



Air Pollution Control Hearing Officer Annotated Docket

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

9:00 a.m. – July 15, 2015

Hearing Officer: Sandra Reed

Staff:  Gary Miller, Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor

The Presentation Room is accessible to individuals with disabilities. With 48-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

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

II. **MATTERS REQUIRING HEARING OFFICER ACTION**

A. SETTLEMENT

1. **BOB MOORE, LLC (Source ID: 17315)**

NOV #8663 – For failing to provide written notice of the change in location where the source will operate as required by the Portable Minor Source permit and the AQR; for failing to submit a plan demonstrating the amount of materials brought to the site with the intent to burn in the Air Curtain Incinerator; for failing to conduct an initial performance test for opacity on the Air Curtain Incinerator; for failing to keep records for the following: visible emission checks, daily and monthly amounts of wood waste, clean waste, yard waste brought to the site to burn in the Air Curtain Incinerator, daily throughputs, equipment inspections, initial and annual opacity tests, and sulfur content and the cetane index of the diesel fuel; and for failing to submit an application for a Title V operating permit for the facility as per federal regulations, identified during a full compliance evaluation conducted on January 14, 2015 for the period of January 2, 2014 through January 14, 2015 of the E & M Enterprises, Inc. (now known as Bob Moore, LLC) solid waste refuse facility, located at the Anniversary Mine in the Lake Mead National Recreation Area, in Clark County, Nevada.

**Continued on next page.*

Violation(s) alleged:

- Violation #1 – Subsection 12.1.4.1(d)
Permit Condition II-D-1
- Violation #2 – Subsection 12.1.4.1(c)
Permit Condition IV-B-2
- Violation #3 – Subsection 12.1.4.1(d) and
40 CFR 60 Subpart CCCC, Subsection 60.2255
Permit Condition IV-D-1
Permit Condition IV-D-2
- Violation #4 – Subsection 12.1.4.1(d)
Permit Condition IV-E-4-a through g
Permit Condition IV-E-5-a through d
- Violation #5 – 40 CFR 60 Subpart CCCC, Subsection 60.2242

Rescheduled from 5/20/15, and continued from 7/15/15.

CONTINUED AT THE REQUEST OF BOB MOORE, LLC.

2. BOULDER SAND AND GRAVEL INCORPORATED (Source ID: 17066)

NOV #8710 – For installing and operating a 749 horse power non-emergency generator, and a 31.5 horse power non-emergency generator without first obtaining a permit from Air Quality that authorizes such construction and operation; for failing to provide proof an initial performance test was conducted on the non-emergency generator in accordance with 40 CFR Part 63, Subpart ZZZZ; and for failing to conduct initial visual emissions evaluations on 22 emission units in accordance with 40 CFR Part 60, Subpart OOO; identified during a full compliance evaluation conducted on March 4, 2015 for the period of August 7, 2012 through March 4, 2015 at the Boulder Sand and Gravel non-metallic mineral processing plant located northeast of the intersection of Hollywood Boulevard and Alto Avenue in Las Vegas, Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Subsection 12.1.3.1
Permit Condition II-A-2
- Violation #2 – Subsection 12.1.4.1(d) and (m), and
40 CFR 63, Subpart ZZZZ, Subsection 63.6612(a)
Permit Condition IV-D-7-a
- Violation #3 – Subsection 12.1.4.1(d) and (m)
40 CFR 63, Subpart OOO, Subsection 60.672(b)
Permit Condition IV-D-8-b

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$12,000.00 PENALTY, \$9,000.00 OF WHICH BE HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR OF SIGNED ORDER TO ENSURE BOULDER SAND AND GRAVEL INCORPORATED IS IN COMPLIANCE, AND ASSESSED A \$3,000.00 PENALTY. IF BOULDER SAND AND GRAVEL INCORPORATED COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

3. **REBEL OIL COMPANY, INC. (Source ID: 00129)**

NOV #8620 – For installing and operating a 10,000 gallon storage tank without first obtaining a permit that authorizes such construction and operation during the time period of February 2014 through June 2014; for failing to replace the glycol solution sealing the pump in 2011, 2012, and 2013 and failed produce required records of the glycol replacement, demonstrating continuing noncompliance with a permit condition and previous NOV (NOV #8000) in March 2011; for failing to install a non-resettable hour meter on the fire pumps of the gasoline fire engine pump between September 9, 2013 and April 7, 2014 and failing to submit annual reporting for the fire pump emission unit during calendar years 2011 and 2012; for failing to produce records demonstrating compliance with visible emission inspections; and failing to produce records of calibrations and certification of the continuous monitoring system, identified during a full compliance evaluation conducted on April 7, 22 and 30, 2014, for the period of September 2, 2010 through June 3, 2014 of the Rebel Oil Company, Inc. Gasoline Distribution Bulk Terminal facility, located at 5054 North Sloan Lane, in Clark County, Nevada.

Violation(s) alleged:

- Violation #1 – Subsection 12.1.3.1
Permit Condition II-A-9
- Violation #2 – Subsection 12.1.4.1(r)
Permit Condition II-A-2
Permit Condition IV-B-7
Permit Condition IV-B-17
- Violation #3 – Subsection 12.1.4.1(r)
Permit Condition II-A-2
Permit Condition II-C-5-b-ii
Permit Condition IV-C-16
Permit Condition IV-E-5-j
Permit Condition IV-F-2-b
- Violation #4 – Subsection 12.1.4.1(r)
Permit Condition II-A-2
Permit Condition IV-E-5-a
Permit Condition IV-E-5-f
Permit Condition IV-E-6-a
- Violation #5 – Subsection 12.1.4.1(r)
Permit Condition IV-C-9
Permit Condition IV-D-6

Continued from 3/18/2015

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$24,000.00 PENALTY, \$12,000.00 OF WHICH BE HELD IN ABEYANCE FOR A PERIOD OF 18 MONTHS OF SIGNED ORDER TO ENSURE REBEL OIL COMPANY, INC. IS IN COMPLIANCE, AND ASSESSED A \$12,000.00 PENALTY. IF REBEL OIL COMPANY, INC. COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

4. **REE'S ENTERPRISE (Source ID: 16406)**

NOV #8700 – For failing to conduct initial opacity performance tests within 180 days of startup; and for failing to comply with applicable emission limitations, operating limitations and other requirements of 40 CFR Part 63, Subpart ZZZZ, identified during a full compliance evaluation conducted on March 5, 2015 for the period of May 26, 2011 to March 5, 2015 of the Rees's Enterprise facility, located on a BLM Property Lease south of Mesquite on White Rock Road, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Subsection 16.4.2

Permit Condition IV-F-2

Violation #2 – Subsection 13.2

40 CFR Part 63, Subpart ZZZZ, Subsection 63.6595(a)

HEARING OFFICER APPROVED PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$6,000.00 PENALTY, \$4,500.00 OF WHICH BE HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR OF SIGNED ORDER TO ENSURE REE'S ENTERPRISE IS IN COMPLIANCE, AND ASSESSED A \$1,500.00 PENALTY. IF REE'S ENTERPRISE COMPLIES WITH THESE TERMS THEN THE SUSPENDED AMOUNT WILL BE WAIVED.

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

1. **WILLIAM LYON HOMES (DCP #43733)**

NOV#8712 – For failing to employ Best Available Control Measures and allowing trackout to extend greater than 50 feet and 0.25 inch in depth on paved roadways; failing to maintain dust control by cleaning trackout from paved surfaces, at a minimum, by the end of the workday or evening shift, shift/day, identified during routine compliance inspections on March 20, 2015 of Brookshire construction site, located at the southeast corner of Durango Drive and Windmill Lane, in Clark County, Nevada.

Violation(s) alleged:

Violation #1 – Subsection 94.11.6

Recommended Penalty: \$2,000.00

**FOUND IN VIOLATION.
PENALTY ASSESSED: \$2,000.00**

C. ACTION REQUIRED AND CONTESTED NOTICES OF VIOLATION

Asbestos, Construction, and Vacant Land NOV's:

1. **NEVADA GENERAL CONSTRUCTION (DCP #44637)**

NOV#8714 – For allowing visible emissions to exceed 50 percent opacity during truck unloading as determined by the Instantaneous Method for evaluation of fugitive dust emissions as per Air Quality Regulations Subsection 94.11.4, identified on April 6, 2015 while conducting a routine compliance inspection of the Mater Academy Mountain Vista Campus construction site, located at 4315 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

2. **VT CONSTRUCTION, INC. (DCP #44265)**

NOV#8713 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week and allowing soils to become dry and loose, conducive to the formation of fugitive dust by either mechanical disturbance or wind erosion, identified during routine compliance inspections on April 7 and 9, 2015 of the Orchard Detention Basin construction site, located southeast of Charleston Avenue and Whitewind Lane, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,500.00

Stationary Sources NOV's:

3. **EDP PETROLEUM, INC. (Source ID: 17325)**

NOV #8715 – For failing to maintain a vapor recovery adaptor according to the manufacturer's specifications and causing vapors to escape the system, and for failing to conduct initial vapor recovery system testing required by the permit and failed to conduct vapor recovery testing for 2014, identified during a full compliance evaluation conducted on March 27, 2015 of the Ed's Blue Diamond AM/PM Minor Source Permit, located at 9155 South Rainbow Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 12.1.4.1(f)

Permit Condition IV-B-1-b-iii

Permit Condition IV-B-1-b-iv

Violation #2 – Subsection 12.1.4.1(d)

Permit Condition VII-D-4-a

CONTINUED AT THE REQUEST OF EDP PETROLEUM, INC.

4. **LAS VEGAS RECYCLING, LLC (Source ID: 17330)**

NOV #8711 – For installing and operating three diesel generators and a diesel-powered light stand (four total emission units) without first obtaining a permit that authorizes such construction and operation; identified during a full compliance evaluation conducted on April 14, 2015 of the City Auto Pick a Part operation, located at 2220 North Commerce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 12.1.3.1

Permit Condition II-A-8

LAS VEGAS RECYCLING, LLC AGREES NOT TO CONTEST NOV #8711.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,000.00

5. **NBC FOURTH REALTY CORPORATION (Source ID: 17439)**

NOV #8716 – For installing and operating three diesel-fired generators, one diesel-fired light stand, and three natural gas-fired air heaters (seven total air emission units) without a Minor Source Permit authorizing construction, installation and operation, identified during a full compliance evaluation conducted on April 20, 2015, for the period of September 25, 2014 through April 20, 2015 of the NBC Fourth Realty Corporation facility, located at 4100 East Lone Mountain Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsections 12.1.3.1 and 12.1.4.1(r)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

6. **NCI GROUP, INC. (Source ID: 15422)**

NOV #8697 – For using an unpermitted Volatile Organic Compounds containing product in their process; for failing to install, operate and maintain filter equipment on the spray booth exhaust; and for failing to install a manometer (or equivalent) to monitor the spray booth exhaust filters, identified during a full compliance evaluation conducted on February 25 and 26, 2015 at the Metl-Span facility, located at 4700 Engineers Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 12.1.4.1(c) and (f)

Permit Condition IV-A-3-a

Violation #2 – Subsection 12.1.4.1(c) and (f)

Permit Condition IV-B-2

Permit Condition IV-B-3

Permit Condition IV-C-5

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

Violation #1 – Subsection 12.1.4.1(c) and (f) - \$1,000.00

Permit Condition IV-A-3-a

Violation #2 – Subsection 12.1.4.1(c) and (f) - \$ 500.00

Permit Condition IV-B-2

Permit Condition IV-B-3

Permit Condition IV-C-5

7. **NEVADA PALACE, LLC (Source ID: 00615)**

NOV #8664 – For failing to conduct the required performance tests on two Bryan hot water boilers within the five-year time period as specified in the permit conditions contained in the Authority To Construct/Operating Permit and a Minor Source Permit, identified during a records review as the result of a performance test protocol submitted to Air Quality on November 5, 2014 for the Eastside Cannery, located at 5255 Boulder Highway, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,000.00

Violation #1 – Subsection 12.1.4.1(d)

Permit Condition IV-D-1

Permit Condition IV-D-2

Permit Condition IV-D-3

Permit Condition IV-F-5

Rescheduled from 5/20/15

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. **CITY EXPRESS, LLC (Source ID: 09172)**

NOV #8703 – For failing to conduct annual performance tests for 2013 and 2014 within the 12-month time frame following the prior test, identified during a full compliance evaluation conducted on March 27, 2015 for the period of August 6, 2013 through March 27, 2015 of the City Express, LLC Gasoline Dispensing Operation, located at 5680 South Pecos Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 52.3(c)(4)

Permit Condition III-E-3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

9. **PECOS EXPRESS, INC. (Source ID: 09732)**

NOV #8704 – For failing to maintain all Phase I vapor recovery equipment to be leak free, vapor tight, and in good working order; for failing to submit vapor recovery performance testing reports for calendar years 2012 and 2013; and for failing to conduct vapor recovery performance testing during calendar year 2014, identified during a full compliance evaluation conducted on March 31, 2015 at the Pecos Express Gasoline Dispensing Operation, located at 6115 South Pecos Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$6,000.00

Violation #1 – Subsections 12.8.1 and 52.4(a)(1)

Permit Condition V-B-4

Violation #2 – Subsection 52.5(a)

Permit Condition VII-D

Violation #3 – Subsection 12.8.1

Permit Condition VII-G-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$6,000.00

Violation #1 – Subsections 12.8.1 and 52.4(a)(1) - \$2,000.00

Permit Condition V-B-4

Violation #2 – Subsection 52.5(a) - \$2,000.00

Permit Condition VII-D

Violation #3 – Subsection 12.8.1 - \$2,000.00

Permit Condition VII-G-1

10. **CITY EXPRESS #3, LLC (Source ID: 09746)**

NOV #8705 – For failing to submit vapor recovery performance testing reports for calendar years 2013 and 2014, identified during a full compliance evaluation conducted on March 31, 2015 at the 7-Eleven Store #39275 Gasoline Dispensing Operation, located at 4730 West Cheyenne Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 52.5(a)

Permit Condition III-F-3-c

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

11. **CITY EXPRESS #2, LLC (Source ID: 16912)**

NOV #8706 – For failure to conduct initial vapor recovery system testing required by the permit and AQR in 2012; and for failure to conduct required vapor recovery testing for 2013, 2014 and 2015, identified during a full compliance evaluation conducted on March 27 and 31, 2015 of AM/PM Pecos Minor Source Permit, located at 5665 South Pecos Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Subsection 12.1.4.1(d)

Permit Condition IV-D-4-a

Violation #2 – Subsection 12.1.4.1(d)

Permit Condition IV-D-5-a

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CITY EXPRESS #2, LLC continued

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Subsection 12.1.4.1(d) - \$2,000.00

Permit Condition IV-D-4-a

Violation #2 – Subsection 12.1.4.1(d) - \$2,000.00

Permit Condition IV-D-5-a

12. CITY EXPRESS #4, LLC (Source ID: 09775)

NOV #8707 – For failing to conduct vapor recovery performance testing during calendar year 2014, identified during a full compliance evaluation conducted on April 1, 2015 for the period of December 1, 2014 through March 31, 2015 at the City Express #4 Gasoline Dispensing Operation, located at 3280 South Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 12.8

Permit Condition VII-G-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

13. SUN CITY EXPRESS, INC. (Source ID: 16078)

NOV #8708 – For failing to conduct vapor recovery performance testing during calendar years 2011, 2012 and 2013, identified during a partial compliance evaluation conducted on April 3, 2015 for the period of December 2, 2014 through March 31, 2015 at the Sun City Express Gasoline Dispensing Operation, located at 6050 Smoke Ranch Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,000.00

Violation #1 – Subsection 12.8

Permit Condition VII-G-1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,000.00

III. ADJOURNMENT

11:15 a.m.