

Air Pollution Control Hearing Officer Meeting Annotated

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

9:00 a.m. - April 24, 2024

Hearing Officer: Holly Fic

Shibi Paul, Compliance and Enforcement Manager Air Quality Staff:

Anna Sutowska, Air Quality Supervisor



The Presentation Room is accessible to individuals with disabilities. With 24-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 9:03 a.m.

II. NOTICES OF VIOLATION

- A. SETTLED CASES: The Hearing Officer may approve or disapprove the settlement agreements. If a settlement agreement is approved, the Hearing Officer will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.
 - 1. CLARK COUNTY DEPARTMENT OF AVIATION (Minor Source Permit, Source ID: 108) AMENDED NOV #9936 - For failing to perform annual Burner Efficiency Tests (BETs) on the Bryan Boiler, Emission Unit (EU): A05, during calendar years 2021 and 2022; and for failing to perform BETs twice each calendar year for EUs: A02 through A04, A15, and A21 during calendar years 2021 and 2022 for a total of 10 instances, as identified by Air Quality Specialist Ryan O'Connor during an onsite full compliance evaluation on August 22, 2023, of the passenger airport operation known as Harry Reid International Airport located at 5757 Wayne Newton Boulevard, in Clark County, Nevada.

Violation(s) Alleged:

Violation #1 - 2019 Permit condition 4.1.8

2022 Permit condition 4.1.9

2023 Permit condition 4.1.9

Violation #2 - 2019 Permit condition 4.1.10

2022 Permit condition 4.1.11

2023 Permit condition 4.1.11

Continued from 1/18/2024 & 3/21/2024

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOV #9936, WHICH INCLUDES A TOTAL SUM OF \$4,000.00 TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

Recommended Penalty: \$16,500.00

RECESS AT 9:08 a.m.

RESUMED AT 9:12 a.m.

B. <u>CONTESTED CASES</u>

Construction and Vacant Land Violations:

1. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962)

NOV #9907 – For failing to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11, and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada.

Violation(s) Alleged: Violation #1 – Sections 94.5(n)(1) and (2) Section 94.13(b)

Continued from 11/16/2023, 1/18/2024 & 3/21/2024

RECESS AT 10:49 a.m.

RESUMED AT 10:55 a.m.

RECESS AT 11:27 a.m.

RESUMED AT 11:30 a.m.

RECESS AT 1:06 p.m.

RESUMED AT 1:17 p.m.

HEARING OFFICER CONTINUED ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK'S CASE. THE HEARING WILL BE SCHEDULED FOR A DATE BEFORE THE END OF JULY 2024.

Recommended Penalty: \$5,000.00

2. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391)

NOV #9946 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510- 004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$5,937.50

Violation #1 – Sections 94.13(a) and (b)

Continued from 1/18/2024 & 3/21/2024

HEARING OFFICER CONTINUED ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK'S CASE. THE HEARING WILL BE SCHEDULED FOR A DATE BEFORE THE END OF JULY 2024.

3. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391)

NOV #9979 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Sections 94.13(a) and (b)

Violation #2 – Section 94.4.1(a)

Continued from 3/21/2024

HEARING OFFICER CONTINUED ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK'S CASE. THE HEARING WILL BE SCHEDULED FOR A DATE BEFORE THE END OF JULY 2024.

4. JOSEPH YAKUBIK AND DARCIE YAKUBIK, INDIVIDUALLY (Construction Project #57592)

NOV #9981 – For failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada.

Violation(s) Alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Sections 94.13(a) and (b)

Violation #2 – Section 94.4.1(a)

Continued from 3/21/2024

HEARING OFFICER CONTINUED JOSEPH YAKUBIK AND DARCIE YAKUBIK'S CASE. THE HEARING WILL BE SCHEDULED FOR A DATE BEFORE THE END OF JULY 2024.

III. ADJOURNMENT 1:52 p.m.

Signature: Shibi Paul (Apr 29, 2024 08:05 PDT)

Email: SPaul@ClarkCountyNV.gov