Air Pollution Control Hearing Officer Meeting Docket

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

9:00 a.m. – January 18, 2017

Hearing Officer: Lona Webb

Air Quality Staff: Ralph McCullers, Compliance and Enforcement Manager
Lea Kain, Air Quality Supervisor
Jeffrey Robb, Senior Air Quality Specialist
Pamela R. Thompson, Senior Secretary

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

I. CALL TO ORDER

II. NOTICES OF VIOLATION

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

There are no signed settlement agreements at this time.

B. *NON-CONTESTED CASES:* The Hearing Officer may approve or disapprove Air Quality staff's proposed order levying the recommended penalty. If the proposed order is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. **CERTAINTEED GYPSUM MANUFACTURING, INC. (Source ID: 4)**
NOV #8890 – For failing to conduct performance testing within 180 days of startup, as identified during a full compliance evaluation conducted on June 14 and 17, 2016, of the CertainTeed Gypsum Manufacturing, Inc. facility at 13500 Blue Diamond Highway, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,000.00
Violation #1 – 40CFR63, Subpart ZZZZ, Section 63.6612

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

2. **COLFIN WLH LAND ACQUISITIONS (DCP #43373)**
NOV#8889 – For failing to obtain a Dust Control Permit for all areas subject to construction activities prior to utilizing the property, as identified by inspections on August 23, 30, 31 and September 2, 7 and 8, 2016 at the Goldfield II construction site northwest of Lone Mountain Road and North 5th Street, in Las Vegas, Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $3,000.00
Violation #1 – Subsection 94.4.1

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

3. **GILLETT CONSTRUCTION, LLC (DCP #46788)**
NOV #8898 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, 7 days a week which resulted in a fugitive dust plume which exceeded the opacity standard, as identified during a complaint investigation on September 15, 2016 at the NHL Practice Facility construction site at Pavilion Center and Summerlin Center Drives, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,000.00
Violation #1 – Subsection 94.11.1

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

4. **HARMONY HOMES (DCP #44845)**
NOV #8877 – 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 compliance inspections on July 7 and 21, 2016 at the Sunrise Highlands 45-3 construction site at Vegas Valley Drive and Fading Moon Lane, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,000.00
Violation #1 – Subsection 94.9.2

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

5. **KITTRELL JENSEN CONTRACTORS (Project #161079)**
NOV #8887 – For failing to notify Air Quality 10 days prior to conducting renovation and demolition activities, as identified during a routine site inspection on September 6, 2015 at 3355 South Maryland Parkway in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $3,000.00
Violation #1 – 40CFR61 Subpart M, Section 61.145(b)(1)
40CFR61 Subpart M, Section 61.145(b)(3)(i)

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

6. **KMI ZEOLITE, INC. (Source ID: 680)**
NOV #8883 – For failing to conduct quarterly 30-minute opacity observations; and for failing to conduct initial performance tests within 180 days of startup, as identified during a full compliance evaluation conducted on June 28, 2016 at the non-major nonmetallic minerals processing facility in Sandy Valley, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,750.00
Violation #1 – Permit Condition IV-C-7
Violation #2 – Permit Condition IV-D-3

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

7. **MAVERIK, INC. (Source ID: 17008)**
NOV #8895 – For failing to maintain Phase I and II vapor recovery equipment according to the manufacturer's specifications; and for failing to maintain spill buckets free of liquid and/or debris, as identified during a full compliance evaluation conducted on August 24 and 25, 2016 at the Maverik Store #456 at 10490 Bermuda Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,250.00
Violation #1 – Permit Condition IV-B-1-b-iv
Permit Condition IV-B-1-d-iii
Violation #2 – Permit Condition IV-B-1-b-iv

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

8. **RICHMOND AMERICAN HOMES (DCP #43079)**
NOV #8882 – 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 a routine compliance inspection on July 29, 2016 at the Granite Falls construction site at Iron Mountain and Bradley Roads, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $1,000.00
Violation #1 – Subsection 94.9.2

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

9. **SMITH'S FOOD AND DRUG CENTERS, INC. (Source ID: 17702)**
NOV #8888 – For failing to install and maintain the Phase I vapor recovery equipment to the manufacturer's specifications and certification requirements; and for failing to conduct the initial vapor recovery system performance tests within 180 days of startup, identified during a full compliance evaluation conducted on July 14 and August 18, 2016, of the Smith's Fuel Center #345 gasoline dispensing operation facility at 5564 Camino Al Norte in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $4,000.00
Violation #1 – 40CFR63 Subpart CCCCCC
40 CFR 63.11118
Permit Condition IV-B-1-b-iii
Violation #2 – Permit Condition IV-D-4-a

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

10. **UNITED CONSTRUCTION COMPANY (DCP #46705)**
NOV #8897 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week which resulted in a fugitive dust plume which exceeded the opacity standard, as identified during a routine investigation during a Construction Notice on September 13, 2016 at the Logisticenter construction site at Las Vegas Boulevard and Walnut Road, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $2,000.00
Violation #1 – Subsection 94.11.2

ACTION REQUESTED: Entry of an order finding the violation(s) occurred and levying the recommended penalty.

C. *CONTESTED CASES*

Asbestos, Construction, and Vacant Land Violations:

1. **KIEWIT INFRASTRUCTURE WEST (DCP #46133)**
NOV #8899 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week which resulted in a fugitive dust plume which exceeded the opacity standard, as identified during a complaint investigation on September 1, 2016 at the Project Neon construction site at various locations along Martin Luther King Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $1,000.00
Violation #1 – Subsection 94.9.2

ACTION REQUESTED: Hearing

2. **MITCHELL P. AND CRISTIN A. FRANSEN (DCP #n/a)**
NOV #8876 – For failing to obtain a Dust Control Permit for all areas subject to construction activities prior to utilizing the property; for failure to maintain adequate dust control on their site 24 hours a day, seven days a week; and for failing to have personnel onsite who have attended Air Quality Dust Class, as identified by inspections on April 19, 2016 at the private residence construction site on Parcels 001-04-211-011 and 001-04-211-012 in Mesquite, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $1,750.00
Violation #1 – Subsection 94.4.1 & Subsection 94.10.1
Violation #2 – Subsection 94.9.2
Violation #3 – Subsection 94.7.6.1

ACTION REQUESTED: Hearing

3. **RYLAND HOMES NEVADA, LLC (DCP #43120)**
NOV #8893 – For failing to implement all Best Available Control Measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified on a routine inspection during a Construction Notice on September 13, 2016 at the Sky Pointe construction site at Elkhorn Road and Sky Pointe Drive, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $1,000.00
Violation #1 – Subsection 94.9.2

ACTION REQUESTED: Hearing

Stationary Sources Violations:

4. **ED'S STATION, INC. (Source ID: 9101)**
NOV #8894 – For failing to submit the initial application for a 12.1 Minor Source Permit before the deadline and after receiving notification; for exceeding annual gasoline throughput quantity; failing to maintain Phase I and II vapor recovery system according to manufacturer's specifications; and for failing to submit the performance testing report for the vapor recovery system before the deadline, as identified during a full compliance evaluation conducted on August 12 and 17, 2016 at the Decatur AM/PM facility at 850 North Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $7,000.00
Violation #1 – Section 12.0.3(b)(2)
Violation #2 – Permit Condition IV-A-3-a
Violation #3 – Permit Condition IV-B-1-b-iii
Violation #4 – Permit Condition IV-D-6

ACTION REQUESTED: Hearing

5. **ED'S STATION, INC. (Source ID: 9132)**
NOV #8896 – For exceeding annual gasoline throughput quantity; failing to maintain Phase I and II vapor recovery system according to manufacturer's specifications; and for failing to submit the performance testing report for the vapor recovery system before the deadline, as identified during a full compliance evaluation conducted on August 10, 12 and 15, 2016 at the AM/PM facility at 333 East Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $5,000.00
Violation #1 – Permit Condition IV-A-3-a
Violation #2 – Permit Condition IV-B-1-b-iii
Violation #3 – Permit Condition IV-D-6

ACTION REQUESTED: Hearing

6. **LAS VEGAS PAVAING CORPORATION (Source ID: 17333)**
NOV #8900 - For exceeding permit limitation for stockpile area; for failing to conduct initial opacity performance testing on the material processing plant; and for failing to conduct initial silt loading performance testing on the roadways as identified during a full compliance evaluation conducted on September 13, 2016 at its sand and gravel processing facility at 12101 North Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $6,000.00
Violation #1 – Permit Condition IV-B-2-b
Violation #2 – Permit Condition IV-B-2-a
Permit Condition III-D-2-a
Violation #3 – Permit Condition IV-B-3
Permit Condition III-D-3

ACTION REQUESTED: Hearing

7. **LV STATION MANAGEMENT, INC. (Source ID: 15139)**
NOV #8879 – For exceeding annual gasoline throughput and volatile organic compound emissions during 2015; for failing to conduct and pass vapor recovery system performance testing before the deadline; and for failing to submit the annual throughout and emissions inventory report before the deadline, as identified during a full compliance evaluation conducted on May 11, 2016 at the Country Club Auto Spa at 9260 South Eastern Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $3,000.00
Violation #1 – Permit Condition IV-A-3
Violation #2 – Permit Condition IV-D-1
Violation #3 – Permit Condition II-C-3

ACTION REQUESTED: Hearing

8. **REBEL OIL COMPANY, INC. (Source ID: 15983)**
NOV #8875 – For failure to install and operate the John Zinc vapor recovery system as permitted; and for failure to correctly report volatile organic compound emissions in 2014 and 2015, as identified during a full compliance evaluation conducted on June 23, 2016 at the Rebel Ethanol facility at 5095 El Campo Grande, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $84,000.00
Violation #1 – Permit Condition IV-B-8
Permit Condition IV-B-9
Permit Condition IV-B-10
Permit Condition IV-B-11
Violation #2 – Permit Condition II-C-3-b-iii

ACTION REQUESTED: Hearing

9. **UNILEVER MANUFACTURING (US), INC. (Source ID: 6)**
NOV #8885 – For failure to comply with the permit condition prohibiting the creation of nuisance odors, as documented on August 22, 2016 at 1001 Olsen Street, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: $4,000.00
Violation #1 - Permit Condition IV-B-12

Continued from 11/16/16

ACTION REQUESTED: Hearing

10. **UNIVERSAL URETHANE INCORPORATED (Source ID: 859)**
NOV #8813 – For exceeding permitted quantity of adhesives on a 12-month rolling average in 2014 and 2015; for failing to operate spray booth equipment such that all exhaust vents through filter media; for failing to conduct monthly visual inspections of the baghouse interior; and for failing to accurately report adhesive use in semi-annual reports, as identified during a full compliance evaluation conducted on June 16, 2016 at its urethane and other foam products manufacturing operation at 4201 East Lone Mountain Road, in Clark County, Nevada

Violation(s) alleged: Recommended Penalty: $8,700.00
Violation #1 – Permit Condition IV-A-3-g
Violation #2 – Permit Condition IV-B-3
Violation #3 – Permit Condition IV-C-10
Violation #4 – Permit Condition II-C-8-c

ACTION REQUESTED: Hearing

III. ADJOURNMENT