



# Annotated Agenda

## Clark County Air Pollution Control Hearing Board

February 9, 2017 – 1:30 P.M.  
Clark County Building Department  
Presentation Room  
4701 West Russell Road  
Las Vegas, NV

### Hearing Board Members

**Daniel Sanders, Chair**  
**Evan S. Wishengrad, Esq., Vice-Chair**  
**Ryan L. Dennett**  
**Tom Foster, P.E.**  
**William Kremer**  
**Karen Purves**  
**Craig Schweisinger (Absent)**

### Deputy District Attorney

**Leslie A. Nielsen, Esq.**

### Air Quality Staff

**Ralph McCullers, Compliance & Enforcement Manager**  
**Ryan Breitweiser, Administrative Secretary**

A handwritten signature in black ink, appearing to be "Ryan Breitweiser", is located to the right of the Air Quality Staff section.

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two 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 on the agenda at any time.
- To request a copy of the supporting materials for an agenda item, please contact Ryan Breitweiser at [ryan.breitweiser@clarkcountynv.gov](mailto:ryan.breitweiser@clarkcountynv.gov) or (702) 455-0354. Supporting materials are available for inspection at the Clark County Department of Air Quality office located at 4701 West Russell Road, Las Vegas, NV 89118 or on our website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx).

ITEM	ACTION TAKEN
<b>I. CALL TO ORDER</b>	1:35 P.M.
<b>II. PUBLIC COMMENT</b>  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. (Discussion only)	There were no public comments.
<b>III. APPROVAL OF MINUTES OF DECEMBER 8, 2016 MEETING</b>  Approval of December 8, 2016 meeting minutes. (For possible action)	Board approved the minutes conditioned upon replacing the word “why” on page 5 (1 <sup>st</sup> full paragraph) and 6 (1 <sup>st</sup> continuation paragraph) with “what is the reason” and replacing “she uses while making decisions” on page 7 (3rd paragraph) with “she believes are appropriate while making decisions”.
<b>IV. PUBLIC HEARINGS</b>	<b>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</b>
<b>A. <u>REQUEST FOR CERTIFICATE OF EXEMPTION</u></b>  1. <b>BRIGHTVIEW TREE COMPANY (Wilsonii olive tree) -</b> formerly Valley Crest Tree Company – Conduct a public hearing and approve a request for renewal of a Certificate of Exemption for distributing and marketing of low pollinating olive trees for the next three (3) years. The current Certificate expires on February 10, 2017. (For possible action)	Board granted 3-year Certificate of Exemption.

ITEM	ACTION TAKEN
<p>2. <b>BRIGHTVIEW TREE COMPANY (Swan Hill olive tree)</b> - formerly Valley Crest Tree Company – Conduct a public hearing and approve a request for renewal of a Certificate of Exemption for distributing and marketing of low pollinating olive trees for the next three (3) years. The current Certificate expires on February 10, 2017. (For possible action)</p>	<p>Board granted 3-year Certificate of Exemption.</p>
<p><b>V. BUSINESS ITEMS</b></p>	<p><b>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</b></p>
<p><b>A. <u>APPEALS OF HEARING OFFICER DECISIONS</u></b></p>	
<p>1. <b>COMPLETE DEMO SERVICES (Project Number: 152005; DCP #45056) NOV #8736</b> – On April 21, 2016, the Hearing Board heard the appeal of the Hearing Officer’s decision, stayed its decision for a period of 9 months to determine whether Complete Demo Services would commit other violations of the Air Quality Regulations during that period, and levied a \$1,000 penalty. The Hearing Board’s order entered on May 12, 2016, provides that the Hearing Officer’s Order would be removed from the record if Complete Demo Services committed no violations during the nine-month period. Complete Demo Services paid the \$1,000 penalty timely on May 27, 2016.</p> <p><b>Background:</b> On January 20, 2016, the Hearing Officer found Complete Demo Services in violation of 40CFR61, Subpart M, Part 61.145(b)(3)(i) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to timely notify Air Quality of the demolition of all structures prior to conducting renovation and demolition activities, as identified during a routine site inspection on July 29, 2015, located at 405 North 6<sup>th</sup> Street, in Clark County, Nevada. The Hearing Officer reduced the \$2,000 penalty recommended by the Control Officer and levied a penalty of \$1,000.00. (For possible action)</p>	<p>Board decided that based upon Complete Demo Service’s appeal, which was previously heard and stayed on April 21, 2016, a final Order be issued granting the appeal and closing the matter with finality, which would also contemplate the forfeiture of the fine of \$1,000 related to the interim Order, but unrelated to the final Order on the appeal.</p>

ITEM	ACTION TAKEN
<p><b>VI. REPORT BY DEPARTMENT OF AIR QUALITY STAFF</b></p> <p>General update</p>	<p>Ralph McCullers updated the Board on the progress of the settlement agreement with Tronox, LLC, recruitment for employment openings in Department of Air Quality (DAQ), Hearing Officer cases which could be appealed to the Board, and policy development concerning recreational and medical marijuana by Clark County and DAQ.</p>
<p><b>VII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS</b></p> <p>Identification of topics for future meetings.</p>	<p>Board Member Purves requested board meeting preparation be discussed by the Board at the next meeting. (Taken out of order before Item VI)</p>
<p><b>VIII. PUBLIC COMMENT</b></p> <p>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. (Discussion only)</p>	<p>There were no public comments.</p>
<p><b>IX. ADJOURNMENT</b></p>	<p>2:41 P.M.</p>

ITEM	ACTION TAKEN
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- 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