Caterpillar Diesel Engine 2,922 hp D.O.M. 2001	NA	341	2.58	PM <sub>10</sub>	2.58	0.41	0.44
				2.58	PM <sub>2.5</sub>	2.58	0.41	0.44
				44.45	NO <sub>x</sub>	44.45	67.20	7.58
				54.76	CO	54.76	8.89	9.34
				0.04	SO <sub>x</sub>	0.04	0.06	0.01
				6.44	VOC	6.44	1.63	1.10
				0.03	HAP	0.03	0.01	0.01

Internal Combustion Engines								
EU	Description	Permitted Hours of Operation	Actual Hours of Operation	EF (lbs/hr)	Pollutant	Controlled EF (lbs/hr)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
C01 2nd Replace	Caterpillar Diesel Engine 2,206 hp D.O.M. 2007	NA	170	0.67	PM <sub>10</sub>	0.67	0.41	0.06
				0.67	PM <sub>2.5</sub>	0.67	0.41	0.06
				19.95	NO <sub>x</sub>	19.95	67.20	1.70
				11.53	CO	11.53	8.89	0.98
				0.02	SO <sub>x</sub>	0.02	0.06	0.00
				1.33	VOC	1.33	1.63	0.11
				0.02	HAP	0.02	0.01	0.00

2019 Facility-Wide Emissions							
Pollutant	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
Actual Emissions (tons/yr)	81.08	1.38	66.46	30.49	0.09	4.61	0.17
Permit Limit (tons/yr)	142.59	1.50	81.36	24.62	0.10	4.28	0.21

**From:** [Rocky Rhodes](#)  
**To:** [Air Quality](#)  
**Subject:** Untitled\_04252017\_032027\_04272020\_125658.pdf  
**Date:** Tuesday, April 28, 2020 11:02:33 AM  
**Attachments:** [Untitled\\_04252017\\_032027\\_04272020\\_125658.pdf](#)

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Sent from my iPhone



*Gypsum Resource Materials, LLC*  
*P.O. Box 147*  
*Blue Diamond, Nevada 89004*  
*702-830-3378 (Office) 702-441-7148 (Fax)*  
[www.bdhgypsum.com](http://www.bdhgypsum.com)

March 30, 2020

Control Officer, Compliance Division  
 Clark County Department of Environment & Sustainability  
 Division of Air Quality  
 4701 West Russell Road, Suite 200  
 Las Vegas, Nevada 89118

**RE: 2019 Emission Inventory**  
**Gypsum Resources, LLC – Air Quality Source 17286**

Gypsum Resources, LLC, is pleased to present the following Emission Inventory for calendar year 2019. The Part 70 Operating Permit (Permit) requires that an emission inventory be generated and submitted to the Division of Air Quality (Air Quality), which includes the emission factors and calculations used to determine the emissions from each permitted emission unit.

Actual emissions for calendar year 2019 are given in the table below. Actual emissions for both CO and VOC exceeded the permitted limit for both pollutants. For further details and emission calculations, please refer to the Attachment *2019 Emission Inventory*.

	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>VOC</b>	<b>HAP</b>
<b>Actual Emissions (tons/yr)</b>	<b>81.08</b>	<b>1.38</b>	<b>66.46</b>	<b>30.49</b>	<b>0.09</b>	<b>4.61</b>	<b>0.17</b>
Permit Limit (tons/yr)	142.59	1.50	81.36	24.62	0.10	4.28	0.21

Should you have any questions or concerns regarding this submittal, please feel free to contact me.

Sincerely,

Ryan Rhodes  
 Manager and Responsible Official

Attachment: 2019 Emission Inventory



**CLARK COUNTY • DEPARTMENT OF AIR QUALITY**

4701 W. Russell Rd., Suite 200 • 2<sup>nd</sup> Floor • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994

For DAQ Use Only

**Certification Statement**

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the attached document(s) are true, accurate, and complete. This certification applies to the following stationary source:

Source ID:

Source Name:

17286

Gypsum Resources, LLC

**Certification**

Name of Responsible Official:

Responsible Official's Title:

Company/Organization:

Rocky Rhodes

Mine Manager

Gypsum Resources, LLC

3-20-20

Responsible Official's Signature

Certification Date

## **2019 Emission Inventory**

EU	Description	Throughput (tons/yr)		PM <sub>10</sub> EF	Control Factor	Controlled PM <sub>10</sub> EF	PM <sub>10</sub> Emissions (tons/yr)	
		Permitted	Actual	lbs/ton		lbs/ton	Permitted	Actual
<b>Mineral Processing Plant</b>								
A00	Truck Unloading to Stockpile from Mining	1,280,000	1,041,273	0.08	0.10	0.008	5.12	4.17
A01	Loader to VGF	1,280,000	1,041,273	0.04	0.10	0.004	2.79	2.27
	Vibrating Grizzly Feeder (VGF to VGF Underbelt)							
A02	VGF Underbelt (VGF Underbelt to Reject Conveyor)	560,000	455,557	0.01	1.00	0.01	2.80	2.28
A03	Reject Conveyor (Reject Conveyor to Reject Screen)	560,000	455,557	Emissions included in A39				
A39	Reject Screen (6' x 20')	560,000	455,557	0.08	0.01	0.0008	0.22	0.18
A04	Screen Underbelt (Screen Underbelt to Recirc Conveyor #1)	560,000	455,557	0.01	1.00	0.01	2.80	2.28
A06	Recirc Conveyor #1 (Recirc Conveyor #1 to VGF)	560,000	455,557	Emissions included in A01				
A09	Reject Underbelt (Reject Underbelt to Reject Stacker)	560,000	455,557	0.01	0.185	0.0019	0.52	0.42
A33	Reject Stacker (Reject Stacker to Reject Stockpile)	560,000	455,557	0.04	0.185	0.0074	2.07	1.69
A05	HSI Crusher (VGF to HSI Crusher)	1,280,000	1,041,273	0.13	0.01	0.0013	0.83	0.68
	HSI Underbelt							
A07	HSI Underbelt to Surge Bin	1,280,000	1,041,273	0.01	0.01	0.0001	0.06	0.05
A10	Surge Bin (Surge Bin to West Conveyor)	1,280,000	1,041,273	0.01	0.01	0.0001	0.06	0.05
A11	West Conveyor (West Conveyor to West Screen)	1,280,000	1,041,273	Emissions included in A08				
A08	West Screen (8' x 20')	1,280,000	1,041,273	0.08	0.01	0.0008	0.51	0.42
A12	West Underbelt (West Underbelt to Cone Conveyor)	400,000	325,398	0.01	1.00	0.01	2.00	1.63
A48	Cone Conveyor (Cone Conveyor to Cone Crusher)	400,000	325,398	Emissions included in A34				
A34	Cone Crusher	400,000	325,398	0.13	0.01	0.0013	0.26	0.21
	Cone Underbelt							
A35	Cone Underbelt to Recirc Conveyor #2	400,000	325,398	0.01	1.00	0.01	2.00	1.63
A40	Recirc Conveyor #2 (Recirc Conveyor #2 to West Screen)	400,000	325,398	Emissions included in A08				
A36	Conveyor System (Belts #1-#7)	1,280,000	1,041,273	0.07	0.185	0.013	8.29	6.74
A38	Stacker 2"	1,280,000	1,041,273	0.04	0.185	0.007	4.74	3.85
A41	Conveyor System (Belts #8-#14)	1,280,000	1,041,273	Emissions included in A36				
A79	Stacker 1/8"	1,280,000	1,041,273	Emissions included in A38				
<b>Truck Loading</b>								
E01	Loader to Hopper	1,280,000	730,037	0.04	0.185	0.007	4.74	2.70
E02	Conveyor System (2 belts)	1,280,000	730,037	0.02	0.185	0.004	2.37	1.35
E03	Loader to Hopper	1,280,000	730,037	Emissions included in E01 & E02				
E04	Conveyor System (2 belts)	1,280,000	730,037	Emissions included in E01 & E02				
F01	Loader to Hopper	1,280,000	730,037	Emissions included in E01 & E02				
F02	Conveyor System (2 belts)	1,280,000	730,037	Emissions included in E01 & E02				
<b>Overburden Removal</b>								
A002	Overburden Removal	3,400,000	485,819	0.08	0.10	0.008	13.60	1.94



Stockpiles								
EU	Description	Permitted Acreage	Actual Acreage	PM <sub>10</sub> EF (lbs/acre-day)	Control Factor	Controlled PM10 EF (lbs/acre-day)	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
A32	Stockpiles	25.0	15.1	1.66	Moisture	1.66	7.57	4.56
Haul Roads								
EU	Description	Permitted VMT	Actual VMT	PM <sub>10</sub> EF (lbs/VMT)	Control Factor	Controlled PM10 EF (lbs/VMT)	Permitted PM <sub>10</sub> Emissions (tons/yr)	Actual PM <sub>10</sub> Emissions (tons/yr)
B01	BLM Haul Road (unpaved)	128,000	81,624	7.57	0.10	0.757	48.45	30.89
B02	Onsite Haul Road (paved)	32,000	20,406	7.57	0.02	0.151	2.42	1.54
B03	Overburden Haul Road (paved)	68,000	64,686	7.57	0.02	0.151	5.15	4.90
B04	Material Haul Road (unpaved)	38,400	4,244	7.57	0.10	0.757	14.53	1.61
EU	Description	Permitted Blasting Operations (ft <sup>2</sup> /blast)	Number of Blasts (blasts/year)	EF (lbs/blast)	Control Factor	Controlled EF (lbs/blast)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - PM <sub>10</sub>	25,000	31	28.78	1.00	28.78	2.88	0.45
	Blasting - PM <sub>2.5</sub>			1.66	1.00	1.66	0.17	0.03
EU	Description	Permitted ANFO Usage (tons/yr)	Actual ANFO Usage (tons/yr)	EF (lbs/ton)	Control Factor	Controlled EF (lbs/ton)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A001	Blasting - NO <sub>x</sub>	600	561	7.92	1.00	7.92	2.38	2.22
	Blasting - CO			40.97	1.00	40.97	12.29	11.49
EU	Description	Permitted Drilling Operations (holes/yr)	Actual Drilling Operations (holes/yr)	EF (lbs/hole)	Control Factor	Controlled EF (lbs/hole)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
A003	Drilling - PM <sub>10</sub>	14,000	3,851	0.68	1.00	0.68	4.76	1.31
	Drilling - PM <sub>2.5</sub>			0.04	1.00	0.04	0.28	0.08

Internal Combustion Engines								
EU	Description	Permitted Hours of Operation	Actual Hours of Operation	EF (lbs/hr)	Pollutant	Controlled EF (lbs/hr)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
C01	Caterpillar Diesel Engine 2,206 hp D.O.M. 2007	4,200	2,808	0.19	PM <sub>10</sub>	0.19	0.41	0.27
				0.19	PM <sub>2.5</sub>	0.19	0.41	0.27
				32.00	NO <sub>x</sub>	32.00	67.20	44.93
				4.23	CO	4.23	8.89	5.94
				0.03	SO <sub>x</sub>	0.03	0.06	0.04
				0.78	VOC	0.78	1.63	1.09
				0.07	HAP	0.07	0.14	0.10
C03	Isuzu Diesel Engine 99 hp D.O.M. 2007	4,800	7,478	0.03	PM <sub>10</sub>	0.03	0.41	0.13
				0.03	PM <sub>2.5</sub>	0.03	0.41	0.13
				1.09	NO <sub>x</sub>	1.09	67.20	4.08
				0.24	CO	0.24	8.89	0.91
				0.01	SO <sub>x</sub>	0.01	0.06	0.02
				0.25	VOC	0.25	1.63	0.93
				0.01	HAP	0.01	0.01	0.02
C05	Isuzu Diesel Engine 173 hp D.O.M 2007	6,500	3,496	0.05	PM <sub>10</sub>	0.05	0.16	0.09
				0.05	PM <sub>2.5</sub>	0.05	0.16	0.09
				0.74	NO <sub>x</sub>	0.74	2.40	1.29
				0.31	CO	0.31	1.02	0.55
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.43	VOC	0.43	1.41	0.76
				0.01	HAP	0.01	0.03	0.02
C06	John Deere Diesel Engine 99 hp D.O.M. 2011	6,500	2,589	0.03	PM <sub>10</sub>	0.03	0.10	0.04
				0.03	PM <sub>2.5</sub>	0.03	0.10	0.04
				0.67	NO <sub>x</sub>	0.67	2.17	0.87
				0.38	CO	0.38	1.22	0.49
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.25	VOC	0.25	0.81	0.32
				0.01	HAP	0.01	0.01	0.01
C07	John Deere Diesel Engine 80 hp D.O.M. 1998	4,200	2,940	0.18	PM <sub>10</sub>	0.18	0.01	0.26
				0.18	PM <sub>2.5</sub>	0.18	0.37	0.26
				2.48	NO <sub>x</sub>	2.48	5.21	3.65
				0.53	CO	0.53	1.12	0.78
				0.01	SO <sub>x</sub>	0.01	0.01	0.01
				0.20	VOC	0.20	0.42	0.29
				0.01	HAP	0.01	0.01	0.01
C08	John Deere Diesel Engine 107 hp D.O.M. 2012	8,760	650	0.01	PM <sub>10</sub>	0.01	0.01	0.00
				0.01	PM <sub>2.5</sub>	0.01	0.01	0.00
				0.46	NO <sub>x</sub>	0.46	2.00	0.15
				0.02	CO	0.02	0.08	0.01
				0.01	SO <sub>x</sub>	0.01	0.01	0.00
				0.01	VOC	0.01	0.01	0.00
				0.01	HAP	0.01	0.02	0.00
C01 1st Replace	Caterpillar Diesel Engine 2,922 hp D.O.M. 2001	341	341	2.58	PM <sub>10</sub>	2.58	0.41	0.44
				2.58	PM <sub>2.5</sub>	2.58	0.41	0.44
				44.45	NO <sub>x</sub>	44.45	67.20	7.58
				54.76	CO	54.76	8.89	9.34
				0.04	SO <sub>x</sub>	0.04	0.06	0.01
				6.44	VOC	6.44	1.63	1.10
				0.03	HAP	0.03	0.01	0.01

Internal Combustion Engines								
EU	Description	Permitted Hours of Operation	Actual Hours of Operation	EF (lbs/hr)	Pollutant	Controlled EF (lbs/hr)	Permitted Emissions (tons/yr)	Actual Emissions (tons/yr)
C01 2nd Replace	Caterpillar Diesel Engine 2,206 hp D.O.M. 2007	170	170	0.67	PM <sub>10</sub>	0.67	0.41	0.06
				0.67	PM <sub>2.5</sub>	0.67	0.41	0.06
				19.95	NO <sub>x</sub>	19.95	67.20	1.70
				11.53	CO	11.53	8.89	0.98
				0.02	SO <sub>x</sub>	0.02	0.06	0.00
				1.33	VOC	1.33	1.63	0.11
				0.02	HAP	0.02	0.01	0.00

2019 Facility-Wide Emissions							
Pollutant	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>x</sub>	VOC	HAP
Actual Emissions (tons/yr)	81.08	1.38	66.46	30.49	0.09	4.61	0.17
Permit Limit (tons/yr)	142.59	1.50	81.36	24.62	0.10	4.28	0.21

## AQ Compliance

---

**From:** Rocky Rhodes <rocky@gypsumresources.com>  
**Sent:** Tuesday, March 31, 2020 3:34 PM  
**To:** AQ Compliance  
**Cc:** Scott McNulty; Carol Adams  
**Subject:** Reports  
**Attachments:** 2019 Annual Report - SIGNED.pdf; 2019 ACC Report - Revised 03312020 - SIGNED.pdf; 2019 1st half Semi-Annual Report - Revised 03312020 - SIGNED.pdf; 2019 2nd Semi-Annual Report - Revised 03312020 - SIGNED.pdf

**Attachment 2**

**From:** [Scott Rowsell](#)  
**To:** ["ROCKY@GYPSUMRESOURCES.COM"](mailto:ROCKY@GYPSUMRESOURCES.COM)  
**Cc:** [Scott Jelinek](#); [Shibi Paul](#)  
**Subject:** Blue Diamond Hill Gypsum, Source ID:17286 - Deficiencies identified during Partial Compliance Evaluation - ACTION REQUIRED  
**Date:** Tuesday, May 5, 2020 2:38:00 PM

---

Dear Mr. Rhodes:

On May 5, 2020, I performed an off-site Partial Compliance Evaluation (PCE) of Blue Diamond Hill Gypsum, located at 8360 Nevada Highway 159, Blue Diamond, NV (Facility). During that PCE, I identified the following deficiencies:

1. Per a review of the revised 2019 annual emissions inventory report (EIR) submitted to Air Quality on April 28, 2020, the Facility reported annual source-wide CO emissions of 30.49 tons which exceeded the annual permit limit of 24.62 tons by 5.87 tons in calendar year 2019. Furthermore, the Facility reported annual source-wide VOC emissions of 4.61 tons which exceeded the annual permit limit of 4.28 tons by 0.33 tons in calendar year 2019 which is noncompliant with Table 1 (Source-wide Potential to Emit) of your Part 70 Operating Permit issued on November 13, 2017, revised on November 14, 2019 (Permit).
2. Per a review of the revised 2019 EIR submitted to Air Quality on April 28, 2020, I determined the Facility replaced the continuous-duty generator rated at 2,206 horsepower (hp) designated as [emission unit (EU: C01)] in the Permit with a continuous-duty generator rated at 2,922 hp without first obtaining an Authority to Construct permit from the Control Officer. Per the 2019 EIR, the unpermitted 2,292 hp continuous-duty generator was designated as (EU: C01-1<sup>st</sup> Replace) and operated 341 hours during the 2019 calendar year which is noncompliant with permit condition II.B.1 of the Permit.

The deficiencies noted above for the Facility are my preliminary findings and should be corrected immediately. The Division of Air Quality **may** issue a Notice of Violation even if the deficiencies are corrected. Once the PCE report is internally finalized, you may receive further documentation which will officially identify all the deficiencies. If you have any questions regarding this matter, please contact me via email or call me at the telephone number below.

-  
**Please confirm receipt of this email by May 8, 2020.**

Thanks,

**Scott Rowsell**

Senior Air Quality Specialist  
Clark County Department of Environment & Sustainability  
Division of Air Quality  
Compliance Section  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 455-1647 (Direct Line)  
(702) 383-9994 (FAX)

[Scott.Rowsell@ClarkCountyNV.gov](mailto:Scott.Rowsell@ClarkCountyNV.gov)

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**From:** [AQ Enforcement](#)  
**To:** [Aubree Green](#); ["Rocky Rhodes"](#); [Morgan F](#)  
**Cc:** [AQ Enforcement](#)  
**Subject:** Postponement of Hearing Board Meeting Scheduled for 12/2/2020  
**Date:** Monday, November 23, 2020 10:33:52 AM

---

Dear Mses. Green and Fashtchi and Mr. Rhodes,

The Clark County Department of Environment and Sustainability, Division of Air Quality, is hereby cancelling the Air Pollution Control Hearing Board Meeting currently scheduled for Wednesday, December, 2, 2020. All items currently scheduled for this meeting, including the appeal of Notice of Violation #9412 issued to Gypsum Resources, LLC, will be postponed to a future date after the first of the year.

If you have any questions, please contact our office at (702) 455-5942 and ask for Pamela Thompson or Sherrie Rogge or email: [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov).

**PLEASE CONFIRM RECEIPT OF THIS EMAIL BY RESPONDING TO THIS EMAIL.**

Sincerely,

*Anna Sutowska  
Air Quality Supervisor  
Clark County Department of Environment and Sustainability,  
Division of Air Quality  
4701 W. Russell Rd., Suite 200  
Las Vegas, NV 89118*

*Office: 702-455-0666  
Cell: 702-378-9780  
Fax: 702-383-9994*

**For any dust permit information or forms, please go to the link posted below.**

[https://www.clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/division\\_of\\_air\\_quality/permitting/applications\\_forms/dust\\_permitting\\_forms.php#outer-4005](https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

1 **BEFORE THE CLARK COUNTY**  
2 **AIR POLLUTION CONTROL HEARING BOARD**

3 In re:

4 Gypsum Resources, LLC

Date of Hearing: February 18, 2021

5  
6  
7 **RESPONSE TO GYPSUM RESOURCES, LLC'S APPEAL OF THE**  
8 **HEARING OFFICER ORDER FOR NOV #9412**

9 **I. Introduction**

10 On July 26, 2019, Gypsum Resources, LLC filed a Chapter 11 Bankruptcy Petition.  
11 On June 17, 2020, the Clark County Department of Environment and Sustainability, Division  
12 of Air Quality ("Air Quality"), issued Notice of Violation #9412 ("NOV") to Gypsum  
13 Resources, LLC ("Gypsum") for 21 alleged violations of Clark County Air Quality  
14 Regulations ("AQR" or "air quality regulations") adopted in accordance with the federal Clean  
15 Air Act and NRS Chapter 445B. The alleged violations occurred during the period of July 1,  
16 2018 through May 5, 2020. The NOV included Air Quality's recommended civil penalty of  
17 \$294,600 and set a hearing for July 16, 2020. Further, the NOV stated:

18  
19 If the Hearing Officer finds you in violation and levies a penalty, Air Quality  
20 staff will mail the Hearing Officer's order to you along with instructions on  
21 remittance of the penalty. Please be advised that Air Quality will not attempt  
22 to collect any penalties assessed for violations which occurred prior to July  
23 26, 2019 until the stay in Gypsum Resources' Chapter 11 bankruptcy case  
24 has been lifted.

NOV at 19.

23 Gypsum contested the NOV and requested a continuance. Air Quality did not oppose  
24 Gypsum's first request for a continuance. At the hearing on July 16, 2020, the Hearing Officer  
25 granted Gypsum's request and continued the hearing to September 17, 2020.

26 At the September 17<sup>th</sup> hearing, Gypsum did not substantively contest the NOV but  
27 instead argued that any hearing was barred by the automatic stay which became effective on  
28 July 26, 2019 pursuant to federal bankruptcy law. Air Quality argued that the automatic stay

1 did not apply and that the NOV, including any penalty, could be adjudicated. Air Quality also  
2 stated if the Hearing Officer found Gypsum in violation as alleged, it would not attempt to  
3 collect any penalty attributable to violations which occurred prior July 26, 2019, the effective  
4 date of the automatic stay. The Hearing Officer determined that Gypsum’s argument was  
5 without merit, found Gypsum in violation of the air quality regulations as alleged in the NOV,  
6 and assessed a penalty in the amount of \$294,600.

7 Gypsum filed a timely appeal. Gypsum argues that the September 17, 2020 hearing  
8 which resulted in an order including a penalty for violation of air quality regulations violates  
9 the automatic stay afforded by Gypsum’s Chapter 11 Bankruptcy Petition.

## 10 **II. Points and Authorities**

### 11 **A. Standard of Review**

12 AQR Section 7 governs appeals of Hearing Officer orders before the Air Pollution  
13 Control Hearing Board (“Hearing Board”). “The Hearing Board shall decide all appeals and  
14 may order the affirmation, modification, or reversal of any action taken by a Hearing Officer  
15 that is a subject of appeal.” AQR Section 7.5(e). Appeals before the Hearing Board are heard  
16 *de novo*, and the hearing is held in the same manner as one before a Hearing Officer. AQR  
17 Section 7.5(f).

### 18 **B. The police power exception to the automatic stay allows both the Hearing 19 Officer and Hearing Board to consider and make final decisions regarding 20 NOV #9412 including the assessment of a civil penalty.**

21 Gypsum relies on the automatic stay provisions in the federal Bankruptcy Code to  
22 support its contention that any hearing on the merits of NOV #9412 is a violation of the  
23 automatic stay. This reliance is misplaced. The cases cited by Gypsum are not on point. The  
24 majority do not address the police powers exception particularly as it relates to enforcement  
25 of environmental law. An analysis of the automatic stay statute and applicable case law  
26 demonstrate that the automatic stay does not affect the enforcement of the NOV. 11 U.S.C. §  
362(a)(1) states:

27 Except as provided in subsection (b) of this section, a petition filed under  
28 section 301, 302, or 303 of this title, . . . operates as a stay, applicable to all  
entities, of (1) the commencement or continuation, including the issuance or

1 employment of process, of a judicial, administrative, or other action or  
2 proceeding against the debtor that was or could have been commenced before  
3 the commencement of the case under this title, or to recover a claim against  
the debtor that arose before the commencement of the case under this title.

4 It is undisputed that Gypsum filed a Chapter 11 petition on July 26, 2019 which  
5 triggered the automatic stay provision. What is in dispute is whether the automatic stay applies  
6 in this case. It doesn't. There are several exceptions to the automatic stay including the police  
7 power exception that applies to the matter before this Hearing Board. 11 U.S.C. § 362(b)(4)  
8 states:

9 The filing of a petition under section 301, 302, or 303 of this title, . . . does  
10 not operate as a stay . . . of the commencement or continuation of an action  
11 or proceeding by a governmental unit . . . to enforce such governmental unit's  
12 . . . police and regulatory power, including the enforcement of a judgment  
13 other than a money judgment, obtained in an action or proceeding by the  
governmental unit to enforce such governmental unit's . . . police or  
regulatory power.

14 In *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1107 (9<sup>th</sup> Cir. 2005), the Ninth Circuit Court of  
15 Appeals held that the “police or regulatory power exception allows the enforcement of laws  
16 affecting health, welfare, morals, and safety despite the pendency of the bankruptcy  
17 proceeding.” To determine whether the police power exception applies, the courts have  
18 established two tests that are the “related, and somewhat overlapping, ‘pecuniary purpose’ and  
19 ‘public purpose’ tests. A suit comes within the exception of § 362(b)(4) if it satisfies either  
20 test.” *Id.* at 1108 (citation omitted); *see also In re Universal Life Church, Inc.*, 128 F.3d 1294,  
21 1297 (9<sup>th</sup> Cir. 1997).

22 While it is necessary to satisfy only one of the tests, the enforcement of NOV #9412  
23 through the administrative process satisfies both. First, “[u]nder the pecuniary purpose test,  
24 the court determines whether the government action relates primarily to the protection of the  
25 government’s pecuniary interest in the debtor’s property or to matters of public safety and  
26 health.” *Lockyer* at 1108 (internal quotations and citations omitted). In this case, Air Quality  
27 issued NOV #9418 to enforce air quality regulations. At the September 17<sup>th</sup> hearing, both Air  
28 Quality and Gypsum had the opportunity to present their respective positions to the Hearing

1 Officer for a determination on the merits. Based on what was presented, the Hearing Officer  
2 determined that the violations occurred and assessed a civil penalty. This enforcement process  
3 of air quality regulations is a matter of public safety and health. Through this action, Air  
4 Quality is not seeking to protect any pecuniary interest in Gypsum's property. Rather, Air  
5 Quality is seeking to enforce the air quality regulations which includes a penalty component.

6 Assessing a civil penalty for violation of air quality regulations is allowed for under the  
7 police power exception.

8 Congress expressly provided that the automatic stay provisions of the  
9 Bankruptcy Code do not apply when the government is seeking to enforce its  
10 police or regulatory power. The legislative history of § 362(b)(4) states that:  
11 "where a governmental unit is suing a debtor to stop violation of fraud,  
12 *environmental protection*, consumer protection, safety, or similar police or  
13 regulatory laws, or *attempting to fix damages for violation of such a law*, the  
14 action or proceeding is not stayed under the automatic stay."

15 *U.S. v. Wheeling-Pittsburgh Steel Corp.*, 818 F.2d 1077, 1086 (3<sup>rd</sup> Cir. 1987)  
16 (internal citations omitted) (emphasis added).

17 Whether civil penalties may be assessed in this situation is a settled issue. "We find further  
18 that it was Congress' intent that proceedings such as this [the enforcement of an environmental  
19 law] be exempt from the automatic stay up to and including entry of a monetary judgment.  
20 *U.S. v. Nicolet, Inc.*, 857 F.2d 202, 210 (3<sup>rd</sup> Cir. 1988); *see also N.L.R.B. v. Continental Hagen*  
21 *Corp.*, 932 F.2d 828, 834-35 (9<sup>th</sup> Cir. 1991) ("We agree with the reasoning of the courts which  
22 have drawn a distinction between the entry of judgment and the enforcement of judgment with  
23 respect to a backpay provision."); *Penn Terra Ltd. v. Department of Environmental Resources*,  
24 733 F.2d 267, 272 (3<sup>rd</sup> Cir. 1984) ("As the legislative history explains: 'Paragraph (5) makes  
25 clear that the exception extends to permit an injunction and enforcement of an injunction, and  
26 to permit the entry of a money judgment, but does not extend to permit enforcement of a  
27 money judgment.'" (internal citations omitted)). As Air Quality made abundantly clear in  
28 NOV #9412 and at the September 17, 2020 hearing, Air Quality would not attempt to collect  
any penalty attributable to any pre-petition violation. As allowed by law, Air Quality pursued  
the finding that the violations alleged in NOV #9412 occurred and the assessment of the  
appropriate civil penalty at that hearing.

1           Second, “[u]nder the public purpose test, the court determines whether the government  
2 seeks to effectuate public policy or to adjudicate private rights. . . . A suit does not satisfy the  
3 public purpose test if it is brought primarily to advantage discrete and identifiable individuals  
4 or entities rather than some broader segment of the public.” *Lockyer* at 1109 (internal  
5 quotations and citations omitted). In this case, Air Quality seeks to enforce air quality  
6 regulations through NOV #9412 to benefit the people of Clark County. In addition, contrary  
7 to Gypsum’s assertion, Air Quality does not have to prove that the enforcement of this  
8 particular NOV promotes some unspecified degree of public safety or welfare. Through the  
9 cumulative effect of consistent, broad enforcement, air quality regulations promote public  
10 safety and welfare. The law does not require a particular showing of threat or harm to invoke  
11 the police power exception. *See Matter of Commonwealth Oil Refining Co., Inc.*, 805 F.2d  
12 1175, 1184 (5<sup>th</sup> Cir. 1986) (“The exception from the automatic stay for proceedings to enforce  
13 police and regulatory powers is not, as appellants suggest, limited to those situations where  
14 ‘imminent and identifiable harm’ to the public health and safety or ‘urgent public necessity’  
15 is shown. The words of §§ 362(b)(4) and 362(b)(5) allow for no such reading. The language  
16 of these exceptions is unambiguous – it does not limit the exercise of police or regulatory  
17 powers to instances where there can be shown imminent and identifiable harm or urgent public  
18 necessity.”).

19           Because the police power exemption applies in this case, Air Quality does not have to  
20 obtain an order from the bankruptcy court to lift the stay to proceed with enforcing the NOV.  
21 *See Lockyer* at 1107 (“A government unit need not affirmatively seek relief from the automatic  
22 stay to initiate or continue an action subject to the exemption.” (citation omitted)).

### 23           **III. Conclusion**

24           Through the NOV process, Air Quality enforces air quality provisions and standards  
25 through its police and regulatory power as required by the air quality regulations, NRS Chapter  
26 445B and the federal Clean Air Act and associated federal regulations. Gypsum is a regulated  
27 entity that holds air quality permits issued by Air Quality. As a condition to operate its facility,  
28 Gypsum must comply with its permits and other applicable requirements. If Gypsum fails to

1 do so, Air Quality has the authority and the responsibility to issue NOVs and prosecute those  
2 NOVs before a Hearing Officer or Hearing Board and seek the assessment of appropriate civil  
3 penalties whether or not Gypsum has filed a bankruptcy petition. The police power exception  
4 to the automatic stay under federal bankruptcy law is designed to apply in this specific  
5 situation. Air Quality respectfully requests that the Hearing Board affirm the Hearing  
6 Officer's decision that the automatic stay does not apply to the enforcement of this NOV.

7 Dated this 10<sup>th</sup> day of February 2021.

8 STEVEN B. WOLFSON  
9 DISTRICT ATTORNEY

10 By: /s/ Catherine Jorgenson

11 CATHERINE JORGENSEN  
12 Deputy District Attorney  
13 State Bar No. 006700  
14 500 South Grand Central Pkwy., Suite 5075  
15 Las Vegas, Nevada 89155-2215  
16 [Catherine.Jorgenson@ClarkCountyDA.com](mailto:Catherine.Jorgenson@ClarkCountyDA.com)  
17 Attorneys for *Clark County*

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on the 10<sup>th</sup> day of February 2021, I e-mailed, a copy of the above  
20 and foregoing **RESPONSE TO GYPSUM RESOURCES, LLC'S APPEAL OF THE  
21 HEARING OFFICER ORDER FOR NOV #9412** addressed as follows:

22 Aubree Green, Esq.  
23 Morgan Fashtchi, Esq.  
24 8912 Spanish Ridge Ave., Suite 200  
25 Las Vegas, Nevada 89148  
26 [Aubree@gypsumresources.com](mailto:Aubree@gypsumresources.com)  
27 [Morgan@gypsumresources.com](mailto:Morgan@gypsumresources.com)  
28 *Counsel for Gypsum Resources, LLC*

/s/ Aisha A. Rincon

An Employee of the Clark County District  
Attorney's Office – Civil Division

# M.P. Trust and Michael Perry (Project #191086)

## Appeal of NOV #9394

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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DAQ
2020 JUL 30 AM 9:45

Appeal of Hearing Officer's Order

Postmarked JK
7/29/2020

1. Date of Appeal: 7/03/2020
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9394 Hearing Date: 06/30/2020

Hearing Officer: CHRISTINE T SMITH

2. Name, address, telephone number of Appellant:

Name: M P TRUST
(Please print)

Address: 2980 S RAINBOW BLVD LAS VEGAS NV 89146

Telephone: 702-812-8357 Fax: N/A

Email: SNMC.MPERRY@GMAIL.COM

3. Other person or persons authorized to receive service of notice:

Name:
(Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

1430 E DESERT INN RD LAS VEGAS NV 89169
UNIT #1&3

5. Reason for appeal: [ ] Facts alleged [ ] Penalty assessed [X] Both

Provide a detailed explanation of the reason for your appeal:

I do not agree the violations charged against me are fact and

I did not receive a fair hearing due the hearing office not allow

detailed ample time to go through each violation

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6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: 07/03/2020

Printed Name: M P TRUST

Title: Trustee

**FOR OFFICE USE ONLY**

Application Received on 7/29/2020

Application Fee \$140.00  Check / Cash # 182

Received Date: 7/29/2020

  
DAQ Admin Secy



Clark County Nevada Department of Environment and Sustainability  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

# RECEIPT

MP TRUST  
 2980 S. RSAINBOW BLVD  
 LAS VEGAS NV 89146

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
044635	7/29/2020	HELENBS	AIR QUALITY OTHER ENFORCEMENT	7/29/2020

Quantity	Description	Fee Code	Fee	Total
1	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	07/30/2020 CHECK (0182)	PAYMENT		(\$140.00)

Notes: NOV 9394, MP Trust, submitted 7/29/2020

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER  
 2 CLARK COUNTY, NEVADA  
 3

4 In the Matter of the Notice of Violation #9394 ) ORDER  
 5 Issued to )  
 6 M.P. TRUST and MICHAEL PERRY, )  
 Respondents. )  
 \_\_\_\_\_ )

7  
 8  
 9 The above-entitled matter was heard on June 25, 2020, before Hearing Officer Christine  
 10 T. Smith on the Contested Docket. Representatives of both the Clark County Department of  
 11 Environment and Sustainability, Division of Air Quality (**Air Quality**) and M.P. TRUST  
 12 (**MPT**) and MICHAEL PERRY (**PERRY**) appeared, testified and submitted evidence for  
 13 consideration by the Hearing Officer. Having considered the evidence presented at the hearing,  
 14 the Hearing Officer hereby finds and orders as follows:

15 1. Notice of Violation (**NOV**) #9394 was issued by Air Quality to Respondents  
 16 MPT and PERRY on February 21, 2020 for alleged violation(s) of the Clark County Air  
 17 Quality Regulations (**AQRs**) at a facility (Project #191086) located at 1430 East Desert Inn  
 18 Road, in Clark County, Nevada. The violation(s) alleged in the NOV include:

19 (a) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(a)  
 20 for failure to thoroughly inspect the facility for the presence of asbestos-containing  
 21 materials prior to commencing renovation activities;

22 (b) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1)  
 23 and §61.145(b)(3)(i) for failure to notify Air Quality 10 working days prior to  
 24 demolition activities at the facility;

25 (c) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(8)  
 26 for failure to have at least one onsite representative trained in the provisions of the  
 27 NESHAP asbestos regulations and the means of complying with them;

28 (d) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,

1 §61.145(c)(6)(i) for failure to adequately wet all removed regulated asbestos-  
2 containing material and ensure it remained wet;

3 (e) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,  
4 §61.150(a)(1)(iii) for failure to seal all the asbestos-containing waste material in leak  
5 tight containers while wet; and

6 (f) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,  
7 §61.150(a)(1)(iv) for failure to label asbestos waste containers with warning labels.

8 2. The penalty recommended by Air Quality in NOV #9394 was \$11,600.00.

9 3. The Hearing Officer finds that the violation(s) alleged in NOV #9394 occurred  
10 in that MPT and PERRY violated AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(a),  
11 §61.145(b)(1), §61.145(b)(3)(i), §61.145(c)(8), §61.145(c)(6)(i), §61.150(a)(1)(iii), and  
12 §61.150(a)(1)(iv).

13 4. **IT IS HEREBY ORDERED** that MPT and PERRY pay a penalty of Eleven  
14 Thousand Six Hundred and no/100 Dollars (\$11,600.00) within 30 days of the date of this  
15 ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ,  
16 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

17 5. MPT and PERRY have the right to appeal this ORDER to the Clark County Air  
18 Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing  
19 specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty  
20 and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of MPT  
21 and PERRY's receipt of this ORDER.

22 DATED this 30<sup>th</sup> day of June, 2020.

23  
24  
25 Christine T. Smith  
26 Christine T. Smith  
27 Hearing Officer  
28

## Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9394 Return form by: 3/9/2020

Items below are to be completed by the Respondent


Responsible  
Official: Michael Perry  
Title: Leasee  
Phone Number: 702-812-8357  
Email Address: snmc.mperry@gmail.com

Please check applicable boxes below

- We do not contest the Notice of Violation (Attendance is not required)**  
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.
- We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**  
Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

**We will be contesting the:**

- Violation  
 Penalty  
 Both

  
Signature of Authorized Person  
Date: 3/9/2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at [pamela.thompson@clarkcountynv.gov](mailto:pamela.thompson@clarkcountynv.gov).

March 5, 2020

Michael Perry  
M.P. Trust  
2980 S. Rainbow Blvd. #100-F  
Las Vegas, NV 89146

Air Quality  
Dept of Air Quality  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

Re: Violation #9394, Hearing set for March 19, 2020, at 9 a.m.

Marci Henson or Whom it May Concern:

After reading the NOTICE OF VIOLATION, I feel compelled to make this written response.

I am a private owner and I purchased the fourplex at 1430 E. Desert Inn Road, Las Vegas, Nevada, after two of the units sustained fire damage. I admit I am a regular citizen, and not trained in the provisions of 'NESHAP asbestos regulations.' In fact, I have never heard of NESHAP before.

After purchasing the building, which is an eyesore, I went about to repair and upgrade the entire property. I was not aware of the possibility of asbestos, when I had someone begin to remove debris in the residence.

Upon contact with Mr. Adoor, after informing me of possible asbestos issues, I was appalled that within five minutes of conversation, he called me a "slum lord" and treated me very negatively. There was absolutely no reason for his unprofessionalism.

I have never had dealings with Air Quality in the past, and was trying to comply with what Mr. Adoor indicated needed to be done. However, this required me to communicate with, and rely on others to get things done. I live out of town, and travel frequently. Perhaps this project was a little ambitious for me, but I wanted to complete the renovation and live in one of the units while renting the others. Thus, I was very offended at being called a 'slum lord.'

The communications with Mr. Adoor were documented in the NOTICE OF VIOLATION #9394, dated February 21, 2020. This communication evidences that I did comply with the directives of Mr. Adoor, and even had to go back out and replace the cover and the signage a few times. This was out of my control. One would assume the public would avoid a cover dumpster and warning signs. But when disturbed, the cover and signs were replaced. I responded as soon as I could, to the best of my ability, from where ever I might be at the time. This was NOT instant soup.

I will therefore focus my response on the alleged violations:

**Violation 1:**

“By failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, MPT and Perry violated 40 CFR §61.145(a), adopted by reference in AQR Section 13.1.”

**Response:** I am a private owner, and I was not aware of the possibility of the existence in asbestos in the building I bought. You have a copy of my lease option agreement, and I was never informed of the asbestos, which I would have thought would be a mandatory disclosure if there were an issue or concern.

Therefore, any failure to have an inspection was not willful, and there was no intent to violate any law.

**Violation 2:**

“By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic veed, MPT and Perry violation 40 CFR §61.141(b)(1) and 40 CFR 61.145(b)(3)(i), adopted by reference in AQR Section 13.1.”

**Response:** Since I am a private owner, and was unaware of the possibility of the existence of asbestos, I had no knowledge of the requirement to notify Air Quality 10 working days prior to the removal of RACM. This was not willful, and where the possible existence of such material was not disclosed, there was no intent to violate Section 13.1.



**Violation 3:**

“By failing to have at least one onsite representative trained in the provisions of the NSEHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR 61.145(c)(8), adopted by reference in AQR Section 13.1.”

**Response:** I am a private owner, and do not have a “staff” or “one onsite representative trained in the provisions of NSEHAP asbestos regulations...” Once informed of issues with the possibility of asbestos, I took appropriate action to the best of my ability. I contacted who needed to be contact, and I had to wait for others to assist.

**Violation 4:**

“By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR 61.145(c)(6)(i), adopted by reference in AQR Section 13.1.”

**Response:** Upon being directed to wet the material, I did wet the material. It would dry, and I would wet it again. It would continue to dry. Thus, it was always on ongoing issue with Mr. Adoor. The material was covered and signage was posted. It would be tore open and uncovered, and when I became aware of it, I would re-cover it, and post signs again. Therefore, I do not believe that I violated this section.

**Violation 5:**

“By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR 61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.”

**Response:** Upon being directed to seal the material, I did seal the material. It had been tore open and replaced several times, which is each time I have been informed about it being opened. The material was covered and signage was posted. Therefore, I do not believe that I violated this section.

**Violation 6:**

“By failing to label waste containers with warning labels, MPT and Perry violated 40 CFR 61.150(a)(1)(iv), adopted by reference in AQR Section 13.1.

**Response:** Upon confirmation of the asbestos, I put signage as directed, and upon being informed the signs were torn down, I would replace them. I do not believe I was in violation of this section.

In summary, I have never been involved with the Department of Air Quality in the past, and nothing was done willfully.

This all began on November 15, 2019, when I was notified by phone at 2:45 p.m., which was a **FRIDAY**. This was followed up with a phone call at 3:45 p.m. I followed up with Mr. Adoor on Monday, November 18, 2019, informing him that an asbestos survey had been performed by Larry Carter, asbestos consultant for MSE Environmental.

During the first weekend, apparently there was a fire in the dumpster. Therefore, I did not believe there was any asbestos material in the dumpster at that time, and I asked to remove the dumpster, which was costing more each day. There was no evidence of the presence of asbestos after the fire - only the presumption of asbestos.

Mr. Adoor told me the results of the testing on November 20, 2019. I did not receive the documentation until November 22 - which was again a **FRIDAY**.

This was also the time around the holidays - Thanksgiving and Christmas, and not everyone was available to respond when contacted. Mr. Carter, asbestos consultant for MSE Environmental. I needed a determination from him prior to moving further. I complied to the best of my ability at all times.

Page 5

I respectfully request that any proposed find in this matter be abated. I am told that Air Quality has the ability to waive the first offense, and these are significant mitigating factors.

Sincerely,



MICHAEL PERRY



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Marci Henson Director

February 21, 2020

*CERTIFIED MAIL #9489 0090 0027 6122 1980 10*

Michael Perry, individually and as Trustee of

M. P. Trust

E-mail: [swf.mperry@gmail.com](mailto:swf.mperry@gmail.com) and [snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)

2980 South Rainbow Boulevard, Suite 100-F

Las Vegas, NV 89146

*CERTIFIED MAIL #9489 0090 0027 6122 1980 27*

2980 South Rainbow Boulevard, Suite 200-J

Las Vegas, NV 89146

## NOTICE OF VIOLATION #9394

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to M.P. Trust (**MPT**) and Michael Perry (**Perry**), individually, of the violations of the Clark County Air Quality Regulations (**AQRs**) as alleged below and proposes to assess a civil penalty of Eleven Thousand Six Hundred and no/100 Dollars (\$11,600.00) as shown in the Penalty Calculation Table attached hereto as **Exhibit A** and incorporated herein.

### I. FACTS

The building located at 1430 East Desert Inn Road, Las Vegas, Nevada, is a “facility” per the Environmental Protection Agency’s (**EPA**) National Emission Standards for Hazardous Air Pollutants (**NESHAP**) asbestos regulations found in 40 CFR Part 61, Subpart M, which have been adopted by reference in Section 13.1 of the **AQRs**.

On November 15, 2019, at approximately 1:20 p.m., Air Quality Specialist II Kevin Adoor (**Adoor**) was on routine patrol when he observed a 16 cubic yard dumpster (**Dumpster**) adjacent to a four unit apartment building located at 1430 East Desert Inn Road, Las Vegas, Nevada 89169 (**Facility**). Adoor stopped to investigate and conduct an inspection. Adoor’s inspection report is attached hereto as **Exhibit B** and incorporated herein. Adoor noted that Units 1 and 3 of the Facility were fire damaged and the Dumpster contained fire damaged debris including acoustic ceiling texture (**Exh. B, Att. 4, Photos 1 and 2**). Acoustic ceiling texture is a suspect Regulated Asbestos-Containing Material (**RACM**). Adoor also noted that plywood used to secure the front doors and

patio doors of Units 1 and 3 had been removed (**Exh. B, Att. 4, Photos 1 and 5**), but there were no workers onsite. Adoor inspected Units 1 and 3 and noted they contained two bedrooms each, a north bedroom (**North Room**) and a west bedroom (**West Room**). Adoor also noted the following:

1. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
  - a. Nearly all of the acoustic ceiling texture was missing from the ceilings of the two North Rooms (**Exh. B, Att. 4, Photos 9 and 11**).
  - b. Nearly all of the fire/smoke damaged acoustic ceiling texture debris that was once present on the ceilings of the two North Rooms had been removed from the Facility. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (**Exh. B, Att. 4, Photos 6 and 11**).
2. A section of the ceiling, including acoustic ceiling texture, had been removed from the West Room of Unit 3 which was also smoke damaged (**Exh. B, Att. 4, Photo 18**).
3. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (**Exh. B, Att. 4, Photo 12**).
4. Waste bins were present in each of the North Rooms of Units 1 and 3 (**Exh. B, Att. 4, Photos 6 and 12**).

Adoor obtained one sample of fire damaged acoustic ceiling texture debris from inside of the Dumpster (**Exh. B, Att. 4 Photos 3 and 4**), and two samples of fire damaged acoustic ceiling texture debris from Units 1 and 3 (**Exh. B, Att. 4, Photos 7, 8, 14, and 15**). The sample obtained from the Dumpster, #191086-1, was later determined to contain 2% Chrysotile Asbestos. The two samples obtained from Units 1 and 3, #191086-2 and #191086-3, were later determined to contain 10% Chrysotile Asbestos (**Exh. B, Att. 5, Page 2**).

At approximately 2:45 p.m., Adoor called Perry, the individual who had rented the Dumpster from Lunas Construction (**Exh. B, Att. 3, Page 4**). Perry was also the trustee of MPT, the tenant who was renting the Facility with an option to purchase (**Exh. B, Att. 2**). Perry stated an asbestos survey had not been performed. Perry further stated his intent to fully renovate the two fire damaged apartments and that the removal of the fire/smoke damaged materials was part of that process. Adoor informed Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris, and the Dumpster should remain on site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry that the debris in the Dumpster and on the patio was in an area accessible to the public. Adoor further informed Perry that the debris should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the materials be determined to contain asbestos. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (**Exh. B, Att. 6**).

At approximately 2:54 p.m., Perry called Lunas and tried to have the Dumpster containing Asbestos-Containing Waste Materials (ACWM) removed (**Exh. B, Att. 3, Pages 2 and 3**).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker, Alexander Bishop (**Bishop**), who stated he had been hired by Perry to remove all of the fire damaged materials from the Facility. Adoor asked Bishop if the fire damaged debris included acoustic ceiling texture and Bishop responded affirmatively. Adoor noted that Bishop was not wearing a respirator or any other type of protection. Adoor informed Bishop of his conversation with Perry. Adoor also asked Bishop if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not contacted him. Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At approximately 3:45 p.m., Adoor sent an email to Perry at [snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com) and [swfmperry@gmail.com](mailto:swfmperry@gmail.com) regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting (**Exh. B, Att. 8, Pages 20 through 23**). Adoor also included information regarding the regulatory requirements.

On November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit 1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (**Exh. B, Att. 4, Photo 20**). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos. At approximately 1:30 p.m., Adoor sent an email to Perry reiterating what he had stated on Perry's voicemail.

At approximately 1:50 p.m., Adoor received a call from Perry who stated an asbestos survey had been performed by Larry Carter (**Carter**), asbestos consultant for MSE Environmental. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry stated he understood what was required.

At approximately 2:25 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (**Exh. B, Att. 8, Pages 18 and 19**).

At approximately 2:45 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (**Exh. B, Att. 8, Page 18**).

On November 19, 2019, at approximately 12:35 p.m., Adoor received a call from Carter who stated the samples of acoustic ceiling texture he had obtained from the Facility were determined to contain 5% Chrysotile Asbestos. Carter also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor returned to the Facility to perform an inspection and to take measurements of the interior. Adoor noted the Dumpster remained uncovered (**Exh. B, Att. 4, Photo 22**). Adoor met with Perry and informed him that the Dumpster needed to be sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor. Perry again denied there were any building materials from the Facility that were placed in the Dumpster. Adoor inspected the Facility and determined that at least 100 square feet of acoustic ceiling texture had been removed from the North Room of Unit 1 (**Exh. B, Att. 4, Photo 9**). Adoor also determined that at least 100 square feet of acoustic ceiling texture had also been removed from the North Room of Unit 3 (**Exh. B, Att. 4, Photos 11 and 16**). Adoor further determined that at least 30 square feet of acoustic ceiling texture had been removed from the West Room of Unit 3 (**Exh. B, Att. 4, Photo 18**). During the course of the inspection, Adoor obtained three samples, #191086-6 through 191086-8, of residual acoustic ceiling texture from the North Room of Unit 1 (**Exh. B, Att. 4, Photos 9 and 10**), the West Room of Unit 3 (**Exh. B, Att. 4, Photos 18 and 19**), and the North Room of Unit 3 (**Exh. B, Att. 4, Photos 16 and 17**). All three samples were determined to contain 3% to 4% Chrysotile Asbestos by point count analysis using polarized light microscopy (**Exh. B, Att. 10, Page 3**).

On November 20, 2019, at approximately 10:55 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Tuesday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that Air Quality would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (**Exh. B, Att. 8, Pages 15 and 16**).

At approximately 12:50 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 23**).

On November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 24**). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At approximately 12:20 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQRs (**Exh. B, Att. 8, Page 14**).

On November 22, 2019, at approximately 8:55 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- Acoustic ceiling texture in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (**Exh. B, Att. 11, Page 16**).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (**Exh. B, Att. 11, Page 18, and 27 through 32**).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (**Exh. B, Att. 11, Page 19**):

“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. **Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.**”

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (**Exh. B, Att. 11, Page 22**).

At approximately 12:05 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (**Exh. B, Att. 8, Page 11**).

At approximately 12:25 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 26**).



At approximately 2:00 p.m., Adoor sent an email to Perry informing him of his observations and reiterating that the Dumpster needed to be posted with asbestos warning signs (**Exh. B, Att. 8, Page 10**).

On November 25, 2019 at approximately 8:35 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (**Exh. B, Att. 8, Page 9**).

On November 26, 2019, at approximately 9:20 a.m., Adoor sent an email to Perry and informed him that it was his responsibility to ensure the Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (**Exh. B, Att. 8, Pages 8 and 9**).

On December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (**Exh. B, Att. 4, Photo 27**). Adoor called Perry and informed him the Dumpster needed to be resealed.

On December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from its south end (**Exh. B, Att. 4, Photo 28**). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (**Exh. B, Att. 8, Page 8**).

On December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On December 10, 2019, at approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (**Exh. B, Att. 4, Photo 29**). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (**Exh. B, Att. 8, Page 5**).

On December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (**Exh. B, Att. 4, Photo 30**). While on site, Adoor sent an email to Perry informing him of his observations and reiterating that the Dumpster needed to be resealed (**Exh. B, Att. 8, Page 4**).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On December 30, 2019, at approximately 2:30 p.m., Air Quality received a NESHAP Notification of Asbestos Abatement from A&I Industries (**A&I**) for the abatement of the ACWM from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Kent Shank, manager for A&I, and Jacobo Torres, supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (**Exh. B, Att.4, Photo 31**).

On January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

## **II. APPLICABLE LAW**

According to the definitions in the National Emission Standards for Hazardous Air Pollutants asbestos regulations found in 40 CFR Part 61, Subpart M, adopted by reference in AQR Section 13.1, the structure described above meets the definition of a “Facility”. Additionally, MPT and Perry meet the definition in 40 CFR §61.141 of “owner or operator of a demolition or renovation activity.” AQR Section 8.1 provides that “All persons owning, operating, or in control of any equipment or property who shall cause, permit, or participate in, any violation of [the Clark County Air Quality] Regulations shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations.”

Pursuant to 40 CFR §61.145(a)(4) and AQR Section 13.1, all requirements in 40 CFR §61.145(a) §61.145(b) and 40 CFR §61.145(c) apply to the renovation of the Facility. Additionally, pursuant to 40 CFR §61.150, all requirements in §61.150(a) and §61.150(d) apply to the renovation of the Facility.

## **III. VIOLATIONS**

### **Violation 1:**

By failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, MPT and Perry violated 40 CFR §61.145(a), adopted by reference in AQR Section 13.1.

40 CFR §61.145(a) states:

“Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of

paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows: ...”

### **Violation 2:**

By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference in AQR Section 13.1.

40 CFR 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i) state:

“(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

- (1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

...

- (3) Postmark or deliver the notice as follows:

- (i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.”

### **Violation 3:**

By failing to have at least one onsite representative trained in the provisions of the NESHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR §61.145(c)(8), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(8) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

- (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained onsite individual shall receive

refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.”

**Violation 4:**

By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(6)(i) states:

“(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; ...”

**Violation 5:**

By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR §61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iii) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

...

(iii) After wetting, seal all asbestos containing waste material in leak tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping;”

**Violation 6:**

By failing to label waste containers with warning labels, MPT and Perry violated 40 CFR §61.150(a)(1)(iv), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iv) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 19.10.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.”

#### **IV. RECOMMENDED CIVIL PENALTY**

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The owner/operator was deceptive and misleading.
  - After acknowledging he understood that the Dumpster needed to remain onsite until the asbestos content of the materials inside were determined, the owner/operator attempted to have the Dumpster removed.
  - After acknowledging he understood that there should be no further disturbance or removal of any suspect asbestos-containing materials, the owner/operator removed ACWM from the patio of Unit 1.
- The owner/operator was slow to act once notified of the violations.
  - The owner/operator allowed the Dumpster with ACWM to remain uncovered for seven days from November 15, 2019 through November 21, 2019 despite multiple warnings by Air Quality.
  - The owner/operator did not post asbestos warning signs until November 25, 2019, six days after he was notified of the Dumpster contained ACWM despite multiple warnings by Air Quality.

- On four separate occasions after the Dumpster was sealed, Air Quality discovered the seal had been broken and on one occasion, materials were removed from the Dumpster.
- The Dumpster was not abated until January 2, 2020.

Air Quality recommends a civil penalty in the amount of \$11,600.00 (**Exh. A**).

## V. HEARING

Air Quality has scheduled a hearing for **Thursday, March 19, 2020, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed "**Notice of Violation Response Form**" and return it to Air Quality by March 5, 2020. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



Marci Henson  
Control Officer

### Exhibits:

- A. Penalty Calculation Table, NOV #9394
- B. Air Quality Asbestos Site Inspection Form, dated November 15, 2019

kpa



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 Marci Henson Director

**Exhibit A**

**NOV # 9394**

**Penalty Calculation Table**

**M. P. Trust and Michael Perry**

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
					Description	Amount					
1	11/15/2019	Failed to perform a thorough inspection for asbestos prior to activity.	40 CFR 61.145(a)	Exh.B, Att. 4 Photos 1-19	Minor / Major	\$ 1,000	1	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
2	11/15/2019	Failure to notify 10 days prior to commencing removal of RACM.	40 CFR 61.145(b)(1) & (b)(3)(i)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Major	\$ 1,000	1	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
3	11/15 and 11/18/2019	Failed to have at least one onsite representative trained in the provisions and means of complying with them.	40 CFR 61.145(c)(8)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Moderate	\$ 500	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
4	11/15 and 11/18/2019	Failed to adequately wet and ensure it remained wet, all removed RACM.	40 CFR 61.145(c)(6)(i)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Major	\$ 1,000	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 900	\$ 2,900
5	11/15 and 11/21/2019	Failed to seal ACWM in leak tight containers.	40 CFR 61.150 (a)(1)(iii)	Exh.B, Att. 4 Photos 2, 24, 25 and 28	Minor / Major	\$ 1,000	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 900	\$ 2,900
6	11/15 and 11/21/2019	Failed to label asbestos waste containers.	40 CFR 61.150 (a)(1)(iv)	Exh.B, Att. 4 Photos 1 and 24	Minor / Moderate	\$ 500	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450

**Total Penalty: \$ 11,600**

Extent of Deviation from Requirement		Major	Mod	Minor
		Major	\$4,000	\$2,000
Mod	\$2,500	\$1,250	\$750	
Minor	\$1,000	\$500	\$375	

Regulatory maximum: \$10,000 per day, per violation  
 [AQR Section 9.1 & NRS 445B.270(2)]



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### ASBESTOS SITE INSPECTION FORM

### Exhibit B

Date: 11/15/2019 Arrival: 1:20 pm Departure: 3:50 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Project Start Date: \_\_\_\_\_ Project #: 191086

Project Stop Date: \_\_\_\_\_ Complaint #: \_\_\_\_\_

Purpose of Inspection: Unannounced/Routine

#### A. ON-SITE RECORD REVIEW

- 1. Evidence of on-site rep NESHAP training?  Yes  No  N/A  Not Observed  
Name of on-site supervisor: \_\_\_\_\_

#### B. WORKSITE

- 1. Is activity as described on the notification?  Yes  No  N/A  Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)?  Yes  No  N/A  Not Observed
- 3. Warning signs posted?  Yes  No  N/A  Not Observed
- 4. Containment intact?  Yes  No  N/A  Not Observed
- 5. RACM adequately wet?  Yes  No  N/A  Not Observed
- 6. Functional decontamination unit?  Yes  No  N/A  Not Observed
- 7. Are there visible emissions?  Yes  No  N/A  Not Observed
- 8. Dust/debris outside removal area?  Yes  No  N/A  Not Observed
- 9. Negative air machines operating?  Yes  No  N/A  Not Observed
- 10. Is non-friable ACM in good condition?  Yes  No  N/A  Not Observed

#### C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)?  Yes  No  N/A  Not Observed
- 2. Are contents adequately wet?  Yes  No  N/A  Not Observed
- 3. ACWM placed in leak-tight containers?  Yes  No  N/A  Not Observed
- 4. Are waste containers/dumpsters properly labeled?  Yes  No  N/A  Not Observed

Samples taken?  Yes  No

Photographs taken?  Yes  No

Inspection Fees to Be Assessed: None

#### Notes:

##### Contacts:

Alexander Bishop = Laborer hired by Michael Perry to remove fire damaged debris at 1430 East Desert Inn Road: (702) 712-8464  
 Derek Moellinger = Manager of Vice Realty Group, LLC which was managing 1430 E. Desert Inn Road: (702) 250-7480  
 Fire Camp Property, LLC = Owner of the property located at 1430 E. Desert Inn Road  
 Larry Carter = A licensed asbestos abatement consultant for MSE Environmental  
 M. P. Trust = Tenant leasing a property located 1430 East Desert Inn Road with an option to purchase  
 Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road:  
 (702) 812-8357

##### List of Acronyms:

ACM = Asbestos-Containing Material  
 ACT = Acoustic Ceiling Texture  
 ACWM = Asbestos-Containing Waste Material  
 DAQ = Department of Air Quality  
 CFR = Code of Federal Regulations  
 NESHAP = National Emission Standards for Hazardous Air Pollutants  
 PAPR = Powered Air Purifying Respirator  
 PLM = Polarized Light Microscopy  
 RACM = Regulated Asbestos Containing Material

Approved by: AS

Date: 1/7/2020





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### ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Important Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(a): Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.



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### ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR 61.145(c)(6): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.
- 40 CFR 61.150(a)(1)(iv): Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust and Michael Perry (Perry)

On Friday, November 15, 2019, Air Quality Specialist II Kevin Adoor (Adoor) discovered fire damaged debris in a 16 cubic yard dumpster (Dumpster) and on an adjacent patio of a 1st floor apartment located at 1430 East Desert Inn Road (Facility). The debris on the patio and inside the Dumpster was located in an area that was accessible to the public and within a few feet of a parking space used by a family residing at 1416 East Desert Inn Road. There was no water at the Facility and the debris was removed and deposited in the Dumpster while in a dry condition. The debris originated from Units 1 and 3 of the Facility and was later determined to be Asbestos-Containing Waste Material (ACWM). The Facility was under the control of M P Trust and Michael Perry (Perry), the trustee of M P Trust, and an asbestos survey had not been performed prior to the renovations. While onsite, Adoor informed Perry of the requirement for an asbestos survey. Adoor also informed Perry that there should be no further disturbance of any suspect asbestos containing materials, including the removal of debris, and the Dumpster should remain onsite until the results on an asbestos survey were available. Adoor further informed Perry that the debris on the patio and in the Dumpster should be lightly wetted and covered with plastic sheeting until the results of an asbestos survey were known. Approximately two minutes after speaking with Adoor, Perry called Lunas Construction Cleanup, Inc. (Lunas), the company that provided the Dumpster, and tried to have the Dumpster removed. However, Perry did not contact Alexander Bishop, a worker who had removed the debris from the Facility, to warn him of the potential danger. Bishop returned to the Facility while Adoor was onsite and resumed work inside one of the contaminated apartments before Adoor discovered he was inside and informed him of the potential danger. Moreover, the debris on the patio was removed sometime after Adoor left the Facility on Friday, November 15, 2019, and his return to the Facility on Monday, November 18, 2019. Perry was slow to act after being contacted by Adoor on November 15, 2019. Perry allowed the Dumpster containing ACWM to remain uncovered and without asbestos warning signs for 7 days, from November 15, 2019 through November 21, 2019. The Dumpster remained without asbestos warning signs for 3 additional days until November 24, 2019. For thirteen days, from November 19, 2019, the day Perry was informed the Dumpster contained ACWM, through at least December 2, 2019, Perry had not met with a licensed asbestos abatement contractor. During this time, Perry claimed he had "made a few calls but no one had called him back." After the Dumpster was sealed on November 22, 2019, Adoor discovered the plastic sheeting covering the Dumpster was torn open on for separate occasions, December 2, 5, 10, and 11, 2019. On or about December 5, 2019, at least one person had entered into the Dumpster and removed ACWM which may have resulted in exposure to asbestos fibers. The Dumpster remained onsite as a potential hazard to the public for 48 days, from November 15, 2019 through the morning of January 2, 2020 when A & I Industries LLC (A&I), a licensed asbestos abatement contractor, began abatement of the Dumpster. At the time the Dumpster was abated of all ACWM, there was significantly less material inside than what was present when the Dumpster was first sealed with plastic sheeting on November 22, 2019.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all...



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**ASBESTOS SITE INSPECTION FORM**  
**Page 4 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility. The buildings were also subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). The definition of facility under the Asbestos NESHAP states that "Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function." Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAP. Additionally, the property located at 1430 East Desert Inn Road and an adjacent property located at 1423 Sombrero Drive were under common ownership by Fire Camp Properties, LLC at the time the violations were discovered by Adoor. The two properties under common ownership meets the definition of a facility.

On or about June 28, 2019, the Facility was damaged by a fire in Units 1 and 3 (Att. 1, Fox News Report).

On Thursday, August 1, 2019, Adoor and Air Quality Specialist II Whitney Francis (Francis) met with Derek Moellinger (Moellinger) at a property across the alley from the Facility. Moellinger was the property manager of the Facility and a manager of Vice Realty, LLC (Vice Realty). During the meeting, Adoor and Francis informed Moellinger of the requirement for an asbestos survey prior to renovations or demolition. Adoor and Francis also informed Moellinger of the likelihood that asbestos-containing materials (ACM), most likely acoustic ceiling texture (ACT), was present in the Facility. During Adoor and Francis's meeting with Moellinger, the Facility was boarded up and secured. Moellinger stated to Adoor and Francis that it had been boarded up since the fire and there were no plans for renovations.

On Sunday, August 28, 2019, Perry, acting as a trustee of M P Trust, signed a lease agreement with the option to purchase the Facility (Att. 2, Lease Agreement). Section (2) of the lease agreement stated the term of the lease was from September 2019 through September 2020. Section (5)(B) of the lease agreement stated the tenant agreed to "...conform to and obey all laws, ordinances, rules, regulations and orders of all Federal, State, and local government authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property." Section (11) of the lease agreement stated "The tenant/buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior."

Note 1: Moellinger provided Adoor with a copy of the lease agreement on November 19, 2019.

On Friday, November 15, 2019, at approximately 1:20 p.m., Adoor was on routine patrol when he observed the Dumpster at the Facility. Perry rented the Dumpster from Lunas (Att. 3, Email Correspondence with Lunas; Pages 3 and 4). Adoor noted that fire damaged debris was present in the Dumpster and on the patio of Unit 1 (Att. 4, Digital Photographs; Photos 1 and 2). The debris included building materials that were suspect Regulated Asbestos-Containing Materials (RACM) and other fire damaged debris that was suspected of being contaminated with asbestos. RACM debris and materials contaminated with asbestos are ACWM. Adoor estimated the Dumpster was 33% full of fire damaged debris at the time of the inspection. Adoor noted that plywood used to secure the front doors and patio doors of Units 1 and 3 had been removed or were unsecured and leaning up against the walls (Att. 4, Photos 1 and 5). Adoor also noted the Facility was vacant at the time of his arrival.

Adoor inspected the Facility after donning a protective suit, a powered air purifying respirator (PAPR), and gloves. Adoor noted that Units 1 and 3 contained two bedrooms each, a north bedroom (North Room) and west bedroom (West Room). Adoor noted the...



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### ASBESTOS SITE INSPECTION FORM Page 5 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...following during his inspection:

1. The ceilings of the living rooms and hallways of both apartments were smoke damaged.
2. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
  - a. Nearly all of the ACT was missing from the ceilings of the two North Rooms (Att. 4, Photos 9 and 11).
  - b. Nearly all of the fire/smoke damaged ACT that was once present on the ceilings of the two North Rooms had been removed from the building. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (Att. 4, Photos 6 and 11).
3. A section of the ceiling, including ACT, had been removed from the West Room of Unit 3 which was also smoke damaged (Att. 4, Photo 18).
4. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (Att. 4, Photo 12).
5. Waste bins were present in each of the North Rooms of Units 1 and 3 (Att. 4, Photos 6 and 12).

During the course of Adoor's inspection he obtained the following five samples of suspect RACM debris with the following analytical results (Att. 5, COC and Lab Report for Samples 191086-1 through 191086-5):

- Sample #191086-1 Fire Damaged ACT Debris in the 16 Cubic Yard Dumpster, 2% Chrysotile Asbestos (Att. 4, Photos 3 and 4)
- Sample #191086-2 Fire Damaged ACT Debris on the Floor of the North Room of Unit 1, 10% Chrysotile Asbestos (Att. 4, Photos 7 and 8)
- Sample #191086-3 Fire Damaged ACT Debris on the Floor of the North Room of Unit 3, 10% Chrysotile Asbestos (Att. 4, Photos 14 and 15)
- Sample #191086-4 Fire Damaged Wall Texture Debris in the North Room of Unit 3, No Asbestos Detected
- Sample #191086-5 Fire Damaged Debris in the 16 Cubic Yard Dumpster, No Asbestos Detected

At 2:45 p.m. Adoor called Perry who stated an asbestos survey was not performed prior to the removal of the fire damaged materials. Perry explained that his intent was to fully renovate the two fire damaged apartments and the removal of all of the fire/smoke damaged materials was part of that process. Adoor informed Perry of the likelihood that ACM was present in the Facility and the fire damaged debris in the Dumpster was likely contaminated with asbestos. Adoor further informed Perry there should be no further disturbance of any suspect ACM, including the removal of debris, and the Dumpster should remain on-site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry the debris in and around the Dumpster was in an area accessible to the public and that an asbestos survey needed to be performed as soon as possible but no later than the following business day, Monday, November 18, 2019. Adoor further informed Perry that the Dumpster and debris outside should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos, if present, until the asbestos content of the debris was determined. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (Att. 6, Phone Record with Perry).

At 2:54 p.m., Perry called Lunas and asked to have the Dumpster containing the suspect ACWM removed from the property in a willful attempt to circumvent the AQ Regulations (Att. 3, Pages 2 and 3).



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### ASBESTOS SITE INSPECTION FORM Page 6 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

At 2:54 p.m., Adoor called Moellinger who stated Perry was purchasing the Facility from Fire Camp Property and was leasing it until the close of escrow at the end of the month. Moellinger was uncertain if he had informed Perry of the requirement for an asbestos survey or the potential for ACM in the Facility. However, Moellinger explained that he had directed Perry not to remove any materials or perform any work at the Facility until the close of escrow. Moellinger stated he would contact Perry and direct him to immediately stop all work and to address the matter.

Note 2: On Monday, November 18, 2019, Adoor sent an email to Moellinger asking him to confirm that Adoor had correctly documented their conversation. On Tuesday, November 19, 2019, Adoor received an email from Moellinger correcting Adoor's account by stating that Perry was notified of the presence of asbestos in the building (Att. 7, Email Correspondence with Moellinger; Pages 3 and 4). A copy of the lease agreement was included in the email.

Note 3: On November 20, 2019, Adoor sent an email to Moellinger asking if the fire damaged debris was removed prior to Perry taking control of the Facility. Moellinger responded the same day stating nothing was removed prior to Perry taking control of the Facility (Att. 7, Pages 1 and 2).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker who stated his name was Alexander Bishop (Bishop) and he had been hired by Perry to remove all of the fire damaged materials from the Facility. Bishop was not wearing a respirator or any other type of protection. Adoor asked Bishop if the fire damaged debris included ACT and Bishop answered affirmatively. Adoor informed Bishop of his conversation with Perry. Adoor also asked if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not recently contacted him.

Note 4: Perry called Lunas and tried to have the Dumpster removed approximately two minutes after speaking with Adoor. However, Perry did not call Bishop to warn him of the potential danger.

Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At 3:43 p.m., Adoor sent an email to Perry at snmc.mpperry@gmail.com and swfmperry@gmail.com regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting until the asbestos content of the materials were determined in order to minimize the potential for public exposure to asbestos fibers if asbestos was present (Att. 8, Email Correspondence with Perry; Pages 20 - 23). Adoor also included information regarding the regulatory requirements.

On Monday, November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit #1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (Att. 4, Photograph 20). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos.

At 1:32 p.m., Adoor sent an email to Perry informing him of his observations and repeating the relevant portions of the email sent to Perry on Friday, November 15, 2019. Adoor also requested an update regarding the performance of an asbestos survey (Att. 8, Pages 19 and 20).



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**ASBESTOS SITE INSPECTION FORM**  
**Page 7 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_  
Facility Name or Description: Apartment Building  
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169  
Abatement/Demolition Company: M. P. Trust / Michael Perry

At 1:49 p.m., Adoor received a call from Perry who stated the Dumpster had been covered but someone set it on fire the previous day, Sunday.

Note 5: Adoor did not observe any evidence the Dumpster or debris on the patio had been covered when he visited the Facility earlier in the day.

Perry also stated that Larry Carter (Carter), a licensed asbestos-abatement consultant for MSE Environmental, had performed an asbestos survey earlier in the day and the results would be available in a few days. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry again stated he understood what was required.

At 2:26 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (Att. 8, Pages 18 and 19).

Note 6: Perry's statement was inconsistent with Adoor's observations on Friday, November 15, 2019 before the Dumpster was set on fire. At that time, Adoor observed building materials and personal belongings in the Dumpster that were all fire damaged (Att. 4, Photos 2, 3, and 13). Adoor also inspected Units 1 and 3, and noted that almost all of the drywall that was removed from those units originated from the North Rooms which were fire damaged. Adoor also noted that nearly all of the drywall removed from the North Rooms was previously covered with ACT.

At 2:47 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (Att. 8, Page 18).

On Tuesday, November 19, 2019, at 12:36 p.m., Adoor received a call from Carter who stated the ACT samples he obtained were determined to contain 5% Chrysotile Asbestos. He also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor arrived at the property and met with Perry who again denied there were any building materials in the Dumpster. Perry further claimed that all of the debris in the Dumpster was fire damaged after the Dumpster was lit on fire over the weekend. Perry also claimed that all of the materials in the Dumpster were removed from Units 2 and 4. Perry then stated there was no asbestos in the Dumpster and that he needed to remove it from the property.

Note 7: Some of the additional personal belongings that were placed in the Dumpster after Adoor left the Facility on Friday, November 15, 2019, may have originated from Units 2 and 4. However, Perry's statement that all of the debris in the Dumpster originated from Units 2 and 4 was false. Fire damaged debris was present in the Dumpster on November 15, 2019, before the fire in the Dumpster. When Adoor inspected Units 2 and 4 there was no evidence of fire or smoke damage to building materials or the personal belongings inside.

Adoor informed Perry the Dumpster contained debris from building materials including textured drywall and ACT. Adoor then showed Perry the debris in the Dumpster. Perry first claimed the drywall was really just furniture that burned after it was placed in the Dumpster. Later, while wearing a protective suit and respirator, Adoor uncovered multiple pieces of fire damaged drywall that was present in the Dumpster and showed it to Perry (Att. 9, Adoor and Perry). At that time, Perry acknowledged the debris was drywall...



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### ASBESTOS SITE INSPECTION FORM Page 8 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...but claimed it was too thin to have originated from the Facility. Perry continued to claim that everything in the Dumpster originated from Units 2 and 4 which were not fire damaged. Adoor informed Perry that he had observed fire damaged debris in the Dumpster on Friday afternoon before the Dumpster was lit on fire. Adoor also informed Perry that any fire damaged debris removed from Units 1 and 3 were considered contaminated with asbestos and would have to be abated by a licensed asbestos abatement contractor. Adoor and Perry then spoke by telephone with Carter using the speaker phone feature on Adoor's telephone. Carter also informed Perry that any materials in the fire damaged apartments were considered to be contaminated with asbestos. Adoor also informed Perry that EPA had issued a letter of determination affirming that materials were considered contaminated with asbestos if they were located in an area of a building with ACM that was fire damaged. However, Perry continued to claim that all of the debris had originated from Unit #'s 2 and 4 that weren't fire damaged. Francis arrived at the property at the conclusion of Adoor's conversation with Perry and Carter. Adoor again informed Perry the Dumpster needed to be sealed and posted with asbestos warning signs.

Adoor then inspected Units 1 and 3 while wearing a protective suit, a PAPR, and gloves. During the inspection, Adoor used a tape measure to determine the following amounts of ACT that were removed from the Facility:

- Unit 1, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photo 9).
- Unit 3, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photos 11 and 16).
- Unit 3, West Room: At least 30 square feet of ACT had been removed (Att. 4, Photo 18).

During the course of Adoor's inspection he obtained the following four samples of suspect RACM with the following lab results (Att. 10, COC and Lab Reports for Samples 191086-6 through 191086-9):

- Sample 191086-6 Residual ACT in the North Room of Unit #1, 3% Chrysotile Asbestos by Point Counting (Att. 4, Photos 8 and 9)
- Sample 191086-7 Residual ACT in the West Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 18 and 19)
- Sample 191086-8 Residual ACT in the North Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 16 and 17)
- Sample 191086-9 Fire Damaged Debris at the South End of the Dumpster, No Asbestos Detected

On Wednesday, November 20, 2019, at 10:54 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Monday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (Att. 8, Pages 15 and 16).

At approximately 12:45 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos...



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### ASBESTOS SITE INSPECTION FORM Page 9 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...warning signs were posted (Att. 4, Photo 23).

On Thursday, November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (Att. 4, Photo 24). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At 12:22 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQ Regulations (Att. 8, Page 14).

At 12:27 p.m., Adoor received an email from Perry stating "As per our conversation today the Dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed" (Att. 8, Page 13).

Note 8: Adoor thought it was odd that Perry claimed to be watering the Dumpster that day due to the fact it had been raining throughout the previous day. Adoor also noted that Perry referred to a conversation between Perry and Adoor that never occurred, "As per our conversation today...".

At 12:33 p.m., Adoor sent an email to Perry requesting an update regarding Perry's efforts to hire an asbestos abatement contractor for the clean-up (Att. 8, Page 13).

At 2:25 p.m., Adoor received an email from Perry stating "I'm working on it today and will keep you abreast". Perry also stated "please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible" (Att. 8, Page 12).

At 3:23 p.m., Adoor sent an email to Perry which included the analytical reports and chain of custody documents for the samples obtained on November 15 and 19, 2019.

Note 9: Adoor had already provided copies of the laboratory reports to Perry in an email sent on November 20, 2019.

Adoor also informed Perry that photographs would be provided no later than the following afternoon. Adoor further informed Perry the report would not be completed until the conclusion of the enforcement action but it would be provided as soon as possible thereafter (Att. 8, Page 12).

At 4:19 p.m., Adoor received an email from Perry acknowledging receipt of the laboratory reports and chain of custody documents. Perry also asked if there was a witness present when Adoor obtained his samples on November 15, 2019 (Att. 8, Page 11).

On November 22, 2019, at 8:54 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- The report identified the customer as Double 007 Properties (Att. 11, Asbestos Survey Report; Page 1).

Note 10: A search of a database at the website of the Nevada Secretary of State did not produce a business entity named "Double 007 Properties". However, the search did return a company named 007 Properties, LLC whose status was described as permanently revoked. Perry was listed as the sole managing member/officer (Att. 12, 007 Properties, LLC).





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**ASBESTOS SITE INSPECTION FORM**  
**Page 10 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- ACT in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (Att. 11, Page 16).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (Att. 11, Page 18, and Attached Lab Reports Pages 1 -6).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (Att. 11, Page 19):  
“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (Att. 11, Page 22).

At 12:06 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (Att. 8, Page 11).

At approximately 1:30 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (Att. 4, Photo 26).

At 2:01 p.m., Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be posted with asbestos warning signs (Att. 8, Page 10).

At 11:28 p.m., Adoor received an email from Perry stating he was in the process of getting the signs and would post them over the weekend (Att. 8, Pages 9 and 10).

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On Monday, November 25, 2019 at 8:37 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (Att. 8, Page 9).

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On Tuesday, November 26, 2019, at 9:18 a.m., Adoor sent an email to Perry and requested an update regarding Perry's efforts to hire a licensed asbestos abatement contractor for the clean-up. Adoor also informed Perry that it was his responsibility to ensure the...



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### ASBESTOS SITE INSPECTION FORM Page 11 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (Att. 8, Pages 8 and 9).

On Monday, December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photo 27). Adoor called Perry and informed him the Dumpster needed to be resealed. Perry replied that he would reseal the Dumpster before the end of the day. Adoor then requested an update regarding Perry's efforts to hire an asbestos abatement contractor to abate the Dumpster. Perry stated he had made a few phone calls but no one had gotten back to him. Note 11: Perry was first informed that the Dumpster contained ACWM and required abatement of those materials as soon as possible on November 19, 2019. Perry was also aware the Dumpster was located in an area accessible to the public and within a few feet of a parking space used by a family residing at an adjacent property. Thirteen days later on December 2, 2019, Perry still had not met with a licensed asbestos abatement contractor to obtain a bid for the clean-up.

On Tuesday, December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On Thursday, December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from the south end of it (Att. 4, Photo 28). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed. Perry stated he was out of state but would have someone reseal the Dumpster.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (Att. 8, Page 8).

At 3:45 p.m., Adoor received an email from Perry stating he was obtaining bids for the clean-up (Att. 8, Page 7).

On Friday, December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On Monday, December 9, 2019, at 11:51 a.m., Adoor received an email from Perry stating he had received bids and would be talking to contractors to see if he could "lower the building." Perry further stated in the email that he "may need to extend this out" as he was not "expecting this type of bill." Perry also asked what he needed to do to extend the time of removal (Att. 8, Page 7).

On Tuesday, December 10, 2019, at 7:17 a.m., Adoor sent an email to Perry informing him he wasn't sure what Perry meant when he stated "lower the building." Adoor also stated that the abatement of the ACWM in the Dumpster was the immediate concern due to reasons previously discussed. Adoor further stated that the timeline for the abatement of the ACWM inside of the building could be



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### ASBESTOS SITE INSPECTION FORM Page 12 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...discussed once the Dumpster had been addressed (Att. 8, Page 6).

At 7:27 a.m., Adoor received an email from Perry stating he did not have the money to have the Dumpster abated and asked what he needed to do to get an extension (Att. 8, Page 6).

At 9:00 a.m., Adoor sent an email to Perry informing him an extension of the deadline would not be granted. Adoor explained that Perry had already demonstrated his inability to ensure the Dumpster remained sealed. Adoor further explained that at least one person had entered into the Dumpster and removed debris possibly resulting in their exposure to asbestos fibers. Adoor reminded Perry that the Dumpster was located directly adjacent to the parking space of a family residing at the building to the west of the Facility (Att. 8, Pages 5 and 6).

At approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photograph 29). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (Att. 8, Page 5).

At 10:49 a.m., Adoor received an email from Perry stating he would stop by in an hour to reseal the Dumpster (Att. 8, Page 5).

At 12:12 p.m., Perry sent an email to Adoor claiming the Dumpster was sealed and that he couldn't find where it had been torn open (Att. 8, Email Correspondence with Perry Page 4).

Note 12: Perry's email was held up by the Clark County Security System and Adoor did not receive the email until the following afternoon.

On Wednesday, December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (Att. 4, Photograph 30). While on site, Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be resealed (Att. 8, Page 4).

At approximately 1:55 p.m., Adoor received Perry's email from the previous day.

At 1:56 p.m., Adoor sent an email to Perry stating the area that needed to be resealed was the obvious hole on top near the east edge of the Dumpster (Att. 8, Page 3).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On Monday, December 16, 2019, at 3:06 p.m., Adoor received an email from Perry stating he had signed a contract with A & I Industries (A&I) for the abatement of the Dumpster. Perry also stated in his email that the abatement of the Dumpster may not occur until after the end of the year (Att. 8, Page 3).

On Tuesday, December 17, 2019, Air Quality Supervisor, Anna Sutowska (Sutowska) sent an email to Perry informing him that...



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### ASBESTOS SITE INSPECTION FORM Page 13 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Adoor was out of the office until December 26, 2019. Sutowska also reiterated Adoor's email to Perry sent on November 20, 2019 stating the DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible. Sutowska further stated the abatement should be scheduled immediately (Att. 8, Page 2).

On Monday, December 23, 2019, Adoor was copied on an email from Perry to Kent Shank (Shank), a project Manager for A&I indicating the abatement of the Dumpster would begin on January 2, 2020 (Att. 13, Email from Perry 12/23/2019).

On Monday, December 30, 2019, at 1:17 p.m., Adoor was copied on an email from Perry to Shank confirming that the abatement of the dumpster would begin on January 2, 2020 (Att. 14, Email with Perry 12/30/2019).

At 2:28 p.m., DAQ received a NESHAP Notification of Asbestos Abatement from A&I for the abatement of the RACM debris from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On Thursday, January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Shank and Jacobo Torres (Torres), a supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (Att.4 Photo 31).

On Friday, January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

At 10:13 a.m., Adoor sent an email to Perry informing him the Dumpster had been abated of all ACWM. Adoor also informed Perry that ACWM remained in Units 1 and 3 and that the two apartments needed to be secured until they were decontaminated. Adoor further informed Perry that a copy of his report would be provided to him no later than the end of the following week (Att. 8, Pages 1 and 2).

## **Attachments**

1. Fox News Report
2. Lease Agreement
3. Email Correspondence with Lunas
4. Digital Photographs
5. COC & Lab Report for Samples 191086-1 through 191086-5
6. Phone Record with Perry 11/15/2019
7. Email Correspondence with Moellinger
8. Email Correspondence with Perry
9. Adoor and Perry
10. COC & Lab Report for Samples 191086-6 through 191086-9
11. Asbestos Survey Report
12. 007 Properties, LLC
13. Email from Perry 12/23/2019
14. Email from Perry 12/30/2019

**Attachment 1**  
**Fox News Report**

# Attachment 1 Fox News Report

6/28/2019



LAS VEGAS (FOX5) -- Fire crews battled a blaze at a central valley apartment building Friday morning.



© Lee Ortlieb/FOX5  
Clark County Fire Department crews respond to a structure fire at 1430 E. Desert Inn Road, Friday morning, June 28, 2019.

Just after 7 a.m. Friday, the Clark County Fire Department responded to a structure fire on East Desert Inn Road, near the intersection with Maryland Parkway.




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-  Angels Landing Trail reopens after rockfall...

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**Attachment 2**  
**Lease Agreement**



# Attachment 2 Lease Agreement

## Lease Agreement with Option to Purchase Real Estate

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made this 15th day of August, 2019, by and between the following parties: FIRE CAMP PROPERTY L.L.C.

located at 1430 E DESERT INN RD WINCHESTER, NV 89109 (hereinafter referred to as the Tenant/Buyer); and  
M. P. TRUST

located at 2990 S RAINBOW BLVD ST# 100-F LAS VEGAS NV 89146 (hereinafter referred to as the Landlord/Seller).

In consideration of the mutual promises and covenants hereinafter stipulated, the parties hereby agree as follows

(1) **DESCRIPTION:** The Landlord/Seller agrees to lease, and, the Tenant/Buyer agrees to rent the real property and improvements, hereinafter called property; located at: 1430 E DESERT INN RD WINCHESTER, NV 89109 as more fully described as follows:  
APN # 162-11-410-076

CONTINENTAL PARK #2 PLAT BOOK 9 PAGE 2 LOT 5 BLOCK 1

(2) **TERM:** The term of this Lease/Option shall be for a period of 12 months commencing on SEPT 2019, and ending on SEP 2020. The term will be automatically extended for      periods of      months, unless the Tenant/Buyer gives notice to the Landlord/Seller of its intent to terminate this Lease/Option, by mailing a written notice to the last provided address of the Landlord/Seller. Liability for payment will not extend beyond notice to terminate this agreement. Possession shall be given to Tenant/Buyer on     

(3) **RENT:** Tenant/Buyer agrees to pay to the Landlord/Seller, the sum of \$ 700 per month, with the first payment beginning SEP 2019 as rent for the property, for the term of this Lease/Option, and during any extensions thereof. All rental payments shall be due and payable in advance on the 10th day of each and every month. An amount equal to \$ 0 for each month in which rent was paid, shall be credited to the Tenant/Buyer and applied to the purchase price of the property in the event that the Tenant/Buyer exercises its option hereunder; otherwise, this credit shall be non-refundable and considered forfeited if the option is not exercised.

(4) **OPTION TO PURCHASE:** The Tenant/Buyer, as part of the consideration herein, is hereby granted the exclusive right, option and privilege of purchasing property at any time during the term of this Lease/Option agreement or any extension thereof. The Tenant/Buyer shall notify the Landlord/Seller in writing of the exercise of this option at least ten (10) days prior to the expiration of the initial term of this Lease/Option or the expiration of any extension thereof, by mail to the last-provided address of Landlord/Seller. UPON SALE OF 1423 SOMBRERO

(5) **COVENANTS OF TENANT/BUYER:** Commencing with and during the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be assessed or charged against the property;

(B) That the Tenant/Buyer will not use the property for any unlawful purpose; and that the Tenant/Buyer will conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all Federal, State, and Local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property; and

(C) That the Tenant/Buyer will surrender and deliver up the property, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted.

### TENANT/BUYER

(6) **COVENANTS OF LANDLORD/SELLER:** The ~~Landlord/Seller~~ hereby covenants and agrees as follows:

(A) That the Landlord/Seller shall pay for and maintain fire and extended coverage insurance on said property in the minimum amount of \$ 150/PER MONTH. The Tenant/Buyer shall be named as an additional insured or loss-payee on the insurance policy and copy of which shall be provided to Tenant/Buyer.

(B) That the Tenant/Buyer shall peaceably and quietly hold, occupy, use and enjoy the property, without any let, hindrance or molestation by Landlord/Seller or any person associated therewith.

(7) **BREACH BY TENANT/BUYER:** If the Tenant/Buyer shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease/Option, or if the Tenant/Buyer shall abandon the property; it shall be lawful for the Landlord/Seller to enter into said property and again have, repossess, and enjoy the same as if this Lease/Option had not been made, and thereupon this Lease/Option and everything herein contained on the part of the Landlord/Seller to be done and performed shall cease, determine and be utterly void, except as set forth in paragraph (8), below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Tenant/Buyer, shall be equivalent in every respect to actual entry by the Landlord/Seller.

(8) **COSTS OF IMPROVEMENTS:** In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph (4), above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said property to Tenant/Buyer in accordance with the terms of this Lease/Option, the Tenant/Buyer, in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase, shall be entitled to reimbursement for the cost of all repairs, maintenance and improvements.

(9) **FURTHER ENCUMBRANCES:** The Landlord/Seller hereby warrants that the total of the leases, options, mortgages, liens, and any other encumbrances against the property, whether of public record or not, are as follows:

(A) A first mortgage in favor of PRIVATE LENDER in the approximate amount of \$ 402,000.00

# Attachment 2 Lease Agreement

(B) Current taxes for 2020 in the amount of \$ 797.02 due on \_\_\_\_\_  
(C) The Landlord/Seller agrees not to lease to another third party, nor to assign, sell, option, transfer, pledge or otherwise to convey any or all rights or interests had by Landlord/Seller in the property or in this Lease/Option agreement, nor to further encumber the property nor allow the same to occur. All third parties are hereby put on notice that any leases, assignments by the Landlord/Seller, liens, options, mortgages or any other conveyances or transfers occurring subsequent to the date of this Lease/Option are hereby declared by the Landlord/Seller to be null and void and of no force and effect. The Landlord/Seller further agrees to keep all mortgages, liens, taxes or other encumbrances on the property, current and in good standing. Tenant/Buyer shall have the right to make payments on same in the event that Landlord/Seller becomes non-current or otherwise defaults thereon and said payments will be deducted from any equity due seller or recovered from future rent due seller.

(10) **RIGHT OF ASSIGNMENT:** The Tenant/Buyer shall have the unqualified right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Tenant/Buyer may have in the property or in this Lease/Option Agreement. Any such assignment will release original Tenant/Buyer from liability and substitute assignee in his/her or its place.

(11) **MAINTENANCE AND REPAIRS:** The Tenant/Buyer accepts the property "as is" on the date of execution of this Lease/Option except for items listed in paragraph (13). The Tenant/Buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary proper or desirable. The Tenant/Buyer shall be solely liable for payment for said improvements and shall hold the Landlord/Seller nameless there from, except that any electric, plumbing, heating or cooling system that is out of order or any repairs exceeding \$ N/A at the commencement of this lease or within 30 days thereafter will be repaired by the landlord/Seller at his/her expense. If the landlord/Seller can not or will not make the repairs necessary the Tenant/Buyer will have the option of either voiding this agreement by written notice to the landlord/Seller or making such repairs and, a) receiving a reimbursement from the next monthly payment or payments due the Landlord/Seller or, b) receiving a credit against the purchase price plus interest at 10% per annum from date of payment.

(12) **BINDING AGREEMENTS:** The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease/Option agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors or assigns.

(13) **SPECIAL PROVISIONS:**  
(A) The landlord/Seller will complete the following by N/A or this Lease/Option will become null and void and all monies disbursed by Tenant/Buyer will be immediately refunded by Landlord/Seller or, at Tenant/Buyers option, these items will be completed by Tenant/Buyer and the cost of same will be recovered as provided for in paragraph (11) in which case this lease will continue in force. provisions  
Other \_\_\_\_\_

(B) A TITLE SEARCH will be ordered immediately by the Tenant/Buyer: This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer the cost of the search. If the title is unmarketable the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

(C) A WOOD DESTROYING ORGANISM REPORT will be ordered by the Tenant/Buyer within N/A days after execution of this agreement. If live wood destroying organisms or rotten wood or damage exceeding \$ \_\_\_\_\_ is found Landlord/Seller agrees to repair and have treated at his/her expense. If Landlord/Seller cannot or will not pay for the repairs and treatment, Tenant/Buyer may elect to do so or void this agreement and receive a rebate for cost incurred.

### OPTION TO PURCHASE TERMS

(14) **PRICE AND TERMS:** The Tenant/Buyer agrees to pay for said property the sum of \$ 190,000.00 MINUS \$10,000.00 DEPOSIT TOTAL \$180,000.00 PAYOFF less any sums for which the Tenant/Buyer is entitled to claim reimbursement or offset in accordance with this agreement; the net sum to be paid in cash, certified check, or cashiers check at closing.

(15) **INCLUDED IN THE PURCHASE:** The property shall also include all land, together with all improvements thereon, all appurtenant rights, privileges, easements, buildings, fixtures, heating, electrical, plumbing and air conditioning fixtures and facilities, window shades, venetian blinds, awnings, curtain rods, screens, storm windows and doors, affixed mirrors, wall to wall carpeting, stair carpeting, built in kitchen appliances, bath-room fixtures, radio and television aenials, landscaping and shrubbery, water softeners, garage door openers and operating devices, and all utility or storage buildings or sheds, range and refrigerator. The property shall also include the following items: \_\_\_\_\_

(16) **TITLE:** The Landlord/Seller shall convey marketable title to the property with the above described inclusions, by good and sufficient General Warranty Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered except existing mortgages restrictions and easements of record shown in paragraph (9). Title to be conveyed to the Tenant/Buyer and/or assigns.

(17) **CLOSING:** The deed shall be delivered and the purchase money shall be paid at the lending institution's, or other office, of Tenant/Buyer's choice, no later than sixty (60) days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the option.

(18) **COSTS AND PRORATIONS:** There shall be prorated between the landlord/Seller and the Tenant/Buyer, as of date of closing, the following items: (a) All real estate taxes and assessments; (b) Interest on encumbrances assumed or taken over by Tenant/Buyer with the Tenant/Buyer having responsibility for such items as follows:

Landlord/Seller will pay: \_\_\_\_\_  
\_\_\_\_\_

Tenant/Buyer will pay: \_\_\_\_\_

# Attachment 2 Lease Agreement

(19) **INSURANCE:** While this option shall remain executory and up until the time of closing, the Landlord/Seller shall maintain fire and extended coverage upon the property, and immediately convert the owner occupied (if applicable) policy to a non owner occupied policy. In the event of loss or destruction in whole or in part of said property, the Tenant/Buyer shall have the option to proceed with the closing and accept the insurance proceeds for said damage, or to declare this Lease/Option null and void, releasing both parties from any obligations hereunder, except for the return of reimbursable expenses previously paid by Tenant/Buyer which amounts shall become immediately due and payable from the insurance proceeds. Upon closing, the Tenant/Buyer shall be responsible for fire and extended coverage from that date forward.

(20) In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover court costs and attorney fees.

IN WITNESS WHEREOF: the parties hereto, have set their hands to this Lease/Option Agreement on this 29 day of August, 2019

WITNESS:

\_\_\_\_\_  
Landlord/Seller

\_\_\_\_\_  
Tenant/Buyer

\_\_\_\_\_  
Landlord/Seller

08-28-19

Tenant/Buyer

**Attachment 3**  
**Email with Lunas**

# Attachment 3

**From:** [Kevin Adoor](#)  
**To:** [DANIEL MADRIGAL](#)  
**Subject:** RE: Dumpster info  
**Date:** Monday, November 18, 2019 9:21:00 AM

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Thank you.

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [mailto:[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)]  
**Sent:** Monday, November 18, 2019 9:20 AM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Subject:** RE: Dumpster info

Morning,

The dumpster volume on site is 16 cubic yard.

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**From:** Kevin Adoor [mailto:[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)]  
**Sent:** Monday, November 18, 2019 9:02 AM  
**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>  
**Subject:** RE: Dumpster info

Good morning Daniel,

Can you confirm if the dumpster's volume is 15 or 20 cubic yards?

Thank you,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** Kevin Adoor  
**Sent:** Friday, November 15, 2019 3:34 PM

# Attachment 3

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

Daniel,

Thank you for your assistance.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 3:32 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** RE: Dumpster info

Per our conversation, here is the information requested.

Phone number 7028128357 – Michael Perry – called into Lunas main office at 2:54 PM on 11/15/19 requesting removal of dumpster at 1430 East Desert Inn, Las Vegas, NV 89169.

Daniel Madrigal  
702.303.8431

---

**From:** Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

**Sent:** Friday, November 15, 2019 3:05 PM

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

**Importance:** High

Daniel,

Thank you for the update. An asbestos survey has not been performed and the dumpster contains suspect Regulated Asbestos Containing Materials (RACM). The dumpster should not be removed until an asbestos survey is performed and the asbestos content of the materials are determined. Can you please provide the exact time he called for the pick-up?

Thank you,

# Attachment 3

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 3:00 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** RE: Dumpster info

Customer called in for removal of bin. Advise what you find out and let me know if we can remove. I won't send until I hear back from you.

Daniel M.  
702.303.8431

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**From:** Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

**Sent:** Friday, November 15, 2019 2:45 PM

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

Good afternoon Daniel,

Thank you for providing the contact information for the dumpster located at 1430 East Desert Inn, Las Vegas, NV 89169. Is the dumpster a 15 cubic yard or a 20 cubic yard dumpster?

Thank you,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 2:42 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** Dumpster info

# Attachment 3

1430 E Desert Inn Rd.

Customer info: Michael Perry (702) 812-8357

Daniel M.  
702.303.8431



# **Attachment 4**

## **Digital Photographs**



**Photograph 1:** November 15, 2019, at approximately 1:29 PM - View of the west side of 1480 E. Desert Inn Road, fire damaged debris on the ground, and a 16 cubic yard dumpster. The fire damaged debris included suspect asbestos-containing building materials. The dumpster was rented by Michael Perry who was also leasing the building.



**Photograph 2:** November 15, 2019, at approximately 1:30 PM - View of fire damaged building materials in a 16 cubic yard dumpster. The debris was in a dry condition with no evidence of moisture.



**Photograph 3:** November 15, 2019, at approximately 1:51 PM - View of fire damaged acoustic ceiling texture (ACT) debris in the 16 cubic yard dumpster. The ACT debris was sampled and later determined to contain 2% Chrysotile Asbestos. The ACT debris was in a dry condition.



**Photograph 4:** November 15, 2019, at approximately 1:53 PM - View of Sample #191086-1 obtained from the ACT depicted in Photograph #3.



**Photograph 5:** November 15, 2019, at approximately 1:35 PM – View of the front door to Unit #1 which was open and the board securing it was removed.



**Photograph 6:** November 15, 2019, at approximately 1:55 PM - View of a waste bin in the north room (Master Bedroom) of Unit 1. Note the lack of a significant amount of debris on the floor.



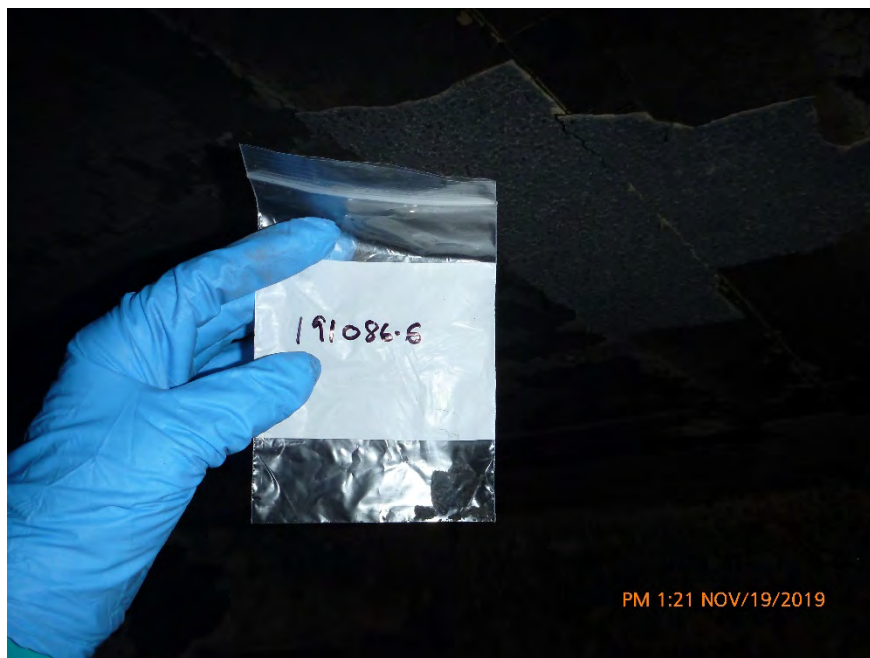
**Photograph 7:** November 15, 2019, at approximately 1:56 PM – Dry ACT debris on the floor of the north room of Unit #1. The material was sampled and later determined to contain 10% Chrysotile Asbestos.



**Photograph 8:** November 15, 2019, at approximately 1:57 PM - View of Sample #191086-2 obtained from the material depicted in Photograph #7.



**Photograph 9:** November 19, 2019, at approximately 1:20 PM – View of the north room of Unit #1. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #1 contained almost no debris (See Photograph #'s 6 & 7). The material was sampled and later determined to contain 5% Chrysotile Asbestos.



**Photograph 10:** November 19, 2019, at approximately 1:21 PM – View of Sample #191086-6 obtained from the material depicted in Photograph #9.



**Photograph 11:** November 15, 2019, at approximately 1:59 PM – View of the north room (master bedroom) of Unit #3. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #3 contained almost no debris.



**Photograph 12:** November 15, 2019, at approximately 1:59 PM – View of a waste bin, a wide mouth shovel, and a broom in the north room of Unit #3. Note the absence of fire damaged debris in the photograph. Shovels like the one depicted in the photograph are typically used for the removal of materials such as soil, ash, ACT debris, etc...



**Photograph 13:** November 15, 2019, at approximately 2:00 PM - View of the balcony of the north room of Unit #3 overlooking the 16 cubic yard dumpster. Note the accumulation of fire damaged debris along the bottom edge of the guard rail which suggests the fire damaged debris was swept over the edge. Also note the presence of fire damaged drywall on the pavement adjacent to the dumpster.



**Photograph 14:** November 15, 2019, at approximately 2:01 PM – View of ACT debris on the floor of the north room of Unit #3. The material was sampled and determined to contain 10% Chrysotile Asbestos.





**Photograph 15:** November 15, 2019, at approximately 2:01 PM – View of Sample #191086-3 obtained from the material depicted in Photograph #14.



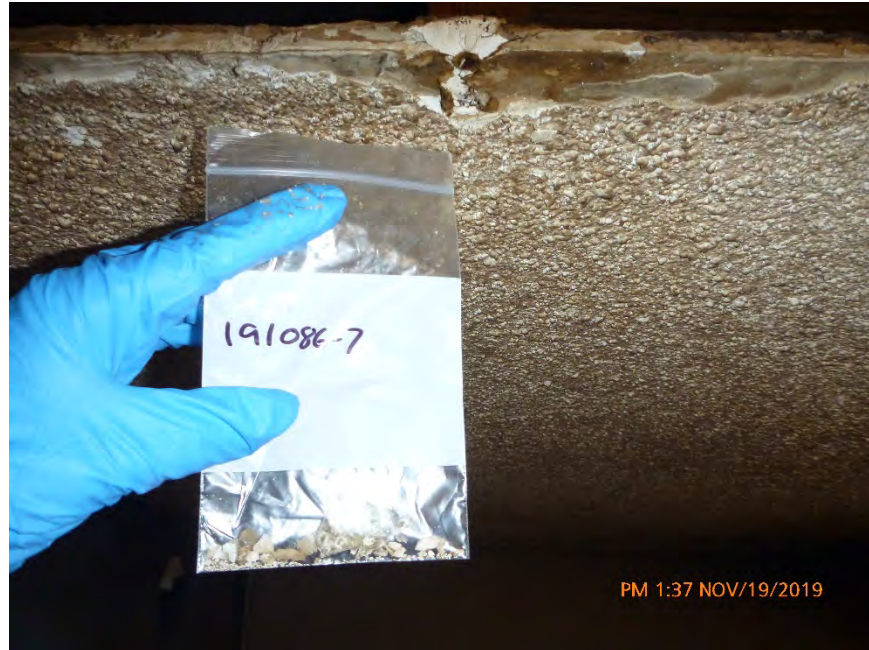
**Photograph 16:** November 19, 2019, at approximately 1:39 PM – View of Residual ACT on the ceiling of the north room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



**Photograph 17:** November 19, 2019, at approximately 1:40 PM – View of Sample #191086-8 obtained from the material depicted in Photograph #16.



**Photograph 18:** November 19, 2019, at approximately 1:32 PM – View of ACT on the ceiling of the west room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



**Photograph 19:** November 19, 2019, at approximately 1:37 PM – View of Sample #191086-7 obtained from the material depicted in Photograph #18.



**Photograph 20:** November 18, 2019, at approximately 12:45 PM – View of the west side of the building and the 16 cubic yard dumpster. All of the fire damaged debris present in Photograph #'s 1 and 13 has been removed. On November 15, 2019, Mr. Adoor warned Mr. Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris. There are also burn marks on the dumpster from a fire that occurred sometime after Mr. Adoor's visit on November 15, 2019, and his return visit to the property on November 18, 2019 (See Photograph #1 where the dumpster is free of burn marks).



**Photograph 21:** November 18, 2019, at approximately 12:45 PM – View of the 16 cubic yard dumpster with significantly more material than what was documented on November 15, 2019 (See Photograph #2). The condition of the additional material at the time it was placed in the dumpster is unknown. However, it was fire damaged at the time of the photograph. The dumpster contains asbestos-containing waste materials (ACWM) and is not covered. On November 15, 2019, Mr. Adoor informed Mr. Perry the dumpster should be covered with plastic sheeting due to the potential presence of asbestos-containing materials, and to minimize the potential for public exposure if such materials were present.



**Photograph 22:** November 19, 2019, at approximately 12:47 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered.



**Photograph 23:** November 20, 2019, at approximately 12:49 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



**Photograph 24:** November 21, 2019, at approximately 11:30 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



**Photograph 25:** November 15, 2019 at approximately 2:39 PM – View of the parking space of a family, including a child, that resides at the building to the direct west of 1430 East Desert Inn Road. The family’s vehicle is parked less than 10 feet away from the dumpster containing ACWM. Mr. Adoor repeatedly asked Mr. Perry to cover the dumpster on November 15 and 18, 2019. On November 19, 20 and 21, 2019, Mr. Adoor directed Mr. Perry to seal the dumpster with plastic sheeting and to post asbestos warning signs.



**Photograph 26:** November 22, 2019, at approximately 12:23 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is sealed but asbestos warning signs are not posted.



**Photograph 27:** December 2, 2019, at approximately 1:03 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



**Photograph 28:** December 5, 2019, at approximately 1:24 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed and debris has been removed (See Photograph #24 regarding the amount of material that was previously in the dumpster).



**Photograph 29:** December 10, 2019, at approximately 9:59 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.





**Photograph 30:** December 11, 2019, at approximately 1:20 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains unsealed.



**Photograph 31:** January 2, 2020, at approximately 10:50 AM - View of an asbestos worker setting up containment in preparation for the abatement of the 16 cubic yard dumpster which contained ACWM.

## **Attachment 5**

### **Chain of Custody and Laboratory Reports for Samples 191086-1 through 191086-5**

# Attachment 5



## Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118		Client No.:	PO / Job#: 4500307754-010	Date: 11/15/2019
Contact: Kevin Adoor		Phone: (702) 218-9867	Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435		
Site Name: 191086		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)		
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:		

Comments:  Silica in Air  w/Gravimetry  Quartz Only

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-1	11/15/19 1:53PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
191086-2	11/15/19 1:57 PM+	North Room of Unit 1 / Friable ACT Debris	A P C				
191086-3	11/15/19 2:01PM+	North Room of Unit 3 / Friable ACT Debns	A P C				
191086-4	11/15/19 2:07PM+	North Room of Unit 3 / Friable Wall Texture Debris	A P C				
191086-5	11/15/19 2:07PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor    Date/Time: 11/15/19    Shipped Via:  Fed Ex  UPS  US Majl  Courier  Drop Off  Other:

Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:
Date / Time: 11/15/19 1614	Date / Time:	Date / Time:

Received By: <i>[Signature]</i>	Received By:	Received By:
Date / Time: 11/15/19 1617	Date / Time:	Date / Time:
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040

# Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B296137  
**Date Received:** 11/15/19  
**Date Analyzed:** 11/18/19  
**Date Printed:** 11/20/19  
**First Reported:** 11/18/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 5  
**Total Samples Analyzed:** 5

**Date(s) Collected:** 11/15/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>191086-1</b>	01232590						
Layer: Off-White Drywall			<b>ND</b>				
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>2 %</b>				
Layer: Black Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %) Fibrous Glass (10 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							
<b>191086-2</b>	01232591						
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>10 %</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (10%)</b>					
Cellulose (Trace)							
<b>191086-3</b>	01232592						
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>10 %</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (10%)</b>					
Cellulose (Trace)							
<b>191086-4</b>	01232593						
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Grey Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
<b>191086-5</b>	01232594						
Layer: Off-White Drywall			<b>ND</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Grey Texture/ Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (25 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

# Attachment 5

**Client Name:** Clark County Air Quality Management

**Report Number:** B296137

**Date Printed:** 11/20/19

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
-----------	------------	---------------	------------------	---------------	------------------	---------------	------------------

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

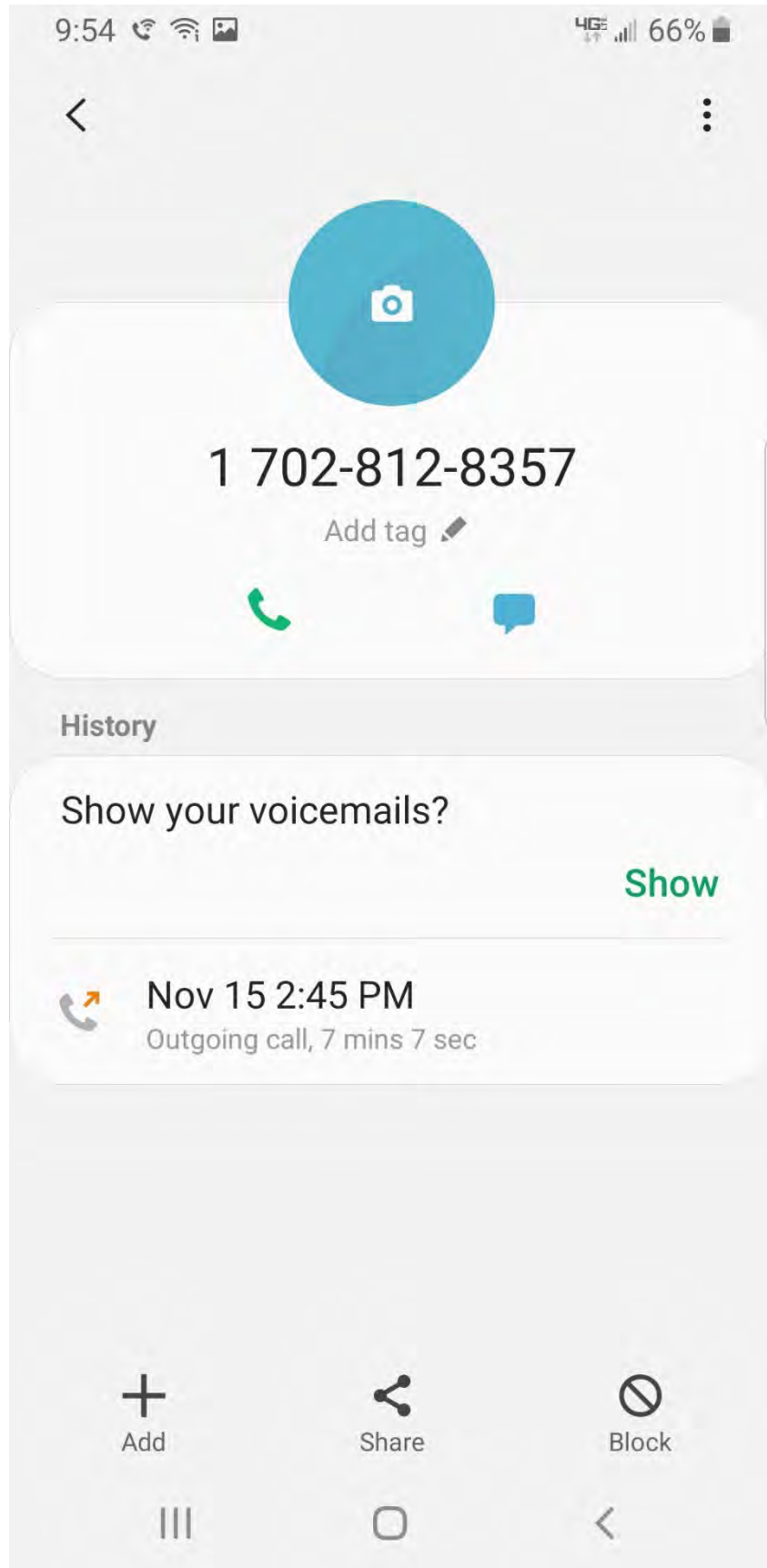
Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



## **Attachment 6**

**Telephone Record w/ Perry 11/15/2019**

# Attachment 6 Phone Record with Perry 11/15/2019



**Attachment 7**  
**Email Correspondence with Moellinger**



# Attachment 7

**From:** [Kevin Adoor](#)  
**To:** [Derek Moellinger](#)  
**Subject:** RE: 1430 East Desert Inn  
**Date:** Wednesday, November 20, 2019 4:37:00 PM

---

Thank you Derek.

Kevin Adoor  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

-----Original Message-----

From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]  
Sent: Wednesday, November 20, 2019 4:36 PM  
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>  
Subject: RE: 1430 East Desert Inn  
Importance: High

That's correct.

On Wed, November 20, 2019 11:55 am, Kevin Adoor wrote:

> Good morning Derek,  
>  
>  
> After reading your response, I believe you are saying nothing was  
> removed prior to Mr. Perry signing the lease agreement and taking  
> control of the property. Is this correct?

>  
> Regards,  
>  
>  
> Kevin Adoor  
> Air Quality Specialist II  
> Clark County Department of Air Quality  
> 4701 W Russell Road, Suite 200  
> Las Vegas, NV 89118  
> (702) 218-9867

>  
>  
> -----Original Message-----  
> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]  
> Sent: Wednesday, November 20, 2019 9:51 AM  
> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>  
> Subject: RE: 1430 East Desert Inn  
> Importance: High

>  
>  
> Kevin,  
>  
>  
> Nothing was removed the fire department hired a company to come out  
> and board everything up the day of the fire.

# Attachment 7

>  
> Thank you,  
>  
>  
> Derek  
>  
>  
> On Wed, November 20, 2019 10:07 am, Kevin Adoor wrote:  
>  
>> Good morning Derek,  
>>  
>>  
>>  
>> I have one last question. After the fire which occurred on or about  
>> June 28, 2019, did the fire damaged debris in Unit #'s 1 and 3 remain  
>> in the building or was the debris removed prior to Mr. Perry signing  
>> the lease agreement on August 29, 2019?  
>>  
>> Thank you,  
>>  
>>  
>>  
>> Kevin Adoor  
>> Air Quality Specialist II  
>> Clark County Department of Air Quality  
>> 4701 W Russell Road, Suite 200  
>> Las Vegas, NV 89118  
>> (702) 218-9867  
>>  
>>  
>>  
>> -----Original Message-----  
>> From: Kevin Adoor  
>> Sent: Tuesday, November 19, 2019 3:06 PM  
>> To: Derek Moellinger <derek@vicerealtygroup.com>  
>> Subject: RE: 1430 East Desert Inn  
>>  
>>  
>>  
>> Derek,  
>>  
>>  
>>  
>> Thank you for the correction and for providing a copy of the lease  
>> agreement.  
>>  
>> Regards,  
>>  
>>  
>>  
>> Kevin Adoor  
>> Air Quality Specialist II  
>> Clark County Department of Air Quality  
>> 4701 W Russell Road, Suite 200  
>> Las Vegas, NV 89118  
>> (702) 218-9867  
>>

# Attachment 7

>>

>>

>> -----Original Message-----

>> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]

>> Sent: Tuesday, November 19, 2019 2:30 PM

>> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

>> Subject: Re: 1430 East Desert Inn

>> Importance: High

>>

>>

>>

>> Kevin,

>>

>>

>>

>> Most of your information is correct except for statement 3, I did

>> tell Michael not perform any work as you would be coming for him if he did.

>> He was made aware that the building had asbestos and is also renting

>> with the intent to purchase the building "as is." I have attached the

>> lease agreement with option to purchase per your request.

>>

>> Derek

>>

>>

>>

>>

>> On Mon, November 18, 2019 5:49 pm, Kevin Adoor wrote:

>>

>>

>>> Good afternoon Derek,

>>>

>>>

>>>

>>>

>>> Can you please confirm if the following are correct:

>>>

>>>

>>>

>>>

>>>

>>> 1. Vice Realty Group, LLC is managing the property located at

>>> 1430

>>> East Desert Inn Road which is currently owned by Fire Camp

>>> Properties, LLC.

>>>

>>>

>>>

>>>

>>> 2. Michael Perry is currently leasing the property located at

>>> 1430

>>> East Desert Inn Road and is also in a contract with Fire Camp

>>> Properties, LLC to purchase the property. The close of escrow is

>>> expected to be on or about November 30, 2019.

>>>

>>> 3. When Mr. Perry signed the lease he was not informed by Vice

>>> Realty Group, LLC that the building may contain asbestos or that an

>>> asbestos survey was required prior to any renovations.

# Attachment 7

>>>  
>>> 4. Prior to the signing of the lease agreement or at the time  
>>> of signing, you informed Mr. Perry there should be no renovations or  
>>> work at the property until the close of escrow and his purchase of  
>>> the property was complete.

>>>  
>>> Can you also provide a copy of the lease agreement?

>>>  
>>>  
>>>  
>>>

>>> Your cooperation is greatly appreciated.

>>>  
>>>  
>>>  
>>>

>>> Regards,

>>>  
>>>  
>>>  
>>>

>>> Kevin Adoor  
>>> Air Quality Specialist II  
>>> Clark County Department of Air Quality  
>>> 4701 W Russell Road, Suite 200  
>>> Las Vegas, NV 89118  
>>> (702) 218-9867

>>>  
>>>  
>>>  
>>>  
>>>

>>  
>  
>  
>

**Attachment 8**  
**Email Correspondence with Perry**



# Attachment 8

<FRANCISW@ClarkCountyNV.gov>  
**Subject:** RE: 1430 E. Desert Inn Road  
**Importance:** High

Good morning Mr. Perry,

I just visited the property and confirmed that the dumpster has been abated of all asbestos-containing waste material (ACWM). However, ACWM remains in Units 1 and 3. Please ensure that these two apartments are secured until they are decontaminated of all ACWM. As of the writing of this email, the plywood securing the patio entrance to the master bedroom of Unit 1 is no longer secured to the building. Plywood securing the front entrances of Unit 1 facing Desert Inn Road also appears to be unsecured.

Per my email sent to you on November 21, 2019, my report will now be finalized and you will be provided a copy as soon as it is available. The report should be completed by the end of next week, January 10, 2020.

Regards,

*Kevin Adoor*  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

////////////////////////////////////

**From:** Anna Sutowska  
**Sent:** Tuesday, December 17, 2019 8:35 AM  
**To:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** RE: 1430 E. Desert Inn Road

Good morning Mr. Perry,  
Kevin is out of the office until December 26, 2019.

As stated in his email to you on November 20, 2019, "DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. *Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.*"

Once, the abatement contractor submits the notifications for the material in the dumpster, Air Quality Specialist Whitney Francis will provide them with the approval in Kevin's place. The abatement should be scheduled immediately.

# Attachment 8

Regards,

**Anna Sutowska**  
**Air Quality Supervisor**  
**Clark County Department of Air Quality**  
**4701 W. Russell Rd., Suite 200**  
**Las Vegas, NV 89118**

**Office: 702-455-0666**  
**Cell: 702-378-9780**  
**Fax: 702-383-9994**

**For any dust permit information or forms, please go to the link posted below.**

[http://www.clarkcountynv.gov/airquality/compliance/Pages/Compliance\\_DustForms.aspx](http://www.clarkcountynv.gov/airquality/compliance/Pages/Compliance_DustForms.aspx)

//

**From:** Michael Perry [<mailto:swf.mperry@gmail.com>]  
**Sent:** Monday, December 16, 2019 3:06 PM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** Re: 1430 E. Desert Inn Road

hi guys just giving you a heads up I contracted with A&i asbestos removal comyothey will be emptying out the dumpster and should be contacting you shortly to coordinate Permits and planning I hope this suffices I'm not sure of the timeline on this but it may be into 2020 please let me know if this is OK or if any fees are going to occur so I'm prepared and can go to the money tree talk to you soon thanks

Sent from my iPhone

//

On Dec 11, 2019, at 1:56 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

The county security system withheld your message sent yesterday afternoon at 12:12 p.m. (inserted below) and I just received it. The area of the plastic sheeting that needs to be re-sealed is the obvious hole on top, near the east edge of the dumpster. I apologize for the delayed response.

Regards,

*Kevin Adoor*  
Air Quality Specialist II





# Attachment 8

//

**From:** Michael Perry [<mailto:snmc.mperry@gmail.com>]  
**Sent:** Tuesday, December 10, 2019 10:49 AM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** Re: 1430 E. Desert Inn Road

I'll be by with in the hour to re seal

Sent from my iPhone

//

On Dec 10, 2019, at 10:02 AM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good morning Mr. Perry,

I just stopped by the property and noted that the plastic sheeting on the dumpster has been torn open. Please ensure the dumpster is re-sealed.

Regards,

*Kevin Adoor*  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

//

**From:** Kevin Adoor  
**Sent:** Tuesday, December 10, 2019 9:00 AM  
**To:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>  
**Cc:** Michael Perry <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** RE: 1430 E. Desert Inn Road

Good morning Mr. Perry,

No extensions will be granted. You have already demonstrated your inability to ensure the dumpster remains sealed and at least one person has entered into the dumpster to remove debris which may have resulted in exposure to asbestos fibers. As you are aware, the dumpster is also located in close proximity to a parking space used by a family in the adjacent property to the west of the dumpster. Please ensure



# Attachment 8

From: Michael Perry [<mailto:snmc.mperry@gmail.com>]

Sent: Monday, December 9, 2019 11:51 AM

To: Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

Cc: Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>

Subject: Re: 1430 E. Desert Inn Road

Hi guys just giving you an update I have received the bids and will be talking to the contractors today to see if we can lower the building I may need to extend this out as I was not expecting this kind of bill Please let me know what I need to do to extend the time of removal

Sent from my iPhone

On Dec 5, 2019, at 3:55 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

Thank you for the update.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

From: Michael Perry [<mailto:swf.mperry@gmail.com>]

Sent: Thursday, December 5, 2019 3:45 PM

To: Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

Cc: SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>

Subject: Re: 1430 E. Desert Inn Road

Yes sir I am getting bids now and I've had people go out there and look at the dumpster to give bids I should have them all by Monday I'm in California till Monday I have a friend of mine going by to seal it back up again and will have them go by and look at it to make sure it is sealed up over the weekend I've only received one bid thus far once I obtain all of them I will get back to you







# Attachment 8

(702) 218-9867

//

**From:** Kevin Adoor  
**Sent:** Friday, November 22, 2019 12:06 PM  
**To:** SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>  
**Cc:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** RE: 1430 E. Desert Inn Road

Good afternoon Mr. Perry,

I have attached a copy of the digital photographs as requested.

Regards,

*Kevin Adoor*  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

//

**From:** SNMC [<mailto:snmc.mperry@gmail.com>]  
**Sent:** Thursday, November 21, 2019 4:19 PM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** Re: 1430 E. Desert Inn Road

Very good thank you Kevin I will await the report just out of curiosity was there a witness present during the 15th inspection

Michael Perry  
Loan Officer  
[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)  
[702-812-8357](tel:702-812-8357)  
Fax: 702-446-0331  
MNLS# 371644 MLD 437  
  
Please click below to apply









# Attachment 8

**From:** Kevin Adoor

**Sent:** Wednesday, November 20, 2019 10:54 AM

**To:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>

**Cc:** SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>

**Subject:** RE: 1430 E. Desert Inn Road

**Importance:** High

Good morning Mr. Perry,

Yesterday afternoon, I spoke over the telephone with Larry Carter, your asbestos abatement consultant, who stated the acoustic ceiling texture (ACT) throughout Unit #'s 1 and 3 was determined to contain 5% Chrysotile Asbestos. Mr. Carter further stated the wall texture was determined to contain 1% asbestos or less by polarized light microscopy (PLM) but was not further analyzed by point counting using PLM. Unless the wall texture is further analyzed by point counting, it must be assumed to be an asbestos-containing material and treated accordingly. Mr. Carter's sample results of the ACT are consistent with the laboratory results of the samples of ACT I obtained from debris and residue in the fire damaged bedrooms of Unit #'s 1 and 3, and the 16 cubic yard dumpster (2%, 5% & 10% Chrysotile Asbestos). These samples were obtained last Friday, November 15<sup>th</sup>, and Tuesday, November 19<sup>th</sup>. The ACT has been determined to be a Regulated Asbestos Containing Material (RACM). The debris from the ACT and all materials contaminated with asbestos from the uncontrolled disturbance of the ACT are Asbestos-Containing Waste Materials (ACWM).

40 CFR 61.141 defines ACWM as follows: **Asbestos-containing waste materials means** mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. **As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.**

Additionally, since you last spoke with my supervisor, Anna Sutowska, I received a laboratory report from a sample of fire damaged ACT debris in the dumpster which was determined to contain 2% Chrysotile Asbestos (Sample #191086-1, Reports Attached). Therefore, the 16 cubic yard dumpster must be abated of all ACWM, including asbestos contaminated materials, by a licensed asbestos-abatement contractor. Please have the dumpster sealed with plastic sheeting and posted with asbestos warning signs. Please ensure the dumpster remains sealed and posted with asbestos warning signs until it is abated. Regarding the interior of Unit #'s 1 and 3, a licensed asbestos abatement contractor is required to remove all ACWM, including asbestos contaminated materials. Please ensure the property is secured and posted with asbestos warning signs until the ACWM are abated.

DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.







# Attachment 8

Kevin let our conversation today the dumpster was covered the homeless people lite the dumpster on fire I had an inspector come out today to give a asbestos survey should have a back later on this week in the meantime In the dumpsters there were no building materials inside of the dumpster so we should be fine to remove that as soon as possible before they lighted on fire again As for the inside it will remain close that I will be renting out the other two as soon as possible sorry for the discernment

Michael Perry  
Loan Officer  
[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)  
[702-812-8357](tel:702-812-8357)  
Fax: 702-446-0331  
MNLS# 371644 MLD 437

Please click below to apply  
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

////////////////////////////////////

On Nov 18, 2019, at 1:32 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

I just returned to the property and noted that fire damaged debris consisting of suspect asbestos-containing materials were removed from the patio and placed in the 16 cubic yard dumpster (Lunas #1605N) after I left the property Friday afternoon. I also noted the dumpster has not been covered and the suspect asbestos-containing debris inside remains dry. Per the email sent to you on Friday, November 18, 2019, at 3:43 p.m.:

**“... the dumpster (Lunas #1605N) should not be removed/emptied and there should be no further disturbance of any suspect asbestos-containing materials,** including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

**The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos”.**





## Attachment 8

containing materials, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

**The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos.**

- You can contact the Clark County DAQ Small Business Assistance Group at (702) 455-5942 or [AQSBAP@clarkcountynv.gov](mailto:AQSBAP@clarkcountynv.gov) if you need assistance locating a company providing asbestos consulting services.
- Please provide a copy of the asbestos survey report as soon as it is available so I can verify that a thorough inspection was performed inclusive of all materials disturbed during the course of renovations. Additionally, it is recommended that you discuss the results of the asbestos survey with your asbestos consultant who should be able to provide you with guidance regarding the regulatory requirements.

The attached document is a preliminary guide to addressing asbestos related issues at rental properties that are regulated by the Clark County Department of Air Quality.

The following information is for general reference:

Section 13.1 of the Clark County Air Quality Regulations incorporates by reference 40 CFR 61 Subpart M of the National Emission Standards for Hazardous Air Pollutants (NESHAP). **This regulation applies to all commercial and industrial structures, any structure that has more than 4 living units, and any single-family dwelling that has been or will be used for commercial purposes. Two or more buildings in the same vicinity and under common control are also subject to these regulations regardless of the amount of living units.** The regulation does not apply to any stand-alone, non-commercial single-family structure with less than 5 living units per building (e.g., individually owned townhouse or condo building) where an individual owns the building and the living space.

If renovation and/or demolition will be done on a commercial or other regulated structure, 40 CFR 61.145(a) states that:

“[t]o determine which requirements...of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM” [asbestos-containing material].

## Attachment 8

**An asbestos inspection must be performed on all regulated structures before renovation or demolition begins; this includes all tenant improvements, renovations, and demolitions, regardless of the age of the building. The inspector must be licensed by the Nevada Occupational Safety and Health Administration.**

Whenever more than 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos-containing material will be abated or disturbed in a regulated structure, a NESHAP Notification of Asbestos Abatement form must be submitted to the Department of Air Quality (DAQ) at least 10 working days before abatement begins. Any demolition—i.e., wrecking or removal of load-bearing structures, or intentional burning of a structure—of NESHAP-regulated structures requires the submittal of a Demolition Notification to DAQ at least 10 working days before activities begin, even if no asbestos is found inside. If the structure being demolished is 1,000 square feet or more, or if ¼ acre of land or more will be disturbed, a Dust Control Permit must also be submitted to DAQ.

**Only an asbestos contractor licensed by the Nevada Occupational Safety and Health Administration may perform asbestos removal.**

The EPA has more information regarding asbestos at:

<http://www2.epa.gov/asbestos>.

It is also recommended that you contact the State of Nevada OSHA and the Southern Nevada Health District regarding their requirements for the disturbance of asbestos containing materials and the transportation of asbestos containing waste.

State of Nevada OSHA: <http://4safenv.state.nv.us/>

Southern Nevada Health District: <http://www.southernnevadahealthdistrict.org/solid-waste/asbestos-transportation-permit.php>

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

<B296137\_REP01.pdf>

<B296259\_REP01.pdf>

<B296137\_COC01.pdf>

<B296259\_COC01.pdf>

# Attachment 8

**Attachment 9**  
**Adoor & Perry**

## Attachment 9 Adoor & Perry



Photograph by Air Quality Specialist II Whitney Francis on November 19, 2019 of Air Quality Specialist II Kevin Adoor locating fire damaged building materials in the dumpster and showing them to Michael Perry

## **Attachment 10**

### **Chain of Custody and Laboratory Report for Samples 191086-6 through 191086-9**

# Attachment 10



## Analysis Request Form (COC)

<b>Client Name &amp; Address:</b> Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	<b>Client No.:</b>	<b>PO / Job#:</b> 4500307754-010 <b>Date:</b> <del>11/15/2019</del> <b>11/19/2019</b>
<b>Turn Around Time:</b> <input checked="" type="checkbox"/> Same Day / <input checked="" type="checkbox"/> 1Day / <input type="checkbox"/> 2Day / <input type="checkbox"/> 3Day / <input type="checkbox"/> 4Day / <input type="checkbox"/> 5Day		
<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer		
<input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400 - 1000 / <input type="checkbox"/> CARB 435		
<b>Contact:</b> Kevin Adoor <b>Phone:</b> (702) 218-9867	<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	
<b>E-mail:</b> adoor@clarkcountynv.gov	<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project	
<b>Site Name:</b> 191086	<input type="checkbox"/> Metals Analysis <b>Matrix:</b> <b>Method:</b> Analytes:	
<b>Site Location:</b> 1430 E Desert Inn Road	Comments: <input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only	

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-6	11/19/19 1:21PM+	North Room of Unit 1 / ACT	A P C				
191086-7	11/19/19 1:37PM+	West Room of Unit 3 / ACT	A P C				
191086-8	11/19/19 1:40PM+	North Room of Unit 3 / ACT	A P C				
191086-9	11/15/19 2:14PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
		I	A P C				
			A P C				
			A P C				
			A P C				
			A P C				
			A P C				

<b>Sampled By:</b> Kevin Adoor <b>Date/Time:</b> 11/19/19	<b>Shipped Via:</b> <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:	
<b>Relinquished By:</b> <i>[Signature]</i> <b>Date / Time:</b> 11/19/2019 1535	<b>Relinquished By:</b>	<b>Relinquished By:</b>
<b>Received By:</b> <i>[Signature]</i> <b>Date / Time:</b> 11/19/19 1535 Condition Acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Received By:</b>	<b>Received By:</b>

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



# Attachment 10



Final Report

## Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B296259  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/19/19  
**Date Printed:** 11/19/19  
**First Reported:** 11/19/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 4  
**Total Samples Analyzed:** 4

**Date(s) Collected:** 11/19/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>191086-6</b>	01233050						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-7</b>	01233051						
Layer: Drywall Backing			ND				
Layer: Off-White Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-8</b>	01233052						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-9</b>	01233053						
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



## Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012501  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/25/19  
**Date Printed:** 11/25/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239

**PLM Report Number:** B296259

**Total Samples Submitted:** 3

**Total Samples Analyzed:** 3

### Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>191086-6</b>	01233050	<b>Black Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		13
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>191086-7</b>	01233051	<b>Off-White Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		14
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>4</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>191086-8</b>	01233052	<b>Black Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		15
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>4</b>
Asbestos type(s) detected:		Chrysotile
Comment:		



## Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012501  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/25/19  
**Date Printed:** 11/25/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 3  
**Total Samples Analyzed:** 3

**PLM Report Number:** B296259

### Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
-----------	------------	-------------------

Note: Point count results are reported to the nearest percent per EPA method.

A handwritten signature in black ink, appearing to read "Ryan Sutcliffe".

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

**Attachment 11**  
**Asbestos Survey Report**



## Limited Asbestos Survey Investigation Report

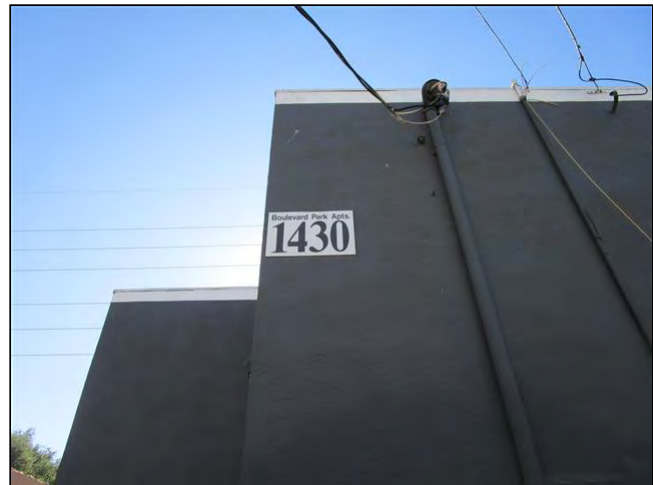
6000 S Eastern Ave Ste 2A  
Las Vegas, NV 89119  
Tel: 702.255.2457 | Fax: 702.953.0286  
msenational.com | info@msenational.com

### Customer

Double 007 Properties

### Address

1430 E Desert Inn Rd #1 & #3  
Las Vegas NV 89169



**Inspection Date:** 11/18/2019

**Inspected By:** Larry Carter

**Asbestos Survey Results:** > 1% Asbestos FOUND (HOT)

**Inspection Start Time:** 11:00 AM

**Project ID:** 191118WO37295

# Attachment 11

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# Attachment 11

## Pre-Inspection Agreement statement

Pursuant to your request, MSE Environmental (MSE) was retained by **Double 007 Properties**, (referred to hereunder as the client/customer) to conduct/perform a **Limited Asbestos Survey Investigation** at **SUBJECT** premises located at **1430 E Desert Inn Rd #1 & #3, Las Vegas, NV 89169** on **11/18/2019** at **11:00 AM**. This inspection was performed in accordance with and under the terms of the **MSE Environmental Service Contract Agreement**. The agreement was dated and signed **11/18/2019** and agreed upon before the preparation of this report and a signed copy of the agreement is available upon request. An unsigned copy of the agreement may be attached to this report for your information.

The Limited Asbestos Survey Investigation included professional service of **Larry Carter**, consultant of MSE Environmental.

# Attachment 11

<b>Date:</b> 11/18/2019	<b>Time:</b> 11:00 AM	<b>Project ID:</b> 191118WO37295
<b>Address:</b> 1430 E Desert Inn Rd #1 & #3 Las Vegas NV 89169		<b>Customer:</b> Double 007 Properties

**Inspection Service:**

Limited Asbestos Survey Investigation

**Agreement Type:**

MSE Environmental Service Contract  
Agreement

**Asbestos Survey Results:**

> 1% Asbestos FOUND (HOT)

**Structure Faces:**

South



## 1. SCOPE OF SERVICES

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### 1.0 SCOPE OF SERVICES

Comments: Include

**Purpose.** The purpose of Limited Asbestos Survey is to detect and identify the presence of friable and non-friable Asbestos Containing Materials (ACM) in the Subject Property.

**Scope of Limited Asbestos Survey.** The Limited Asbestos Survey consisted of a visual survey to classify accessible suspect ACM by condition and location to determine homogeneous areas for bulk sample collection as well as assessing problems in area(s) designated the client. Bulk sample collection/analysis was conducted in these designated area(s). A homogeneous area is an area of surfacing material, thermal surface insulation or miscellaneous material that is uniform in color and texture.

## 2. PROJECT SITE DESCRIPTION

### 2.0 PROJECT SITE DESCRIPTION

Comments: Include

The project site description consists of a multi-family residence built in 1963. The owner requested an asbestos survey prior to demolition and/or renovation of the structures buildings materials from a fire that damaged the multi-family residence.

The following client defined areas of the structure where photo documented to note homogeneous building materials and the current condition of the structure when the asbestos survey was performed.

#### Structures Interior Unit 1 (Picture 1-12)



2.0 (Picture 1)



2.0 (Picture 2)



2.0 (Picture 3)



2.0 (Picture 4)

# Attachment 11



2.0 (Picture 5)



2.0 (Picture 6)



2.0 (Picture 7)



2.0 (Picture 8)

# Attachment 11



2.0 (Picture 9)



2.0 (Picture 10)



2.0 (Picture 11)



2.0 (Picture 12)

**Structures Interior Unit 3 (Picture 13-26)**

# Attachment 11



2.0 (Picture 13)



2.0 (Picture 14)



2.0 (Picture 15)



2.0 (Picture 16)



2.0 (Picture 17)



2.0 (Picture 18)

# Attachment 11



2.0 (Picture 19)



2.0 (Picture 20)



2.0 (Picture 21)



2.0 (Picture 22)

# Attachment 11



2.0 (Picture 23)



2.0 (Picture 24)



2.0 (Picture 25)



2.0 (Picture 26)

**Structures Exterior & Dumpster (Picture 27-40)**

# Attachment 11



2.0 (Picture 27)



2.0 (Picture 28)



2.0 (Picture 29)



2.0 (Picture 30)



2.0 (Picture 31)



2.0 (Picture 32)



# Attachment 11



2.0 (Picture 33)



2.0 (Picture 34)



2.0 (Picture 35)



2.0 (Picture 36)

# Attachment 11



2.0 (Picture 37)



2.0 (Picture 38)



2.0 (Picture 39)



2.0 (Picture 40)

## 3. METHODS

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### 3.0 METHODS

Comments: Include

**Bulk Asbestos Samples:** Bulk samples were analyzed by EMLab P&K of Norcross, GA. EMLab P&K is a participant in the National Voluntary Laboratory Accreditation Program. EMLab P&K is an accredited PLM laboratory under the NVLAP (No 201060-0.) samples were to delivered to EMLab P&K using their chain-of-custody procedures for bulk analysis.

Bulk samples were collected using the current industries methods and used within this report. Bulk samples are collected by wetting the sample area with a surfactant/water mixture, cut with a sharp decontaminated knife or cored with an asbestos cutter sleeve and placed in a labeled zip-lock bag for laboratory analysis. Bulk samples were submitted for Polarized Light Microscopy (PLM).

## 4. ASBESTOS SURVEY FINDINGS

### 4.0 ASBESTOS SURVEY FINDINGS

Comments: Include

The assessment of suspect ACM was limited to the structures interior and exterior and consisted of the following:

- Drywall
- Joint Compound
- Wall Texture
- Acoustic Ceiling Spray
- Stucco Cement
- Debris Ash

Based on the visual survey of the subject structure, a total of (15) bulk samples were collected at the site areas representing the homogeneous use of suspect building materials.

### 4.1 LABORATORY SAMPLE RESULTS

Comments: Include

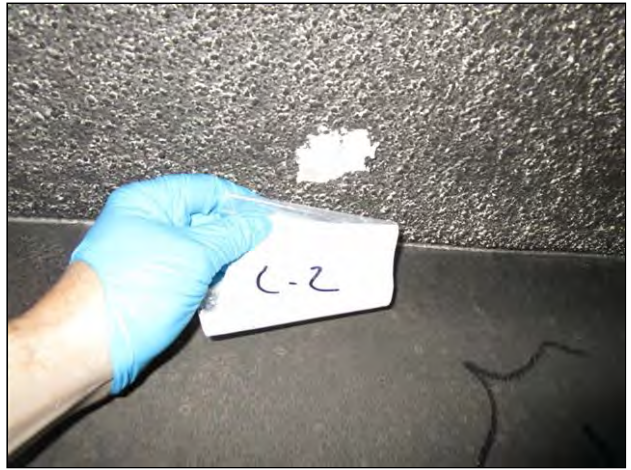
The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the table below:

Sample ID	Sample Description	Location	Category/Condition	Quantity (SF)	Asbestos Content (%)
C-1	Acoustic Ceiling Spray	#1 Living Room	Friable/Damaged	<1000	Chrysotile 5% (Picture 1)
C-2	Acoustic Ceiling Spray	#1 Bedroom 1	Friable/Damaged	<1000	Chrysotile 4% (Picture 2)
C-3	Acoustic Ceiling Spray	#1 Master Bedroom	Friable/Damaged	<1000	Chrysotile 4% (Picture 3)
C-4	Acoustic Ceiling Spray	#3 Dining Room	Friable/Damaged	<1000	Chrysotile 4% (Picture 4)
C-5	Acoustic Ceiling Spray	#3 Bedroom 1	Friable/Damaged	<1000	Chrysotile 5% (Picture 5)
C-6	Acoustic Ceiling Spray	#3 Master Bedroom	Friable/Damaged	<1000	Chrysotile 5% (Picture 6)

# Attachment 11



4.1 (Picture 1)



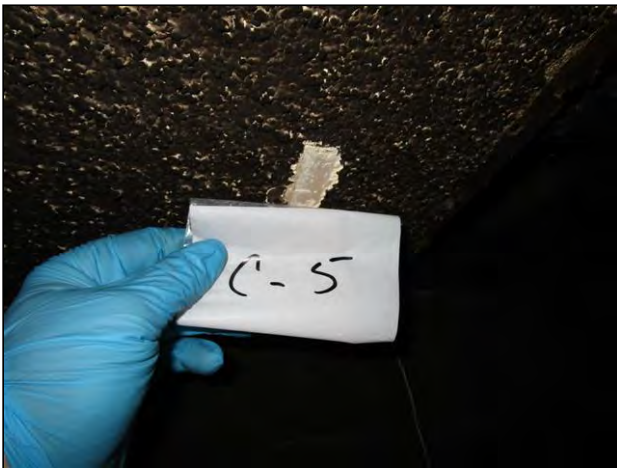
4.1 (Picture 2)



4.1 (Picture 3)



4.1 (Picture 4)



4.1 (Picture 5)



4.1 (Picture 6)

The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the paragraph below:

# Attachment 11

Based on the survey and analytical laboratory tests results reported, building materials Wall Texture, Joint Compound, and Stucco Cement were less than (<1%) **Asbestos Found (Trace)**.

## 5. PROJECT SITE INTERIOR CONTENTS

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### 5.0 PROJECT SITE INTERIOR CONTENTS

Comments: Include

A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.
- **THESE COMMENTS ARE NOT AN ASBESTOS ABATEMENT SCOPE OF WORK OR PROJECT DESIGN, JUST CONTENTS GUIDELINES.**

Friable asbestos-containing material is defined as any material containing asbestos in excess of one percent (1%) by weight which can be crushed, pulverized, or reduced to powder by hand pressure when dry.

## 6. ASBESTOS REGULATORY REQUIREMENTS

### 6.0 NESHAP - EPA

Comments: Include

#### EPA Regulations

Current asbestos regulations contained within the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS 40 CFR, Subpart M, November 20, 1990 revision) define a regulated asbestos-containing material (RACM) as:

- a) Friable asbestos material
- b) Category I non-friable ACBM that may become friable
- c) Category I non-friable ACBM that will be or has been subject to sanding, grinding, cutting, or abrading, or
- d) Category II non-friable ACBM that has a high probability of becoming or has been crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated under this subpart.

Friable - any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(MSE Environmental Note: Point Counting Friable samples is not included in this report and those services are quoted separately.)

### 6.1 OSHA

Comments: Include

#### OSHA Regulations

*Class I Asbestos Work* - means activities involving the removal of TSI and surfacing ACM and PACM.

*Class II Asbestos Work* - means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

*Class III Asbestos Work* - means repair and maintenance operations, where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.

*Class IV Asbestos Work* - means maintenance and custodial construction activities during which employees



# Attachment 11

contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II and III activities.

Asbestos-Containing Material (ACM) - means any material containing more than one percent asbestos.

Presumed Asbestos-Containing Material (PACM) - means thermal system insulation and surfacing material found in buildings constructed no later than 1984. The designation of a material as "PACM" may be rebutted following procedures specified in the standard.

Surfacing ACM - means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes) and that contains more than 1% asbestos.

Thermal System Insulation (TSI) ACM - means ACM applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain and that contains more than 1% asbestos.

## 7. CONCLUSIONS

### 7.0 CONCLUSIONS

Comments: Include

Based on the survey and analytical laboratory tests results reported, building materials containing asbestos at quantities greater than (>1%) **Asbestos Found (HOT)** in the:

Sample Description	Areas	OSHA Class	EPA NESHAP
Acoustic Ceiling Spray	Throughout the multi family residence interior	CLASS I	RACM

NA - Not applicable

These asbestos containing materials are known as (ACM) and must be removed by a certified asbestos abatement contractor licensed in Nevada in accordance with all applicable laws and regulations.

The following requirements are recommended to be followed with Trace materials:

**OSHA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements**

The OSHA Construction Standard (29 CFR 1926.1101) are applicable to installed building materials that contain >1% asbestos known as ACM. The Standard also contains requirements that apply whenever worker exposure(s) exceed either (or both) of the PELs (Permissible Exposure Limits) regardless to the amount of asbestos in the building materials involved. the requirements are as follows:

- Asbestos Exposure Assessment by a competent person
- All applicable work practices in the OSHA Standard must be implemented
- All applicable prohibitions in the OSHA Standard must be adhered to.
- If either PEL is exceeded ( or a negative exposure assessment is not available), all applicable requirements of the Standard must be adhered to.
- All other applicable laws, rules and regulations must be followed.

**NESHAP - EPA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements**

EPA does not recognize asbestos samples resulting in <1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated.

If any additional suspect asbestos containing materials (ACM) in inaccessible or concealed spaces are revealed during the demolition activities, then all such unidentified materials should be treated as Presumed Asbestos Containing Materials (PACM) in accordance with 29 CFR 1926.1101 and 1910.1001. It's recommended that PACM's be sampled to determine the presence of asbestos prior to continuation of demolition activities.

MSE Environmental requires after the customer has contacted a professional asbestos abatement company and their removal activities have been completed, MSE Environmental comes back and represents the

# Attachment 11

customers interests in performing the required Post Abatement Asbestos Clearance Testing Investigation to determine the success of the abatement efforts. This is required by state and local governing agencies regulating asbestos removal.

***MSE Environmental would like to thank you for the opportunity to serve you. If you have any questions or comments regarding this report, please do not hesitate to call us at 702.255.2457.***

## 8. CONSULTANT LICENSES & SIGNATURE

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### 8.0 CONSULTANT LICENSES

Comments: Include

**Written By:**

MSE Environmental



Larry Carter

Senior Project Manager

AHERA-Certified Building Inspector, Project Monitor, Project Designer, Management Planner

No. IJPM1852

## 9. WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

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### 9.0 WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

Comments: Include

These professional services have been performed by MSE Environmental using the current standard of care and skill ordinarily exercised under similar circumstances by reputable environmental consultants practicing asbestos surveys. No other warranty, expressed or implied, is made. The professional services performed do not guarantee compliance with Federal, State, or Local laws.

The professional services provided and judgments rendered on this project meet current professional standards and do not carry any other guarantee. MSE Environmental accepts no responsibility or liability to any person or organization for any claim, for loss or damage (including attorneys' fees) caused, or believed to be caused, directly or indirectly by; conditions not revealed by the laboratory analyses performed; failure to perform other chemical analyses or utilize different test methods; or failure to locate or install additional sample points.

I hereby certify that I am responsible for the services described in this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances.

**10. LABORATORY REPORTS & CHAIN OF CUSTODY  
FORMS**

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# Attachment 11



EMLab P&K

Report for:

**Mr. Larry Carter**  
**MSE Environmental**  
6000 S. Eastern Ave  
Suite 2A  
Las Vegas, NV 89119

---

Regarding: Project: 191118WO37295; 1430 E Desert Inn Rd #1, #3  
EML ID: 2299799

Approved by:

A handwritten signature in cursive script that reads "Tracy Garcia".

Approved Signatory  
Tracy Garcia

Dates of Analysis:  
Asbestos PLM: 11-19-2019

Service SOPs: Asbestos PLM (EPA 40CFR App E to Sub E of Part 763 & EPA METHOD 600/R-93-116, SOP EM-AS-S-1267)

---

All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the samples as received. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

Eurofins EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

EMLab ID: 2299799, Page 1 of 6

# Attachment 11

## Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

### ASBESTOS PLM REPORT

**Total Samples Submitted:** 15

**Total Samples Analyzed:** 15

**Total Samples with Layer Asbestos Content > 1%:** 6

#### Location: W-1, #1 Kitchen W Wall - DW/JC/WT

Lab ID-Version‡: 10938191-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

#### Location: W-2, #1 Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938192-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".



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**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: W-3, #1 M Bathroom S Wall - DW/JC/WT**

Lab ID-Version‡: 10938193-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: C-1, #1 Living Room - ACS**

Lab ID-Version‡: 10938194-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The report number is reflected by the value of "x".

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**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: C-2, #1 Bedroom 1 - ACS**

Lab ID-Version‡: 10938195-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
<b>Sample Composite Homogeneity:</b> Good	

**Location: C-3, #1 Master BR - ACS**

Lab ID-Version‡: 10938196-1

Sample Layers	Asbestos Content
Beige Popcorn Ceiling	4% Chrysotile
<b>Sample Composite Homogeneity:</b> Poor	

**Comments:** Sample possibly contains heat altered asbestos.

**Location: W-4, #3 Living RM W Wall - DW/JC/WT**

Lab ID-Version‡: 10938197-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: W-5, #3 Hall Bath S Wall - DW/JC/WT**

Lab ID-Version‡: 10938198-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

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**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: W-6, #3 Bedroom 1 N Wall - DW/JC/WT**

Lab ID-Version‡: 10938199-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: C-4, #3 Dining RM - ACS**

Lab ID-Version‡: 10938200-1

Sample Layers	Asbestos Content
White Popcorn Ceiling with Gray Paint	4% Chrysotile
Brown Tape	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: C-5, #3 Bedroom 1 - ACS**

Lab ID-Version‡: 10938201-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Black Paint	5% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

**Location: C-6, #3 Master BR - ACS**

Lab ID-Version‡: 10938202-1

Sample Layers	Asbestos Content
Dark Brown Popcorn Ceiling	5% Chrysotile
<b>Sample Composite Homogeneity:</b>	Poor

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

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**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental

C/O: Mr. Larry Carter

Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019

Date of Receipt: 11-19-2019

Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: D-1, Dumpster Debris - Ash Debris**

Lab ID-Version‡: 10938203-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Poor

**Location: D-2, Dumpster Debris - Ash Debris**

Lab ID-Version‡: 10938204-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Poor

**Location: S-1, W Exterior - Stucco Cement**

Lab ID-Version‡: 10938205-1

Sample Layers	Asbestos Content
Gray Stucco	< 1% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

EMLab P&K, LLC

EMLab ID: 2299799, Page 6 of 6

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# ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
MSE Location: (circle) AZ CA CO ID NV NM OR TX UT WA		Consultants Email:	larry@msenational.com
		Email Results To:	results@msenational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118WD37295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89169	NEXT DAY -	24 HOUR
Project Date	11 / 12 / 19	STANDARD -	3 DAY
Project Time (circle)	11:00 AM PM	★ MANDATORY NUMBER OF SAMPLES <u>0</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
W-1	#1 Kitchen W Wall	Du/TC/WT	B	B	<1000	Y	
W-2	#1 Bathroom S Wall						
W-3	#1 M Bathroom S Wall						
C-1	#1 Living Room	ACS					
C-2	#1 Bedroom 1						
C-3	#1 Master BR						
W-4	#3 Living RM W Wall	Du/TC/WT					
W-5	#3 Hall/Bath S Wall						
W-6	#3 Bedroom 1 N Wall						
C-4	#3 Dining RM	ACS					
C-5	#3 Bedroom 1						
C-6	#3 Master BR						
D-1	Dumpster Debris	Ash Debris					
D-2	Dumpster Debris						

Fiber Count (NIOSH 7400)  
 TEM AHERA  
 EPA Method 600/R-837116  
 EPA Point Count (400 Point Count)  
 TEM Microvac ASTM D-9765

SAMPLE TYPE CODES	RELINQUISHED BY: <i>[Signature]</i>	DATE	11/12/19	TIME	5:00
A - Air	RECEIVED BY: <i>[Signature]</i>	DATE	11.19.19	TIME	9:07 AM
W - Wipe	Billing Address (check) <input checked="" type="checkbox"/>				
B - Bulk	6000 S Eastern Ave Suite 2403 Las Vegas NV 89119	O: 702-255-2457	F: 702-953-0286	www.msenational.com	
D - Dust	18444 N 25th Ave, Suite 420 Phoenix, Az 85023	O: 602-388-1089	F: 602-792-0470	info@msenational.com	
SO - Soil					

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# ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant: **Larry Carter**  
 Consultants Tel No: **702-426-1242**  
 Consultants Email: **larry@msenational.com**  
 MSE Location: (circle) AZ CA CO ID NV NM OR TX UT WA  
 Email Results To: **results@msenational.com**

**PROJECT INFORMATION**

Project ID: ~~19118~~ **19118WO37295**  
 Project Location: **1430 E Desert Inn Rd #1 #3**  
 City / ZIP: **Las Vegas NV 89149**  
 Project Date: **11 / 18 / 19**  
 Project Time (circle): **11:00 AM** PM

**REQUESTED TURN AROUND TIME (circle)**  
 RUSH 3 hour 6 hour  
**SAME DAY** - BY 5:00 PM  
 NEXT DAY - 24 HOUR  
 STANDARD - 3 DAY

★ **MANDATORY NUMBER OF SAMPLES** 15 ★

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
S-1	W Exterior	Stucco Cement	B	F	11000	N	

Fiber Count (NIOSH 7400)  
 TEM AHERA  
 EPA Method 600/R-93/116  
 EPA Point Count (400 Point Count)  
 TEM Microvac ASTM D-5755

**SAMPLE TYPE CODES**  
 A - Air    W - Wipe  
 B - Bulk    T - Tape  
 D - Dust    MV  
 SO - Soil    PCM/TEM

RELINQUISHED BY: *[Signature]*    DATE: **11/18/19**    TIME: **5:00**  
 RECEIVED BY: *[Signature]*    DATE: **11.19.19**    TIME: **9:07AM**

Billing Address (check) ✓  
 6000 S Eastern Ave Suite 2403 Las Vegas NV 89119 O: 702-255-2457 F: 702-953-0286 www.msenational.com  
 18444 N 25th Ave, Suite 420 Phoenix, Az 85023 O: 602-388-1089 F: 602-792-0470 info@msenational.com

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142

**11. MSE ENVIRONMENTAL CONSULTANT CERTIFICATES**

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**STATE OF NEVADA**  
**DEPARTMENT OF BUSINESS AND INDUSTRY**  
**DIVISION OF INDUSTRIAL RELATIONS**  
**Occupational Safety and Health Administration**  
**Asbestos Control Program**

Certifies That Larry Carter

is Licensed As Asbestos Abatement Consultant

License No. IJPM-1852

Expiration Date 04/24/2020

Signature Of Licensee



---



**Attachment 12**  
**007 Properties, LLC**

## ENTITY INFORMATION

### ENTITY INFORMATION

**Entity Name:**

007 PROPERTIES, LLC

**Entity Number:**

LLC12945-2004

**Entity Type:**

Domestic Limited-Liability Company (86)

**Entity Status:**

Permanently Revoked

**Formation Date:**

06/14/2004

**NV Business ID:**

NV20041131867

**Termination Date:**

6/14/2504

**Annual Report Due Date:**

6/30/2009

**Series LLC:**

**Restricted LLC:**

### REGISTERED AGENT INFORMATION

**Name of Individual or Legal Entity:**

# Attachment 12

12/27/2019

Nevada eSOS

LAW OFFICES OF KURT A. JOHNSON, ESQ. P.C.

**Status:**

Active

**CRA Agent Entity Type:**

CRA - CORPORATION

**Registered Agent Type:**

Commercial Registered Agent

**NV Business ID:**

NV20121011006

**Office or Position:**

**Jurisdiction:**

NEVADA

**Street Address:**

6980 S CIMARRON RD STE 110, LAS VEGAS, NV, 89113, USA

**Email Address:**

admin@trustedepa.com

**Mailing Address:**

**Individual with Authority to Act:**

Blake B. Johnson

**Contact Phone Number:**

**Fictitious Website or Domain Name:**

kurtajohnsonlaw.com , trustedepa.com

**PRINCIPAL OFFICE ADDRESS**

**Address:**

**Mailing Address:**

# Attachment 12

12/27/2019

Nevada eSOS

## OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Manager	MICHAEL PERRY	2620 S MARYLAND PKWY #14-308, LAS VEGAS, NV, 89109, USA	06/18/2008	Active

Page 1 of 1, records 1 to 1 of 1

[Filing History](#)

[Name History](#)

[Mergers/Conversions](#)

[Return to Search](#)

[Return to Results](#)

**Attachment 13**  
**Email from Perry 12/23/2019**

# Attachment 13

**From:** [Michael Perry](#)  
**To:** [office@aandiindustries.com](mailto:office@aandiindustries.com)  
**Cc:** [a\\_bernal](#); [k\\_schank@aandiindustries.com](mailto:k_schank@aandiindustries.com); [Kevin Adoor](#); [Anna Sutowska](#)  
**Subject:** 1430 desert inn rd Scheduled services Appointment  
**Date:** Monday, December 23, 2019 2:25:01 PM

---

OK this sounds great I've CCed air quality control to this email please keep me posted

Sent from my iPhone

On Dec 23, 2019, at 12:50 PM, "[office@aandiindustries.com](mailto:office@aandiindustries.com)" <[office@aandiindustries.com](mailto:office@aandiindustries.com)> wrote:

Good afternoon,

We will be scheduled to perform services at 1430 E Desert Inn Las Vegas, NV on Thursday, 01/02/20. If there's any inconvenience or any questions please contact Kent.

Mercedes Wallace  
Administrative Assistant  
<image001.jpg>  
5965 S. Procyon St.  
Las Vegas, NV 89118  
Office: 702-436-0123  
Fax: 702-436-2556

**Attachment 14**  
**Email from Perry 12/30/2019**

# Attachment 14

**From:** [Michael Perry](#)  
**To:** [k\\_schank@aandiindustries.com](mailto:k_schank@aandiindustries.com)  
**Cc:** [Kevin Adoor](#)  
**Subject:** Re: 1430 E Desert Inn Rd - ANALYTICAL REPORTS  
**Date:** Monday, December 30, 2019 1:17:26 PM

---

Ok Thank you see below

Sent from my iPhone

On Dec 30, 2019, at 10:37 AM, "k\_schank@aandiindustries.com" <k\_schank@aandiindustries.com> wrote:

We got everything submitted. We will be starting on Thursday morning. My guys will be there between 7 and 8. I will also meet them on site.

**From:** Michael Perry <swf.mperry@gmail.com>  
**Sent:** Monday, December 30, 2019 10:08 AM  
**To:** k\_schank@aandiindustries.com; Michael Perry <swf.mperry@gmail.com>  
**Subject:** 1430 E Desert Inn Rd - ANALYTICAL REPORTS

Please see attached reports received from air quality control

--



**From:** [Michael Perry](#)  
**To:** [Pamela Thompson](#)  
**Subject:** Fwd: NOTICE OF VIOLATION RESPONSE, Letter requesting continuance of hearing; and Letter objecting to violation and penalty  
**Date:** Thursday, March 5, 2020 4:22:51 PM  
**Attachments:** [CCF 000069.pdf](#)  
[CCF 000070.pdf](#)  
[CCF 000071.pdf](#)

---

Pamela please find attached notice Violation response formr  
Request for continuance  
And my answers to the violations please let me know if there's anything else needed or any  
documentation you may need please feel free to call me 702-812-8357 thank you

Sent from my iPhone

Begin forwarded message:

**From:** erstev@aol.com  
**Date:** March 5, 2020 at 4:13:59 PM PST  
**To:** snmc.mperry@gmail.com  
**Subject:** NOTICE OF VIOLATION RESPONSE, Letter requesting  
continuance of hearing; and Letter objecting to violation and penalty

March 5, 2020

Michael Perry  
M.P. Trust  
2980 S. Rainbow Blvd. #100-F  
Las Vegas, NV 89146

Air Quality  
Dept of Air Quality  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

Re: **REQUEST FOR CONTINUANCE**  
Violation #9394, Hearing set for March 19, 2020, at 9 a.m.

Marci Henson or Whom it May Concern:

I have been provided a NOTICE OF VIOLATION, and am informed there is a hearing scheduled for March 19, 2020.

I am respectfully requesting that this matter be CONTINUED, as I will be out of town at that time. I apologize for any inconvenience that may cause, but I am taking this matter very seriously, and desire to be present and prepared to respond at the time of hearing. Unfortunately, I have prior scheduled obligations.

In good faith, I am providing the NOTICE OF VIOLATION RESPONSE FORM you requested. A detailed response shall be forthcoming.

Please confirm receipt of this request within five (5) days.

Sincerely,



MICHAEL PERRY

## Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9394

Return form by: 3/9/2020

Items below are to be completed by the Respondent

Responsible Official: Michael Perry

Title: Leasee

Phone Number: 702-812-8357

Email Address: snmc.mperry@gmail.com

Please check applicable boxes below

**We do not contest the Notice of Violation (Attendance is not required)**  
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

**We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

**We will be contesting the:**

- Violation  
 Penalty  
 Both

  
Signature of Authorized Person

Date: 3/9/2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at [pamela.thompson@clarkcountynv.gov](mailto:pamela.thompson@clarkcountynv.gov).

**From:** [AQ Enforcement](#)  
**To:** [Michael Perry](#); [Michael Perry](#)  
**Cc:** [AQ Enforcement](#)  
**Subject:** Postponement of Hearing Board Meeting Scheduled for 12/2/2020  
**Date:** Monday, November 23, 2020 10:33:50 AM

---

Dear Mr. Perry,

The Clark County Department of Environment and Sustainability, Division of Air Quality, is hereby cancelling the Air Pollution Control Hearing Board Meeting currently scheduled for Wednesday, December, 2, 2020. All items currently scheduled for this meeting, including the appeal of Notices of Violation #9394 and #9409 issued to M.P. Trust and Michael Perry, will be postponed to a future date after the first of the year.

If you have any questions, please contact our office at (702) 455-5942 and ask for Pamela Thompson or Sherrie Rogge or email: [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov).

**PLEASE CONFIRM RECEIPT OF THIS EMAIL BY RESPONDING TO THIS EMAIL.**

Sincerely,

*Anna Sutowska*  
*Air Quality Supervisor*  
*Clark County Department of Environment and Sustainability,*  
*Division of Air Quality*  
*4701 W. Russell Rd., Suite 200*  
*Las Vegas, NV 89118*

*Office: 702-455-0666*  
*Cell: 702-378-9780*  
*Fax: 702-383-9994*

For any dust permit information or forms, please go to the link posted below.

[https://www.clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/division\\_of\\_air\\_quality/permitting/applications\\_forms/dust\\_permitting\\_forms.php#outer-4005](https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

# M.P. Trust and Michael Perry (Project #201010)

## Appeal of NOV #9409

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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DAQ
2020 JUL 30 AM 9:46

Postmarked AR.
7/29/2020

Appeal of Hearing Officer's Order

1. Date of Appeal: 7/03/2020
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9409 Hearing Date: 06/30/2020

Hearing Officer: CHRISTINE T SMITH

2. Name, address, telephone number of Appellant:

Name: M P TRUST
(Please print)

Address: 2980 S RAINBOW BLVD LAS VEGAS NV 89146

Telephone: 702-812-8357 Fax: N/A

Email: SNMC.MPERRY@GMAIL.COM

3. Other person or persons authorized to receive service of notice:

Name:
(Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

1430 E DESERT INN RD LAS VEGAS NV 89169

UNIT #1&3

5. Reason for appeal: [ ] Facts alleged [ ] Penalty assessed [x] Both

Provide a detailed explanation of the reason for your appeal:

I do not agree the violations charged against me are fact and

I did not receive a fair hearing due the hearing office not allow

detailed ample time to go through each violation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. Please include any supporting documentation with this form for distribution to the respective board members.

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: *[Handwritten Signature]*

Date: 07/03/2020

Printed Name: M P TRUST

Title: Trustee

FOR OFFICE USE ONLY

Application Received on 7/29/2020

Application Fee \$140.00 - Check /Cash #183

Received Date: 7/29/2020

*[Handwritten Signature]*  
DAQ Admin Secy.



Clark County Nevada Department of Environment and Sustainability  
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118  
 Phone (702) 455-5942 Fax (702) 383-9994  
 AirQuality@clarkcountynv.gov

# RECEIPT

MP TRUST  
 2980 S RAINBOW BLVD.  
 LAS VEGAS NV 89146

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
044636	7/29/2020	HELENBS	DUST CONTROL ENFORCEMENT	7/29/2020

Quantity	Description	Fee Code	Fee	Total
1	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	07/30/2020 CHECK (0183)	PAYMENT		(\$140.00)

Notes: NOV #9409, MP Trust, Submitted 7/29/2020

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00



1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER  
2 CLARK COUNTY, NEVADA

3  
4 In the Matter of the Notice of Violation #9409 ) ORDER  
5 Issued to )  
6 M.P. TRUST and MICHAEL PERRY, )  
7 Respondents. )

8  
9 The above-entitled matter was heard on June 25, 2020, before Hearing Officer Christine  
10 T. Smith on the Contested Docket. Representatives of both the Clark County Department of  
11 Environment and Sustainability, Division of Air Quality (**Air Quality**) and M.P. TRUST  
12 (**MPT**) and MICHAEL PERRY (**PERRY**) appeared, testified and submitted evidence for  
13 consideration by the Hearing Officer. Having considered the evidence presented at the hearing,  
14 the Hearing Officer hereby finds and orders as follows:

15 1. Notice of Violation (**NOV**) #9409 was issued by Air Quality to Respondents  
16 MPT and PERRY on May 21, 2020 for alleged violation(s) of the Clark County Air Quality  
17 Regulations (**AQRs**) at a facility (Project #201010) located at 1430 East Desert Inn Road, in  
18 Clark County, Nevada. The violation(s) alleged in the NOV include:

19 (a) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1)  
20 and §61.145(b)(3)(i) for failure to notify Air Quality 10 working days prior to the  
21 removal of regulated asbestos-containing material (**RACM**) from the facility in  
22 quantities greater than 160 square feet and/or 35 cubic feet;

23 (b) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(1)  
24 for failure to remove all RACM prior to renovation;

25 (c) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,  
26 §61.145(c)(6)(i) for failure to adequately wet all removed RACM and ensure it  
27 remained wet during renovation activities;

28 (d) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(8)

1 for failure to have at least one onsite representative trained in the provisions of the  
2 NESHAP asbestos regulations and the means of complying with them; and

3 (e) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,  
4 §61.150(a)(1)(iii) for failure to seal all the asbestos-containing waste materials in leak  
5 tight containers while wet.

6 2. The penalty recommended by Air Quality in NOV #9409 was \$22,500.00.

7 3. The Hearing Officer finds that the violation(s) alleged in NOV #9409 occurred  
8 in that MPT and PERRY violated AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1),  
9 §61.145(b)(3)(i), §61.145(c)(1), §61.145(c)(6)(i), §61.145(c)(8), and §61.150(a)(1)(iii).

10 4. **IT IS HEREBY ORDERED** that MPT and PERRY pay a penalty of Twenty  
11 Two Thousand Five Hundred and no/100 Dollars (\$22,500.00) within 30 days of the date of  
12 this ORDER, by check or money order payable to the Clark County DAQ, and submitted to  
13 DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

14 5. MPT and PERRY have the right to appeal this ORDER to the Clark County Air  
15 Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing  
16 specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty  
17 and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of MPT  
18 and PERRY's receipt of this ORDER.

19 DATED this 30<sup>th</sup> day of June, 2020.

21 

22 \_\_\_\_\_  
23 Christine T. Smith  
24 Hearing Officer  
25  
26  
27  
28



# Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9409

Return form by: 6/11/2020

Items below are to be completed by the Respondent

Responsible Official: Michael Perry

Title: Property Owner

Phone Number: 702-812-8357

Email Address: snmc.mperry@gmail.com

Please check applicable boxes below

**We do not contest the Notice of Violation (Attendance is not required)**  
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

**We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

**We will be contesting the:**

- Violation
- Penalty
- Both

  
Signature of Authorized Person

Date: 6-19-2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at [pamela.thompson@clarkcountynv.gov](mailto:pamela.thompson@clarkcountynv.gov).

**Date:** 6/10/2020

**Time:** 11:00 AM

**Project ID:** 200610WO38173

**Address:**

1430 E. Desert Inn Rd #1,#3  
Las Vegas Nevada 89169

**Customer:**

Michael Perry

**Inspection Service:**

Post Abatement Asbestos Clearance Testing Investigation

**Agreement Type:**

MSE Environmental Service Contract

**Post Abatement Asbestos Result:**

PASS with reoccupancy

**Asbestos Abatement Company:**

A & I Industries

**Pumps Used:**

Staplex EC-45 5-port Econometric Air Sampler

June 17, 2020

Michael Perry  
M.P. Trust  
2980 S. Rainbow Blvd. #100-F  
Las Vegas, NV 89146

Air Quality  
Dept of Air Quality  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

Re: Violation #9409, Hearing set for June 25, 2020, at 9 a.m.

Marci Henson or Whom it May Concern;

After reading the above referenced NOTICE OF VIOLATION, I feel compelled to make this written response.

I am a private owner and I purchased the fourplex at 1430 E. Desert Inn Road, Las Vegas, Nevada, after two of the units sustained fire damage. I admit I am a regular citizen, and not trained in the provisions of "NESHAP asbestos regulations." In fact, I have never heard of NESHAP before purchasing this fourplex.

It is my understanding that the prior violation (Violation #9394) will be heard concurrently with this matter. I have provided my response to the first notice, and herein respond to the second notice.

After purchasing the building, which is an eyesore, I went about to repair and upgrade the property.

Two of the units had been damaged by fire, primarily in the master bedrooms. The other two units, however, had personal belongings from previous tenants in them and needed to be cleaned out. While I had someone clean the personal belongings out to the dumpster, I went about getting the debris out of the two damaged units piled in the middle of the master bedrooms of the two damaged units so that I could get to the electric wiring and determine how to get power to the units to proceed with proper removal of all burned drywall, including what needed to be removed by the asbestos company. The photographs show the walls were bare, and piled in the center of the room of the damaged units. This was NOT the debris in the dumpster.

As I previously indicated, my first contact with Mr. Adoor, within five minutes of conversation, he called me a "slum lord" and treated me very negatively. There was absolutely no reason for his unprofessionalism. What I was doing in mediating the fire damage, was fixing an eye sore in the community.

I have never had dealings with Air Quality in the past, and was trying to comply with what Mr. Adoor indicated needed to be done. However, this required me to communicate with, and rely on others to get things done. I live out of town, and travel frequently. Perhaps this project was a little ambitious for me, but I wanted to complete the renovation and live in one of the units while renting the others. Thus, I was very offended at being called a "slum lord."

I herein focus my response on the alleged violations:

**Violation 1:**

"By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference I AQR Section 13.1."

**Response:** Please note that this Violation was already stated in the initial NOTICE OF VIOLATION (#9394), as Violation 2. It is not appropriate that I be charged twice with the violation of failing to notify Air Quality in 10 working days.

I reiterate: I am a private owner, and I was not aware of the requirement to notify Air Quality. I do not know that the removal consisted of more than 160 sq. feet, as it was primarily the master bedroom in two units that were affected. Further, I have provided this office a copy of my lease option agreement, and I was never informed of the asbestos, which I would have thought would be a **mandatory disclosure** if there were an issue or concern.

Therefore, any failure to contact Air Quality prior to removal was not willful, and there was no intent to violate any law. **as no debris or absestos was ever removed from the two units containing the absestos.**

**Violation 2:**

"By failing to remove all RACM from the Facility prior to renovation, MPT and Perry violated 40 CFR §61.145(c)(1), adopted by reference in AQR Section 13.1."

**Response:** I had just obtained the lease option agreement for the property, and am a private owner that has never purchased a fire damaged building before, I was not aware of the requirement to removal all RACM material prior to renovation.

**Violation 3:**

“By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

**Response:** This was already cited as a VIOLATION #4 in the Notice of Violation #9394, and I do not believe it is appropriate that I be charged twice for the same violation.

I reiterate my prior response: Upon being directed to wet the material, I did wet the material. It would dry, and I would wet it again. It would continue to dry. Thus, it was always an ongoing issue with Mr. Adoor. The material was covered and signage was posted. It would be tore open and uncovered, and when I became aware of it, I would re-cover it, and post signs again. Therefore, I do not believe that I violated this section.

**Violation 4:**

“By failing to have at least one onsite representative trained in the provisions of the NSEHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR 61.145(c)(8), adopted by reference in AQR Section 13.1.”

**Response:** This was already cited as VIOLATION #3 in Notice of Violation #9394.

I reiterate: I am a private owner, and do not have a “staff” or “one onsite representative trained in the provisions of NSEHAP asbestos regulations....” Once informed of issues with the possibility of asbestos, I took appropriate action to the best of my ability. I contacted who needed to be contact, and I had to wait for others to assist.

**Violation 5:**

“By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR 61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.”

**Response:** This was already cited as VIOLATION #5 in Notice of Violation #9394.

I reiterate: Upon being directed to seal the material, I did seal the material. It had been tore open and replaced several times, which is each time I have been informed about it being opened. The material was covered and signage was posted. Therefore, I do not believe that I violated this section. The wind, at the time, was extreme, and this was just a small puncture hole in the covering.

I want Air Quality to know that I have followed through on everything possible and at this time, I have obtained an **ABSESTOS CLEARANCE TESTING REPORT** which received a PASS with REOCCUPANCY this property, which resolves all concerns in this matter.

I want it known that I have never been involved with the Department of Air Quality until the purchase of this building, and nothing was done willfully.

My contact by Air Quality began on November 15, 2019, when I was notified by phone at 2:45 p.m., which was a **FRIDAY**. I made every effort to communicate and correct any issues that were brought to my attention. The initial call was followed up with a phone call at 3:45 p.m. I followed up with Mr. Adoor on Monday, November 18, 2019, informing him that an asbestos survey had been performed by Larry Carter, asbestos consultant for MSE Environmental.

During the first weekend, apparently there was a fire in the dumpster. Therefore, I did not believe there was any asbestos material in the dumpster at that time, and I asked to remove the dumpster, which was costing more each day. There was no evidence of the presence of asbestos after the fire - only the presumption of asbestos.

Mr. Adoor told me the results of the testing on November 20, 2019. I did not receive the documentation until November 22 - which was again a **FRIDAY**.

This was also the time around the holidays - Thanksgiving and Christmas, and not everyone was available to respond when contacted. Mr. Carter, asbestos consultant for MSE Environmental was contacted. I needed a determination from him prior to moving further. I complied to the best of my ability at all times. There were no delays on my part.



Page 5

I respectfully request that any proposed find in this matter be abated. I am told that Air Quality has the ability to waive or reduce recommended fees. My money has been tied up in trying to do this correctly, and quickly, so as to remove the eyesore in the neighborhood. Set forth herein are significant mitigating factors.

Sincerely,

MICHAEL PERRY



4701 W. Russell Road 2<sup>nd</sup> Floor  
Las Vegas, NV 89118-2231  
Phone: (702) 455-5942 • Fax: (702) 383-9994  
Marci Henson, Director

May 21, 2020

*CERTIFIED MAIL #9489 0090 0027 6122 1980 58*

Michael Perry, Individually and as Trustee of  
M. P. Trust

E-mail: [swf.mperry@gmail.com](mailto:swf.mperry@gmail.com) and [snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)

2980 South Rainbow Boulevard, Suite 100-F  
Las Vegas, NV 89146

*CERTIFIED MAIL #9489 0090 0027 6122 1980 65*

2980 South Rainbow Boulevard, Suite 200-J  
Las Vegas, NV 89146

## NOTICE OF VIOLATION #9409

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to M.P. Trust (**MPT**) and Michael Perry (**Perry**), individually, for the violations of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Twenty Two Thousand Five Hundred and no/100 Dollars (\$22,500.00) be assessed as shown in the Penalty Calculation Table attached hereto as **Exhibit A** and incorporated herein.

### I. FACTS

The building located at 1430 East Desert Inn Road, Las Vegas, Nevada, is a “facility” per the Environmental Protection Agency’s (**EPA**) National Emission Standards for Hazardous Air Pollutants (**NESHAP**) asbestos regulations found in 40 CFR Part 61, Subpart M, which have been adopted by reference in Section 13.1 of the **AQRs**.

On February 11, 2020, Air Quality Specialist II Kevin Adoor (**Adoor**) was on routine patrol when he noted that plywood boards used to secure a fire damaged apartment building had been removed. Adoor also noted the presence of debris piles inside of the building. Adoor stopped to investigate and conduct an inspection. Adoor’s inspection report is attached hereto as **Exhibit B** and incorporated herein. The apartment building is located at 1430 East Desert Inn Road, Las Vegas, NV 89169 (**Facility**). The Facility is owned by MPT and Perry, Trustee of MPT (**Exh. B, Att. 1**). The plywood boards were removed from the patio entrances of the north bedrooms of Units 1 and 3. Adoor noted a debris pile inside of the north bedroom of Unit 1, which consisted of textured drywall, including acoustic ceiling texture (**ACT**) (**Exh. B, Att. 2, Photos 1 through 3**).

Adoor further noted textured drywall had been removed from all of the walls and ceilings of the north bedroom of Unit 1.

Adoor was familiar with the Facility, MPT, and Perry from a previous enforcement action initiated on November 15, 2019 (**Exh. B, Att. 8**). During the inspection that led to the previous enforcement action, Adoor discovered Regulated Asbestos-Containing Materials (**RACM**) had been improperly removed from Units 1 and 3 in violation of the AQRs. Following the discovery, Adoor provided Perry with information regarding the regulatory requirements (**Exh. B, Att. 8, Sub-Att. 8, Pages 20 through 23**). As a result of Adoor's discovery, Perry hired a licensed asbestos abatement consultant, Larry Carter (**Carter**), to perform an asbestos survey. The asbestos survey report (**Survey**) identified ACT throughout the Facility as RACM and required a licensed asbestos abatement contractor for removal (**Exh. B, Att. 8, Sub-Att. 11, Page 22**). The Survey also stated the wall texture in the Facility contained < 1% Chrysotile Asbestos but was assumed to be RACM unless the asbestos content of the material was confirmed through a more accurate analytical method called point counting (**Exh. B, Att. 8, Sub-Att. 11, Pages 18 and 22**). Perry hired A & I Industries, LLC (**A&I**), a licensed asbestos abatement contractor, to abate all Asbestos-Containing Waste Material (**ACWM**) from a 16 cubic yard dumpster located at the Facility. Following the abatement of all ACWM from the 16 cubic yard dumpster, Perry informed Adoor the abatement of asbestos-containing materials from the interior would begin at a later date due to a lack of funds (**Exh. B, Att. 8, Sub-Att. 8, Page 1**). The enforcement action resulted in the issuance of Notice of Violation #9394 to MPT and Perry.

Adoor inspected the interior of Unit 1 while wearing a protective suit, powered air purifying respirator, and gloves. Once inside, Adoor noted that textured drywall had also been removed from the walls and ceilings of a hallway leading to the north bedroom (**Exh. B, Att. 2, Photo 4**). Adoor noted that all of the debris was in a visibly dry condition with no evidence of moisture. Adoor, using a tape measure, determined that at least 448 square feet of textured drywall had been removed from the ceilings and walls of the north bedroom and hallway (**Exh. B, Att. 4**). Adoor also obtained eight samples of what appeared to be textured drywall, from the north bedroom, the hallway, and the south/living room patio (**Exh. B, Att. 2, Photos 5 through 20**). Adoor noted that all of the samples accepted water when wetted using a spray bottle. Eight of the ten samples were determined to contain > 1% Chrysotile Asbestos, which confirmed that all of the textured materials removed/disturbed in Unit 1 were RACM (**Exh. B, Att. 5, Samples 201010-1 through 201010-10; and Exh. B, Att. 6, Pages 1 through 7**).

Following the inspection, Adoor spoke by telephone with Perry and inquired about the renovations. Perry stated he had removed the drywall from the walls and ceilings of Units 1 and 3 on Sunday, February 9, 2020. Perry further stated he had performed the work himself in order to save some money and claimed he intended to hire A&I to remove the debris when he was finished. Adoor then made arrangements to meet with Perry the following day to inspect Unit 3.

At approximately 12:25 p.m., Adoor called Kent Shank (**Shank**), manager for A&I, who stated he did not have a contract with Perry for the removal of any debris from the interior of the Facility. Shank denied having any conversation with Perry involving a scenario where Perry would remove RACM from the walls and ceilings to receive a lower price.

At approximately 12:50 p.m., Adoor called Larry Carter (**Carter**), Perry’s asbestos abatement consultant, who stated the asbestos content of samples of wall texture obtained by Carter during the course of an asbestos survey performed on November 18, 2019, were never confirmed through point counting. Carter reiterated a statement he made to Adoor on November 19, 2019, that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP. Carter explained that Perry chose to exercise his option to treat the material as RACM (**Exh. B, Att. 8, Page 7**). Carter further stated he had informed Perry that an asbestos abatement contractor was required to remove any of the textured materials in the Facility.

On February 12, 2020, at approximately 12:00 p.m., Adoor returned to the Facility and met with Perry who provided Adoor access to Unit 3. Adoor inquired if there was water available at the Facility and Perry stated there wasn’t. Perry then acknowledged that he understood he shouldn’t perform any additional renovations involving the removal of the textured walls and ceilings. Perry also acknowledged that a licensed asbestos abatement contractor was required for the clean-up and removal of RACM from the Facility. Adoor then inspected the interior of Unit 3 while wearing a protective suit, a powered air purifying respirator, and gloves. During the course of the inspection, Adoor noted that all of the textured drywall had been removed from the walls and ceilings of the north bedroom. Adoor also noted that all of the textured drywall had been removed from the ceiling of a hallway leading to the north bedroom (**Exh. B, Att. 2, Photo 21**). Adoor further noted the presence of a large debris pile in the north bedroom and that all of the debris was in a visibly dry condition with no evidence of moisture (**Exh. B, Att. 2, Photo 22**). Adoor, using a tape measure, determined at least 414 square feet of drywall had been removed from ceilings and walls of the north bedroom and hallway (**Exh. B, Att. 4**). Adoor also obtained ten samples of what appeared to be textured drywall from the north bedroom and an exterior staircase. Adoor noted that all of the samples accepted water when wetted using a spray bottle. Seven of the ten samples were later determined to contain > 1% Chrysotile Asbestos, which confirmed that all of the textured materials removed/disturbed in Unit 3 were RACM (**Exh. B, Att. 2, Photos 23 through 36; Att. 5, Samples 201010-11 through 201010-20; Att. 6, Pages 8 through 15**).

## II. APPLICABLE LAW

According to the definitions in the National Emission Standards for Hazardous Air Pollutants asbestos regulations found in 40 CFR Part 61, Subpart M, adopted by reference in AQR Section 13.1, the structure described above meets the definition of a “Facility”. Additionally, MPT and Perry meet the definition in 40 CFR §61.141 of “owner or operator of a demolition or renovation activity.” AQR Section 8.1 provides that “All persons owning, operating, or in control of any equipment or property who shall cause, permit, or participate in, any violation of [the Clark County Air Quality] Regulations shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations.”

Pursuant to 40 CFR §61.145(a)(4) and AQR Section 13.1, all requirements in 40 CFR §61.145(a) §61.145(b) and 40 CFR §61.145(c) apply to the renovation of the Facility. Additionally, pursuant to 40 CFR §61.150, all requirements in §61.150(a) and §61.150(d) apply to the renovation of the Facility.

### III. VIOLATIONS

#### **Violation 1:**

By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference in AQR Section 13.1.

40 CFR 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i) state:

“(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

...

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.”

#### **Violation 2:**

By failing to remove all RACM from the Facility prior to renovation, MPT and Perry violated 40 CFR §61.145(c)(1), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(1) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

(i) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.”

**Violation 3:**

By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(6)(i) states:

“(6) For all RACM, including material that has been removed or stripped:

- (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; ...”

**Violation 4:**

By failing to have at least one onsite representative trained in the provisions of the NESHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR §61.145(c)(8), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(8) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

- (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained onsite individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.”

**Violation 5:**

By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR §61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iii) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

...

(iii) After wetting, seal all asbestos containing waste material in leak tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping;”

#### **IV. RECOMMENDED CIVIL PENALTY**

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The owner/operator knew they were not complying with the AQRs; and
- The improper removal of RACM was a continuation of the renovations first discovered on November 15, 2019. The cumulative total amount of RACM improperly removed was at least 860 square feet.

Air Quality recommends a civil penalty in the amount of \$22,500.00 (**Exh. A**).

#### **V. HEARING**

Air Quality has scheduled a hearing for **Thursday, June 25, 2020, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by June 11, 2020. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



\_\_\_\_\_  
Marci Henson  
Control Officer

Exhibits:

- A. Penalty Calculation Table, NOV #9409
- B. Air Quality Asbestos Site Inspection Form, dated February 11, 2020

kpa





4701 W. Russell Road 2<sup>nd</sup> Floor  
 Las Vegas, NV 89118-2231  
 Phone: (702) 455-5942 • Fax: (702) 383-9994  
 Marci Henson, Director

## Exhibit A

NOV # 9409

### Penalty Calculation Table

M.P. Trust and Michael Perry

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty <sup>1</sup>		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
					Description	Amount					
1	2/11/2020	Failed to notify 10 days prior to commencing removal of RACM.	40 CFR §61.145(b)(1) & (b)(3)(i)	Exh.B	Moderate/Major	\$ 2,500	1	Willful <sup>2</sup> (+100%)	100%	\$ 2,500	\$ 5,000
2	2/11/2020	Failed to remove all RACM prior to renovation.	40 CFR §61.145(c)(1)	Exh.B	Moderate/Major	\$ 2,500	1	Willful <sup>2</sup> (+100%)	100%	\$ 2,500	\$ 5,000
3	2/11/2020	Failed to wet all RACM and ensure it remained wet.	40 CFR §61.145(c)(6)(i)	Exh.B	Moderate/Major	\$ 2,500	1	Willful <sup>2</sup> (+100%)	100%	\$ 2,500	\$ 5,000
4	2/11/2020	Failed to have at least one onsite representative trained in the provisions and means of complying with them.	40 CFR §61.145(c)(8)	Exh.B	Moderate/Moderate	\$ 1,250	1	Willful <sup>2</sup> (+100%)	100%	\$ 1,250	\$ 2,500
5	2/11/2020	Failed to seal ACWM in leak tight containers.	40 CFR §61.150(a) & (a)(1)(iii)	Exh.B	Moderate/Major	\$ 2,500	1	Willful <sup>2</sup> (+100%)	100%	\$ 2,500	\$ 5,000

**Total Penalty: \$ 22,500**

1 Extent of Deviation from Requirement					
Amount of Asbestos			Major	Mod	Minor
	Major		\$4,000	\$2,000	\$1,500
	Mod		\$2,500	\$1,250	\$750
	Minor		\$1,000	\$500	\$375

Regulatory maximum: \$10,000 per day, per violation  
 [AQR Section 9.1 & NRS 445B.270(2)]

<sup>2</sup> The owner/operator was aware of the requirements prior to the violation.



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### ASBESTOS SITE INSPECTION FORM

## Exhibit B

Date: 2/11/2020 Arrival: 12:30 pm Departure: 2:15 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

Project Start Date: \_\_\_\_\_ Project #: 201010

Project Stop Date: \_\_\_\_\_ Complaint #: \_\_\_\_\_

Purpose of Inspection: Unannounced/Routine

#### A. ON-SITE RECORD REVIEW

- 1. Evidence of on-site rep NESHAP training?  Yes  No  N/A  Not Observed  
Name of on-site supervisor: Michael Perry - Trustee of M P Trust

#### B. WORKSITE

- 1. Is activity as described on the notification?  Yes  No  N/A  Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)?  Yes  No  N/A  Not Observed
- 3. Warning signs posted?  Yes  No  N/A  Not Observed
- 4. Containment intact?  Yes  No  N/A  Not Observed
- 5. RACM adequately wet?  Yes  No  N/A  Not Observed
- 6. Functional decontamination unit?  Yes  No  N/A  Not Observed
- 7. Are there visible emissions?  Yes  No  N/A  Not Observed
- 8. Dust/debris outside removal area?  Yes  No  N/A  Not Observed
- 9. Negative air machines operating?  Yes  No  N/A  Not Observed
- 10. Is non-friable ACM in good condition?  Yes  No  N/A  Not Observed

#### C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)?  Yes  No  N/A  Not Observed
- 2. Are contents adequately wet?  Yes  No  N/A  Not Observed
- 3. ACWM placed in leak-tight containers?  Yes  No  N/A  Not Observed
- 4. Are waste containers/dumpsters properly labeled?  Yes  No  N/A  Not Observed

Samples taken?  Yes  No

Photographs taken?  Yes  No

Inspection Fees to Be Assessed: None

#### Notes:

##### Contacts:

Larry Carter = A licensed asbestos abatement consultant for MSE Environmental

M. P. Trust = Owner of a property located 1430 East Desert Inn Road

Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road: (702) 812-8357

##### List of Acronyms:

- ACM = Asbestos-Containing Material
- ACT = Acoustic Ceiling Texture
- ACWM = Asbestos-Containing Waste Material
- CFR = Code of Federal Regulations
- NESHAP = National Emission Standards for Hazardous Air Pollutants
- PAPR = Powered Air Purifying Respirator
- PLM = Polarized Light Microscopy
- RACM = Regulated Asbestos Containing Material

##### Relevant Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are

Approved by: AS

Date: 3/2/20 021



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### ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR §61.145(c)(1): Failure to remove all Regulated Asbestos-Containing Materials (RACM) from a facility being renovated before any activity begins that would break up, dislodge or similarly disturb the material.



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### ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

- 40 CFR 61.145(c)(6)(i): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust (MPT) and Michael Perry (Perry)

On February 11, 2020, Air Quality Specialist II Kevin Adoor (Adoor) discovered the previously cited violations at 1430 East Desert Inn Road where a fire damaged apartment building (Facility) was undergoing renovations and under operational control of MPT and Perry. These very same violations were also documented by Adoor less than four months prior on the 15th of November, 2019. The violations observed on the 15th of November, 2019, occurred at the same Facility and while it was under the operational control of MPT and Perry. On January 20, 2020, Perry was provided a copy of Adoor’s inspection report from November 15, 2019, which cited the violations documented. The current violations represent a continuation of the renovations observed on November 15, 2019, and a willful attempt to circumvent the Clark County Air Quality Regulations. The cumulative total of RACM removed/disturbed as part of the renovations from November 15, 2019 through February 11, 2020, was at least 868 square feet.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). The definition of facility under the Asbestos NESHAP states that “Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.” Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAP.

=====

On Tuesday, February 11, 2020, at approximately 12:30 p.m., Adoor was on routine patrol when he noted that plywood boards used to secure a fire damaged apartment building had been removed from the Facility located at 1430 East Desert Inn Road, Las Vegas, NV 89169, owned by MPT. Perry was the trustee of MPT (Attachment 1, Assessor’s Information). The plywood boards were removed from the patio entrances of the north bedrooms of Units 1 and 3. Adoor also noted the presence of debris piles consisting of textured drywall, including acoustic ceiling texture (ACT), in the north bedrooms of Units 1 and 3. Adoor further noted that textured drywall had been removed from all of the walls and ceilings of the north bedroom of Unit 1 (Attachment 2, Digital Photographs 1 – 3).

Note 1: Adoor was familiar with the Facility and had previously inspected Units 1 and 3 on November 15, 2019, and November 19, 2019 (Attachment 8, Inspection Report 191086). During those inspections, Adoor noted the vast majority of drywall was secured to the framing of the ceilings and walls of Units 1 and 3. During those inspections, Adoor obtained samples of ACT from the north bedrooms of Units 1 and 3. The ACT was sent to a laboratory for analysis and the ACT was determined to be RACM, (Attachment 5, Table of Laboratory Results; Attachment 8, Inspection Report 191086, Sub-Attachment 4, Photographs 5 – 17; Sub-Attachment 11, Asbestos Survey Report, Pages 8 and 11, Pictures 9, 10, 23, and 25; Sub-Attachment 5, Laboratory Reports for Samples 1 – 5, Pages 1 – 3; Sub-Attachment 10, Laboratory Reports for Samples 6 – 9, Pages 1 – 4). During the course of Adoor’s inspection, he also discovered that ACT debris had been removed from the Facility and placed in a 16 cubic yard dumpster. Adoor informed Perry that a licensed asbestos abatement



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### ASBESTOS SITE INSPECTION FORM Page 4 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

contractor was required to remove RACM (Attachment 8, Inspection Report 191086, Sub-Attachment 8, Email Correspondence with Perry, Pages 20 – 22). Perry had an asbestos survey performed by a licensed asbestos abatement consultant that confirmed the ACT was RACM. The asbestos survey report also stated the wall texture in Units 1 and 3 contained asbestos and should be considered an asbestos-containing material unless the asbestos content was confirmed through point counting (Attachment 8, Inspection Report 191086, Sub-Attachment 11, Asbestos Survey Report, Pages 16, 22, 27 and 29). Perry hired A & I Industries, LLC (A&I), a licensed asbestos abatement contractor, for the abatement of all Asbestos-Containing Waste Material (ACWM) from the 16 cubic yard dumpster. All ACWM was removed from the 16 cubic yard dumpster on January 2, 2020. The abatement of RACM from the interior of Units 1 and 3 was delayed due to Perry's claim of a lack of funds (Attachment 8, Inspection Report 191086, Sub-Attachment 8, Email Correspondence with Perry, Page 1). Perry was provided a copy of Adoor's inspection report which cited the violations documented on January 7, 2020 (Attachment 3, Email to Perry January 7, 2020).

Adoor then inspected the interior of Unit 1 while wearing a protective suit, powered air purifying respirator, and gloves. Once inside, Adoor noted that textured drywall had also been removed from the walls and ceilings of a hallway leading to the north bedroom from the living room (Attachment 2, Digital Photograph 4). Adoor noted that all of the debris was in a visibly dry condition with no evidence of moisture. Adoor, using a tape measure, determined that at least 448 square feet of textured drywall had been removed from ceilings and walls of the north bedroom and hallway (Attachment 4, Measurements). Adoor also obtained eight samples of what appeared to be textured drywall, from the north bedroom, the hallway, and the south/living room patio (Attachment 2, Photographs 5 – 20). Adoor noted that all of the samples accepted water when wetted using a spray bottle. Eight of the ten samples were determined to contain > 1% Chrysotile Asbestos which confirmed that all of the textured materials removed/disturbed in Unit 1 were RACM (Attachment 5, Table of Laboratory Results, Samples 201010-1 through 201010-10; Attachment 6, Laboratory Reports and Chain of Custody Documents 2020, Pages 1 – 7).

Following the inspection, Adoor called Perry and inquired about the renovations. Perry stated that he had removed the drywall from the walls and ceilings of Units 1 and 3 on Sunday, February 9, 2020. Perry stated that he performed the work himself in order to save some money and claimed that he intended to hire A&I to remove the debris when he was finished. Adoor then made arrangements to meet with Perry the following day to inspect Unit 3.

At 12:25 p.m., Adoor called Kent Shank (Shank), manager for A&I, who stated he did not have a contract with Perry for the removal of any debris from the interior of the Facility. Shank denied having any conversation with Perry involving a scenario where Perry would remove RACM from the walls and ceilings to receive a lower price.

At 12:52 p.m., Adoor called Larry Carter (Carter), Perry's asbestos abatement consultant, who stated the asbestos content of samples of wall texture obtained by Carter during the course of an asbestos survey performed on November 18, 2019, were never confirmed through point counting. Carter reiterated a statement he made to Adoor on November 19, 2019, at approximately 12:36 p.m., that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM (Attachment 8, Inspection Report 191086, Page 7). Carter also stated he had informed Perry that an asbestos abatement contractor was required to remove any of the textured materials in the Facility.

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On Wednesday, February 12, 2020, at approximately 12:00 p.m., Adoor returned to the Facility and met with Perry who provided Adoor access to Unit 3. Adoor inquired if there was water available at the Facility and Perry stated there wasn't. Perry then acknowledged that he understood he shouldn't perform any additional renovations involving the removal of the walls and ceilings. Perry also acknowledged that a licensed asbestos abatement contractor was required for the clean-up and removal of RACM from the Facility. Adoor then inspected the interior of Unit 3 while wearing a protective suit, a powered air purifying respirator, and gloves. During the course of the inspection, Adoor noted that all of the textured drywall had been removed from the walls and ceilings of the



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**ASBESTOS SITE INSPECTION FORM**  
**Page 5 – Additional Notes**

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

north bedroom. Adoor also noted that all of the textured drywall had been removed from the ceiling of a hallway leading to the north bedroom from the living room (Attachment 2, Digital Photograph 21). Adoor further noted the presence of a large debris pile in the north bedroom and that all of the debris was in a visibly dry condition with no evidence of moisture (Attachment 2, Digital Photograph 22). Adoor, using a tape measure, determined that at least 414 square feet of drywall had been removed from ceilings and walls of the north bedroom and hallway (Attachment 4, Measurements). Adoor also obtained ten samples of what appeared to be textured drywall from the north bedroom and an exterior staircase. Adoor noted that all of the samples accepted water when wetted using a spray bottle. Seven of the ten samples were later determined to contain > 1% Chrysotile Asbestos which confirmed that all of the textured materials removed/disturbed in Unit 3 were RACM (Attachment 2, Photographs 23 – 36; Attachment 5, Table of Laboratory Results, Samples 201010-11 through 201010-20; Attachment 6, Laboratory Reports and Chain of Custody Documents 2020, Pages 8 – 15).

=====  
On Thursday, February 13, 2020, at 12:51 p.m., Adoor sent an email to Perry and reiterated the ACT was RACM, and the wall texture was assumed to be RACM based upon previous sampling by his asbestos abatement consultant. Adoor also reiterated that a licensed asbestos abatement contractor was required for the removal of the debris and any additional RACM (Attachment 6, Email to Perry, Pages 1 – 3).

=====  
On Saturday, February 15, 2020, at 7:49 a.m., Adoor received an email from Perry stating "I can assure you I will not be removing any of the drywall I have it stacked up nice and neat for a&i to come and properly dispose I will inform you once I have the funds to do that in the next coming weeks" (Attachment 6, Email to Perry, Page 1).

## **Attachments**

1. Assessor's Information
2. Digital Photographs
3. Email to Perry January 7, 2020
4. Measurements
5. Table of Laboratory Results
6. Laboratory Reports and Chain of Custody Documents
7. Email with Perry February 12, 2020
8. Inspection Report 191086

# **Attachment 1**

## **Assessor's Information**



## Attachment 1, Assessor's Information

GENERAL INFORMATION	
<b>PARCEL NO.</b>	162-11-410-076
<b>OWNER AND MAILING ADDRESS</b>	M P TRUST PERRY MICHAEL TRS 2980 S RAINBOW BLVD ST # 100-F LAS VEGAS NV 89146
<b>LOCATION ADDRESS CITY/UNINCORPORATED TOWN</b>	1430 E DESERT INN RD WINCHESTER
<b>ASSESSOR DESCRIPTION</b>	CONTINENTAL PARK #2 <a href="#">PLAT BOOK 9 PAGE 2</a> LOT 5 BLOCK 1
<b>RECORDED DOCUMENT NO.</b>	* <a href="#">20200121:02819</a>
<b>RECORDED DATE</b>	Jan 21 2020
<b>VESTING</b>	NS

\*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
<b>TAX DISTRICT</b>	410
<b>APPRAISAL YEAR</b>	2019
<b>FISCAL YEAR</b>	2020-21
<b>SUPPLEMENTAL IMPROVEMENT VALUE</b>	0
<b>INCREMENTAL LAND</b>	0
<b>INCREMENTAL IMPROVEMENTS</b>	0

REAL PROPERTY ASSESSED VALUE		
<b>FISCAL YEAR</b>	2019-20	2020-21
<b>LAND</b>	24150	26250
<b>IMPROVEMENTS</b>	26602	27352
<b>PERSONAL PROPERTY</b>	0	0
<b>EXEMPT</b>	0	0
<b>GROSS ASSESSED (SUBTOTAL)</b>	50752	53602
<b>TAXABLE LAND+IMP (SUBTOTAL)</b>	145006	153149
<b>COMMON ELEMENT ALLOCATION ASSD</b>	0	0
<b>TOTAL ASSESSED VALUE</b>	50752	53602
<b>TOTAL TAXABLE VALUE</b>	145006	153149

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
<b>ESTIMATED SIZE</b>	0.16 Acres
<b>ORIGINAL CONST. YEAR</b>	1963
<b>LAST SALE PRICE MONTH/YEAR SALE TYPE</b>	150000 1/2020 R - Recorded Value
<b>LAND USE</b>	32.140 - MF Res 3 to 4 Units. Fourplex
<b>DWELLING UNITS</b>	4

## Attachment 1, Assessor's Information

<b>PRIMARY RESIDENTIAL STRUCTURE</b>					
<b>1ST FLOOR SQ. FT.</b>	1716	<b>CASITA SQ. FT.</b>	0	<b>ADDN/CONV</b>	
<b>2ND FLOOR SQ. FT.</b>	1716	<b>CARPORT SQ. FT.</b>	0	<b>POOL</b>	NO
<b>3RD FLOOR SQ. FT.</b>	0	<b>STYLE</b>	Four Plex	<b>SPA</b>	NO
<b>UNFINISHED BASEMENT SQ. FT.</b>	0	<b>BEDROOMS</b>	8	<b>TYPE OF CONSTRUCTION</b>	Frame-Stucco
<b>FINISHED BASEMENT SQ. FT.</b>	0	<b>BATHROOMS</b>	7 FULL	<b>ROOF TYPE</b>	Built-Up
<b>BASEMENT GARAGE SQ. FT.</b>	0	<b>FIREPLACE</b>	0		
<b>TOTAL GARAGE SQ. FT.</b>	0				

# **Attachment 2**

## **Digital Photographs**

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 1:** February 11, 2020, at approximately 12:41 PM - View of the patio entrance to Unit 1. Plywood boards used to secure the entrance have been removed and no asbestos warning signs are posted. The Asbestos-Containing Waste Material inside is exposed to the outside air and is accessible to the public.



**Photograph 2:** February 11, 2020, at approximately 12:41 PM - View of Asbestos-Containing Waste Material (ACWM) inside of the north room of Unit 1. The ACWM was in a dry condition with no evidence of moisture. Textured drywall, including acoustic ceiling texture, had been removed from all of the walls and ceilings. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 3:** February 11, 2020, at approximately 12:59 PM - View of the patio entrance to Unit 3. Plywood boards used to secure the entrance have been removed and no asbestos warning signs are posted. The Asbestos-Containing Waste Material inside is exposed to the outside air.



**Photograph 4:** February 11, 2020, at approximately 1:13 PM - View of a hallway in Unit 1 where textured drywall, including acoustic ceiling texture, had been removed from the west wall and ceiling. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 5:** February 11, 2020, at approximately 1:18 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 6:** February 11, 2020, at approximately 1:19 PM - View of Sample #201010-1 obtained from the material depicted in Photograph #5.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 7:** February 11, 2020, at approximately 1:18 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 8:** February 11, 2020, at approximately 1:19 PM - View of Sample #201010-2 obtained from the material depicted in Photograph #7.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 9:** February 11, 2020, at approximately 1:29 PM – View of textured drywall on a hallway wall in Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy.



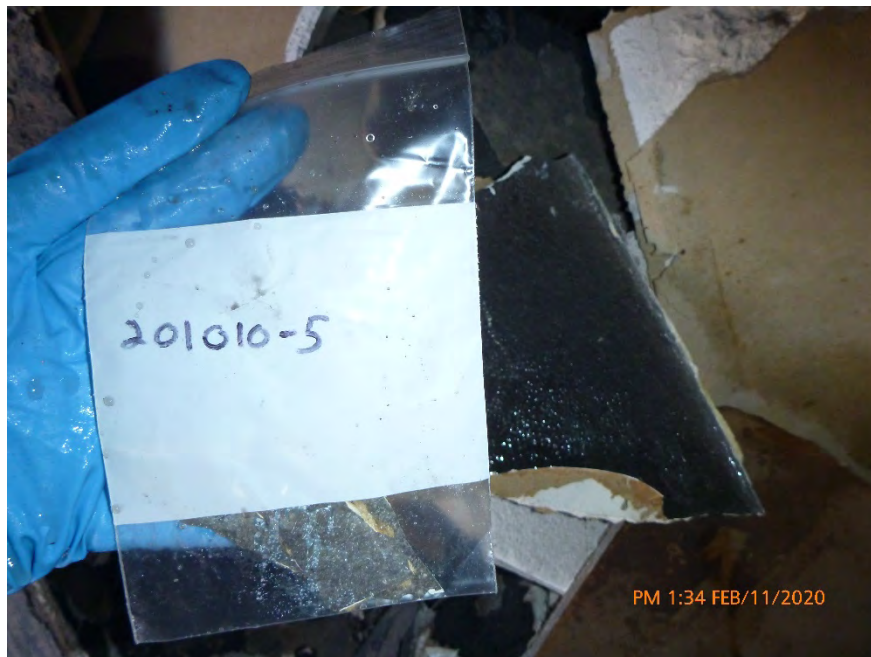
**Photograph 10:** February 11, 2020, at approximately 1:30 PM - View of Sample #201010-4 obtained from the material depicted in Photograph #9.



## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 11:** February 11, 2020, at approximately 1:33 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 12:** February 11, 2020, at approximately 1:34 PM - View of Sample #201010-5 obtained from the material depicted in Photograph #11.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 13:** February 11, 2020, at approximately 1:40 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 4% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 14:** February 11, 2020, at approximately 1:41 PM - View of Sample #201010-7 obtained from the material depicted in Photograph #13.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 15:** February 11, 2020, at approximately 1:48 PM – View of textured drywall on the east wall of a hallway in Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy.



**Photograph 16:** February 11, 2020, at approximately 1:50 PM - View of Sample #201010-8 obtained from the material depicted in Photograph #15.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 17:** February 11, 2020, at approximately 2:13 PM – View of textured drywall debris on the south/living room patio of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 18:** February 11, 2020, at approximately 2:14 PM - View of Sample #201010-9 obtained from the material depicted in Photograph #17.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 19:** February 11, 2020, at approximately 2:14 PM – View of textured drywall debris on the south/living room patio of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 20:** February 11, 2019, at approximately 2:15 PM - View of Sample #201010-10 obtained from the material depicted in Photograph #19.

## Attachment 2, Digital Photographs by Kevin Adoor

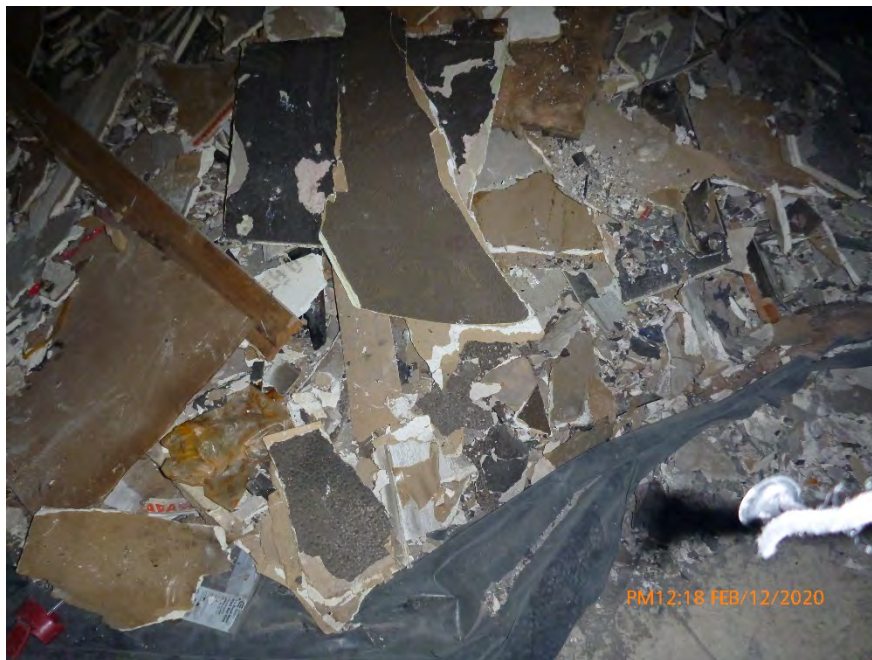


**Photograph 21:** February 12, 2020, at approximately 12:10 PM - View of a hallway in Unit 3 where acoustic ceiling texture (**ACT**) had been removed from the ceiling. The ACT on the ceiling was a Regulated Asbestos-Containing Material.



**Photograph 22:** February 12, 2020, at approximately 12:10 PM - View of Asbestos-Containing Waste Material (**ACWM**) inside of the north room of Unit 3. The ACWM was in a dry condition with no evidence of moisture. Textured drywall, including acoustic ceiling texture, had been removed from all of the walls and ceilings. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 23:** February 12, 2020, at approximately 12:18 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 24:** February 12, 2020, at approximately 12:19 PM - View of Sample #201010-11 obtained from the material depicted in Photograph #23.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 25:** February 12, 2020, at approximately 12:20 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 26:** February 12, 2020, at approximately 12:22 PM - View of Sample #201010-12 obtained from the material depicted in Photograph #25.



## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 27:** February 12, 2020, at approximately 12:29 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 28:** February 12, 2020, at approximately 12:29 PM - View of Sample #201010-15 obtained from the material depicted in Photograph #27.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 29:** February 12, 2020, at approximately 12:32 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 30:** February 12, 2020, at approximately 12:33 PM - View of Sample #201010-16 obtained from the material depicted in Photograph #29.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 31:** February 12, 2020, at approximately 12:30 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 32:** February 12, 2020, at approximately 12:31 PM - View of Sample #201010-17 obtained from the material depicted in Photograph #31.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 33:** February 12, 2020, at approximately 12:20 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 34:** February 12, 2020, at approximately 12:36 PM - View of Sample #201010-18 obtained from the material depicted in Photograph #33.

## Attachment 2, Digital Photographs by Kevin Adoor



**Photograph 35:** February 12, 2020, at approximately 12:38 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



**Photograph 36:** February 12, 2020, at approximately 12:40 PM - View of Sample #201010-19 obtained from the material depicted in Photograph #35.

**Attachment 3**  
**Email to Perry January 7, 2020**

# Attachment 3, Email to Perry January 7, 2020

## Kevin Adoor

---

**From:** Kevin Adoor  
**Sent:** Tuesday, January 7, 2020 10:17 AM  
**To:** Michael Perry  
**Cc:** Michael Perry; Anna Sutowska  
**Subject:** RE: 1430 E. Desert Inn Road  
**Attachments:** 191086\_20191115\_INS.pdf

Good morning Mr. Perry,

Please see the attached inspection report.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

---

**From:** Michael Perry [mailto:swf.mperry@gmail.com]  
**Sent:** Friday, January 3, 2020 12:57 PM  
**To:** Kevin Adoor <ADOOR@ClarkCountyNV.gov>  
**Cc:** Michael Perry <snmc.mperry@gmail.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>  
**Subject:** Re: 1430 E. Desert Inn Road

OK thank you sir

Sent from my iPhone

On Jan 3, 2020, at 11:43 AM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

At this time, removal of the 16 cubic yard would not be in violation of the Air Quality Regulations so long as no asbestos-containing waste materials were placed inside since I left the facility this morning.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118

# **Attachment 4**

## **Measurements**



## Measurements

---

### Unit 1 Measurements

#### North Room

- N Wall  $10.0 \times 7.5 = 75 \text{ feet}^2$
- S Wall  $4.5 \times 7.5 = 34 \text{ feet}^2$
- E Wall  $13.0 \times 7.5 = 98 \text{ feet}^2$
- W Wall  $6.0 \times 7.5 = 45 \text{ feet}^2$
- Ceiling  $10.0 \times 13.0 = 130 \text{ feet}^2$

#### Hall

- E Wall  $5.5 \times 6.5 = 34$
- Ceiling  $10.5 \times 3.0 = 32$

Total Amount of Drywall Removed from Unit 1 = At least 448 feet<sup>2</sup>

### Unit 3 Measurements

#### North Room

- N Wall  $10.0 \times 7.5 = 75 \text{ feet}^2$
- S Wall  $4.5 \times 7.5 = 34 \text{ feet}^2$
- E Wall  $13.0 \times 7.5 = 98 \text{ feet}^2$
- W Wall  $6.0 \times 7.5 = 45 \text{ feet}^2$
- Ceiling  $10.0 \times 13.0 = 130 \text{ feet}^2$

#### Hall

- Ceiling  $10.5 \times 3.0 = 32 \text{ feet}^2$

Total Amount of Drywall Removed from Unit 3 = At least 414 feet<sup>2</sup>

### Total Amount of Drywall Removed from Units 1 and 3 = 862 feet<sup>2</sup>

**Note 1:** All measurements were made using a tape measure.

**Note 2:** All calculations were made using significant figures.

**Note 3:** The measurements do not include drywall that was removed from the bathrooms of Units 1 and 2.

**Note 4:** The total amount of drywall removed includes all drywall that had been removed and placed in a 16 cubic yard dumpster that was discovered on November 15, 2019.

**Attachment 5**  
**Table of Laboratory Results**

## Attachment 5, Table of Laboratory Results

<b>Sample ID</b>	<b>Location</b>	<b>Material</b>	<b>Asbestos Content</b>
191086-2	Unit 1, N. Bedroom	Grey Semi-Fibrous /ACT	10% by PLM
191086-6	Unit 1, N. Bedroom	Black Semi-Fibrous /ACT	3% by Point Count Method
201010-1	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-2	Unit 1, N. Bedroom	Beige Texture	2% by Point Count Method
201010-3	Unit 1, N. Bedroom	Paint	None Detected
201010-4	Unit 1, Hallway	Beige Texture	2% by Point Count Method
201010-5	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-6	Unit 1, N. Bedroom	Off-White / Beige Texture	None Detected
201010-7	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-8	Unit 1, Hallway	Beige Texture	2% by Point Count Method
201010-9	Unit 1, On S. Patio	Off-White Texture	2% by PLM / Insufficient Material for Point Count
201010-10	Unit 1, On S. Patio	Off-White Texture	2% by PLM / Insufficient Material for Point Count
191086-3	Unit 3, N. Bedroom	Grey Semi-Fibrous /ACT	10% by PLM
191086-4	Unit 3, N. Bedroom	Grey Texture	None Detected
191086-7	Unit 3, W. Bedroom	Off-White Semi-Fibrous /ACT	4% by Point Count Method
191086-8	Unit 3, N. Bedroom	Black Semi-Fibrous /ACT	4% by Point Count Method
201010-11	Unit 3, N. Bedroom	Beige Texture	2% by Point Count Method
201010-12	Unit 3, N. Bedroom	Beige Texture	3% by Point Count Method
201010-13	Unit 3, N. Bedroom	Beige Texture	None Detected
201010-14	Unit 3, N. Bedroom	Beige Texture	None Detected
201010-15	Unit 3, N. Bedroom	Beige Texture	2% by Point Count Method
201010-16	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-17	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-18	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-19	Unit 3, N. Bedroom	Beige Texture	3% by Point Count Method
201010-20	Exterior Staircase	Off-White Texture	None Detected

- Sample Numbers 191086 were obtained on from Units 1 and 3 on the 15<sup>th</sup> and 19<sup>th</sup> of November, 2019.
- Sample Numbers 201010-1 through 201010-10 were obtained from Unit 1 on February 11, 2020.
- Sample Numbers 201010-11 through 201010-20 were obtained from Unit 3 on February 12, 2020.

**Attachment 6**

**Laboratory Results and Chain of Custody  
Documents**

# Attachment 6, Laboratory Reports and Chain of Custody Documents



**FORENSIC  
LABORATORIES**

Analysis Request Form (COC)

Client Name & Address: <b>Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118</b>		Client No.:	PO / Job#: <b>4500307754-010</b>	Date: <b>2/11/2020</b>			
Contact: <b>Kevin Adoor</b>		Phone: <b>(702) 218-9867</b>	Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day				
E-mail: <b>adoor@clarkcountynv.gov</b>		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435					
Site Name: <b>201010</b>		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)					
Site Location: <b>1430 East Desert Inn Road</b>		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project Metals Analysis Matrix: Method: Analytes:					
Comments:		<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only					
Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
201010-1	2/11/20 1:20 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-2	2/11/20 1:22 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-3	2/11/20 1:26 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-4	2/11/20 1:30 PM	Hallway of Unit 1 / Wall Texture	A P C	-----			
201010-5	2/11/20 1:34 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-6	2/11/20 1:39 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-7	2/11/20 1:41 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-8	2/11/20 1:50 PM	Hallway of Unit 1 / Wall Texture	A P C	-----			
201010-9	2/11/20 2:14 PM	Outside S. Patio of Unit 1 / Textured Debris	A P C	-----			
201010-10	2/11/20 2:15 PM	Outside S. Patio of Unit 1 / Textured Debris	A P C	-----			
Sampled By: <b>Kevin Adoor</b>		Date/Time: <b>2/11/2020</b>	Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:				
Relinquished By: <i>[Signature]</i>		Relinquished By:	Relinquished By:				
Date / Time: <b>2/11/2020 1527</b>		Date / Time:	Date / Time:				
Received By: <i>[Signature]</i>		Received By:	Received By:				
Date / Time: <b>2/11/20</b>		Date / Time:	Date / Time:				
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



# Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B299901  
**Date Received:** 02/11/20  
**Date Analyzed:** 02/12/20  
**Date Printed:** 02/12/20  
**First Reported:** 02/12/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 10  
**Total Samples Analyzed:** 10

**Date(s) Collected:** 02/11/2020

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>201010-1</b>	01239926						
Layer: Drywall Backing			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Tan/ Black Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (30 %)							
<b>201010-2</b>	01239927						
Layer: Tan Fibrous Material			<b>ND</b>				
Layer: Drywall Backing			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Tan/ Black Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (50 %)							
<b>201010-3</b>	01239928						
Layer: Drywall Backing			<b>ND</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Tan/ Black Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (50 %)							
<b>201010-4</b>	01239929						
Layer: Off-White Drywall			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %)    Fibrous Glass (10 %)							

# Attachment 6, Laboratory Reports and Chain of Custody Documents

**Report Number:** B299901

**Date Printed:** 02/12/20

**Client Name:** Clark County Air Quality Management

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>201010-5</b>	01239930						
Layer: Drywall Backing			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %)	Fibrous Glass (5 %)						
<b>201010-6</b>	01239931						
Layer: Drywall Backing			<b>ND</b>				
Layer: Off-White/ Beige Texture			<b>ND</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (35 %)							
<b>201010-7</b>	01239932						
Layer: Drywall Backing			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %)	Fibrous Glass (5 %)						
<b>201010-8</b>	01239933						
Layer: Yellow Woven Material			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (Trace)							
<b>201010-9</b>	01239934						
Layer: White Drywall			<b>ND</b>				
Layer: Off-White Texture		Chrysotile	<b>2 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %)	Fibrous Glass (10 %)						
<b>201010-10</b>	01239935						
Layer: White Drywall			<b>ND</b>				
Layer: Off-White Texture		Chrysotile	<b>2 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %)	Fibrous Glass (10 %)						

# Attachment 6, Laboratory Reports and Chain of Custody Documents

**Client Name:** Clark County Air Quality Management

**Report Number:** B299901

**Date Printed:** 02/12/20

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
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Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 / Telephone: (702) 387-0040 / Fax: (702) 784-0030

3 of 3

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# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012739  
**Date Received:** 02/11/20  
**Date Analyzed:** 02/19/20  
**Date Printed:** 02/19/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 8  
**Total Samples Analyzed:** 6

**PLM Report Number:** B299901

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>201010-1</b>	01239926	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		30
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-2</b>	01239927	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		8
Number of non-empty points:		400
Layer percentage of entire sample:		20
<b>Percent asbestos in layer:</b>		<b>2</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-4</b>	01239929	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		10
<b>Percent asbestos in layer:</b>		<b>2</b>
Asbestos type(s) detected:		Chrysotile
Comment:		



# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012739  
**Date Received:** 02/11/20  
**Date Analyzed:** 02/19/20  
**Date Printed:** 02/19/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 8  
**Total Samples Analyzed:** 6

**PLM Report Number:** B299901

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>201010-5</b>	01239930	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		11
Number of non-empty points:		400
Layer percentage of entire sample:		30
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-7</b>	01239932	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		30
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-8</b>	01239933	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		23
<b>Percent asbestos in layer:</b>		<b>2</b>
Asbestos type(s) detected:		Chrysotile
Comment:		



# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012739  
**Date Received:** 02/11/20  
**Date Analyzed:** 02/19/20  
**Date Printed:** 02/19/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 8  
**Total Samples Analyzed:** 6

**PLM Report Number:** B299901

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
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Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

# Attachment 6, Laboratory Reports and Chain of Custody Documents



## Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118		Client No.:	PO / Job#: 4500307754-010	Date: 2/12/2020
Contact: Kevin Adoor		Phone: (702) 218-9867	Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotameter <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435		
Site Name: 201010		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)		
Site Location: 1430 East Desert Inn Road		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:		
Comments:		<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only		

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
201010-11	2/12/20 12:19P+	North Room Unit 3 / Textured Debris	A P C				
201010-12	2/12/20 12:22P+	North Room Unit 3 / Textured Debris	A P C				
201010-13	2/12/20 12:24P+	North Room Unit 3 / Textured Debris	A P C				
201010-14	2/12/20 12:26P+	North Room Unit 3 / Textured Debris	A P C				
201010-15	2/12/20 12:29P+	North Room Unit 3 / Textured Debris	A P C				
201010-16	2/12/20 12:33P+	North Room Unit 3 / Textured Debris	A P C				
201010-17	2/12/20 12:31P+	North Room of Unit 3 / Textured Debris	A P C				
201010-18	2/12/20 12:36P+	North Room Unit 3 / Textured Debris	A P C				
201010-19	2/12/20 12:40P+	North Room Unit 3 / Textured Debris	A P C				
201010-20	2/12/20 12:42P+	On Exterior Staircase / Textured Debris	A P C				

Sampled By: Kevin Adoor		Date/Time: 2/12/2020	Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:	
Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:		
Date / Time: 2/12/20 1:13:56	Date / Time:	Date / Time:		
Received By: <i>[Signature]</i>	Received By:	Received By:		
Date / Time: 2/12/20 1:35	Date / Time:	Date / Time:		
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



# Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B299984  
**Date Received:** 02/12/20  
**Date Analyzed:** 02/13/20  
**Date Printed:** 02/13/20  
**First Reported:** 02/13/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 10  
**Total Samples Analyzed:** 10

**Date(s) Collected:** 02/12/2020

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>201010-11</b>	01240124						
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (3%)</b>					
Cellulose (Trace)							
Comment: Location;							
<b>201010-12</b>	01240125						
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (3%)</b>					
Cellulose (Trace)							
Comment: Location;							
<b>201010-13</b>	01240126						
Layer: Paint			ND				
Layer: Beige Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
Comment: Location;							
<b>201010-14</b>	01240127						
Layer: Paint			ND				
Layer: Beige Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
Comment: Location;							
<b>201010-15</b>	01240128						
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	3 %				
Layer: Off-White Tape			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (2%)</b>					
Cellulose (Trace)							
Comment: Location;							

# Attachment 6, Laboratory Reports and Chain of Custody Documents

**Report Number:** B299984

**Date Printed:** 02/13/20

**Client Name:** Clark County Air Quality Management

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>201010-16</b>	01240129						
Layer: Drywall Backing			<b>ND</b>				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (30 %)							
Comment: Location;							
<b>201010-17</b>	01240130						
Layer: White Drywall			<b>ND</b>				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (30 %)							
Comment: Location;							
<b>201010-18</b>	01240131						
Layer: White Drywall			<b>ND</b>				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (30 %)							
Comment: Location;							
<b>201010-19</b>	01240132						
Layer: White Drywall			<b>ND</b>				
Layer: Beige Texture		Chrysotile	<b>3 %</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (30 %)							
Comment: Location;							
<b>201010-20</b>	01240133						
Layer: Paint			<b>ND</b>				
Layer: Off-White Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
Comment: Location;							

# Attachment 6, Laboratory Reports and Chain of Custody Documents

**Client Name:** Clark County Air Quality Management

**Report Number:** B299984

**Date Printed:** 02/13/20

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
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Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

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# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012718  
**Date Received:** 02/13/20  
**Date Analyzed:** 02/19/20  
**Date Printed:** 02/19/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 4  
**Total Samples Analyzed:** 4

**PLM Report Number:** B299984

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>201010-11</b>	01240124	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		8
Number of non-empty points:		400
Layer percentage of entire sample:		90
<b>Percent asbestos in layer:</b>		<b>2</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-12</b>	01240125	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		90
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>201010-15</b>	01240128	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		60
<b>Percent asbestos in layer:</b>		<b>2</b>
Asbestos type(s) detected:		Chrysotile
Comment:		





# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012718  
**Date Received:** 02/13/20  
**Date Analyzed:** 02/19/20  
**Date Printed:** 02/19/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 4  
**Total Samples Analyzed:** 4

**PLM Report Number:** B299984

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>201010-19</b>	01240132	<b>Beige Texture</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:	11	
Number of non-empty points:	400	
Layer percentage of entire sample:	10	
<b>Percent asbestos in layer:</b>	<b>3</b>	
Asbestos type(s) detected:	Chrysotile	
Comment:		

Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012749  
**Date Received:** 02/12/20  
**Date Analyzed:** 02/21/20  
**Date Printed:** 02/21/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 3  
**Total Samples Analyzed:** 3

**PLM Report Number:** B299984

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>201010-16</b>	01240129	<b>Off-White Skimcoat/Joint Compound</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:	8	
Number of non-empty points:	400	
Layer percentage of entire sample:	10	
<b>Percent asbestos in layer:</b>	<b>2</b>	
Asbestos type(s) detected:	Chrysotile	
Comment:		
<b>201010-17</b>	01240130	<b>Off-White Skimcoat/Joint Compound</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:	9	
Number of non-empty points:	400	
Layer percentage of entire sample:	10	
<b>Percent asbestos in layer:</b>	<b>2</b>	
Asbestos type(s) detected:	Chrysotile	
Comment:		
<b>201010-18</b>	01240131	<b>Off-White Skimcoat/Joint Compound</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:	9	
Number of non-empty points:	400	
Layer percentage of entire sample:	10	
<b>Percent asbestos in layer:</b>	<b>2</b>	
Asbestos type(s) detected:	Chrysotile	
Comment:		



# Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012749  
**Date Received:** 02/12/20  
**Date Analyzed:** 02/21/20  
**Date Printed:** 02/21/20

**Job ID/Site:** 4500307754-010, 201010, 1430 East Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 3  
**Total Samples Analyzed:** 3

**PLM Report Number:** B299984

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
-----------	------------	-------------------

Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

**Attachment 7**  
**Email to Perry February 13, 2020**

# Attachment 7, Email to Perry February 13, 2020

**From:** [Michael Perry](#)  
**To:** [Kevin Adoor](#)  
**Cc:** [Michael Perry](#); [Anna Sutowska](#)  
**Subject:** Re: 1430 E Desert Inn Road /  
**Date:** Saturday, February 15, 2020 7:49:16 AM

---

Thank you Kevin and I can assure you I will not be removing any of the drywall I have it stacked up nice and neat for a&i to come and properly dispose I will inform you once I have the funds to do that in the next coming weeks Thanks for your understanding

Sent from my iPhone

On Feb 13, 2020, at 12:50 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Mr. Perry,

In the email below, I incorrectly stated that I visited the facility on December 11, 2020. The correct date is February 11, 2020.

Thank you,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Environmental Sustainability Division of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

---

**From:** Kevin Adoor  
**Sent:** Thursday, February 13, 2020 12:46 PM  
**To:** Michael Perry <swf.mperry@gmail.com>; Michael Perry <snmc.mperry@gmail.com>  
**Cc:** Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>  
**Subject:** 1430 E Desert Inn Road /

Good afternoon Mr. Perry,

On December 11, 2020, I visited your property and noted that drywall had been removed from the framing of the north bedroom/master bedroom and hallway of Unit 1. A subsequent inspection performed on February 12, 2020, revealed that drywall had also been removed from the framing of the north bedroom/master bedroom and hallway of Unit 3. In both instances, the drywall was covered in

## Attachment 7, Email to Perry February 13, 2020

acoustic ceiling texture (**ACT**) and/or wall texture at the time it was removed from the framing.

As you are aware, the ACT was identified as a Regulated Asbestos-Containing Material (**RACM**) in your asbestos consultant's report dated 11/18/2019. These results were further confirmed by samples I obtained during inspections on 11/15/2019 and 11/19/2019. Additionally, your asbestos consultant's report identified the wall texture as containing < 1% asbestos by polarized light microscopy (**PLM**). However, these results were not confirmed through a more accurate analytical method called point counting which was required by the regulations. Section 7.0 of your asbestos consultant's report included the following statement regarding the matter:

***"NESHEP - EPA Special Note Regarding (< 1%) Asbestos Found (Trace) Requirements***

*EPA does not recognize asbestos samples resulting in < 1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated."*

Section 7.0 further stated the ACT must be removed by a certified asbestos abatement contractor.

On November 15, 2019, I also sent you an email stating that asbestos-containing materials (**ACM**) could only be removed by a licensed asbestos abatement contractor.

On November 20, 2019, I sent you an email regarding the matter of the sample results of the wall texture. In that email, I reiterated that the wall texture would have to be assumed to be ACM and treated accordingly if the samples were not further analyzed by point counting. I also informed you that a licensed asbestos abatement contractor was required to remove all the Asbestos-Containing Waste Materials (**ACWM**) remaining in Units 1 and 3. Note, at that time the vast majority of drywall remained on the walls and ceilings of Units 1 and 3.

Moreover, on January 7, 2020, I provided you with a copy of my inspection report which identified several violations regarding the improper removal of RACM and ACWM at the facility. The violations were documented late last year. The list of violations included the following:

## Attachment 7, Email to Perry February 13, 2020

- **40 CFR 61.145(a):** Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.
- **40 CFR 61.145(b)(1) and (b)(3)(i):** Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- **40 CFR 61.145(c)(6):** Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- **40 CFR 61.145(c)(8):** Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- **40 CFR 61.150(a) and Part 61.150(a)(1)(iii):** Failure to seal all asbestos-containing waste material in leak tight containers.
- **40 CFR 61.150(a)(1)(iv):** Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Many of these violations, if not all, have been repeated. When I discovered the most recent violations on February 11, 2020, the plywood securing the patio entrances to the north bedrooms/master bedrooms of Units 1 and 3 were no longer in place. The ACWM inside was open to the outside air and accessible to the public.

Please ensure there is no further disturbance of any known or suspect ACM, including the removal of debris from the facility. A licensed asbestos abatement contractor is required for the clean-up of the debris and the removal of any additional RACM. Please ensure that Units 1 and 3 are secured and asbestos warning signs are posted.

Regards,

*Kevin Adoor*

Air Quality Specialist II

Clark County Department of Environmental Sustainability, Division of Air Quality

4701 W Russell Road, Suite 200

Las Vegas, NV 89118

(702) 218-9867

**Attachment 8**  
**Inspection Report 191086**





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### ASBESTOS SITE INSPECTION FORM

Date: 11/15/2019 Arrival: 1:20 pm Departure: 3:50 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Project Start Date: \_\_\_\_\_ Project #: 191086

Project Stop Date: \_\_\_\_\_ Complaint #: \_\_\_\_\_

Purpose of Inspection: Unannounced/Routine

#### A. ON-SITE RECORD REVIEW

1. Evidence of on-site rep NESHAP training?  Yes  No  N/A  Not Observed  
Name of on-site supervisor: \_\_\_\_\_

#### B. WORKSITE

- 1. Is activity as described on the notification?  Yes  No  N/A  Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)?  Yes  No  N/A  Not Observed
- 3. Warning signs posted?  Yes  No  N/A  Not Observed
- 4. Containment intact?  Yes  No  N/A  Not Observed
- 5. RACM adequately wet?  Yes  No  N/A  Not Observed
- 6. Functional decontamination unit?  Yes  No  N/A  Not Observed
- 7. Are there visible emissions?  Yes  No  N/A  Not Observed
- 8. Dust/debris outside removal area?  Yes  No  N/A  Not Observed
- 9. Negative air machines operating?  Yes  No  N/A  Not Observed
- 10. Is non-friable ACM in good condition?  Yes  No  N/A  Not Observed

#### C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)?  Yes  No  N/A  Not Observed
- 2. Are contents adequately wet?  Yes  No  N/A  Not Observed
- 3. ACWM placed in leak-tight containers?  Yes  No  N/A  Not Observed
- 4. Are waste containers/dumpsters properly labeled?  Yes  No  N/A  Not Observed

Samples taken?  Yes  No      Photographs taken?  Yes  No

Inspection Fees to Be Assessed: None

**Notes:**  
 Contacts:  
 Alexander Bishop = Laborer hired by Michael Perry to remove fire damaged debris at 1430 East Desert Inn Road: (702) 712-8464  
 Derek Moellinger = Manager of Vice Realty Group, LLC which was managing 1430 E. Desert Inn Road: (702) 250-7480  
 Fire Camp Property, LLC = Owner of the property located at 1430 E. Desert Inn Road  
 Larry Carter = A licensed asbestos abatement consultant for MSE Environmental  
 M. P. Trust = Tenant leasing a property located 1430 East Desert Inn Road with an option to purchase  
 Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road:  
 (702) 812-8357

List of Acronyms:  
 ACM = Asbestos-Containing Material  
 ACT = Acoustic Ceiling Texture  
 ACWM =Asbestos-Containing Waste Material  
 DAQ = Department of Air Quality  
 CFR = Code of Federal Regulations  
 NESHAP = National Emission Standards for Hazardous Air Pollutants  
 PAPR = Powered Air Purifying Respirator  
 PLM = Polarized Light Microscopy  
 RACM = Regulated Asbestos Containing Material

Approved by: AS  
Date: 1/7/2020



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### ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Important Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(a): Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.



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### ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR 61.145(c)(6): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.
- 40 CFR 61.150(a)(1)(iv): Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust and Michael Perry (Perry)

On Friday, November 15, 2019, Air Quality Specialist II Kevin Adoor (Adoor) discovered fire damaged debris in a 16 cubic yard dumpster (Dumpster) and on an adjacent patio of a 1st floor apartment located at 1430 East Desert Inn Road (Facility). The debris on the patio and inside the Dumpster was located in an area that was accessible to the public and within a few feet of a parking space used by a family residing at 1416 East Desert Inn Road. There was no water at the Facility and the debris was removed and deposited in the Dumpster while in a dry condition. The debris originated from Units 1 and 3 of the Facility and was later determined to be Asbestos-Containing Waste Material (ACWM). The Facility was under the control of M P Trust and Michael Perry (Perry), the trustee of M P Trust, and an asbestos survey had not been performed prior to the renovations. While onsite, Adoor informed Perry of the requirement for an asbestos survey. Adoor also informed Perry that there should be no further disturbance of any suspect asbestos containing materials, including the removal of debris, and the Dumpster should remain onsite until the results on an asbestos survey were available. Adoor further informed Perry that the debris on the patio and in the Dumpster should be lightly wetted and covered with plastic sheeting until the results of an asbestos survey were known. Approximately two minutes after speaking with Adoor, Perry called Lunas Construction Cleanup, Inc. (Lunas), the company that provided the Dumpster, and tried to have the Dumpster removed. However, Perry did not contact Alexander Bishop, a worker who had removed the debris from the Facility, to warn him of the potential danger. Bishop returned to the Facility while Adoor was onsite and resumed work inside one of the contaminated apartments before Adoor discovered he was inside and informed him of the potential danger. Moreover, the debris on the patio was removed sometime after Adoor left the Facility on Friday, November 15, 2019, and his return to the Facility on Monday, November 18, 2019. Perry was slow to act after being contacted by Adoor on November 15, 2019. Perry allowed the Dumpster containing ACWM to remain uncovered and without asbestos warning signs for 7 days, from November 15, 2019 through November 21, 2019. The Dumpster remained without asbestos warning signs for 3 additional days until November 24, 2019. For thirteen days, from November 19, 2019, the day Perry was informed the Dumpster contained ACWM, through at least December 2, 2019, Perry had not met with a licensed asbestos abatement contractor. During this time, Perry claimed he had "made a few calls but no one had called him back." After the Dumpster was sealed on November 22, 2019, Adoor discovered the plastic sheeting covering the Dumpster was torn open on for separate occasions, December 2, 5, 10, and 11, 2019. On or about December 5, 2019, at least one person had entered into the Dumpster and removed ACWM which may have resulted in exposure to asbestos fibers. The Dumpster remained onsite as a potential hazard to the public for 48 days, from November 15, 2019 through the morning of January 2, 2020 when A & I Industries LLC (A&I), a licensed asbestos abatement contractor, began abatement of the Dumpster. At the time the Dumpster was abated of all ACWM, there was significantly less material inside than what was present when the Dumpster was first sealed with plastic sheeting on November 22, 2019.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all...



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**ASBESTOS SITE INSPECTION FORM**  
**Page 4 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_  
Facility Name or Description: Apartment Building  
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169  
Abatement/Demolition Company: M. P. Trust / Michael Perry

...owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility. The buildings were also subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAAP). The definition of facility under the Asbestos NESHAAP states that "Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function." Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAAP. Additionally, the property located at 1430 East Desert Inn Road and an adjacent property located at 1423 Sombrero Drive were under common ownership by Fire Camp Properties, LLC at the time the violations were discovered by Adoor. The two properties under common ownership meets the definition of a facility.

On or about June 28, 2019, the Facility was damaged by a fire in Units 1 and 3 (Att. 1, Fox News Report).

On Thursday, August 1, 2019, Adoor and Air Quality Specialist II Whitney Francis (Francis) met with Derek Moellinger (Moellinger) at a property across the alley from the Facility. Moellinger was the property manager of the Facility and a manager of Vice Realty, LLC (Vice Realty). During the meeting, Adoor and Francis informed Moellinger of the requirement for an asbestos survey prior to renovations or demolition. Adoor and Francis also informed Moellinger of the likelihood that asbestos-containing materials (ACM), most likely acoustic ceiling texture (ACT), was present in the Facility. During Adoor and Francis's meeting with Moellinger, the Facility was boarded up and secured. Moellinger stated to Adoor and Francis that it had been boarded up since the fire and there were no plans for renovations.

On Sunday, August 28, 2019, Perry, acting as a trustee of M P Trust, signed a lease agreement with the option to purchase the Facility (Att. 2, Lease Agreement). Section (2) of the lease agreement stated the term of the lease was from September 2019 through September 2020. Section (5)(B) of the lease agreement stated the tenant agreed to "...conform to and obey all laws, ordinances, rules, regulations and orders of all Federal, State, and local government authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property." Section (11) of the lease agreement stated "The tenant/buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior."

Note 1: Moellinger provided Adoor with a copy of the lease agreement on November 19, 2019.

On Friday, November 15, 2019, at approximately 1:20 p.m., Adoor was on routine patrol when he observed the Dumpster at the Facility. Perry rented the Dumpster from Lunas (Att. 3, Email Correspondence with Lunas; Pages 3 and 4). Adoor noted that fire damaged debris was present in the Dumpster and on the patio of Unit 1 (Att. 4, Digital Photographs; Photos 1 and 2). The debris included building materials that were suspect Regulated Asbestos-Containing Materials (RACM) and other fire damaged debris that was suspected of being contaminated with asbestos. RACM debris and materials contaminated with asbestos are ACWM. Adoor estimated the Dumpster was 33% full of fire damaged debris at the time of the inspection. Adoor noted that plywood used to secure the front doors and patio doors of Units 1 and 3 had been removed or were unsecured and leaning up against the walls (Att. 4, Photos 1 and 5). Adoor also noted the Facility was vacant at the time of his arrival.

Adoor inspected the Facility after donning a protective suit, a powered air purifying respirator (PAPR), and gloves. Adoor noted that Units 1 and 3 contained two bedrooms each, a north bedroom (North Room) and west bedroom (West Room). Adoor noted the...



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### ASBESTOS SITE INSPECTION FORM Page 5 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...following during his inspection:

1. The ceilings of the living rooms and hallways of both apartments were smoke damaged.
2. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
  - a. Nearly all of the ACT was missing from the ceilings of the two North Rooms (Att. 4, Photos 9 and 11).
  - b. Nearly all of the fire/smoke damaged ACT that was once present on the ceilings of the two North Rooms had been removed from the building. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (Att. 4, Photos 6 and 11).
3. A section of the ceiling, including ACT, had been removed from the West Room of Unit 3 which was also smoke damaged (Att. 4, Photo 18).
4. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (Att. 4, Photo 12).
5. Waste bins were present in each of the North Rooms of Units 1 and 3 (Att. 4, Photos 6 and 12).

During the course of Adoor's inspection he obtained the following five samples of suspect RACM debris with the following analytical results (Att. 5, COC and Lab Report for Samples 191086-1 through 191086-5):

- Sample #191086-1 Fire Damaged ACT Debris in the 16 Cubic Yard Dumpster, 2% Chrysotile Asbestos (Att. 4, Photos 3 and 4)
- Sample #191086-2 Fire Damaged ACT Debris on the Floor of the North Room of Unit 1, 10% Chrysotile Asbestos (Att. 4, Photos 7 and 8)
- Sample #191086-3 Fire Damaged ACT Debris on the Floor of the North Room of Unit 3, 10% Chrysotile Asbestos (Att. 4, Photos 14 and 15)
- Sample #191086-4 Fire Damaged Wall Texture Debris in the North Room of Unit 3, No Asbestos Detected
- Sample #191086-5 Fire Damaged Debris in the 16 Cubic Yard Dumpster, No Asbestos Detected

At 2:45 p.m. Adoor called Perry who stated an asbestos survey was not performed prior to the removal of the fire damaged materials. Perry explained that his intent was to fully renovate the two fire damaged apartments and the removal of all of the fire/smoke damaged materials was part of that process. Adoor informed Perry of the likelihood that ACM was present in the Facility and the fire damaged debris in the Dumpster was likely contaminated with asbestos. Adoor further informed Perry there should be no further disturbance of any suspect ACM, including the removal of debris, and the Dumpster should remain on-site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry the debris in and around the Dumpster was in an area accessible to the public and that an asbestos survey needed to be performed as soon as possible but no later than the following business day, Monday, November 18, 2019. Adoor further informed Perry that the Dumpster and debris outside should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos, if present, until the asbestos content of the debris was determined. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (Att. 6, Phone Record with Perry).

At 2:54 p.m., Perry called Lunas and asked to have the Dumpster containing the suspect ACWM removed from the property in a willful attempt to circumvent the AQ Regulations (Att. 3, Pages 2 and 3).



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### ASBESTOS SITE INSPECTION FORM Page 6 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

At 2:54 p.m., Adoor called Moellinger who stated Perry was purchasing the Facility from Fire Camp Property and was leasing it until the close of escrow at the end of the month. Moellinger was uncertain if he had informed Perry of the requirement for an asbestos survey or the potential for ACM in the Facility. However, Moellinger explained that he had directed Perry not to remove any materials or perform any work at the Facility until the close of escrow. Moellinger stated he would contact Perry and direct him to immediately stop all work and to address the matter.

Note 2: On Monday, November 18, 2019, Adoor sent an email to Moellinger asking him to confirm that Adoor had correctly documented their conversation. On Tuesday, November 19, 2019, Adoor received an email from Moellinger correcting Adoor's account by stating that Perry was notified of the presence of asbestos in the building (Att. 7, Email Correspondence with Moellinger; Pages 3 and 4). A copy of the lease agreement was included in the email.

Note 3: On November 20, 2019, Adoor sent an email to Moellinger asking if the fire damaged debris was removed prior to Perry taking control of the Facility. Moellinger responded the same day stating nothing was removed prior to Perry taking control of the Facility (Att. 7, Pages 1 and 2).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker who stated his name was Alexander Bishop (Bishop) and he had been hired by Perry to remove all of the fire damaged materials from the Facility. Bishop was not wearing a respirator or any other type of protection. Adoor asked Bishop if the fire damaged debris included ACT and Bishop answered affirmatively. Adoor informed Bishop of his conversation with Perry. Adoor also asked if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not recently contacted him.

Note 4: Perry called Lunas and tried to have the Dumpster removed approximately two minutes after speaking with Adoor. However, Perry did not call Bishop to warn him of the potential danger.

Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At 3:43 p.m., Adoor sent an email to Perry at snmc.mpperry@gmail.com and swfmperry@gmail.com regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting until the asbestos content of the materials were determined in order to minimize the potential for public exposure to asbestos fibers if asbestos was present (Att. 8, Email Correspondence with Perry; Pages 20 - 23). Adoor also included information regarding the regulatory requirements.

On Monday, November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit #1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (Att. 4, Photograph 20). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos.

At 1:32 p.m., Adoor sent an email to Perry informing him of his observations and repeating the relevant portions of the email sent to Perry on Friday, November 15, 2019. Adoor also requested an update regarding the performance of an asbestos survey (Att. 8, Pages 19 and 20).



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**ASBESTOS SITE INSPECTION FORM**  
**Page 7 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_  
Facility Name or Description: Apartment Building  
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169  
Abatement/Demolition Company: M. P. Trust / Michael Perry

At 1:49 p.m., Adoor received a call from Perry who stated the Dumpster had been covered but someone set it on fire the previous day, Sunday.

Note 5: Adoor did not observe any evidence the Dumpster or debris on the patio had been covered when he visited the Facility earlier in the day.

Perry also stated that Larry Carter (Carter), a licensed asbestos-abatement consultant for MSE Environmental, had performed an asbestos survey earlier in the day and the results would be available in a few days. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry again stated he understood what was required.

At 2:26 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (Att. 8, Pages 18 and 19).

Note 6: Perry's statement was inconsistent with Adoor's observations on Friday, November 15, 2019 before the Dumpster was set on fire. At that time, Adoor observed building materials and personal belongings in the Dumpster that were all fire damaged (Att. 4, Photos 2, 3, and 13). Adoor also inspected Units 1 and 3, and noted that almost all of the drywall that was removed from those units originated from the North Rooms which were fire damaged. Adoor also noted that nearly all of the drywall removed from the North Rooms was previously covered with ACT.

At 2:47 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (Att. 8, Page 18).

On Tuesday, November 19, 2019, at 12:36 p.m., Adoor received a call from Carter who stated the ACT samples he obtained were determined to contain 5% Chrysotile Asbestos. He also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor arrived at the property and met with Perry who again denied there were any building materials in the Dumpster. Perry further claimed that all of the debris in the Dumpster was fire damaged after the Dumpster was lit on fire over the weekend. Perry also claimed that all of the materials in the Dumpster were removed from Units 2 and 4. Perry then stated there was no asbestos in the Dumpster and that he needed to remove it from the property.

Note 7: Some of the additional personal belongings that were placed in the Dumpster after Adoor left the Facility on Friday, November 15, 2019, may have originated from Units 2 and 4. However, Perry's statement that all of the debris in the Dumpster originated from Units 2 and 4 was false. Fire damaged debris was present in the Dumpster on November 15, 2019, before the fire in the Dumpster. When Adoor inspected Units 2 and 4 there was no evidence of fire or smoke damage to building materials or the personal belongings inside.

Adoor informed Perry the Dumpster contained debris from building materials including textured drywall and ACT. Adoor then showed Perry the debris in the Dumpster. Perry first claimed the drywall was really just furniture that burned after it was placed in the Dumpster. Later, while wearing a protective suit and respirator, Adoor uncovered multiple pieces of fire damaged drywall that was present in the Dumpster and showed it to Perry (Att. 9, Adoor and Perry). At that time, Perry acknowledged the debris was drywall...



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### ASBESTOS SITE INSPECTION FORM Page 8 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...but claimed it was too thin to have originated from the Facility. Perry continued to claim that everything in the Dumpster originated from Units 2 and 4 which were not fire damaged. Adoor informed Perry that he had observed fire damaged debris in the Dumpster on Friday afternoon before the Dumpster was lit on fire. Adoor also informed Perry that any fire damaged debris removed from Units 1 and 3 were considered contaminated with asbestos and would have to be abated by a licensed asbestos abatement contractor. Adoor and Perry then spoke by telephone with Carter using the speaker phone feature on Adoor's telephone. Carter also informed Perry that any materials in the fire damaged apartments were considered to be contaminated with asbestos. Adoor also informed Perry that EPA had issued a letter of determination affirming that materials were considered contaminated with asbestos if they were located in an area of a building with ACM that was fire damaged. However, Perry continued to claim that all of the debris had originated from Unit #s 2 and 4 that weren't fire damaged. Francis arrived at the property at the conclusion of Adoor's conversation with Perry and Carter. Adoor again informed Perry the Dumpster needed to be sealed and posted with asbestos warning signs.

Adoor then inspected Units 1 and 3 while wearing a protective suit, a PAPR, and gloves. During the inspection, Adoor used a tape measure to determine the following amounts of ACT that were removed from the Facility:

- Unit 1, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photo 9).
- Unit 3, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photos 11 and 16).
- Unit 3, West Room: At least 30 square feet of ACT had been removed (Att. 4, Photo 18).

During the course of Adoor's inspection he obtained the following four samples of suspect RACM with the following lab results (Att. 10, COC and Lab Reports for Samples 191086-6 through 191086-9):

- Sample 191086-6 Residual ACT in the North Room of Unit #1, 3% Chrysotile Asbestos by Point Counting (Att. 4, Photos 8 and 9)
- Sample 191086-7 Residual ACT in the West Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 18 and 19)
- Sample 191086-8 Residual ACT in the North Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 16 and 17)
- Sample 191086-9 Fire Damaged Debris at the South End of the Dumpster, No Asbestos Detected

On Wednesday, November 20, 2019, at 10:54 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Monday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (Att. 8, Pages 15 and 16).

At approximately 12:45 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos...





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### ASBESTOS SITE INSPECTION FORM Page 9 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...warning signs were posted (Att. 4, Photo 23).

On Thursday, November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (Att. 4, Photo 24). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At 12:22 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQ Regulations (Att. 8, Page 14).

At 12:27 p.m., Adoor received an email from Perry stating "As per our conversation today the Dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed" (Att. 8, Page 13).

Note 8: Adoor thought it was odd that Perry claimed to be watering the Dumpster that day due to the fact it had been raining throughout the previous day. Adoor also noted that Perry referred to a conversation between Perry and Adoor that never occurred, "As per our conversation today...".

At 12:33 p.m., Adoor sent an email to Perry requesting an update regarding Perry's efforts to hire an asbestos abatement contractor for the clean-up (Att. 8, Page 13).

At 2:25 p.m., Adoor received an email from Perry stating "I'm working on it today and will keep you abreast". Perry also stated "please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible" (Att. 8, Page 12).

At 3:23 p.m., Adoor sent an email to Perry which included the analytical reports and chain of custody documents for the samples obtained on November 15 and 19, 2019.

Note 9: Adoor had already provided copies of the laboratory reports to Perry in an email sent on November 20, 2019.

Adoor also informed Perry that photographs would be provided no later than the following afternoon. Adoor further informed Perry the report would not be completed until the conclusion of the enforcement action but it would be provided as soon as possible thereafter (Att. 8, Page 12).

At 4:19 p.m., Adoor received an email from Perry acknowledging receipt of the laboratory reports and chain of custody documents. Perry also asked if there was a witness present when Adoor obtained his samples on November 15, 2019 (Att. 8, Page 11).

On November 22, 2019, at 8:54 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- The report identified the customer as Double 007 Properties (Att. 11, Asbestos Survey Report; Page 1).

Note 10: A search of a database at the website of the Nevada Secretary of State did not produce a business entity named "Double 007 Properties". However, the search did return a company named 007 Properties, LLC whose status was described as permanently revoked. Perry was listed as the sole managing member/officer (Att. 12, 007 Properties, LLC).



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### ASBESTOS SITE INSPECTION FORM Page 10 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- ACT in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (Att. 11, Page 16).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (Att. 11, Page 18, and Attached Lab Reports Pages 1 -6).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (Att. 11, Page 19):

“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (Att. 11, Page 22).

At 12:06 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (Att. 8, Page 11).

At approximately 1:30 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (Att. 4, Photo 26).

At 2:01 p.m., Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be posted with asbestos warning signs (Att. 8, Page 10).

At 11:28 p.m., Adoor received an email from Perry stating he was in the process of getting the signs and would post them over the weekend (Att. 8, Pages 9 and 10).

//

On Monday, November 25, 2019 at 8:37 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (Att. 8, Page 9).

//

On Tuesday, November 26, 2019, at 9:18 a.m., Adoor sent an email to Perry and requested an update regarding Perry's efforts to hire a licensed asbestos abatement contractor for the clean-up. Adoor also informed Perry that it was his responsibility to ensure the...



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### ASBESTOS SITE INSPECTION FORM Page 11 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (Att. 8, Pages 8 and 9).

On Monday, December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photo 27). Adoor called Perry and informed him the Dumpster needed to be resealed. Perry replied that he would reseal the Dumpster before the end of the day. Adoor then requested an update regarding Perry's efforts to hire an asbestos abatement contractor to abate the Dumpster. Perry stated he had made a few phone calls but no one had gotten back to him. Note 11: Perry was first informed that the Dumpster contained ACWM and required abatement of those materials as soon as possible on November 19, 2019. Perry was also aware the Dumpster was located in an area accessible to the public and within a few feet of a parking space used by a family residing at an adjacent property. Thirteen days later on December 2, 2019, Perry still had not met with a licensed asbestos abatement contractor to obtain a bid for the clean-up.

On Tuesday, December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On Thursday, December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from the south end of it (Att. 4, Photo 28). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed. Perry stated he was out of state but would have someone reseal the Dumpster.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (Att. 8, Page 8).

At 3:45 p.m., Adoor received an email from Perry stating he was obtaining bids for the clean-up (Att. 8, Page 7).

On Friday, December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On Monday, December 9, 2019, at 11:51 a.m., Adoor received an email from Perry stating he had received bids and would be talking to contractors to see if he could "lower the building." Perry further stated in the email that he "may need to extend this out" as he was not "expecting this type of bill." Perry also asked what he needed to do to extend the time of removal (Att. 8, Page 7).

On Tuesday, December 10, 2019, at 7:17 a.m., Adoor sent an email to Perry informing him he wasn't sure what Perry meant when he stated "lower the building." Adoor also stated that the abatement of the ACWM in the Dumpster was the immediate concern due to reasons previously discussed. Adoor further stated that the timeline for the abatement of the ACWM inside of the building could be



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### ASBESTOS SITE INSPECTION FORM Page 12 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...discussed once the Dumpster had been addressed (Att. 8, Page 6).

At 7:27 a.m., Adoor received an email from Perry stating he did not have the money to have the Dumpster abated and asked what he needed to do to get an extension (Att. 8, Page 6).

At 9:00 a.m., Adoor sent an email to Perry informing him an extension of the deadline would not be granted. Adoor explained that Perry had already demonstrated his inability to ensure the Dumpster remained sealed. Adoor further explained that at least one person had entered into the Dumpster and removed debris possibly resulting in their exposure to asbestos fibers. Adoor reminded Perry that the Dumpster was located directly adjacent to the parking space of a family residing at the building to the west of the Facility (Att. 8, Pages 5 and 6).

At approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photograph 29). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (Att. 8, Page 5).

At 10:49 a.m., Adoor received an email from Perry stating he would stop by in an hour to reseal the Dumpster (Att. 8, Page 5).

At 12:12 p.m., Perry sent an email to Adoor claiming the Dumpster was sealed and that he couldn't find where it had been torn open (Att. 8, Email Correspondence with Perry Page 4).

Note 12: Perry's email was held up by the Clark County Security System and Adoor did not receive the email until the following afternoon.

On Wednesday, December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (Att. 4, Photograph 30). While on site, Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be resealed (Att. 8, Page 4).

At approximately 1:55 p.m., Adoor received Perry's email from the previous day.

At 1:56 p.m., Adoor sent an email to Perry stating the area that needed to be resealed was the obvious hole on top near the east edge of the Dumpster (Att. 8, Page 3).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On Monday, December 16, 2019, at 3:06 p.m., Adoor received an email from Perry stating he had signed a contract with A & I Industries (A&I) for the abatement of the Dumpster. Perry also stated in his email that the abatement of the Dumpster may not occur until after the end of the year (Att. 8, Page 3).

On Tuesday, December 17, 2019, Air Quality Supervisor, Anna Sutowska (Sutowska) sent an email to Perry informing him that...



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**ASBESTOS SITE INSPECTION FORM**  
**Page 13 – Additional Notes**

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: \_\_\_\_\_

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Adoor was out of the office until December 26, 2019. Sutowska also reiterated Adoor's email to Perry sent on November 20, 2019 stating the DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible. Sutowska further stated the abatement should be scheduled immediately (Att. 8, Page 2).

On Monday, December 23, 2019, Adoor was copied on an email from Perry to Kent Shank (Shank), a project Manager for A&I indicating the abatement of the Dumpster would begin on January 2, 2020 (Att. 13, Email from Perry 12/23/2019).

On Monday, December 30, 2019, at 1:17 p.m., Adoor was copied on an email from Perry to Shank confirming that the abatement of the dumpster would begin on January 2, 2020 (Att. 14, Email with Perry 12/30/2019).

At 2:28 p.m., DAQ received a NESHAP Notification of Asbestos Abatement from A&I for the abatement of the RACM debris from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On Thursday, January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Shank and Jacobo Torres (Torres), a supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (Att.4 Photo 31).

On Friday, January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

At 10:13 a.m., Adoor sent an email to Perry informing him the Dumpster had been abated of all ACWM. Adoor also informed Perry that ACWM remained in Units 1 and 3 and that the two apartments needed to be secured until they were decontaminated. Adoor further informed Perry that a copy of his report would be provided to him no later than the end of the following week (Att. 8, Pages 1 and 2).

## **Attachments**

1. Fox News Report
2. Lease Agreement
3. Email Correspondence with Lunas
4. Digital Photographs
5. COC & Lab Report for Samples 191086-1 through 191086-5
6. Phone Record with Perry 11/15/2019
7. Email Correspondence with Moellinger
8. Email Correspondence with Perry
9. Adoor and Perry
10. COC & Lab Report for Samples 191086-6 through 191086-9
11. Asbestos Survey Report
12. 007 Properties, LLC
13. Email from Perry 12/23/2019
14. Email from Perry 12/30/2019

**Attachment 1**  
**Fox News Report**

# Attachment 1 Fox News Report

6/28/2019



LAS VEGAS (FOX5) -- Fire crews battled a blaze at a central valley apartment building Friday morning.



© Lee Ortlieb/FOX5

Clark County Fire Department crews respond to a structure fire at 1430 E. Desert Inn Road, Friday morning, June 28, 2019.

Just after 7 a.m. Friday, the Clark County Fire Department responded to a structure fire on East Desert Inn Road, near the intersection with Maryland Parkway.

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**Attachment 2**  
**Lease Agreement**

# Attachment 2 Lease Agreement

## Lease Agreement with Option to Purchase Real Estate

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made this 15th day of August, 2019, by and between the following parties: FIRE CAMP PROPERTY L.L.C.

located at 1430 E DESERT INN RD WINCHESTER, NV 89109 (hereinafter referred to as the Tenant/Buyer); and  
M. P. TRUST

located at 2990 S RAINBOW BLVD ST# 100-F LAS VEGAS NV 89146 (hereinafter referred to as the Landlord/Seller).

In consideration of the mutual promises and covenants hereinafter stipulated, the parties hereby agree as follows

(1) **DESCRIPTION:** The Landlord/Seller agrees to lease, and, the Tenant/Buyer agrees to rent the real property and improvements, hereinafter called property; located at: 1430 E DESERT INN RD WINCHESTER, NV 89109 as more fully described as follows:  
APN # 162-11-410-076

CONTINENTAL PARK #2 PLAT BOOK 9 PAGE 2 LOT 5 BLOCK 1

(2) **TERM:** The term of this Lease/Option shall be for a period of 12 months commencing on SEPT, 2019, and ending on SEP 2020. The term will be automatically extended for        periods of        months, unless the Tenant/Buyer gives notice to the Landlord/Seller of its intent to terminate this Lease/Option, by mailing a written notice to the last provided address of the Landlord/Seller. Liability for payment will not extend beyond notice to terminate this agreement. Possession shall be given to Tenant/Buyer on       .

(3) **RENT:** Tenant/Buyer agrees to pay to the Landlord/Seller, the sum of \$ 700 per month, with the first payment beginning SEP 2019 as rent for the property, for the term of this Lease/Option, and during any extensions thereof. All rental payments shall be due and payable in advance on the 10th day of each and every month. An amount equal to \$ 0 for each month in which rent was paid, shall be credited to the Tenant/Buyer and applied to the purchase price of the property in the event that the Tenant/Buyer exercises its option hereunder; otherwise, this credit shall be non-refundable and considered forfeited if the option is not exercised.

(4) **OPTION TO PURCHASE:** The Tenant/Buyer, as part of the consideration herein, is hereby granted the exclusive right, option and privilege of purchasing property at any time during the term of this Lease/Option agreement or any extension thereof. The Tenant/Buyer shall notify the Landlord/Seller in writing of the exercise of this option at least ten (10) days prior to the expiration of the initial term of this Lease/Option or the expiration of any extension thereof, by mail to the last-provided address of Landlord/Seller. UPON SALE OF 1423 SOMBRERO

(5) **COVENANTS OF TENANT/BUYER:** Commencing with and during the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be assessed or charged against the property;

(B) That the Tenant/Buyer will not use the property for any unlawful purpose; and that the Tenant/Buyer will conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all Federal, State, and Local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property; and

(C) That the Tenant/Buyer will surrender and deliver up the property, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted.

### TENANT/BUYER

(6) **COVENANTS OF LANDLORD/SELLER:** The ~~Landlord/Seller~~ hereby covenants and agrees as follows:

(A) That the Landlord/Seller shall pay for and maintain fire and extended coverage insurance on said property in the minimum amount of \$ 150/PER MONTH. The Tenant/Buyer shall be named as an additional insured or loss-payee on the insurance policy and copy of which shall be provided to Tenant/Buyer.

(B) That the Tenant/Buyer shall peaceably and quietly hold, occupy, use and enjoy the property, without any let, hindrance or molestation by Landlord/Seller or any person associated therewith.

(7) **BREACH BY TENANT/BUYER:** If the Tenant/Buyer shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease/Option, or if the Tenant/Buyer shall abandon the property; it shall be lawful for the Landlord/Seller to enter into said property and again have, repossess, and enjoy the same as if this Lease/Option had not been made, and thereupon this Lease/Option and everything herein contained on the part of the Landlord/Seller to be done and performed shall cease, determine and be utterly void, except as set forth in paragraph (8), below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Tenant/Buyer, shall be equivalent in every respect to actual entry by the Landlord/Seller.

(8) **COSTS OF IMPROVEMENTS:** In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph (4), above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said property to Tenant/Buyer in accordance with the terms of this Lease/Option, the Tenant/Buyer, in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase, shall be entitled to reimbursement for the cost of all repairs, maintenance and improvements.

(9) **FURTHER ENCUMBRANCES:** The Landlord/Seller hereby warrants that the total of the leases, options, mortgages, liens, and any other encumbrances against the property, whether of public record or not, are as follows:

(A) A first mortgage in favor of PRIVATE LENDER in the approximate amount of \$ 402,000.00

# Attachment 2 Lease Agreement

(B) Current taxes for 2020 in the amount of \$ 797.02 due on \_\_\_\_\_  
(C) The Landlord/Seller agrees not to lease to another third party, nor to assign, sell, option, transfer, pledge or otherwise to convey any or all rights or interests had by Landlord/Seller in the property or in this Lease/Option agreement, nor to further encumber the property nor allow the same to occur. All third parties are hereby put on notice that any leases, assignments by the Landlord/Seller, liens, options, mortgages or any other conveyances or transfers occurring subsequent to the date of this Lease/Option are hereby declared by the Landlord/Seller to be null and void and of no force and effect. The Landlord/Seller further agrees to keep all mortgages, liens, taxes or other encumbrances on the property, current and in good standing. Tenant/Buyer shall have the right to make payments on same in the event that Landlord/Seller becomes non-current or otherwise defaults thereon and said payments will be deducted from any equity due seller or recovered from future rent due seller.

(10) **RIGHT OF ASSIGNMENT:** The Tenant/Buyer shall have the unqualified right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Tenant/Buyer may have in the property or in this Lease/Option Agreement. Any such assignment will release original Tenant/Buyer from liability and substitute assignee in his/her or its place.

(11) **MAINTENANCE AND REPAIRS:** The Tenant/Buyer accepts the property "as is" on the date of execution of this Lease/Option except for items listed in paragraph (13). The Tenant/Buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary proper or desirable. The Tenant/Buyer shall be solely liable for payment for said improvements and shall hold the Landlord/Seller nameless there from, except that any electric, plumbing, heating or cooling system that is out of order or any repairs exceeding \$ N/A at the commencement of this lease or within 30 days thereafter will be repaired by the landlord/Seller at his/her expense. If the landlord/Seller can not or will not make the repairs necessary the Tenant/Buyer will have the option of either voiding this agreement by written notice to the landlord/Seller or making such repairs and, a) receiving a reimbursement from the next monthly payment or payments due the Landlord/Seller or, b) receiving a credit against the purchase price plus interest at 10% per annum from date of payment.

(12) **BINDING AGREEMENTS:** The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease/Option agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors or assigns.

### (13) SPECIAL PROVISIONS:

(A) The landlord/Seller will complete the following by N/A or this Lease/Option will become null and void and all monies disbursed by Tenant/Buyer will be immediately refunded by Landlord/Seller or, at Tenant/Buyers option, these items will be completed by Tenant/Buyer and the cost of same will be recovered as provided for in paragraph (11) in which case this lease will continue in force. provisions  
Other

(B) A TITLE SEARCH will be ordered immediately by the Tenant/Buyer. This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer the cost of the search. If the title is unmarketable the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

(C) A WOOD DESTROYING ORGANISM REPORT will be ordered by the Tenant/Buyer within N/A days after execution of this agreement. If live wood destroying organisms or rotten wood or damage exceeding \$ \_\_\_\_\_ is found Landlord/Seller agrees to repair and have treated at his/her expense. If Landlord/Seller cannot or will not pay for the repairs and treatment, Tenant/Buyer may elect to do so or void this agreement and receive a rebate for cost incurred.

### OPTION TO PURCHASE TERMS

(14) **PRICE AND TERMS:** The Tenant/Buyer agrees to pay for said property the sum of \$ 190,000.00 MINUS \$10,000.00 DEPOSIT TOTAL \$180,000.00 PAYOFF less any sums for which the Tenant/Buyer is entitled to claim reimbursement or offset in accordance with this agreement; the net sum to be paid in cash, certified check, or cashiers check at closing.

(15) **INCLUDED IN THE PURCHASE:** The property shall also include all land, together with all improvements thereon, all appurtenant rights, privileges, easements, buildings, fixtures, heating, electrical, plumbing and air conditioning fixtures and facilities, window shades, venetian blinds, awnings, curtain rods, screens, storm windows and doors, affixed mirrors, wall to wall carpeting, stair carpeting, built in kitchen appliances, bath-room fixtures, radio and television aenials, landscaping and shrubbery, water softeners, garage door openers and operating devices, and all utility or storage buildings or sheds, range and refrigerator. The property shall also include the following items:

(16) **TITLE:** The Landlord/Seller shall convey marketable title to the property with the above described inclusions, by good and sufficient General Warranty Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered except existing mortgages restrictions and easements of record shown in paragraph (9). Title to be conveyed to the Tenant/Buyer and/or assigns.

(17) **CLOSING:** The deed shall be delivered and the purchase money shall be paid at the lending institution's, or other office, of Tenant/Buyer's choice, no later than sixty (60) days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the option.

(18) **COSTS AND PRORATIONS:** There shall be prorated between the landlord/Seller and the Tenant/Buyer, as of date of closing, the following items: (a) All real estate taxes and assessments; (b) Interest on encumbrances assumed or taken over by Tenant/Buyer with the Tenant/Buyer having responsibility for such items as follows:

Landlord/Seller will pay:

Tenant/Buyer will pay:

# Attachment 2 Lease Agreement

(19) **INSURANCE:** While this option shall remain executory and up until the time of closing, the Landlord/Seller shall maintain fire and extended coverage upon the property, and immediately convert the owner occupied (if applicable) policy to a non owner occupied policy. In the event of loss or destruction in whole or in part of said property, the Tenant/Buyer shall have the option to proceed with the closing and accept the insurance proceeds for said damage, or to declare this Lease/Option null and void, releasing both parties from any obligations hereunder, except for the return of reimbursable expenses previously paid by Tenant/Buyer which amounts shall become immediately due and payable from the insurance proceeds. Upon closing, the Tenant/Buyer shall be responsible for fire and extended coverage from that date forward.

(20) In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover court costs and attorney fees.

IN WITNESS WHEREOF: the parties hereto, have set their hands to this Lease/Option Agreement on this 29 day of August, 2019

WITNESS:

\_\_\_\_\_  
Landlord/Seller

\_\_\_\_\_  
Tenant/Buyer

\_\_\_\_\_  
Landlord/Seller

08-28-19

Tenant/Buyer

**Attachment 3**  
**Email with Lunas**

# Attachment 3

**From:** [Kevin Adoor](#)  
**To:** [DANIEL MADRIGAL](#)  
**Subject:** RE: Dumpster info  
**Date:** Monday, November 18, 2019 9:21:00 AM

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Thank you.

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [mailto:[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)]  
**Sent:** Monday, November 18, 2019 9:20 AM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Subject:** RE: Dumpster info

Morning,

The dumpster volume on site is 16 cubic yard.

---

**From:** Kevin Adoor [mailto:[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)]  
**Sent:** Monday, November 18, 2019 9:02 AM  
**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>  
**Subject:** RE: Dumpster info

Good morning Daniel,

Can you confirm if the dumpster's volume is 15 or 20 cubic yards?

Thank you,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** Kevin Adoor  
**Sent:** Friday, November 15, 2019 3:34 PM

# Attachment 3

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

Daniel,

Thank you for your assistance.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

---

**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 3:32 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** RE: Dumpster info

Per our conversation, here is the information requested.

Phone number 7028128357 – Michael Perry – called into Lunas main office at 2:54 PM on 11/15/19 requesting removal of dumpster at 1430 East Desert Inn, Las Vegas, NV 89169.

Daniel Madrigal  
702.303.8431

---

**From:** Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

**Sent:** Friday, November 15, 2019 3:05 PM

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

**Importance:** High

Daniel,

Thank you for the update. An asbestos survey has not been performed and the dumpster contains suspect Regulated Asbestos Containing Materials (RACM). The dumpster should not be removed until an asbestos survey is performed and the asbestos content of the materials are determined. Can you please provide the exact time he called for the pick-up?

Thank you,

# Attachment 3

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 3:00 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** RE: Dumpster info

Customer called in for removal of bin. Advise what you find out and let me know if we can remove. I won't send until I hear back from you.

Daniel M.  
702.303.8431

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**From:** Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

**Sent:** Friday, November 15, 2019 2:45 PM

**To:** DANIEL MADRIGAL <[DANIEL@LUNASINC.COM](mailto:DANIEL@LUNASINC.COM)>

**Subject:** RE: Dumpster info

Good afternoon Daniel,

Thank you for providing the contact information for the dumpster located at 1430 East Desert Inn, Las Vegas, NV 89169. Is the dumpster a 15 cubic yard or a 20 cubic yard dumpster?

Thank you,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

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**From:** DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

**Sent:** Friday, November 15, 2019 2:42 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Subject:** Dumpster info



# Attachment 3

1430 E Desert Inn Rd.

Customer info: Michael Perry (702) 812-8357

Daniel M.  
702.303.8431

# **Attachment 4**

## **Digital Photographs**



**Photograph 1:** November 15, 2019, at approximately 1:29 PM - View of the west side of 1480 E. Desert Inn Road, fire damaged debris on the ground, and a 16 cubic yard dumpster. The fire damaged debris included suspect asbestos-containing building materials. The dumpster was rented by Michael Perry who was also leasing the building.



**Photograph 2:** November 15, 2019, at approximately 1:30 PM - View of fire damaged building materials in a 16 cubic yard dumpster. The debris was in a dry condition with no evidence of moisture.



**Photograph 3:** November 15, 2019, at approximately 1:51 PM - View of fire damaged acoustic ceiling texture (ACT) debris in the 16 cubic yard dumpster. The ACT debris was sampled and later determined to contain 2% Chrysotile Asbestos. The ACT debris was in a dry condition.



**Photograph 4:** November 15, 2019, at approximately 1:53 PM - View of Sample #191086-1 obtained from the ACT depicted in Photograph #3.



**Photograph 5:** November 15, 2019, at approximately 1:35 PM – View of the front door to Unit #1 which was open and the board securing it was removed.



**Photograph 6:** November 15, 2019, at approximately 1:55 PM - View of a waste bin in the north room (Master Bedroom) of Unit 1. Note the lack of a significant amount of debris on the floor.



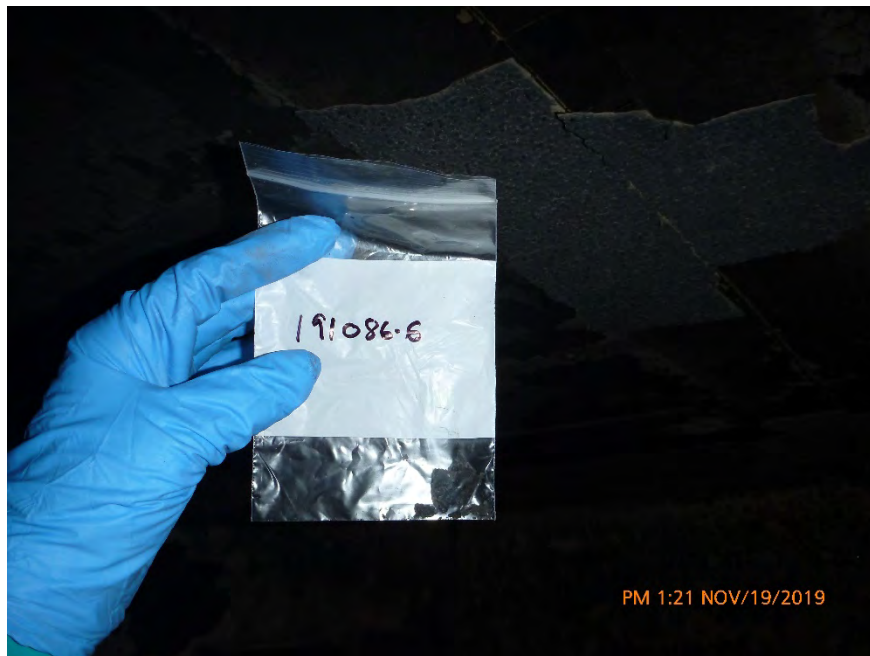
**Photograph 7:** November 15, 2019, at approximately 1:56 PM – Dry ACT debris on the floor of the north room of Unit #1. The material was sampled and later determined to contain 10% Chrysotile Asbestos.



**Photograph 8:** November 15, 2019, at approximately 1:57 PM - View of Sample #191086-2 obtained from the material depicted in Photograph #7.



**Photograph 9:** November 19, 2019, at approximately 1:20 PM – View of the north room of Unit #1. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #1 contained almost no debris (See Photograph #'s 6 & 7). The material was sampled and later determined to contain 5% Chrysotile Asbestos.



**Photograph 10:** November 19, 2019, at approximately 1:21 PM – View of Sample #191086-6 obtained from the material depicted in Photograph #9.



**Photograph 11:** November 15, 2019, at approximately 1:59 PM – View of the north room (master bedroom) of Unit #3. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #3 contained almost no debris.



**Photograph 12:** November 15, 2019, at approximately 1:59 PM – View of a waste bin, a wide mouth shovel, and a broom in the north room of Unit #3. Note the absence of fire damaged debris in the photograph. Shovels like the one depicted in the photograph are typically used for the removal of materials such as soil, ash, ACT debris, etc...





**Photograph 13:** November 15, 2019, at approximately 2:00 PM - View of the balcony of the north room of Unit #3 overlooking the 16 cubic yard dumpster. Note the accumulation of fire damaged debris along the bottom edge of the guard rail which suggests the fire damaged debris was swept over the edge. Also note the presence of fire damaged drywall on the pavement adjacent to the dumpster.



**Photograph 14:** November 15, 2019, at approximately 2:01 PM – View of ACT debris on the floor of the north room of Unit #3. The material was sampled and determined to contain 10% Chrysotile Asbestos.



**Photograph 15:** November 15, 2019, at approximately 2:01 PM – View of Sample #191086-3 obtained from the material depicted in Photograph #14.



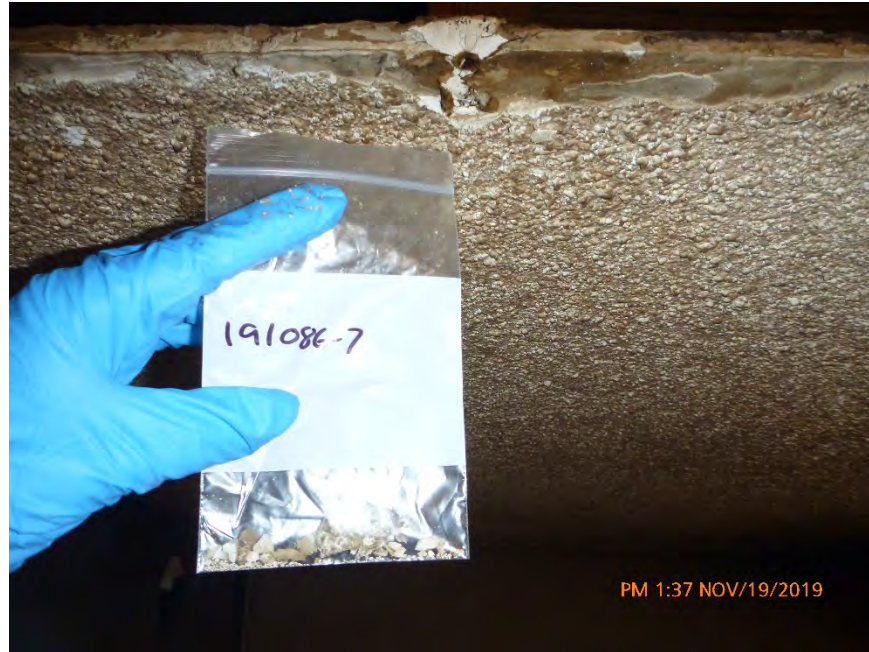
**Photograph 16:** November 19, 2019, at approximately 1:39 PM – View of Residual ACT on the ceiling of the north room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



**Photograph 17:** November 19, 2019, at approximately 1:40 PM – View of Sample #191086-8 obtained from the material depicted in Photograph #16.



**Photograph 18:** November 19, 2019, at approximately 1:32 PM – View of ACT on the ceiling of the west room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



**Photograph 19:** November 19, 2019, at approximately 1:37 PM – View of Sample #191086-7 obtained from the material depicted in Photograph #18.



**Photograph 20:** November 18, 2019, at approximately 12:45 PM – View of the west side of the building and the 16 cubic yard dumpster. All of the fire damaged debris present in Photograph #'s 1 and 13 has been removed. On November 15, 2019, Mr. Adoor warned Mr. Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris. There are also burn marks on the dumpster from a fire that occurred sometime after Mr. Adoor's visit on November 15, 2019, and his return visit to the property on November 18, 2019 (See Photograph #1 where the dumpster is free of burn marks).



**Photograph 21:** November 18, 2019, at approximately 12:45 PM – View of the 16 cubic yard dumpster with significantly more material than what was documented on November 15, 2019 (See Photograph #2). The condition of the additional material at the time it was placed in the dumpster is unknown. However, it was fire damaged at the time of the photograph. The dumpster contains asbestos-containing waste materials (ACWM) and is not covered. On November 15, 2019, Mr. Adoor informed Mr. Perry the dumpster should be covered with plastic sheeting due to the potential presence of asbestos-containing materials, and to minimize the potential for public exposure if such materials were present.



**Photograph 22:** November 19, 2019, at approximately 12:47 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered.



**Photograph 23:** November 20, 2019, at approximately 12:49 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



**Photograph 24:** November 21, 2019, at approximately 11:30 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



**Photograph 25:** November 15, 2019 at approximately 2:39 PM – View of the parking space of a family, including a child, that resides at the building to the direct west of 1430 East Desert Inn Road. The family’s vehicle is parked less than 10 feet away from the dumpster containing ACWM. Mr. Adoor repeatedly asked Mr. Perry to cover the dumpster on November 15 and 18, 2019. On November 19, 20 and 21, 2019, Mr. Adoor directed Mr. Perry to seal the dumpster with plastic sheeting and to post asbestos warning signs.



**Photograph 26:** November 22, 2019, at approximately 12:23 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is sealed but asbestos warning signs are not posted.



**Photograph 27:** December 2, 2019, at approximately 1:03 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.





**Photograph 28:** December 5, 2019, at approximately 1:24 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed and debris has been removed (See Photograph #24 regarding the amount of material that was previously in the dumpster).



**Photograph 29:** December 10, 2019, at approximately 9:59 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



**Photograph 30:** December 11, 2019, at approximately 1:20 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains unsealed.



**Photograph 31:** January 2, 2020, at approximately 10:50 AM - View of an asbestos worker setting up containment in preparation for the abatement of the 16 cubic yard dumpster which contained ACWM.

## **Attachment 5**

### **Chain of Custody and Laboratory Reports for Samples 191086-1 through 191086-5**

# Attachment 5



## Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	Client No.:	PO / Job#: 4500307754-010	Date: 11/15/2019
Contact: Kevin Adoor		Phone: (702) 218-9867	
E-mail: adoor@clarkcountynv.gov		Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
Site Name: 191086		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435	
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	
Comments:		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:	

	<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only
--	--

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-1	11/15/19 1:53PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
191086-2	11/15/19 1:57 PM+	North Room of Unit 1 / Friable ACT Debris	A P C				
191086-3	11/15/19 2:01PM+	North Room of Unit 3 / Friable ACT Debns	A P C				
191086-4	11/15/19 2:07PM+	North Room of Unit 3 / Friable Wall Texture Debris	A P C				
191086-5	11/15/19 2:07PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor		Date/Time: 11/15/19		Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Majl <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:			
Relinquished By: <i>[Signature]</i>		Relinquished By:		Relinquished By:			
Date / Time: 11/15/19 1614		Date / Time:		Date / Time:			
Received By: <i>[Signature]</i>		Received By:		Received By:			
Date / Time: 11/15/19 1617		Date / Time:		Date / Time:			
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No			

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040

# Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B296137  
**Date Received:** 11/15/19  
**Date Analyzed:** 11/18/19  
**Date Printed:** 11/20/19  
**First Reported:** 11/18/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 5  
**Total Samples Analyzed:** 5

**Date(s) Collected:** 11/15/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>191086-1</b>	01232590						
Layer: Off-White Drywall			<b>ND</b>				
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>2 %</b>				
Layer: Black Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (Trace)</b>					
Cellulose (20 %) Fibrous Glass (10 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							
<b>191086-2</b>	01232591						
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>10 %</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (10%)</b>					
Cellulose (Trace)							
<b>191086-3</b>	01232592						
Layer: Grey Semi-Fibrous Material		Chrysotile	<b>10 %</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (10%)</b>					
Cellulose (Trace)							
<b>191086-4</b>	01232593						
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Grey Texture			<b>ND</b>				
Layer: Paint			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
<b>191086-5</b>	01232594						
Layer: Off-White Drywall			<b>ND</b>				
Layer: Multi-Layer Paint			<b>ND</b>				
Layer: Grey Texture/ Debris			<b>ND</b>				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (25 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

# Attachment 5

**Client Name:** Clark County Air Quality Management

**Report Number:** B296137

**Date Printed:** 11/20/19

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
-----------	------------	---------------	------------------	---------------	------------------	---------------	------------------



Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

**Note:** Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

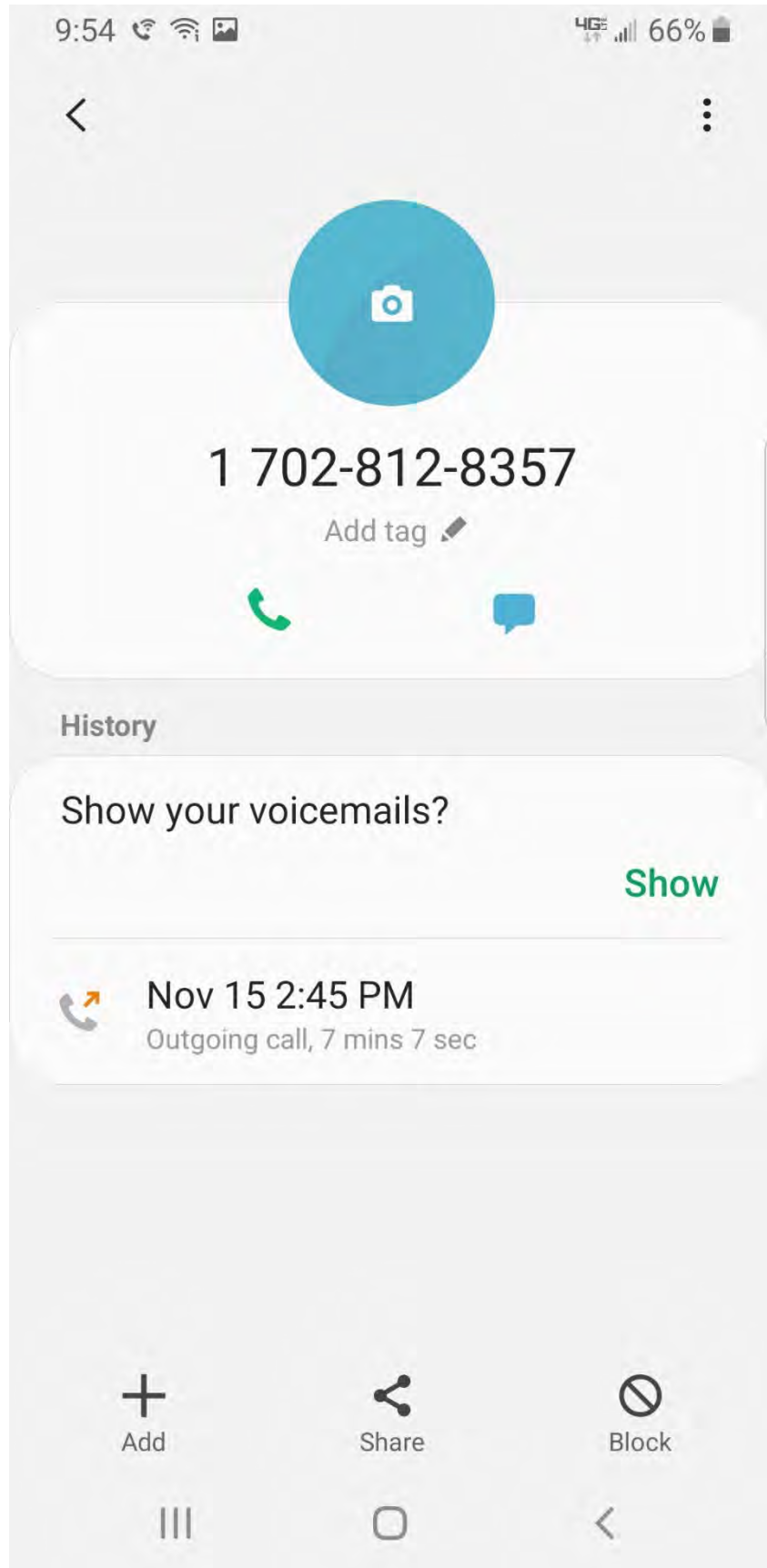
Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

2 of 2

## **Attachment 6**

**Telephone Record w/ Perry 11/15/2019**

# Attachment 6 Phone Record with Perry 11/15/2019





**Attachment 7**  
**Email Correspondence with Moellinger**

# Attachment 7

**From:** [Kevin Adoor](#)  
**To:** [Derek Moellinger](#)  
**Subject:** RE: 1430 East Desert Inn  
**Date:** Wednesday, November 20, 2019 4:37:00 PM

---

Thank you Derek.

Kevin Adoor  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

-----Original Message-----

From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]  
Sent: Wednesday, November 20, 2019 4:36 PM  
To: Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
Subject: RE: 1430 East Desert Inn  
Importance: High

That's correct.

On Wed, November 20, 2019 11:55 am, Kevin Adoor wrote:

> Good morning Derek,  
>  
>  
> After reading your response, I believe you are saying nothing was  
> removed prior to Mr. Perry signing the lease agreement and taking  
> control of the property. Is this correct?

>  
> Regards,  
>  
>  
> Kevin Adoor  
> Air Quality Specialist II  
> Clark County Department of Air Quality  
> 4701 W Russell Road, Suite 200  
> Las Vegas, NV 89118  
> (702) 218-9867

>  
>  
> -----Original Message-----  
> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]  
> Sent: Wednesday, November 20, 2019 9:51 AM  
> To: Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
> Subject: RE: 1430 East Desert Inn  
> Importance: High

>  
>  
> Kevin,  
>  
>  
> Nothing was removed the fire department hired a company to come out  
> and board everything up the day of the fire.

# Attachment 7

>  
> Thank you,  
>  
>  
> Derek  
>  
>  
> On Wed, November 20, 2019 10:07 am, Kevin Adoor wrote:  
>  
>> Good morning Derek,  
>>  
>>  
>>  
>> I have one last question. After the fire which occurred on or about  
>> June 28, 2019, did the fire damaged debris in Unit #'s 1 and 3 remain  
>> in the building or was the debris removed prior to Mr. Perry signing  
>> the lease agreement on August 29, 2019?  
>>  
>> Thank you,  
>>  
>>  
>>  
>> Kevin Adoor  
>> Air Quality Specialist II  
>> Clark County Department of Air Quality  
>> 4701 W Russell Road, Suite 200  
>> Las Vegas, NV 89118  
>> (702) 218-9867  
>>  
>>  
>>  
>> -----Original Message-----  
>> From: Kevin Adoor  
>> Sent: Tuesday, November 19, 2019 3:06 PM  
>> To: Derek Moellinger <derek@vicerealtygroup.com>  
>> Subject: RE: 1430 East Desert Inn  
>>  
>>  
>>  
>> Derek,  
>>  
>>  
>>  
>> Thank you for the correction and for providing a copy of the lease  
>> agreement.  
>>  
>> Regards,  
>>  
>>  
>>  
>> Kevin Adoor  
>> Air Quality Specialist II  
>> Clark County Department of Air Quality  
>> 4701 W Russell Road, Suite 200  
>> Las Vegas, NV 89118  
>> (702) 218-9867  
>>

# Attachment 7

>>

>>

>> -----Original Message-----

>> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]

>> Sent: Tuesday, November 19, 2019 2:30 PM

>> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

>> Subject: Re: 1430 East Desert Inn

>> Importance: High

>>

>>

>>

>> Kevin,

>>

>>

>>

>> Most of your information is correct except for statement 3, I did

>> tell Michael not perform any work as you would be coming for him if he did.

>> He was made aware that the building had asbestos and is also renting

>> with the intent to purchase the building "as is." I have attached the

>> lease agreement with option to purchase per your request.

>>

>> Derek

>>

>>

>>

>>

>> On Mon, November 18, 2019 5:49 pm, Kevin Adoor wrote:

>>

>>

>>> Good afternoon Derek,

>>>

>>>

>>>

>>>

>>> Can you please confirm if the following are correct:

>>>

>>>

>>>

>>>

>>>

>>> 1. Vice Realty Group, LLC is managing the property located at

>>> 1430

>>> East Desert Inn Road which is currently owned by Fire Camp

>>> Properties, LLC.

>>>

>>>

>>>

>>>

>>> 2. Michael Perry is currently leasing the property located at

>>> 1430

>>> East Desert Inn Road and is also in a contract with Fire Camp

>>> Properties, LLC to purchase the property. The close of escrow is

>>> expected to be on or about November 30, 2019.

>>>

>>> 3. When Mr. Perry signed the lease he was not informed by Vice

>>> Realty Group, LLC that the building may contain asbestos or that an

>>> asbestos survey was required prior to any renovations.

# Attachment 7

>>>  
>>> 4. Prior to the signing of the lease agreement or at the time  
>>> of signing, you informed Mr. Perry there should be no renovations or  
>>> work at the property until the close of escrow and his purchase of  
>>> the property was complete.

>>>  
>>> Can you also provide a copy of the lease agreement?

>>>  
>>>  
>>>  
>>>

>>> Your cooperation is greatly appreciated.

>>>  
>>>  
>>>  
>>>

>>> Regards,

>>>  
>>>  
>>>  
>>>

>>> Kevin Adoor  
>>> Air Quality Specialist II  
>>> Clark County Department of Air Quality  
>>> 4701 W Russell Road, Suite 200  
>>> Las Vegas, NV 89118  
>>> (702) 218-9867

>>>  
>>>  
>>>  
>>>  
>>>

>>  
>  
>  
>

**Attachment 8**  
**Email Correspondence with Perry**

# Attachment 8

**From:** Kevin Adoor  
**Sent:** Friday, January 3, 2020 11:43 AM  
**To:** Michael Perry <snmc.mperry@gmail.com>  
**Cc:** Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>  
**Subject:** RE: 1430 E. Desert Inn Road

Good afternoon Mr. Perry,

At this time, removal of the 16 cubic yard would not be in violation of the Air Quality Regulations so long as no asbestos-containing waste materials were placed inside since I left the facility this morning.

Regards,

*Kevin Adoor*  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867



**From:** Michael Perry [<mailto:snmc.mperry@gmail.com>]  
**Sent:** Friday, January 3, 2020 10:52 AM  
**To:** Kevin Adoor <ADOOR@ClarkCountyNV.gov>  
**Cc:** Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>  
**Subject:** Re: 1430 E. Desert Inn Road

Thank you sir I'll be by the property later on today.  
Am I free to have the dumpster removed  
I will also secure the plywood today

thank you for your help throughout this let me gather up some more cash and we will work on units one and three and I'll be in touch

Sent from my iPhone



**From:** Kevin Adoor  
**Sent:** Friday, January 3, 2020 10:13 AM  
**To:** Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>  
**Cc:** Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis

Attachment 8

<FRANCISW@ClarkCountyNV.gov>  
**Subject:** RE: 1430 E. Desert Inn Road  
**Importance:** High

Good morning Mr. Perry,

I just visited the property and confirmed that the dumpster has been abated of all asbestos-containing waste material (ACWM). However, ACWM remains in Units 1 and 3. Please ensure that these two apartments are secured until they are decontaminated of all ACWM. As of the writing of this email, the plywood securing the patio entrance to the master bedroom of Unit 1 is no longer secured to the building. Plywood securing the front entrances of Unit 1 facing Desert Inn Road also appears to be unsecured.

Per my email sent to you on November 21, 2019, my report will now be finalized and you will be provided a copy as soon as it is available. The report should be completed by the end of next week, January 10, 2020.

Regards,

*Kevin Adoor*  
Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

////////////////////////////////////

**From:** Anna Sutowska  
**Sent:** Tuesday, December 17, 2019 8:35 AM  
**To:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** RE: 1430 E. Desert Inn Road

Good morning Mr. Perry,  
Kevin is out of the office until December 26, 2019.

As stated in his email to you on November 20, 2019, “DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. *Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.*”

Once, the abatement contractor submits the notifications for the material in the dumpster, Air Quality Specialist Whitney Francis will provide them with the approval in Kevin’s place. The abatement should be scheduled immediately.











# Attachment 8

////////////////////////////////////  
**From:** Michael Perry [<mailto:snmc.mperry@gmail.com>]

**Sent:** Monday, December 9, 2019 11:51 AM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Cc:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>

**Subject:** Re: 1430 E. Desert Inn Road

Hi guys just giving you an update I have received the bids and will be talking to the contractors today to see if we can lower the building I may need to extend this out as I was not expecting this kind of bill Please let me know what I need to do to extend the time of removal

Sent from my iPhone

////////////////////////////////////  
On Dec 5, 2019, at 3:55 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

Thank you for the update.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

////////////////////////////////////  
**From:** Michael Perry [<mailto:swf.mperry@gmail.com>]

**Sent:** Thursday, December 5, 2019 3:45 PM

**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>

**Cc:** SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>

**Subject:** Re: 1430 E. Desert Inn Road

Yes sir I am getting bids now and I've had people go out there and look at the dumpster to give bids I should have them all by Monday I'm in California till Monday I have a friend of mine going by to seal it back up again and will have them go by and look at it to make sure it is sealed up over the weekend I've only received one bid thus far once I obtain all of them I will get back to you











# Attachment 8

<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

////////////////////////////////////

On Nov 21, 2019, at 3:23 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

Please see the attached analytical reports for the samples obtained from the facility on Friday, November 15, 2019 and Tuesday, November 19, 2019. These reports were previously provided in an email sent yesterday morning at 10:54 a.m. Sample #191086-1 is the identification number of the sample obtained from the dumpster. I have also included the chain of custody documents for these samples. Photographs will be provided no later than tomorrow afternoon. The report will not be available until the conclusion of this enforcement action. The report will be provided as soon as it is available.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

////////////////////////////////////

**From:** SNMC [<mailto:snmc.mperry@gmail.com>]  
**Sent:** Thursday, November 21, 2019 2:25 PM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** Re: 1430 E. Desert Inn Road

I'm working on it today and will keep you abreast please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible

Michael Perry  
Loan Officer  
[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)  
[702-812-8357](tel:702-812-8357)  
Fax: 702-446-0331  
MNLS# 371644 MLD 437





# Attachment 8

**From:** Kevin Adoor  
**Sent:** Wednesday, November 20, 2019 10:54 AM  
**To:** Michael Perry <[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)>  
**Cc:** SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>; Anna Sutowska <[Anna.Sutowska@ClarkCountyNV.gov](mailto:Anna.Sutowska@ClarkCountyNV.gov)>; Larry Carter <[larry@msenational.com](mailto:larry@msenational.com)>; Whitney Francis <[FRANCISW@ClarkCountyNV.gov](mailto:FRANCISW@ClarkCountyNV.gov)>  
**Subject:** RE: 1430 E. Desert Inn Road  
**Importance:** High

Good morning Mr. Perry,

Yesterday afternoon, I spoke over the telephone with Larry Carter, your asbestos abatement consultant, who stated the acoustic ceiling texture (ACT) throughout Unit #'s 1 and 3 was determined to contain 5% Chrysotile Asbestos. Mr. Carter further stated the wall texture was determined to contain 1% asbestos or less by polarized light microscopy (PLM) but was not further analyzed by point counting using PLM. Unless the wall texture is further analyzed by point counting, it must be assumed to be an asbestos-containing material and treated accordingly. Mr. Carter's sample results of the ACT are consistent with the laboratory results of the samples of ACT I obtained from debris and residue in the fire damaged bedrooms of Unit #'s 1 and 3, and the 16 cubic yard dumpster (2%, 5% & 10% Chrysotile Asbestos). These samples were obtained last Friday, November 15<sup>th</sup>, and Tuesday, November 19<sup>th</sup>. The ACT has been determined to be a Regulated Asbestos Containing Material (RACM). The debris from the ACT and all materials contaminated with asbestos from the uncontrolled disturbance of the ACT are Asbestos-Containing Waste Materials (ACWM).

40 CFR 61.141 defines ACWM as follows: **Asbestos-containing waste materials means** mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. **As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.**

Additionally, since you last spoke with my supervisor, Anna Sutowska, I received a laboratory report from a sample of fire damaged ACT debris in the dumpster which was determined to contain 2% Chrysotile Asbestos (Sample #191086-1, Reports Attached). Therefore, the 16 cubic yard dumpster must be abated of all ACWM, including asbestos contaminated materials, by a licensed asbestos-abatement contractor. Please have the dumpster sealed with plastic sheeting and posted with asbestos warning signs. Please ensure the dumpster remains sealed and posted with asbestos warning signs until it is abated. Regarding the interior of Unit #'s 1 and 3, a licensed asbestos abatement contractor is required to remove all ACWM, including asbestos contaminated materials. Please ensure the property is secured and posted with asbestos warning signs until the ACWM are abated.

DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.

# Attachment 8

Your licensed asbestos abatement consultant should be able to provide you with guidance regarding the regulatory requirements. Mr. Carter has been copied on this email.

Thank you for meeting with Mr. Francis and I yesterday afternoon, and for providing access to the building. Your cooperation is greatly appreciated.

Regards,

*Kevin Adoor*

Air Quality Specialist II  
 Clark County Department of Air Quality  
 4701 W Russell Road, Suite 200  
 Las Vegas, NV 89118  
 (702) 218-9867

//

**From:** Michael Perry [<mailto:swf.mperry@gmail.com>]  
**Sent:** Tuesday, November 19, 2019 7:16 AM  
**To:** Kevin Adoor <[ADOOR@ClarkCountyNV.gov](mailto:ADOOR@ClarkCountyNV.gov)>  
**Cc:** SNMC <[snmc.mperry@gmail.com](mailto:snmc.mperry@gmail.com)>; [swfmperry@gmail.com](mailto:swfmperry@gmail.com); Derek Moellinger  
 <[derek@vicerealtygroup.com](mailto:derek@vicerealtygroup.com)>  
**Subject:** Re: 1430 E. Desert Inn Road

Ok see ya there

<p>Michael Perry          Loan Officer  <a href="mailto:swf.mperry@gmail.com">swf.mperry@gmail.com</a>  <a href="tel:702-812-8357">702-812-8357</a>  <b>Fax: 702-446-0331</b>  <b>MNLS# 371644 MLD 437</b></p> <p>Please click below to apply  <a href="https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry">https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry</a></p>
--

//

On Nov 19, 2019, at 6:56 AM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good morning Mr. Perry,

Thank you for your response, can we meet at the property 1:00 p.m. this afternoon? The inspection should not take more than 1 hour.







Attachment 8

Kevin let our conversation today the dumpster was covered the homeless people lite the dumpster on fire I had an inspector come out today to give a asbestos survey should have a back later on this week in the meantime In the dumpsterthere were no building materials inside of the dumpster so we should be fine to remove that as soon as possible before they lighted on fire again As for the inside it will remain close that I will be renting out the other two as soon as possible sorry for the discernment

Michael Perry  
Loan Officer  
[swf.mperry@gmail.com](mailto:swf.mperry@gmail.com)  
[702-812-8357](tel:702-812-8357)  
Fax: 702-446-0331  
MNLS# 371644 MLD 437

Please click below to apply  
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>



On Nov 18, 2019, at 1:32 PM, Kevin Adoor <[ADOOR@clarkcountynv.gov](mailto:ADOOR@clarkcountynv.gov)> wrote:

Good afternoon Mr. Perry,

I just returned to the property and noted that fire damaged debris consisting of suspect asbestos-containing materials were removed from the patio and placed in the 16 cubic yard dumpster (Lunas #1605N) after I left the property Friday afternoon. I also noted the dumpster has not been covered and the suspect asbestos-containing debris inside remains dry. Per the email sent to you on Friday, November 18, 2019, at 3:43 p.m.:

“... the dumpster (Lunas #1605N) should not be removed/emptied and **there should be no further disturbance of any suspect asbestos-containing materials**, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

**The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos”.**



## Attachment 8

containing materials, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

**The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos.**

- You can contact the Clark County DAQ Small Business Assistance Group at (702) 455-5942 or [AQSBAP@clarkcountynv.gov](mailto:AQSBAP@clarkcountynv.gov) if you need assistance locating a company providing asbestos consulting services.
- Please provide a copy of the asbestos survey report as soon as it is available so I can verify that a thorough inspection was performed inclusive of all materials disturbed during the course of renovations. Additionally, it is recommended that you discuss the results of the asbestos survey with your asbestos consultant who should be able to provide you with guidance regarding the regulatory requirements.

The attached document is a preliminary guide to addressing asbestos related issues at rental properties that are regulated by the Clark County Department of Air Quality.

The following information is for general reference:

Section 13.1 of the Clark County Air Quality Regulations incorporates by reference 40 CFR 61 Subpart M of the National Emission Standards for Hazardous Air Pollutants (NESHAP). **This regulation applies to all commercial and industrial structures, any structure that has more than 4 living units, and any single-family dwelling that has been or will be used for commercial purposes. Two or more buildings in the same vicinity and under common control are also subject to these regulations regardless of the amount of living units.** The regulation does not apply to any stand-alone, non-commercial single-family structure with less than 5 living units per building (e.g., individually owned townhouse or condo building) where an individual owns the building and the living space.

If renovation and/or demolition will be done on a commercial or other regulated structure, 40 CFR 61.145(a) states that:

“[t]o determine which requirements...of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM” [asbestos-containing material].

## Attachment 8

**An asbestos inspection must be performed on all regulated structures before renovation or demolition begins; this includes all tenant improvements, renovations, and demolitions, regardless of the age of the building. The inspector must be licensed by the Nevada Occupational Safety and Health Administration.**

Whenever more than 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos-containing material will be abated or disturbed in a regulated structure, a NESHAP Notification of Asbestos Abatement form must be submitted to the Department of Air Quality (DAQ) at least 10 working days before abatement begins. Any demolition—i.e., wrecking or removal of load-bearing structures, or intentional burning of a structure—of NESHAP-regulated structures requires the submittal of a Demolition Notification to DAQ at least 10 working days before activities begin, even if no asbestos is found inside. If the structure being demolished is 1,000 square feet or more, or if ¼ acre of land or more will be disturbed, a Dust Control Permit must also be submitted to DAQ.

**Only an asbestos contractor licensed by the Nevada Occupational Safety and Health Administration may perform asbestos removal.**

The EPA has more information regarding asbestos at:

<http://www2.epa.gov/asbestos>.

It is also recommended that you contact the State of Nevada OSHA and the Southern Nevada Health District regarding their requirements for the disturbance of asbestos containing materials and the transportation of asbestos containing waste.

State of Nevada OSHA: <http://4safenv.state.nv.us/>

Southern Nevada Health District: <http://www.southernnevadahealthdistrict.org/solid-waste/asbestos-transportation-permit.php>

Regards,

*Kevin Adoor*

Air Quality Specialist II  
Clark County Department of Air Quality  
4701 W Russell Road, Suite 200  
Las Vegas, NV 89118  
(702) 218-9867

<B296137\_REP01.pdf>

<B296259\_REP01.pdf>

<B296137\_COC01.pdf>

<B296259\_COC01.pdf>

# Attachment 8

**Attachment 9**  
**Adoor & Perry**

## Attachment 9 Adoor & Perry



Photograph by Air Quality Specialist II Whitney Francis on November 19, 2019 of Air Quality Specialist II Kevin Adoor locating fire damaged building materials in the dumpster and showing them to Michael Perry

## **Attachment 10**

### **Chain of Custody and Laboratory Report for Samples 191086-6 through 191086-9**



# Attachment 10



## Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118		Client No.:	PO / Job#: 4500307754-010	Date: <u>11/19/2019</u> <del>11/15/2019</del> <i>CS</i>
Contact: Kevin Adoor		Phone: (702) 218-9867	Turn Around Time: <input checked="" type="checkbox"/> Same Day / <input checked="" type="checkbox"/> 1Day / <input type="checkbox"/> 2Day / <input type="checkbox"/> 3Day / <input type="checkbox"/> 4Day / <input type="checkbox"/> 5Day	
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435		
Site Name: 191086		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)		
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:		

Comments:  Silica in Air  w/Gravimetry  Quartz Only

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-6	11/19/19 1:21PM	North Room of Unit 1 / ACT	A P C				
191086-7	11/19/19 1:37PM	West Room of Unit 3 / ACT	A P C				
191086-8	11/19/19 1:40PM	North Room of Unit 3 / ACT	A P C				
191086-9	11/15/19 2:14PM	In Dumpster / Friable Fire Damaged Debris	A P C				
		I	A P C				
			A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor Date/Time: 11/19/19 Shipped Via:  Fed Ex  UPS  US Mail  Courier  Drop Off  Other:

Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:
Date / Time: 11/19/2019 1535	Date / Time:	Date / Time:
Received By: <i>[Signature]</i>	Received By:	Received By:
Date / Time: 11/19/19 1535	Date / Time:	Date / Time:
Condition Acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.  
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274  
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417  
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



## Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)  
NVLAP Lab Code: 200908-0

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** B296259  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/19/19  
**Date Printed:** 11/19/19  
**First Reported:** 11/19/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 4  
**Total Samples Analyzed:** 4

**Date(s) Collected:** 11/19/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
<b>191086-6</b>	01233050						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-7</b>	01233051						
Layer: Drywall Backing			ND				
Layer: Off-White Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-8</b>	01233052						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (4%)</b>					
Cellulose (10 %)							
<b>191086-9</b>	01233053						
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		<b>Asbestos (ND)</b>					
Cellulose (Trace)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



## Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
Kevin Adoor  
Dept. of Air Quality  
4701 W. Russell Road, Ste 200  
Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012501  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/25/19  
**Date Printed:** 11/25/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239

**PLM Report Number:** B296259

**Total Samples Submitted:** 3  
**Total Samples Analyzed:** 3

### Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
<b>191086-6</b>	01233050	<b>Black Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		13
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>3</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>191086-7</b>	01233051	<b>Off-White Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		14
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>4</b>
Asbestos type(s) detected:		Chrysotile
Comment:		
<b>191086-8</b>	01233052	<b>Black Semi-Fibrous Material</b>
<i>Point Count Results:</i>		
Number of asbestos points counted:		15
Number of non-empty points:		400
Layer percentage of entire sample:		85
<b>Percent asbestos in layer:</b>		<b>4</b>
Asbestos type(s) detected:		Chrysotile
Comment:		



## Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management  
 Kevin Adoor  
 Dept. of Air Quality  
 4701 W. Russell Road, Ste 200  
 Las Vegas, NV 89118

**Client ID:** 4239  
**Report Number:** N012501  
**Date Received:** 11/19/19  
**Date Analyzed:** 11/25/19  
**Date Printed:** 11/25/19

**Job ID/Site:** 4500307754-010, 191086, 1430 E Desert Inn Road

**SGSFL Job ID:** 4239  
**Total Samples Submitted:** 3  
**Total Samples Analyzed:** 3

**PLM Report Number:** B296259

**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description

Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

**Attachment 11**  
**Asbestos Survey Report**



## Limited Asbestos Survey Investigation Report

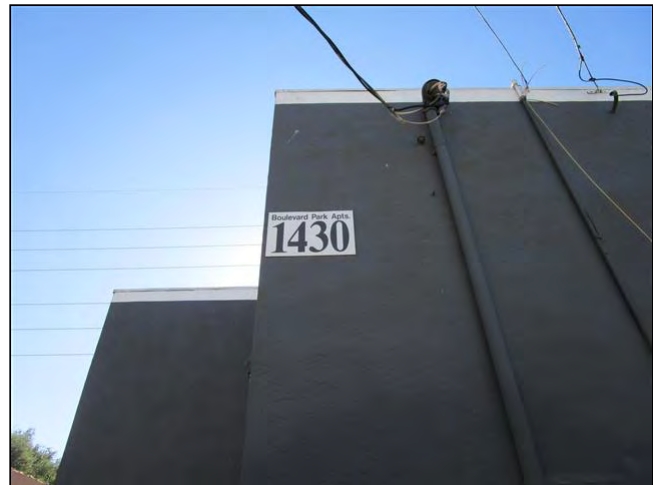
6000 S Eastern Ave Ste 2A  
Las Vegas, NV 89119  
Tel: 702.255.2457 | Fax: 702.953.0286  
msenational.com | info@msenational.com

### Customer

Double 007 Properties

### Address

1430 E Desert Inn Rd #1 & #3  
Las Vegas NV 89169



**Inspection Date:** 11/18/2019

**Inspected By:** Larry Carter

**Asbestos Survey Results:** > 1% Asbestos FOUND (HOT)

**Inspection Start Time:** 11:00 AM

**Project ID:** 191118WO37295

# Attachment 11

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# Attachment 11

## Pre-Inspection Agreement statement

Pursuant to your request, MSE Environmental (MSE) was retained by **Double 007 Properties**, (referred to hereunder as the client/customer) to conduct/perform a **Limited Asbestos Survey Investigation** at **SUBJECT** premises located at **1430 E Desert Inn Rd #1 & #3, Las Vegas, NV 89169** on **11/18/2019** at **11:00 AM**. This inspection was performed in accordance with and under the terms of the **MSE Environmental Service Contract Agreement**. The agreement was dated and signed **11/18/2019** and agreed upon before the preparation of this report and a signed copy of the agreement is available upon request. An unsigned copy of the agreement may be attached to this report for your information.

The Limited Asbestos Survey Investigation included professional service of **Larry Carter**, consultant of MSE Environmental.



# Attachment 11

<b>Date:</b> 11/18/2019	<b>Time:</b> 11:00 AM	<b>Project ID:</b> 191118WO37295
<b>Address:</b> 1430 E Desert Inn Rd #1 & #3 Las Vegas NV 89169		<b>Customer:</b> Double 007 Properties

**Inspection Service:**

Limited Asbestos Survey Investigation

**Agreement Type:**

MSE Environmental Service Contract  
Agreement

**Asbestos Survey Results:**

> 1% Asbestos FOUND (HOT)

**Structure Faces:**

South

## 1. SCOPE OF SERVICES

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### 1.0 SCOPE OF SERVICES

Comments: Include

**Purpose.** The purpose of Limited Asbestos Survey is to detect and identify the presence of friable and non-friable Asbestos Containing Materials (ACM) in the Subject Property.

**Scope of Limited Asbestos Survey.** The Limited Asbestos Survey consisted of a visual survey to classify accessible suspect ACM by condition and location to determine homogeneous areas for bulk sample collection as well as assessing problems in area(s) designated the client. Bulk sample collection/analysis was conducted in these designated area(s). A homogeneous area is an area of surfacing material, thermal surface insulation or miscellaneous material that is uniform in color and texture.

## 2. PROJECT SITE DESCRIPTION

### 2.0 PROJECT SITE DESCRIPTION

Comments: Include

The project site description consists of a multi-family residence built in 1963. The owner requested an asbestos survey prior to demolition and/or renovation of the structures buildings materials from a fire that damaged the multi-family residence.

The following client defined areas of the structure where photo documented to note homogeneous building materials and the current condition of the structure when the asbestos survey was performed.

#### Structures Interior Unit 1 (Picture 1-12)



2.0 (Picture 1)



2.0 (Picture 2)



2.0 (Picture 3)



2.0 (Picture 4)

# Attachment 11



2.0 (Picture 5)



2.0 (Picture 6)



2.0 (Picture 7)



2.0 (Picture 8)

# Attachment 11



2.0 (Picture 9)



2.0 (Picture 10)



2.0 (Picture 11)



2.0 (Picture 12)

**Structures Interior Unit 3 (Picture 13-26)**

# Attachment 11



2.0 (Picture 13)



2.0 (Picture 14)



2.0 (Picture 15)



2.0 (Picture 16)



2.0 (Picture 17)



2.0 (Picture 18)

# Attachment 11



2.0 (Picture 19)



2.0 (Picture 20)



2.0 (Picture 21)



2.0 (Picture 22)

# Attachment 11



2.0 (Picture 23)



2.0 (Picture 24)



2.0 (Picture 25)



2.0 (Picture 26)

**Structures Exterior & Dumpster (Picture 27-40)**



# Attachment 11



2.0 (Picture 27)



2.0 (Picture 28)



2.0 (Picture 29)



2.0 (Picture 30)



2.0 (Picture 31)



2.0 (Picture 32)

# Attachment 11



2.0 (Picture 33)



2.0 (Picture 34)



2.0 (Picture 35)



2.0 (Picture 36)

# Attachment 11



2.0 (Picture 37)



2.0 (Picture 38)



2.0 (Picture 39)



2.0 (Picture 40)

## 3. METHODS

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### 3.0 METHODS

Comments: Include

**Bulk Asbestos Samples:** Bulk samples were analyzed by EMLab P&K of Norcross, GA. EMLab P&K is a participant in the National Voluntary Laboratory Accreditation Program. EMLab P&K is an accredited PLM laboratory under the NVLAP (No 201060-0.) samples were to delivered to EMLab P&K using their chain-of-custody procedures for bulk analysis.

Bulk samples were collected using the current industries methods and used within this report. Bulk samples are collected by wetting the sample area with a surfactant/water mixture, cut with a sharp decontaminated knife or cored with an asbestos cutter sleeve and placed in a labeled zip-lock bag for laboratory analysis. Bulk samples were submitted for Polarized Light Microscopy (PLM).

## 4. ASBESTOS SURVEY FINDINGS

### 4.0 ASBESTOS SURVEY FINDINGS

Comments: Include

The assessment of suspect ACM was limited to the structures interior and exterior and consisted of the following:

- Drywall
- Joint Compound
- Wall Texture
- Acoustic Ceiling Spray
- Stucco Cement
- Debris Ash

Based on the visual survey of the subject structure, a total of (15) bulk samples were collected at the site areas representing the homogeneous use of suspect building materials.

### 4.1 LABORATORY SAMPLE RESULTS

Comments: Include

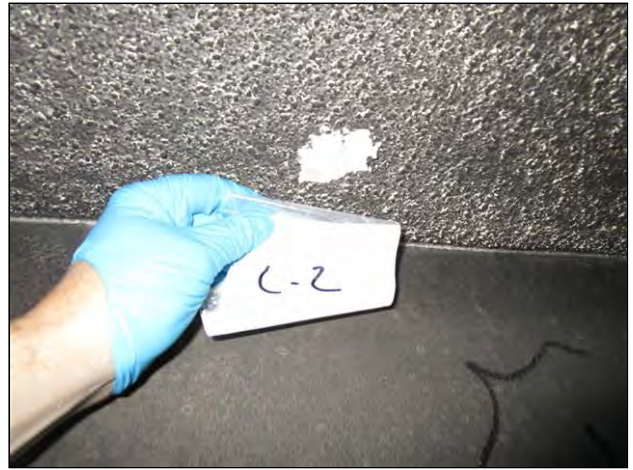
The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the table below:

Sample ID	Sample Description	Location	Category/Condition	Quantity (SF)	Asbestos Content (%)
C-1	Acoustic Ceiling Spray	#1 Living Room	Friable/Damaged	<1000	Chrysotile 5% (Picture 1)
C-2	Acoustic Ceiling Spray	#1 Bedroom 1	Friable/Damaged	<1000	Chrysotile 4% (Picture 2)
C-3	Acoustic Ceiling Spray	#1 Master Bedroom	Friable/Damaged	<1000	Chrysotile 4% (Picture 3)
C-4	Acoustic Ceiling Spray	#3 Dining Room	Friable/Damaged	<1000	Chrysotile 4% (Picture 4)
C-5	Acoustic Ceiling Spray	#3 Bedroom 1	Friable/Damaged	<1000	Chrysotile 5% (Picture 5)
C-6	Acoustic Ceiling Spray	#3 Master Bedroom	Friable/Damaged	<1000	Chrysotile 5% (Picture 6)

# Attachment 11



4.1 (Picture 1)



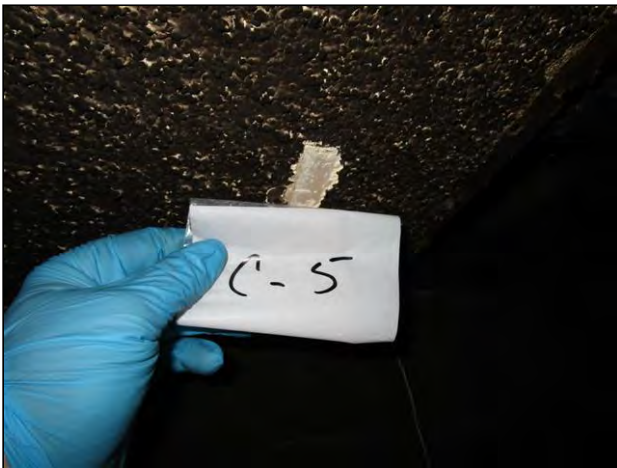
4.1 (Picture 2)



4.1 (Picture 3)



4.1 (Picture 4)



4.1 (Picture 5)



4.1 (Picture 6)

The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the paragraph below:

# Attachment 11

Based on the survey and analytical laboratory tests results reported, building materials Wall Texture, Joint Compound, and Stucco Cement were less than (<1%) **Asbestos Found (Trace)**.

## 5. PROJECT SITE INTERIOR CONTENTS

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### 5.0 PROJECT SITE INTERIOR CONTENTS

Comments: Include

A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.
- **THESE COMMENTS ARE NOT AN ASBESTOS ABATEMENT SCOPE OF WORK OR PROJECT DESIGN, JUST CONTENTS GUIDELINES.**

Friable asbestos-containing material is defined as any material containing asbestos in excess of one percent (1%) by weight which can be crushed, pulverized, or reduced to powder by hand pressure when dry.



## 6. ASBESTOS REGULATORY REQUIREMENTS

### 6.0 NESHAP - EPA

Comments: Include

#### EPA Regulations

Current asbestos regulations contained within the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS 40 CFR, Subpart M, November 20, 1990 revision) define a regulated asbestos-containing material (RACM) as:

- a) Friable asbestos material
- b) Category I non-friable ACBM that may become friable
- c) Category I non-friable ACBM that will be or has been subject to sanding, grinding, cutting, or abrading, or
- d) Category II non-friable ACBM that has a high probability of becoming or has been crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated under this subpart.

Friable - any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(MSE Environmental Note: Point Counting Friable samples is not included in this report and those services are quoted separately.)

### 6.1 OSHA

Comments: Include

#### OSHA Regulations

*Class I Asbestos Work* - means activities involving the removal of TSI and surfacing ACM and PACM.

*Class II Asbestos Work* - means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

*Class III Asbestos Work* - means repair and maintenance operations, where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.

*Class IV Asbestos Work* - means maintenance and custodial construction activities during which employees

# Attachment 11

contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II and III activities.

Asbestos-Containing Material (ACM) - means any material containing more than one percent asbestos.

Presumed Asbestos-Containing Material (PACM) - means thermal system insulation and surfacing material found in buildings constructed no later than 1984. The designation of a material as "PACM" may be rebutted following procedures specified in the standard.

Surfacing ACM - means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes) and that contains more than 1% asbestos.

Thermal System Insulation (TSI) ACM - means ACM applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain and that contains more than 1% asbestos.

## 7. CONCLUSIONS

### 7.0 CONCLUSIONS

Comments: Include

Based on the survey and analytical laboratory tests results reported, building materials containing asbestos at quantities greater than (>1%) **Asbestos Found (HOT)** in the:

Sample Description	Areas	OSHA Class	EPA NESHP
Acoustic Ceiling Spray	Throughout the multi family residence interior	CLASS I	RACM

NA - Not applicable

These asbestos containing materials are known as (ACM) and must be removed by a certified asbestos abatement contractor licensed in Nevada in accordance with all applicable laws and regulations.

The following requirements are recommended to be followed with Trace materials:

#### OSHA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

The OSHA Construction Standard (29 CFR 1926.1101) are applicable to installed building materials that contain >1% asbestos known as ACM. The Standard also contains requirements that apply whenever worker exposure(s) exceed either (or both) of the PELs (Permissible Exposure Limits) regardless to the amount of asbestos in the building materials involved. the requirements are as follows:

- Asbestos Exposure Assessment by a competent person
- All applicable work practices in the OSHA Standard must be implemented
- All applicable prohibitions in the OSHA Standard must be adhered to.
- If either PEL is exceeded ( or a negative exposure assessment is not available), all applicable requirements of the Standard must be adhered to.
- All other applicable laws, rules and regulations must be followed.

#### NESHEP - EPA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

EPA does not recognize asbestos samples resulting in <1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated.

If any additional suspect asbestos containing materials (ACM) in inaccessible or concealed spaces are revealed during the demolition activities, then all such unidentified materials should be treated as Presumed Asbestos Containing Materials (PACM) in accordance with 29 CFR 1926.1101 and 1910.1001. It's recommended that PACM's be sampled to determine the presence of asbestos prior to continuation of demolition activities.

MSE Environmental requires after the customer has contacted a professional asbestos abatement company and their removal activities have been completed, MSE Environmental comes back and represents the

# Attachment 11

customers interests in performing the required Post Abatement Asbestos Clearance Testing Investigation to determine the success of the abatement efforts. This is required by state and local governing agencies regulating asbestos removal.

***MSE Environmental would like to thank you for the opportunity to serve you. If you have any questions or comments regarding this report, please do not hesitate to call us at 702.255.2457.***

## 8. CONSULTANT LICENSES & SIGNATURE

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---

### 8.0 CONSULTANT LICENSES

Comments: Include

**Written By:**

MSE Environmental



Larry Carter

Senior Project Manager

AHERA-Certified Building Inspector, Project Monitor, Project Designer, Management Planner

No. IJPM1852

## 9. WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

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### 9.0 WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

Comments: Include

These professional services have been performed by MSE Environmental using the current standard of care and skill ordinarily exercised under similar circumstances by reputable environmental consultants practicing asbestos surveys. No other warranty, expressed or implied, is made. The professional services performed do not guarantee compliance with Federal, State, or Local laws.

The professional services provided and judgments rendered on this project meet current professional standards and do not carry any other guarantee. MSE Environmental accepts no responsibility or liability to any person or organization for any claim, for loss or damage (including attorneys' fees) caused, or believed to be caused, directly or indirectly by; conditions not revealed by the laboratory analyses performed; failure to perform other chemical analyses or utilize different test methods; or failure to locate or install additional sample points.

I hereby certify that I am responsible for the services described in this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances.

**10. LABORATORY REPORTS & CHAIN OF CUSTODY  
FORMS**

---

# Attachment 11



EMLab P&K

Report for:

**Mr. Larry Carter**  
**MSE Environmental**  
6000 S. Eastern Ave  
Suite 2A  
Las Vegas, NV 89119

---

Regarding: Project: 191118WO37295; 1430 E Desert Inn Rd #1, #3  
EML ID: 2299799

Approved by:

A handwritten signature in black ink that reads "Tracy Garcia".

Approved Signatory  
Tracy Garcia

Dates of Analysis:  
Asbestos PLM: 11-19-2019

Service SOPs: Asbestos PLM (EPA 40CFR App E to Sub E of Part 763 & EPA METHOD 600/R-93-116, SOP EM-AS-S-1267)

---

All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the samples as received. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

Eurofins EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.



# Attachment 11

**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Total Samples Submitted:** 15

**Total Samples Analyzed:** 15

**Total Samples with Layer Asbestos Content > 1%:** 6

### Location: W-1, #1 Kitchen W Wall - DW/JC/WT

Lab ID-Version‡: 10938191-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

### Location: W-2, #1 Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938192-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

# Attachment 11

**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: W-3, #1 M Bathroom S Wall - DW/JC/WT**

Lab ID-Version‡: 10938193-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: C-1, #1 Living Room - ACS**

Lab ID-Version‡: 10938194-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The report number is reflected by the value of "x".

# Attachment 11

**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: C-2, #1 Bedroom 1 - ACS**

Lab ID-Version‡: 10938195-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
<b>Sample Composite Homogeneity:</b> Good	

**Location: C-3, #1 Master BR - ACS**

Lab ID-Version‡: 10938196-1

Sample Layers	Asbestos Content
Beige Popcorn Ceiling	4% Chrysotile
<b>Sample Composite Homogeneity:</b> Poor	

**Comments:** Sample possibly contains heat altered asbestos.

**Location: W-4, #3 Living RM W Wall - DW/JC/WT**

Lab ID-Version‡: 10938197-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: W-5, #3 Hall Bath S Wall - DW/JC/WT**

Lab ID-Version‡: 10938198-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

# Attachment 11

**Eurofins EMLab P&K**

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

## ASBESTOS PLM REPORT

**Location: W-6, #3 Bedroom 1 N Wall - DW/JC/WT**

Lab ID-Version‡: 10938199-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
<b>Composite Asbestos Fibrous Content:</b>	< 1% Asbestos
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Comments:** Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

**Location: C-4, #3 Dining RM - ACS**

Lab ID-Version‡: 10938200-1

Sample Layers	Asbestos Content
White Popcorn Ceiling with Gray Paint	4% Chrysotile
Brown Tape	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: C-5, #3 Bedroom 1 - ACS**

Lab ID-Version‡: 10938201-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Black Paint	5% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

**Location: C-6, #3 Master BR - ACS**

Lab ID-Version‡: 10938202-1

Sample Layers	Asbestos Content
Dark Brown Popcorn Ceiling	5% Chrysotile
<b>Sample Composite Homogeneity:</b>	Poor

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

# Attachment 11

## Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093  
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental  
C/O: Mr. Larry Carter  
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019  
Date of Receipt: 11-19-2019  
Date of Report: 11-19-2019

### ASBESTOS PLM REPORT

#### Location: D-1, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938203-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Poor

#### Location: D-2, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938204-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Poor

#### Location: S-1, W Exterior - Stucco Cement

Lab ID-Version‡: 10938205-1

Sample Layers	Asbestos Content
Gray Stucco	< 1% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".



# ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
		Consultants Email:	larry@msenational.com
MSE Location: (circle)	AZ CA CO ID <u>NV</u> NM OR TX UT WA	Email Results To:	results@msenational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118WD37295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89169	NEXT DAY -	24 HOUR
Project Date	11 / 12 / 19	STANDARD -	3 DAY
Project Time (circle)	11:00 <u>AM</u> PM	★ MANDATORY NUMBER OF SAMPLES <u>0</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
W-1	#1 Kitchen W wall	Du/TC/WT	B	B	<1000	Y	
W-2	#1 Bathroom S wall						
W-3	#1 M Bathroom S wall						
C-1	#1 Living Room	ACS					
C-2	#1 Bedroom 1						
C-3	#1 Master BR						
W-4	#3 Living RM W wall	Du/TC/WT					
W-5	#3 Hall/Bath S wall						
W-6	#3 Bedroom 1 N wall						
C-4	#3 Dining RM	ACS					
C-5	#3 Bedroom 1						
C-6	#3 Master BR						
D-1	Dumpster Debris	Ash Debris					
D-2	Dumpster Debris						

Fiber Count (NIOSH 7400)  
 TEM AHERA  
 EPA Method 600/R-837116  
 EPA Point Count (400 Point Count)  
 TEM Microvac ASTM D-9765

SAMPLE TYPE CODES	RELINQUISHED BY:	DATE	11/12/19	TIME	5:00
A - Air	RECEIVED BY:	DATE	11.19.19	TIME	9:07 AM
W - Wipe					
B - Bulk	Billing Address (check) <input checked="" type="checkbox"/>				
T - Tape	6000 S Eastern Ave Suite 2403 Las Vegas NV 89119	O: 702-255-2457	F: 702-953-0286	www.msenational.com	
D - Dust	18444 N 25th Ave, Suite 420 Phoenix, Az 85023	O: 602-388-1089	F: 602-792-0470	info@msenational.com	
MV					
SO - Soil					
PCM/TEM					

Page 33 of 36



**11. MSE ENVIRONMENTAL CONSULTANT CERTIFICATES**

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**STATE OF NEVADA**  
**DEPARTMENT OF BUSINESS AND INDUSTRY**  
**DIVISION OF INDUSTRIAL RELATIONS**  
**Occupational Safety and Health Administration**  
**Asbestos Control Program**

Certifies That Larry Carter

is Licensed As Asbestos Abatement Consultant

License No. IJPM-1852

Expiration Date 04/24/2020

Signature Of Licensee



---

**Attachment 12**  
**007 Properties, LLC**

## ENTITY INFORMATION

### ENTITY INFORMATION

**Entity Name:**

007 PROPERTIES, LLC

**Entity Number:**

LLC12945-2004

**Entity Type:**

Domestic Limited-Liability Company (86)

**Entity Status:**

Permanently Revoked

**Formation Date:**

06/14/2004

**NV Business ID:**

NV20041131867

**Termination Date:**

6/14/2504

**Annual Report Due Date:**

6/30/2009

**Series LLC:**

**Restricted LLC:**

### REGISTERED AGENT INFORMATION

**Name of Individual or Legal Entity:**

# Attachment 12

12/27/2019

Nevada eSOS

LAW OFFICES OF KURT A. JOHNSON, ESQ. P.C.

**Status:**

Active

**CRA Agent Entity Type:**

CRA - CORPORATION

**Registered Agent Type:**

Commercial Registered Agent

**NV Business ID:**

NV20121011006

**Office or Position:**

**Jurisdiction:**

NEVADA

**Street Address:**

6980 S CIMARRON RD STE 110, LAS VEGAS, NV, 89113, USA

**Email Address:**

admin@trustedepa.com

**Mailing Address:**

**Individual with Authority to Act:**

Blake B. Johnson

**Contact Phone Number:**

**Fictitious Website or Domain Name:**

kurtajohnsonlaw.com , trustedepa.com

**PRINCIPAL OFFICE ADDRESS**

**Address:**

**Mailing Address:**

# Attachment 12

12/27/2019

Nevada eSOS

## OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Manager	MICHAEL PERRY	2620 S MARYLAND PKWY #14-308, LAS VEGAS, NV, 89109, USA	06/18/2008	Active

Page 1 of 1, records 1 to 1 of 1

[Filing History](#)

[Name History](#)

[Mergers/Conversions](#)

[Return to Search](#)

[Return to Results](#)

**Attachment 13**  
**Email from Perry 12/23/2019**

# Attachment 13

**From:** [Michael Perry](#)  
**To:** [office@aandiindustries.com](mailto:office@aandiindustries.com)  
**Cc:** [a\\_bernal](#); [k\\_schank@aandiindustries.com](mailto:k_schank@aandiindustries.com); [Kevin Adoor](#); [Anna Sutowska](#)  
**Subject:** 1430 desert inn rd Scheduled services Appointment  
**Date:** Monday, December 23, 2019 2:25:01 PM

---

OK this sounds great I've CCed air quality control to this email please keep me posted

Sent from my iPhone

On Dec 23, 2019, at 12:50 PM, "[office@aandiindustries.com](mailto:office@aandiindustries.com)" <[office@aandiindustries.com](mailto:office@aandiindustries.com)> wrote:

Good afternoon,

We will be scheduled to perform services at 1430 E Desert Inn Las Vegas, NV on Thursday, 01/02/20. If there's any inconvenience or any questions please contact Kent.

Mercedes Wallace  
Administrative Assistant  
<image001.jpg>  
5965 S. Procyon St.  
Las Vegas, NV 89118  
Office: 702-436-0123  
Fax: 702-436-2556

**Attachment 14**  
**Email from Perry 12/30/2019**



# Attachment 14

**From:** [Michael Perry](#)  
**To:** [k\\_schank@aandiindustries.com](mailto:k_schank@aandiindustries.com)  
**Cc:** [Kevin Adoor](#)  
**Subject:** Re: 1430 E Desert Inn Rd - ANALYTICAL REPORTS  
**Date:** Monday, December 30, 2019 1:17:26 PM

---

Ok Thank you see below

Sent from my iPhone

On Dec 30, 2019, at 10:37 AM, "k\_schank@aandiindustries.com" <k\_schank@aandiindustries.com> wrote:

We got everything submitted. We will be starting on Thursday morning. My guys will be there between 7 and 8. I will also meet them on site.

**From:** Michael Perry <swf.mperry@gmail.com>  
**Sent:** Monday, December 30, 2019 10:08 AM  
**To:** k\_schank@aandiindustries.com; Michael Perry <swf.mperry@gmail.com>  
**Subject:** 1430 E Desert Inn Rd - ANALYTICAL REPORTS

Please see attached reports received from air quality control

--

June 11, 2020

Dear pamela NOV9409a:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9489 0090 0027 6122 1980 58.**

#### Item Details

<b>Status:</b>	Delivered, Front Desk/Reception/Mail Room
<b>Status Date / Time:</b>	May 28, 2020, 10:52 am
<b>Location:</b>	LAS VEGAS, NV 89146
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

#### Shipment Details

<b>Weight:</b>	1.0oz
----------------	-------

#### Recipient Signature

Signature of Recipient:	F BARDEN Tr 7679 204
Address of Recipient:	2980 Bismarck

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

June 11, 2020

Dear pamelanov9409b:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9489 0090 0027 6122 1980 65.**

#### Item Details

<b>Status:</b>	Delivered, Front Desk/Reception/Mail Room
<b>Status Date / Time:</b>	June 1, 2020, 12:50 pm
<b>Location:</b>	LAS VEGAS, NV 89146
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

#### Shipment Details

<b>Weight:</b>	1.0oz
----------------	-------

#### Recipient Signature

Signature of Recipient:	J.T. 4674 Cond 14
Address of Recipient:	2900 N Boulder #2012

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

**From:** [AQ Enforcement](#)  
**To:** [Michael Perry](#); [Michael Perry](#)  
**Cc:** [AQ Enforcement](#)  
**Subject:** Postponement of Hearing Board Meeting Scheduled for 12/2/2020  
**Date:** Monday, November 23, 2020 10:33:50 AM

---

Dear Mr. Perry,

The Clark County Department of Environment and Sustainability, Division of Air Quality, is hereby cancelling the Air Pollution Control Hearing Board Meeting currently scheduled for Wednesday, December, 2, 2020. All items currently scheduled for this meeting, including the appeal of Notices of Violation #9394 and #9409 issued to M.P. Trust and Michael Perry, will be postponed to a future date after the first of the year.

If you have any questions, please contact our office at (702) 455-5942 and ask for Pamela Thompson or Sherrie Rogge or email: [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov).

**PLEASE CONFIRM RECEIPT OF THIS EMAIL BY RESPONDING TO THIS EMAIL.**

Sincerely,

*Anna Sutowska*  
*Air Quality Supervisor*  
*Clark County Department of Environment and Sustainability,*  
*Division of Air Quality*  
*4701 W. Russell Rd., Suite 200*  
*Las Vegas, NV 89118*

*Office: 702-455-0666*  
*Cell: 702-378-9780*  
*Fax: 702-383-9994*

For any dust permit information or forms, please go to the link posted below.

[https://www.clarkcountynv.gov/government/departments/environment\\_and\\_sustainability/division\\_of\\_air\\_quality/permitting/applications\\_forms/dust\\_permitting\\_forms.php#outer-4005](https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)