




Air Pollution Control Hearing Officer Annotated Docket

Clark County Building Department – Conference Room #1222a
4701 West Russell Road, Las Vegas, NV

10:30 a.m. – January 8, 2019

Hearing Officer: Lona Webb

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

Conference Room #1222a 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 10:30 a.m.

II. NOTICES OF VIOLATION

A. CONTESTED CASES

Asbestos Violations:

1. BARNEY FAMILY, LTD. AND ANTHONY L. BARNEY (Project #181032)

NOV #9140 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation or demolition activities; for failing to submit a National Emission Standards for Hazardous Air Pollutants (NESHAP) Notification 10 working days prior to commencing removal of regulated asbestos-containing material (RACM); for failing to have at least one onsite representative trained the provisions of the NESHAP asbestos regulations and the means of complying with them; for failing to adequately wet all removed RACM; for failing to seal all asbestos-containing waste material in leak tight containers while wet; for failing to maintain asbestos waste shipment records; and for refusing entry or access to a Clark County inspector, as identified during an inspection by Air Quality Specialist Kevin Adoor on June 6, 2018 at a facility owned and/or operated by Barney Family, LTD and Anthony L. Barney, individually, at 3401 West Charleston Boulevard, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$24,000.00

- Violation #1 – Section 13.1, 40CFR61 Subpart M, 61.145(a)
- Violation #2 – Section 13.1, 40CFR61 Subpart M, Part 61.145 (b)(1)
Section 13.1, 40CFR61 Subpart M, Part 61.145 (b)(3)(i)
- Violation #3 – Section 13.1, 40CFR61 Subpart M, Part 61.145 (c)(8)
- Violation #4 – Section 13.1, 40CFR61 Subpart M, Part 61.145 (c)(6)(i)
- Violation #5 – Section 13.1, 40CFR61 Subpart M, Part 61.150 (a)(1)(iii)
- Violation #6 – Section 13.1, 40CFR61 Subpart M, Part 61.150 (d)(1)
- Violation #7 – Section 4.3.2

***Continued on the next page.**

A SETTLEMENT AGREED UPON BY BOTH PARTIES WAS ORALLY SUBMITTED TO THE HEARING OFFICER FOR APPROVAL. THE PARTIES ACKNOWLEDGED THAT THE AGREEMENT IS MADE WITHOUT ANY ADMISSION OR ACKNOWLEDGEMENT OF LIABILITY OR ERROR. AIR QUALITY MAY CONSIDER NOV #9140 IN ITS CALCULATIONS TO DETERMINE THE APPROPRIATE RECOMMENDED PENALTY. THIS AGREEMENT CONSTITUTES AND OPERATES AS A FULL AND FINAL RESOLUTION OF THE NOV AND IS A WAIVER BY THE PARTIES OF ANY FURTHER ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW OF ANY ADMINISTRATIVE ORDER OR DECISION IN SUCH CASE.

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT, WHICH INCLUDES A \$7,000.00 PAYMENT TO AIR QUALITY TO BE PAID IN FULL WITHIN 30 DAYS OF THE DATE OF SERVICE OF THE SIGNED ORDER.

III. ADJOURNMENT 10:37 a.m.