



Clark County Air Pollution Control Hearing Board

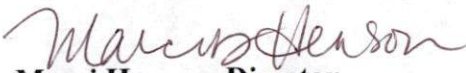
Agenda

April 21, 2016 – 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
Tom Foster, Jr., P.E.
William Kremer
Karen Purves
Craig Schweisinger
Ryan L. Dennett

Deputy District Attorney Leslie A. Nielsen, Esq.

Air Quality Staff


Marci Henson, Director
Pamela Thompson, Senior Secretary

NRS 241.020 requires that written notice of all meetings of the Clark County Air Pollution Control Hearing Board be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting. BUT, a request for notice lapses six months after it is made. The Clark County Air Pollution Control Hearing Board informs each requester of this fact by this notation on this copy of the notice mailed to you.

- 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 Pamela Thompson at pamela.thompson@clarkcountynv.gov or (702) 455-3126. 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/depts/AirQuality/Pages/Compliance_EnforcementNotices.aspx

ITEM	ACTION REQUESTED
I. CALL TO ORDER	
II. PUBLIC COMMENT 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.	
III. ELECTION OF CHAIR (New term- 4/21/16 – end of term) Air Quality Regulations Subsection 7.1 states, “The Air Pollution Control Hearing Board shall select a Chairman and Vice-Chairman and such other officers as it deems necessary.”	<i>Continued from 12/10/15 meeting.</i>
IV. ELECTION OF VICE-CHAIR (New term- 4/21/16 – end of term) Air Quality Regulations Subsection 7.1 states, “The Air Pollution Control Hearing Board shall select a Chairman and Vice-Chairman and such other officers as it deems necessary.”	<i>Continued from 12/10/15 meeting.</i>
V. APPROVE MINUTES OF DECEMBER 10, 2015 MEETING	<i>For possible action</i>
VI. MATTERS REQUIRING BOARD ACTION DISCUSSION/POSSIBLE ACTION	GRANT/DENY/TAKE OTHER APPROPRIATE ACTION
A. <u>CERTIFICATE OF EXEMPTION</u> 1. DESERT TREE FARM – Certificate of Exemption for distributing and marketing a low pollinating olive tree for the next three (3) years.	<i>1. For possible action</i>

ITEM	ACTION REQUESTED
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<p>B. <u>APPEALS</u></p> <p>1. COMPLETE DEMO SERVICES (Project Number: 152005; DCP #45056) NOV #8736 –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 notify Air Quality of all structures subject to renovation or demolition activities prior to conducting renovation and demolition activities, as identified during a routine site inspection on July 29, 2015, located at 405 North 6th Street, in Clark County, Nevada. A \$1,000.00 penalty was assessed. Complete Demo Services appealed the Air Pollution Control Hearing Officer’s Order.</p>	<p><i>1. For possible action</i></p>
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<p>VII. REPORT BY DAQ STAFF</p> <p>1. Programmatic Update</p>	
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<p>VIII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS</p>	
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<p>IX. PUBLIC COMMENT</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.</p>	
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<p>X. ADJOURNMENT</p>	
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The Presentation Room is accessible to individuals with disabilities. With forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-3126 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

- This notice and agenda was posted or caused to be posted at the following locations:
- 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



Minutes of the Clark County

Air Pollution Control Hearing Board Meeting

December 10, 2015

I. CALL TO ORDER

Chair Daniel Sanders called the meeting of the Air Pollution Control Hearing Board to order at 2:02 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Evan S. Wishengrad, Esq., Vice-Chair
Tom Foster, Jr., P.E.
William Kremer

ABSENT: Karen Purves
Craig Schweisinger
Ryan L. Dennett

LEGAL COUNSEL: Leslie A. Nielsen, Esq.

DAQ STAFF: Chuck Richter, Acting Compliance and Enforcement Manager
Marcie Henson, Director
Araceli Pruett, Administrative Secretary

OTHERS

PRESENT: Shibi Paul, DAQ; Jeffrey Robb, DAQ; Mike Sword, DAQ; Phillip Wiker, DAQ;
Richard Beckstead, DAQ; Jean-Paul Huys, DAQ; Robert Tekniepe, DAQ

II. PUBLIC COMMENT

There were no public comments.

III. OATH OF OFFICE

1. Daniel Sanders (Contractor Member)
Mr. Sanders took the Oath of Office. His term will expire August 10, 2018.
2. Evan Wishengrad, Esq. (Attorney Member)
Mr. Wishengrad took the Oath of Office. His term will expire August 10, 2018.
3. Ryan L. Dennett (Citizen Member)
Mr. Dennett took the Oath of Office prior to the meeting; therefore, he is not required to retake the pledge for this appointment. His term will expire October 6, 2017.

IV. ELECTION OF CHAIR

[Chair Sanders requested the elections be postponed to the end of meeting to allow more time for other members to be present].

There was board discussion about continuing the elections. Board Member Wishengrad felt the board could proceed with the elections. Board Members Foster and Kremer felt the elections should be postponed until more members were present. Chair Sanders entertained a motion to continue the elections to the next board meeting. Board Member Foster motioned to continue the elections of the Chair and Vice-Chair to the next board meeting, which was seconded by Board Member Kremer. Chair Sanders called for a vote on the motion asking those in favor to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

V. ELECTION OF VICE-CHAIR

See item IV above.

VI. APPROVE MINUTES OF APRIL 9, 2015

Chair Sanders called for comments, changes, or corrections to the April 9, 2015 minutes. Being none, he called for a motion to approve the minutes. Board Member Kremer made a motion to approve the minutes, which was seconded by Board Member Wishengrad. Chair Sanders called for a vote on the motion, asking those in favor of approving the April 9, 2015 minutes to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

VII. REPORT BY DAQ STAFF

Chair Sanders inquired about recent changes within the department, stating he was informed DAQ's Compliance and Enforcement Manager Gary Miller and Director Lewis Wallenmeyer had recently retired. Chuck Richter identified himself as Acting Compliance and Enforcement

Manager in place of Mr. Miller and provided a brief summary of his history with the department. He added that retirements and staffing changes would be addressed later by the new Director. Leslie Nielsen introduced herself as the new Clark County Deputy District Attorney assigned to represent DAQ and provided a brief summary of her background.

DAQ staff presented a Power Point of current activities in their respective divisions.

Planning

DAQ Planning Manager Mike Sword provided an update on planning division activities. He reported that the County, as well as the State, is currently in full attainment for all pollutants and air quality standards; however, the EPA recently strengthened the standard for ozone. Mr. Sword briefed the board on the new standard and its impact.

- *New Ozone Standard.* The EPA recently strengthened the ozone standard, reducing it from 75 to 70 parts per billion (ppb), which is lower than the County's current ozone levels. Although air quality will stay the same, the County will go into nonattainment for ozone under the new standard. Mr. Sword presented a design value (DV) chart, which is used to describe the air quality status relative to the level of the National Ambient Air Quality Standards (NAAQS). The DV is calculated using the 8-hour average of the four highest ozone levels at a specific site over a consecutive three-year period. Another DV graph illustrated the DV trend for 2005-2015, showing a continual decrease in ozone from 2005-2011, a gradual increase from 2011-2014, and decreasing again between 2014-2015.
- *Ozone Successes.* Mr. Sword commented on the improvements in ozone in the valley. These successes can be attributed to New Source Review and Title V program rules; emission inventories; Ozone Advance program, modeling, and other studies; public information and outreach; and Exceptional Event Demonstration Packages; and federal mobile source rules. Working with other agencies including the Regional Transportation Commission on transportation issues, Department of Agriculture on reformulated gases, and the State Legislator on vehicle inspections/maintenance and clean fuel programs have also contributed to these improvements. He concluded that weather patterns and EPA regulatory efforts on cleaner vehicles have had the most impact on reducing ozone. These efforts, along with EPA's modeling and controls, should continue to help maintain ozone levels and help the valley meet the new 70ppb ozone standard by 2025.
- *True Ozone Culprit.* Most exceedences occur in May and June due to Stratospheric Ozone Intrusion when ozone from the stratosphere descends to the valley floor, raising ground-level ozone concentrations. Another significant contributor to exceedences is ozone transported from California, as well as from China and Mexico. Smoke from wildfires, including those in neighboring states such California, also contribute to ozone exceedences in the valley.
- *2015 Ozone NAAQS.* The new 70ppb ozone standard was promulgated on October 1, 2015, and becomes effective on December 28, 2015. He presented a illustrating the classification standards under the new 70ppb standard, and anticipates the County falling into the marginal nonattainment category based on 2013-2015 data. Mr. Sword shared the timeline for implementing the new standard. EPA will issue final designations in October 2017 using 2014-2016 data. An Infrastructure State Implementation Plans (ISIP), explaining what the

agency has in place to manage an ozone program is due in October 2018. If the agency is required to submit a State Implementation Plan describing how it will attain and maintain the new standard, it will be due between 2020 and 2021. The deadline to meet the new ozone standard will depend on the final designation issued by EPA. If the County is classified as a marginal attainment area as expected, it will have three years (2020) to attain the new standard. EPA can grant two one-year extensions, depending on the data. If the County is classified as a moderate attainment area, it will have six years to meet it. The timeline for meeting the standard depends on EPA's final designation. Mr. Sword concluded with a chart outlining some of the controls in place to help manage the various attainment classifications.

Monitoring

DAQ Monitoring Manager Phillip Wiker explained the role of the monitoring program is to monitor ambient criteria pollutants, both gaseous (O₃, CO, SO₂, NO₂) and particulates (PM₁₀, PM_{2.5}, and Pb) and provided an overview of program functions.

- *NCore Sites.* NCore sites are used for trace (lower) level monitoring. This data is used for scientific studies and goes to EPA to look at cause and effect of those pollutants.
- *Near-Road Monitoring Sites.* During the last update, the board was informed two near-road monitoring sites were being installed to monitor high traffic congestion spots in the valley due to EPA's requirement for one near-road site in populations over 2.5 million and a second site if daily traffic counts exceed of 250,000. One of the sites, near the Palace Station on Sahara/Rancho, is up and operational. The second site, near City of Las Vegas Fire Station #1 on Casino Center and US 95/515, will be up and operational once the power is hooked up by NV Energy.
- *Monitoring Networks.* Mr. Wiker presented a map illustrating the locations of monitoring stations throughout the valley. There are stations in Mesquite, Logandale, Apex, Indian Springs, Jean, Boulder City, and several in the Las Vegas Valley. The department is looking at prospective sites in the southwest (Nathaniel Jones Park) and southeast (Liberty High School) areas of the valley. It is also trying to expand its network in the northeast by securing a site near the Walnut Rec Center.
- *Enhanced Monitoring.* The department started monitoring for ozone at Spring Mountain Youth Camp and Logandale. It also has Upper Air Equipment at North Las Vegas Airport to read the upper atmosphere. This information is used to address the impact of wildfire and ozone transport.
- *Visibility Network.* The department operates visibility cameras at North Las Vegas Airport and the M Resort. These pictures help identify the presence of smoke and dust plumes transported into the valley and are also used to support studies and exceptional event packages.
- *Public Information/Outreach.* The department publishes current and forecasted Air Quality conditions, as well as advisory alerts on a website that is available to the public. It also issues press releases to notify the public of advisory alerts.

Permitting

DAQ Permitting Manager Richard Beckstead updated the board on permitting activities as follows:

- *Permitting Rule Changes.* 2010 changes in the permitting rules have had a significant impact on the permitting program. Those changes included increasing the permitting threshold. Approximately 2,400 sources were permitted under the old rule so the department has been evaluating these sources to determine whether or not permits are needed. During this process, approximately 1,085 permits were terminated because their emissions are below the new threshold and approximately 500 new sources were determined to need permits, leaving the department with approximately 1,700 permitted sources.
- *Lhoist North America aka Chemical Lime Company (LNA).* Mr. Beckstead updated the board on the status of LNA's Title V permit that was under appeal before the board in 2012. After the board found in favor of LNA, DAQ changed the permit in accordance with the board's ruling. The updated permit was then forwarded to EPA for review and was held for two years because EPA felt some of the changes violated federal law. In the end, EPA requested some of the changes (resulting from the board's ruling) be reverted back to their original form. Although these changes were not accepted by EPA, there were other changes made as a result of the proceedings leading to an improved permit that was issued earlier this year.
- *New Waste Energy Facility.* A new waste energy facility is being built in Apex where organic materials that would normally end up in the landfill will be collected and converted to fuel to help produce electricity. They anticipate this will reduce the material that would normally be taken to landfill by 95 percent. The remaining materials will be taken to the landfill. Because the source will have to demonstrate that they can operate within the established emissions threshold, the current facility will be large enough to test and demonstrate the concept and they will build on from there.
- *Reid Gardner Power Plant.* Under Senate Bill 123 Reid-Gardner Power Plant must cease operations around 2020. Three boilers have been shut-down. Part of the bill requires that the energy produced by Reid-Gardner be replaced with renewable energy. There have been proposals, but DAQ has not received any permit applications.
- Board Member Foster commended permitting staff on his recent experience trying to permit a generator.

Department Updates

Marci Henson introduced herself as the new Director of Air Quality and provided a brief summary on her experience in natural resource management, water use and conservation, and environmental planning. She was initially hired by the County in 2001 to help implement the Clark County Multiple Species Habitat Conservation Plan. Ms. Henson briefed the board on the following recent changes within the department:

- *Staff Retirements.* Ms. Henson reiterated that Mr. Miller and Mr. Wallenmeyer had recently retired. DAQ will begin recruiting for Mr. Miller's position as the Compliance and Enforcement Manager in the near future and anticipates having the position filled in the next few months.
- *Desert Conservation Program.* Ms. Henson has been serving as administrator of the Clark County Desert Conservation Program (DCP), the County's regional program for endangered species compliance. DCP serves as the plan administrator for the Clark County Multiple Species Habitat Conservation Plan and manages Endangered Species Act compliance on behalf of Clark County. DCP oversees the protection of the desert tortoise, which became an endangered species in 1989. The DCP program was previously housed with the Clark County Comprehensive Planning department and also Air Quality in the past and has returned under the purview of Air Quality with Ms. Henson.

VIII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS

Chair Sanders inquired about the status of Natural Occurring Asbestos (NOA) relating to the Boulder City Bypass project. Mr. Beckstead commented that it had not been declared a public health issue by the State. Ms. Henson added that no asbestos has been detected through on-site monitoring and, until there is more information from monitoring suggesting it is a public health issue, the Board of County Commissioners is not inclined to take it up. She pointed out this is not something the department has authority to regulate. There was discussion about the amount of money being spent and public concern over the project. Chair Sanders asked that the board continue to be updated about the NOA issue.

Board Member Wishengrad asked that the board continue to be updated on the electric car manufacturing plant scheduled to be built in North Las Vegas.

IX. PUBLIC COMMENT

There were no public comments.

X. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:25 p.m.

Submitted for approval,



 Chuck Richter, Acting Compliance & Enforcement Manager
 Department of Air Quality

1/4/2016

Date



Desert Tree Farm

"Growing Plants for Arizona's Future"™

February 18, 2016

Air Pollution Control Hearing Board

Clark County Department of Air Quality

4701 West Russell Road, 2nd Floor

Las Vegas, NV 89118

Att: Gary Miller

RECEIVED
CC-DADM
2016 FEB 23 P 12:21

Dear Mr. Miller:

My name is John Augustine; I am the owner and operator of Desert Tree Farm in Phoenix, AZ. I have been a wholesale grower of landscape plants since the early 1970's. In that time we have distributed our plants throughout the southwest, including Clark County. In recent years, valued clients, like Star Nursery in Las Vegas, have expressed a desire to import and sell the "Little Ollie" olive shrub that we have grown since the variety was patented in 1988.

In compliance with the "Protocol of Procedure for Exemption pursuant to Section 44.3 of the Clark County Air Quality Regulations," we have assembled the enclosed packet of literature in support of Desert Tree Farm's application for an exemption for the "Little Ollie." I have also enclosed the requested check for \$344.00. Ed Mulrean, Ph.D., will be assisting us with this application (edmulrean@cox.net, 623-764-2842). Please review this information at your convenience. If you have questions, need additional information or need us to appear before the Board, please contact Dr. Mulrean.

Thank you in advance for your cooperation.

Respectfully,

John Augustine, Owner

Desert Tree Farm

2744 East Utopia Road, Phoenix, AZ 85050,

602-569-6604

jaugustine@deserttreefarm.com

cc: Ed Mulrean, Ph.D.

February 18, 2016

RECEIVED
CC-DAQM

Application for Certification of Exemption of Low Pollinating Trees

Pursuant to Section 44.3 of the Clark County Air Quality Regulations

2016 FEB 23 12: 21

Company: **Desert Tree Farm, 2744 East Utopia Road, Phoenix, AZ 85050, 602-569-6604**

Nature of Business: Wholesale Nursery/Grower

Contact Person: John Augustine 2744 East Utopia Road, Phoenix, AZ 85050, 602-569-6604

Ed Mulrean, Ph.D., 623-764-2842, edmulrean@cox.net

Variety: *Olea eurpoea* cv. MONTRA (sold as 'Little Ollie')

Olea eurpoea cv. MONTRA ('Little Ollie') has been grown, sold and distributed in California, Arizona, and historically Nevada since it was originally patented by Dick Zylstra in 1988. Its unique qualities, as specified in the patent documents (**Exhibit 1**) are that it is very small in stature, virtually a shrub form, produces no flowers (hence no pollen) and no fruit. The primary use of 'Little Ollie' in the landscape is as an evergreen, drought tolerant, cold hardy shrub that required little maintenance and generates literally no debris. These claims have been consistently supported by my numerous horticultural publications by County Cooperative Extension Offices, including those within the University of California system and testimonials by retail and wholesale growers of "Little Ollie" and gardening publications (**Exhibit 2**)

The original plant patent expired in 2005. Desert Tree Farm has continually grown 'Little Ollie' since the issuance of the original patent using source wood provided from the original patented plant material. As this plant produces no fruit, it is propagated by rooting cutting from these "Mother" plants.

With residential lot sizes getting smaller and the increased popularity of patio homes with reduced area available for landscape, "Little Ollie" is an ideal low water use, evergreen shrub that is well adapted to difficult desert growing conditions. The lack of flowers and hence the absence of pollen make this an ideal addition to the Las Vegas landscape palette. Having been grown in desert climates for nearly 30 years, including in Clark County, its adaptation to your unique horticultural conditions is well documented in both professional and consumer publications (**Exhibit 3**).

Enclosed please find examples of the plant tags and planting container bar code label that we will use to identify "Little Ollie" plants to be offered for sale in Clark County by Desert Tree Farm. These will assist customers and Clark County staff to identify these plants as having been distributed by Desert Tree Farm and that they are in compliance with Clark County regulations.

Expert Witness: We have asked Ed Mulrean, Ph.D., formerly the General Manager of Swan Hill Nurseries, LLC, to serve as our expert in this application. Dr. Mulrean participated in the initial public hears and administrative meeting that led to the implementation of Clark Counties Pollen Ordinance in the late 1980's and early 90's and has worked with Clark County staff with the distribution of the Swan Hill Olive. He has testified before this body in support of Swan Hill Nurseries, LLC's application for, what we believe was, the first Distributor license issued under this ordinance and subsequent license

renewals. He is familiar with both the history and mechanics of this process. Swan Hill Nurseries, LLC was sold in 2014, and he is no longer associated with the company.

We would ask that questions regarding our application be directed to Dr. Mulrean at 623-764-2842 or edmulrean@cox.net. Additionally, Dr. Mulrean will appear as our representative when the Board reviews our application or at any other public hearings.

United States Patent [19]
Zylstra

[11] **Patent Number:** Plant 6,266
[45] **Date of Patent:** Aug. 30, 1988

- [54] *OLEA EUROPAEA* CV. MONTRA
- [75] Inventor: Dick Zylstra, Goleta, Calif.
- [73] Assignee: Monrovia Nursery Company, Azusa, Calif.
- [21] Appl. No.: 887,336
- [22] Filed: Jul. 21, 1986
- [51] Int. Cl.⁴ A01H 5/03
- [52] U.S. Cl. Plt./33
- [58] Field of Search Plt./33

Primary Examiner—Robert E. Bagwill

[57] **ABSTRACT**

A new and distinct selection of *Olea europaea* L. (popularly known as Common Olive) which shall be referred to hereinafter as *Olea europaea* cultivar Montra. *Olea europaea* cultivar Montra differs distinctively from other olives by a unique combination of a dwarf shrub habit, a rapid grower when young and a dense compact growth habit.

1 Drawing Sheet

1

DISCOVERY

This invention relates to a new and distinct selection of *Olea europaea*, a member of the Oleaceae or olive family. *Olea europaea* cv. Montra was discovered by me in a group of *Olea europaea* at West Covina Wholesale Nursery, 938 South California Avenue, West Covina, Calif. in 1973. The plant to date is known only to exist within the boundaries of West Covina Wholesale Nursery and Monrovia Nursery Company, 18331 East Foothill Boulevard, Azusa, Calif. and has not been offered for sale or described in any publication.

REPRODUCTION

My new selection has been strictly asexually reproduced by cuttings at West Covina Wholesale Nursery and Monrovia Nursery Company. The distinct phenotypic characteristics of this new selection that set this plant apart from other olive plants could be lost genetically through sexual reproduction. Therefore, sexual reproduction is prohibited and propagation is restricted to asexual reproduction by cuttings. Seed progeny from the new selection has not been observed.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying illustrations show a typical specimen of the plant according to this invention and are depicted in color as nearly true as possible.

FIG. 1 depicts a closeup of my new selection exhibiting the dense bushy habit so unusual for an olive which generally forms a large tree. Foliage size is similar in

2

shape to an average olive though the dwarf shrub-like habit makes this a unique selection.

This comparison shot of an olive tree with my dense olive bush is shown in FIG. 2.

DESCRIPTION

Below is a detailed description of the new *Olea europaea* cv. Montra, the color terminology is from The British Horticultural Color Charts.

Overall size and habit: Evergreen, dense, after 10 years plant is approximately 3½ feet in height and width.

Foliage:

Shape.—Elliptic.

Base.—Cuneate.

Tip.—Small mucronate tip.

Margins.—Entire.

Width.—0.8 cm–1.5 cm.

Length.—2.2 cm–5.7 cm.

Arrangement.—Opposite and alternate.

Petiole.—2 mm to 4 mm.

Color.—Upper leaf surface: Spinach Green 0960.

Lower leaf surface: Silvery.

Flower and fruit: Flowers have not been observed during the 10 years this plant has been under observation. Therefore, no fruit has been produced.

I claim:

1. A new and distinct selection of *Olea europaea* as substantially shown and described herein, that is characterized particularly as a novelty by the unique combination of a dwarf shrub habit, a rapid grower when young and a dense compact growth habit.

* * * * *

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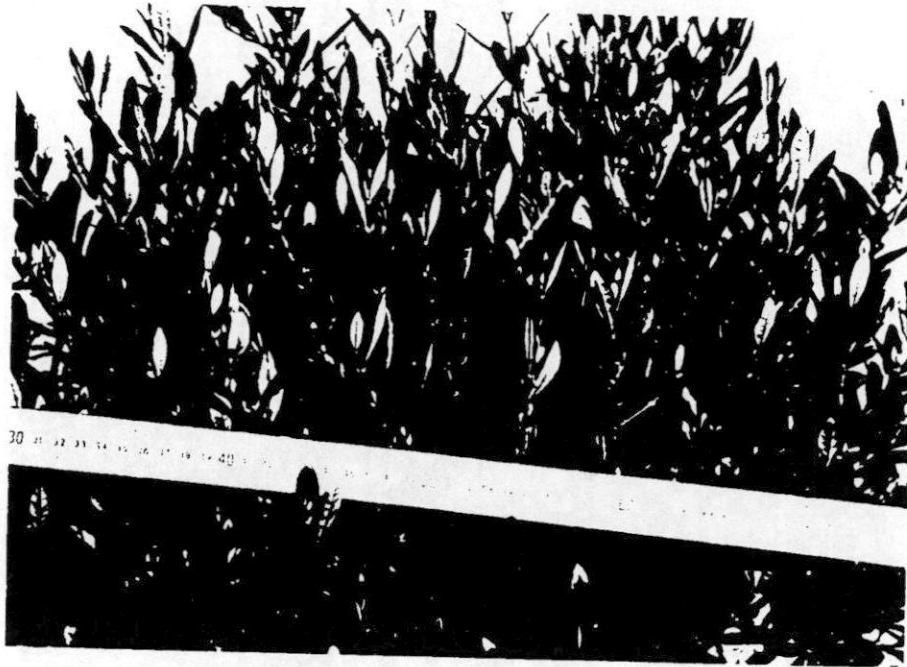


FIG. 1 SELECTION



FIG. 2 PRIOR ART & SELECTION

University of California UC Master Gardener Program of Sonoma County

Olea europaea

“Little Ollie” – A colossal success for almost every garden

By Sara Malone, Sonoma County Master Gardener

Olive trees conjure up images – or memories – for many of us of ancient, twisted trunks and wind-swept Mediterranean hillsides. And certainly, mature trees add character and interest to many landscapes and those adventurous enough to plant fruiting varieties have the fun of harvest and producing either fruit or oil. But if the average homeowner wants a manageable slice of sun-drenched Italian olive groves, how is it to be had? The answer: Little Ollie!



‘Little Ollie’ is the patented name of *Olea europaea* ‘Montra’. (Plant breeders have begun to register names for their creations that differ from the botanical names, just to give us one more thing to remember.) ‘Little Ollie’ is the smaller sized, no muss, no fuss, **fruitless version of the classic olive tree**. Every garden should have at least one.



Little Ollie

Olive trees grow beautifully here in Sonoma - as evergreens, they provide four seasons of interest, have agreeable silvery-gray trunks, don’t require much water, especially once established, and the fruitless varieties, when grown in proper conditions, are pretty much immune to insects or disease. Olives prefer full sun, and they can take heat, even that reflected from pavements or driveways. They don’t even mind the salt air in coastal locations. They prefer well-drained soil but are far less fussy than many of their Mediterranean brethren. Their dark, gray-green leaves are small and rigid, making a light layer of mulch when they drop, and providing drama on windy days when they display their white

undersides.

Full sized olives are not large trees, by tree standards, but will soon outgrow small lots, and fruiting varieties can necessitate messy cleanups on patios or sidewalks. Enter ‘Little Ollie’, which is a compact, round plant that grows at a moderate pace to about 6’ tall and wide. ‘Little Ollie’ can be grown as a specimen and limbed up a bit to simulate a small tree, or grown as a clump of several plants or even a hedge. It can even be sheared to keep it smaller than its mature size. We’ve even seen them grown as standards in patio containers.

Use 'Little Ollie' with other Mediterranean plants such as *lavender*, *santolina* or *rosemary*. Or let it 'go California native' by using it in a shrub border with *Rhamnus* or *Arctostaphylos*. I've got it surrounded by *Ceratostigma plumbaginoides*, and the brilliant, clear blue of the *Ceratostigma* flowers display beautifully against the silvery gray foliage of 'Little Ollie'.

'Little Ollie' can be found at many nurseries around the County, including Urban Tree Farm in Fulton and Cottage Gardens in Petaluma.

Division of Agriculture and Natural Resources, University of California

Webmaster Email: kimroche@yahoo.com



CORPORATE OFFICE
125 CASSIA WAY
HENDERSON, NV 89014
(702) 568-7000, FAX (702) 568-7023

To: Clark County Air Pollution Control Hearing Board

February 12, 2016

Dear Board Members,

Star Nursery has been doing business in Clark County for the past 33 years. During that time, we have grown with this community by listening to its wants and needs for more appropriate and diverse landscaping materials. In order to supply our customers with quality products, we have to rely on many reputable vendors who produce these products. For over 25 years, we have relied on Desert Tree Farms in Arizona to provide us with quality grown trees, shrubs and cactus varieties that are appropriate for our desert climate. We have found them to be reliable, quality growers of desert plants, who work hard to supply their products to the entire desert southwest area.

For several years now, we have been hearing about the 'Little Ollie' Dwarf Olive that is listed in several nursery publications as a "fruitless" variety. Since it is being used in many areas of California and Arizona, we have had many request for this plant from our customers who are looking for an alternative evergreen, dense growing shrub that is drought tolerant. Of course, we have to tell our customers that these plants are restricted from being sold or planted in Clack County. However, we hope that sometime in the near future that we can have this olive variety added to the exemption list, and we offer our support to Desert Tree Farm for its application.

Sincerely,

A handwritten signature in black ink that appears to read "Paul Noe".

Paul Noe
Staff Horticulturist
Star Nursery, Inc.



PRUNING DESERT SHRUBS IN SOUTHERN NEVADA-TYPE CLIMATES

M. L. Robinson, *Specialist, Associate Professor*
Angela O'Callaghan, *Ph.D., Specialist, Associate Professor*
Jeff Anderson, *Extension Agriculture Associate Professor, New Mexico State University*

Pruning is an important part of landscape maintenance. Pruning may be straightforward and quite simple. However, poor or incorrect pruning will often lead to serious problems, including premature death of the plant.

REASONS FOR PRUNING

TO:

- Maintain height and width
- Rejuvenate old shrubs

TO REMOVE:

- Damage from cold, heat and wind
- Unwanted sprouts

TO PROVIDE:

- Clearance for vehicles, pedestrians and windows

TO PROMOTE:

- New growth and better health
- Better flowering
- Less yard waste

TO IMPROVE:

- Landscape aesthetics



Figure 1. If done on a regular basis, most desert plants only take a few minutes to prune.



Figure 2. Overpruning creates large amounts of yard waste.

GOOD PRUNING BEGINS WITH CORRECT PLANT SELECTION AND PLACEMENT

Pruning Desert Shrubs

Pruning shrubs begins long before the clippers are taken out. It is important to choose the correct plant for the right place. Never plant a shrub, cactus or ornamental grass that reaches heights above what is desired at mature height. For example, if a 3-foot shrub is needed in front of a window, don't plant one that reaches a height of 15 or 20 feet.

Poor pruning of shrubs can cause many problems in the landscape. Long-term pruning into balls and squares produces plants with very little green or live leaves on the outer extremities (Figure 3), while the interior consists mostly of dead leaves and twigs (Figure 4). This form of pruning also causes problems when drastic size reduction must be done. It exposes the old woody interior, and in some cases the shrub does not rejuvenate. It may take some time for this stark barren interior to be covered with new growth. Overpruning also creates unnecessary yard waste.



Figure 3. The outside looks green, but there are no green leaves inside to photosynthesize.



Figure 4. When shrubs are incorrectly pruned into balls and squares, live growth is left on the outer edges, and a barren interior is created.

New growth sprouts where the plant was cut (Figure 5). If a shrub is cut at the same spot over and over again, a live exterior and leafless interior will result. Correct pruning in a more natural manner is done by reaching into the plant's interior and pruning off the longest branches to bring the overall plant down to the desired height. New sprouts will form where the cuts are made.



Figure 5. New sprouts grow near or at the pruning cut.

Pruning into balls and squares can also cause poor plant health (Figures 6 and 7). Leaves produce food for the plant through the process of photosynthesis. The fewer leaves a plant has, the more it struggles to produce enough food to remain healthy. This type of pruning also eliminates flower buds. Many shrubs are planted for their beautiful flowers. Frequent shearing of shrubs in geometric shapes removes the majority of the potential flowers. Pruning shrubs into their natural, open shapes not only promotes health, but also produces a better display of flowers. This is especially true for some desert shrubs such as *Leucophyllum* (Texas ranger), which has a tendency to spontaneously burst into bloom during rain or high humidity.

Figure 6



Figure 7



Figures 6 and 7. Constantly pruning tips of the branches removes most of the leaves and many of the flower buds.

When the correct plants are chosen and planted the proper distance apart, less pruning is required and plants can grow more naturally. Many times, landscapers will plant closer than is necessary, not taking into account the plant's mature size (Figures 8 and 9). This is done for many reasons. More plants can be put, in which raises the price of the job, or an established look can be obtained more quickly. If shrubs reach a mature width of 3 feet, they should be planted 1 ½ to 2 feet apart (Figure 10). Many times plants that reach a mature width of 4 to 6 feet are planted 18 inches apart. This may sell more plants and quickly give the impression of an established landscape, but over the long term, it becomes a pruning nightmare. In the end, the solution is to remove a portion of the plant material or redo the entire landscape. Mulch with organic material and plant annuals until the shrubs fill in.



Figure 8



Figure 9

Figures 8 and 9. These shrubs are planted too close. They will fill in quickly, but will need to be pruned often. As they grow, half or more will need to be removed to make room.



Figure 10. These shrubs have been planted at the distance of their mature spread.



Figure 11. The *Leucophyllum* are pruned in a semi formal manner, creating a more manicured look and at the same time, leaving the flower buds.



Figure 12. This Texas ranger produces more flowers than over pruned shrubs because it is pruned open, allowing more green leaves and flower buds to grow.

Open and natural pruning can take on a semiformal effect as well as the more natural untamed look. Figure 11 shows formal-looking shrubs that have been pruned in a more open and natural way. Figure 12 shows a Texas ranger grown in a more natural way. Both are flowering shrubs covered in blooms. When the correct plants are chosen, pruning can be kept to a minimum. Three-year-old dwarf "Little Ollie" olive shrubs that have never been pruned fit nicely into their space (Figure 13). The rosemary in Figure 14 makes a beautiful single foundation plant over 10 feet wide. It has never been pruned and has been growing in this bed for eight years.



Figure 13. Three-year-old "Little Ollie" olive; never pruned.



Figure 14. Eight-year-old rosemary.



Figure 15. This hedge should have been pruned to the ground and allowed to regrow. It will need to be pruned every year to keep it in bounds.



Figure 17. *Leucophyllum* resprout from the base, forming a new smaller plant.



Figure 16. The same hedge is shown here one year later

Retrofitting of Old Plantings

The Texas ranger in Figure 15 was hedged in this small planting bed for many years. The solution chosen was to shear it back in width and height, exposing the dead interior. Figure 16 shows the same hedge one year later. It is back to its original size, taking up too much room in the small planting bed. On close examination, one would see that this shrub was trying to tell the gardener that it would resprout from its trunk (Figure 17). The best solution for this plant would have been to prune it to the ground, leaving stumps only a few inches tall. Many gardeners are afraid to prune plants back so severely. Not all plants will resprout in the manner of this Texas ranger. If in doubt, try pruning one inconspicuously planted shrub in the landscape and see if it resprouts, or call your local county Extension office. A shrub pruned to the ground will regrow faster than a newly planted shrub from a container because it already has an established root system, which facilitates faster growth. This principle is illustrated by the regrowth of the oleander hedges shown in Figures 18, 19 and 20.



Figure 18. This very tall oleander hedge was pruned to the ground in March.



Figure 19. By June, it had resprouted.



Figure 20. By September, it was covering the wall again with beautiful blooms.

Landscape plants such as *Lantana* should be pruned back to the ground once a year. This should be done after all danger from frost has past, or the new growth may be killed (Figure 21).



Figure 21

Figure 21. These *Lantana* are pruned to the ground every year in the first part of March, after all danger of frost is past. By June, they have almost covered the bed and are blooming (Figure 22). By August, they are their original size, in full bloom, and have required no pruning during the growing season (Figure 23).



Figure 22



Figure 23

Larger-growing plants, such as this *Cordia* (Figures 24, 25 and 26), can grow too large for their planting space, so can be cut to the ground every two years. Once or twice a year, it receives some selective maintenance pruning.



Figure 24

Figures 24, 25 and 26. This *Cordia* hedge is cut to the ground every two to three years. Once or twice a year, it receives some selective maintenance pruning.



Figure 25

Figure 26



Figures 27 and 28. Choose plants so their natural beauty can be achieved with as little pruning as possible. The cascading rosemary on the left provides natural beauty with little or no pruning. The rosemary on the right is overpruned and requires more work.



Figure 27



Figure 28

When shrubs are sheared into formal shapes, such as balls and squares, they develop an old woody center with dead leaves and twigs. Such an interior is a potential fire hazard. When exposed to fire, it can combust easily, damaging plants in the landscape and possibly nearby buildings.



Figure 29

Figures 29 and 30. The interior of this rosemary hedge was full of dead leaves and twigs, unseen before it caught on fire. The fire burned hot enough to kill other nearby plants.



Figure 30

CONCLUSION

When creating a landscape, select shrubs that will fit the site when planted for years to come. This limits the amount of pruning that will ultimately be necessary. Avoid overwatering or overfertilizing. When pruning is unavoidable, use techniques that will maintain plant health. Incorrect and overpruning makes more work for the gardener, produces unhealthy plants, fills our landfills, and costs more to maintain.



Figure 31. These *Leucophyllum* look great and are blooming nicely. They have been growing for years in a vacant lot in Las Vegas, Nev., depending solely on rainfall (4 inches or less) for irrigation. They receive no fertilizer, pesticides or pruning.

REFERENCES

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- Robinson, M.L., Angela O'Callaghan, Jeff Anderson. 2013. *Introduction to Pruning*. University of Nevada Cooperative Extension Special Publication SP 13-13
- Wade, G.L. and R.R. Westerfield. 1999. *Basic Principles of Pruning Woody Plants*. University of Georgia Bulletin 949

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NERIUM oleander
WHITE STD.
DESERT TREE FARM, Phx., Arizona



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Marci Henson Director

March 8, 2016

CERTIFIED MAIL #91 7199 9991 7034 9208 6513

John Augustine, Owner
Desert Tree Farm
2744 East Utopia Road
Phoenix, Arizona 85050

Email: jaugustine@deserttreefarm.com

Re: Application for Certificate of Exemption

Dear Mr. Augustine:

We are in receipt of your application for a Certificate of Exemption for the Little Ollie.

Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on April 21, 2016, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas, NV 89118. It is imperative you and/or a representative of Desert Tree Farm be present at this meeting to give testimony and answer questions by the Hearing Board members.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 4:00 p.m. on Monday, April 4, 2016, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

Should you have any questions regarding this case, please contact me via e-mail at Pamela.Thompson@clarkcountynv.gov, or call 702-455-3126.

Sincerely,

Pamela R. Thompson, Sr. Secretary
Enforcement Division

PRT: pt

cc: Ed Mulrean, Ph.D. – edmulrean@cox.net

BOARD OF COUNTY COMMISSIONERS
STEVE SISOLAK, Chairman • LARRY BROWN, Vice Chairman
SUSAN BRAGER • CHRIS GIUNCHIGLIANI • MARILYN KIRKPATRICK • MARY BETH SCOW • LAWRENCE WEEKLY
DONALD G. BURNETTE, County Manager

0018

FACT SHEET
March 22, 2016

Application for Certificate of Exemption

Applicant: Desert Tree Farm
2744 East Utopia Road
Phoenix, AZ 85050

Purpose:

Desert Tree Farm has applied for a Certificate of Exemption for growing, distributing, and marketing the *Olea europaea* cv. MONTRA (Little Ollie) olive shrub for the next three years.

Background:

Desert Tree Farm grows and distributes "Little-Ollie" throughout the southwest, and expresses a desire to import and sell the "Little Ollie" olive shrub within Clark County

On February 23, 2016, Desert Tree Farm submitted its original application for a Certificate of Exemption for growing, distributing, and marketing a no-pollinating olive shrub known as Little Ollie in Clark County. Desert Tree Farm is presenting evidence that this cultivar is non-flowering and non-fruiting, and therefore pollen is non-existent. A patent was issued for this cultivar on August 30, 1988 and expired in 2005. Desert Tree Farm states that they have been propagating the shrub by rooting cuttings from the original patented plant material.

Regulations:

Clark County Air Quality Regulations (AQR), Section 44, establishes the requirements related to the planting, selling, or offering to sell Fruitless Mulberry and European Olives trees within the boundaries of Clark County.

AQR §44.2.1 states after April 1, 1991, no person shall plant, sell, offer to sell, or authorize the planting of Fruitless Mulberry or European Olive trees to any other person or company doing business within the boundaries of Clark County.

AQR §44.3.1 states cultivars of low pollinating Fruitless Mulberry or European Olive may be exempt from §44.2.1 if the person who grows them for commercial distribution applies for and receives a Certificate of Exemption from the Air Pollution Control Hearing Board.

AQR §44.3.5 states such certificates expire in three (3) years. The applicant may renew a certificate for three (3) year increments.

Procedures for Exemptions:

Procedures for addressing exemptions and renewals are spelled out in the Hearing Board Manual of Procedures. These procedures include submitting an application, publication of a Notice of Hearing in a newspaper of general circulation, intervention by a petition by any interested person, presentation of evidence, and possible filing of findings of fact and conclusions of law at the close of the proceeding.

Public Comment:

A Notice of Hearing was published in the Las Vegas Review Journal on March 28, 2016 notifying the public of the application and inviting public comment. In addition, staff mailed over 24 public notices to valley nurseries and interested parties. The application and supporting documents are available for public review during normal business hours at the Clark County Department of Air Quality (DAQ) offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3126.

Anyone may petition to intervene in writing by April 4, 2016. The name, address, and telephone number of the petitioner or their authorized representative must be set forth. It must contain a clear and concise statement of the direct and substantial interest of the petitioner in the proceedings. A statement as to whether the petitioner intends to present evidence must be included. Copies of these documents must be submitted by April 4, 2016, or seven copies must be brought to the meeting for staff and board members.

Conclusions:

DAQ staff has reviewed the information on the Little Ollie shrub and recommends approval of the request for Certificate of Exemption, with the following conditions:

- 1) Exempt trees in inventory at retail outlets and those being delivered to landscaping projects, must include a label approved by the Control Officer showing exempt status, date of approval of Certificate until sale to consumer (AQR §44.3.3).
- 2) The applicant shall present a distribution plan to the Control Officer to assure that only exempt trees under the applicant's control will carry the label provided for in §44.3.3. Shipping invoices must show copy of Certificate (AQR §44.3.4).
- 3) Such certificates expire in three (3) years. The applicant may renew it for three (3) year increments (AQR §44.3.5).

More Information:

If you would like additional information about this Certificate of Exemption application, please contact Pamela Thompson at (702) 455-3126.

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received an application for a Certificate of Exemption for no-pollinating and fruitless trees from Desert Tree Farm. A public hearing on this application has been scheduled for April 21, 2016 at 1:30 p.m. in the Clark County Building Department-Presentation Room, 4701 West Russell Road, Las Vegas, NV, during the regular meeting of the Clark County Air Pollution Control Hearing Board. The application and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 West Russell Road, Suite 200, Las Vegas, NV, 702-455-3126.

CERTIFICATE OF MAILING

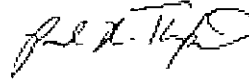
I hereby certify that on March 28, 2016, I mailed the following documents:

Notice of Hearing

to the individuals listed below by placing true and correct copies thereof enclosed in a sealed envelope, postage prepaid, for collection and mailing following our ordinary business practices for mailing. The envelope was addressed as follows:

See mailing list

attached. Dated this 29th day of March 2016.



Pamela R. Thompson

Boething Treeland Farms, Inc.
23475 Long Valley Road
Woodland Hills, California 91367

Bonsai of Nevada
5558 Rawhide Court
Las Vegas, Nevada 89120

Corey Nursery
3112 North Nellis Boulevard
Las Vegas, Nevada 89115-3452

Davis Nursery
P.O. Box 364146
North Las Vegas, Nevada 89036-8146

Hafen Nursery
1740 North Boulder Highway
Henderson, Nevada 89015-4124

Hurley's Nursery
9675 Redwood Street
Las Vegas, Nevada 89139-7331

Ladybug Nursery
412 Key West Court
Boulder City, Nevada 89005

Majestic Color Growers
3125 South Hollywood Boulevard
Las Vegas, Nevada 89122-3606

Moon Valley Nursery
9040 South Eastern Avenue
Las Vegas, Nevada 89123-3262

Mountain States Wholesale
824 Apperson Circle
Las Vegas, Nevada 89123-0543

Plant It Earth
3070 West Ford Avenue
Las Vegas, Nevada 89123

Plant World Nursery
5301 West Charleston Boulevard
Las Vegas, Nevada 89102

Sunstate Landscaping, Inc.
6590 Boulder Highway
Las Vegas, Nevada 89122-7451

Vista Nursery
20 North Gibson Road
Henderson, Nevada 89014-6704

Peggy McKie Agriculturist IV, Nursery
Program Manager
Nevada Department of Agriculture
405 S. 21st Street
Sparks, Nevada 89431-5557

Jack Zunino
JW Zunino & Associates
3191 South Jones Boulevard
Las Vegas, Nevada 89146

John Augustine
Desert Tree Farm
2744 East Utopia Road
Phoenix, AZ 85080

Brad Bowers
Valley Crest Tree Company
3200 West Telegraph Road
Fillmore, California 93015

Wally Kearns
Evergreen Distributors, Inc.
P.O. Box 503130
San Diego, California 921503130

Jerry Mangham
Easy Pace Tree Farm
P.O. Box 277
Waddell, Arizona 85355

Judy Ponto
Ponto Nursery, Inc.
P. O. Box 536
Vista, California 92085-0536

Frank Rauscher
Star Nursery
125 Cassia Way
Henderson, Nevada 89014

David Turner
Turner-Greenhouse
4455 Quadrel Street
Las Vegas, NV 89129

Jane Waldron
Waldron Farms
6414 South 26th Street
Phoenix, Arizona 85042

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
SUITE 200
4701 W RUSSELL RD
LAS VEGAS NV 89118

Account # 22354
Ad Number 0000756897

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/28/2016 to 03/28/2016, on the following days:

03 / 28 / 16

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received an application for a Certificate of Exemption for no-pollinating and fruitless trees from Desert Tree Farm. A public hearing on this application has been scheduled for April 21, 2016 at 1:30 p.m. in the Clark County Building Department Presentation Room, 4701 West Russell Road, Las Vegas, NV, during the regular meeting of the Clark County Air Pollution Control Hearing Board. The application and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 West Russell Road, Suite 200, Las Vegas, NV, 702-455-3126.

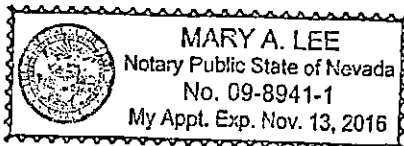
PUB: March 28, 2016
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 28th day of March, 2016

Notary *Mary Lee*





CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Marci Henson Director

December 4, 2015

CERTIFIED MAIL #91 7199 9991 7034 9212 7513

Jack Paripovich, Project Manager
Complete Demo Services
133 East Warm Springs Road
Las Vegas, NV 89119

E-mail: completedemoservices@yahoo.com

NOTICE OF VIOLATION #8736

FINDINGS OF FACT

Clark County Department of Air Quality (Air Quality) proposes to assess a civil penalty of \$2,000 against Complete Demo Services (Complete Demo) for the alleged violation(s) of the Clark County Air Quality Regulations (AQRs). Complete Demo demolished two residential buildings, located at 405 North 6th Street, in Clark County, Nevada, on July 29, 2015 without notifying Air Quality prior to commencing demolition activities.

The demolition project identified in this Notice of Violation (NOV), is subject to the federal Environmental Protection Agency (EPA) asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations found in 40 Code of Federal Regulations (CFR) Part 61, Subpart M, which have been adopted by reference in Section 13.1 of the AQR. As provided for in §61.141, Complete Demo meets the definition "Owner or Operator of a demolition or renovation activity" having performed the demolition activities.

Prior to conducting demolition activities in a residential or commercial property, NESHAP regulations §61.145(a) require the owner or operator to conduct an inspection of the structure for the presence of asbestos containing materials (ACM). Additionally, NESHAP regulations §61.145(b) require the owner or operator to notify Air Quality in writing, and include the results of the inspection for ACM.

I. ALLEGED VIOLATIONS

Air Quality discovered the alleged violation during a routine site inspection conducted on July 29 and 30, 2015, and proposes to assess a civil penalty for this observed violation.

Alleged Violation #1:

40 CFR 61.145(b)(3)(i) (Authority Section 13.1 of the AQR, amended April 3, 2012) states the following:

“(b) *Notification requirements.* Each owner or operator of a demolition or renovation activity to which this section applies shall:

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.”

Findings: While on routine patrol at approximately 1:50 p.m. on July 29, 2015, Air Quality Specialist II Whitney Francis observed demolition activities occurring at multiple residential buildings located at 405 North 6th Street, in Clark County, Nevada. Mr. Francis stopped and conducted an investigation (Exhibit 1), and determined three residential structures had existed at the site, with two having already been demolished and the third being demolished as his investigation was underway (Exhibit 2). Upon review of Air Quality files, Mr. Francis determined Complete Demo had applied for and received a Dust Control Permit (DCP) on May 18, 2015 to demolish one of the three residential structures located at 405 North 6th Street. Included in the permit application were a Demolition Supplemental and a Demolition Notification Form, which identified demolition of only one residential structure (Exhibit 3).

Mr. Francis telephoned Jack Paripovich, Project Manager of Complete Demo, to discuss the 10-day prior notification requirement and the missing Demolition Notifications for the other two structures. Mr. Paripovich indicated he would submit the other two notification forms as soon as possible.

At approximately 2:31 p.m. the same day, Air Quality received a fax transmission of the Demolition Notification Form from Complete Demo with two additional structures (Exhibit 4). At approximately 3:30 p.m., Mr. Francis telephoned Mr. Paripovich and explained the requirement for each structure to have its own Demolition Notification Form. Mr. Paripovich stated he would send separate forms the following morning.

On July 30, 2015, Mr. Francis returned to the 405 North 6th Street location to conduct a follow-up inspection and observed no active demolition activities (Exhibit 5). Mr. Francis telephoned Mr. Paripovich and inquired about the Demolition Notification Forms for the remaining structures. Mr. Paripovich stated he would submit them before the end of the day. On July 31, 2015 at approximately 11:46 a.m. Complete Demo submitted the Demolition Notification Forms for each building. On each notification form, Complete Demo reported they commenced demolition activities on the two remaining buildings on July 28, 2015 with an estimated

completion by August 15, 2015. In providing this information Complete Demo clearly shows they commenced demolition activities of the buildings prior to submittal of the require Demolition Notification Forms.

Corrective Actions Taken: On July 31, 2015 Complete Demo submitted Demolition Notification Forms for the two additional structures, and on August 12, 2015 Air Quality issued DCP #45056, Modification 1 which added demolition of the two additional structures. Mr. Francis returned to the location on August 3, 2015 and noted no change from the previous inspection (Exhibit 6).

II. PROPOSED CIVIL PENALTY

Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; or any requirement by Air Quality is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation, as provided for in AQR Section 9, "Civil Penalties." Each day of violation constitutes a separate offense.

The civil penalty is calculated by applying the standard penalty for each violation of the applicable requirement, the standard adjustment for aggravating or mitigating factors and an alleged violator's past enforcement history. In consideration of the aforementioned facts, Air Quality recommends a civil penalty in the amount of \$2,000.

III. ADMINISTRATIVE PROCEDURES

Air Quality has scheduled a hearing for **Wednesday, January 20, 2016 at 9:00 a.m.** with the Air Pollution Control Hearing Officer. At that time, the Hearing Officer will make a determination on the alleged violation(s) and levy a penalty. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road.

If Air Quality does not receive a written response (via email or letter) from you regarding this Notice of Violation providing a plea of contested (facts, penalty or both) or non-contested, your case will be placed on the Hearing Officer docket under "Action Required" for the Hearing Officer to render a ruling and assess a monetary penalty.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds the source in violation and assesses penalties, Air Quality staff will mail the Hearing Officer's order to the source along with instructions on the remittance of any penalties.



Chuck Richter,
Acting Compliance & Enforcement Manager

Exhibits:

1. Air Quality Asbestos Site Inspection Form dated July 29, 2015
2. Digital Photographs #1 - 4
3. Air Quality Demolition Notification Form, submitted May 8, 2015
4. Fax transmittal of Air Quality Demolition Notification Form, dated July 29, 2015
5. Air Quality Asbestos Site Inspection Form dated July 30, 2015
6. Air Quality Asbestos Site Inspection Form dated August 3, 2015

jmr



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89119-2231
(702) 455-5942 • Fax (702) 383-9894

ASBESTOS SITE INSPECTION FORM

Date: 7/29/2015 Arrival: 1:50 pm Departure: 2:30 pm Air Quality Specialist: Whitney Francis

Facility Name or Description: 405 N. 6th Street

Site Address: 405 N. 6th Street City: Las Vegas State: Nevada Zip: 89101

Abatement/Demolition Company: Complete Demo Services

Project Start Date: _____ Project #: 152005

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
Name of on-site supervisor: _____

B. WORKSITE

1. Is activity as described on the notification? Yes No N/A Not Observed
2. Does amount on notification agree with observed amount (within 20%)? Yes No N/A Not Observed
3. Warning signs posted? Yes No N/A Not Observed
4. Containment intact? Yes No N/A Not Observed
5. RACM adequately wet? Yes No N/A Not Observed
6. Functional decontamination unit? Yes No N/A Not Observed
7. Are there visible emissions? Yes No N/A Not Observed
8. Dust/debris outside removal area? Yes No N/A Not Observed
9. Negative air machines operating? Yes No N/A Not Observed
10. Is non-friable ACM in good condition? Yes No N/A Not Observed

C. WASTE PACKAGING AND DISPOSAL

1. Are bags appropriately labeled (OSHA warning label and generator label)? Yes No N/A Not Observed
2. Are contents adequately wet? Yes No N/A Not Observed
3. ACWM placed in leak-tight containers? Yes No N/A Not Observed
4. Are waste containers/dumpsters properly labeled? Yes No N/A Not Observed

Samples taken? Yes No

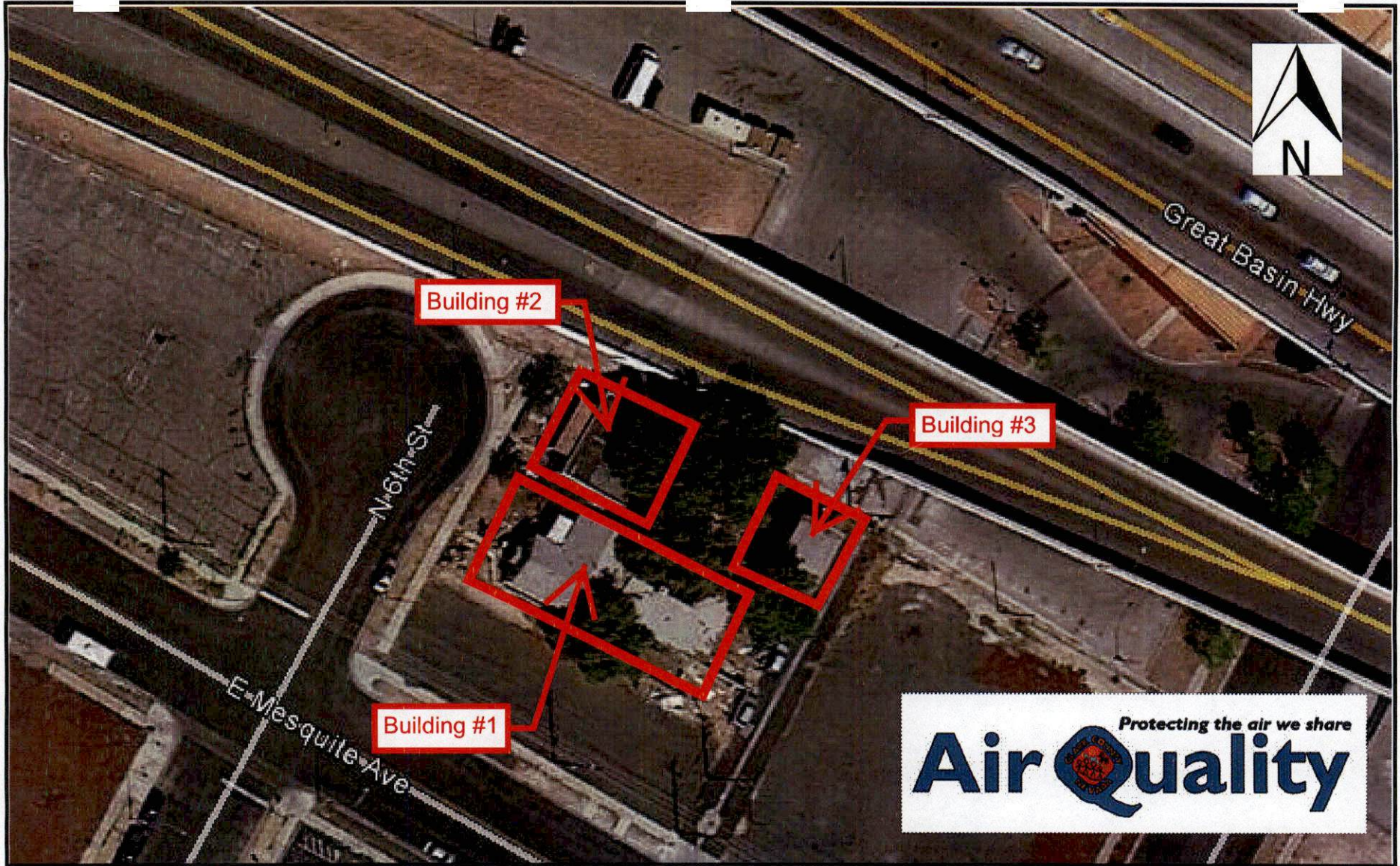
Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:

At approximately 1:50 PM, Air Quality Specialist II Whitney Francis was on routine patrol near the intersection on E. Mesquite Avenue & N. 6th Street in Las Vegas, NV 89101 when he observed suspicious demolition activities. Mr. Francis noted that 1 of the remaining 2 structures on APN 139-34-512-102 had been completely demolished, and the remaining structure was in the middle of being demolished. DAQ assigned Project #152005 to this investigation for tracking purposes. Complete Demo Services (CDS) submitted a Dust Control Permit (DCP) application to DAQ on 5/8/15 to demolish 1 of the 3 structures on this parcel. CDS also submitted a single Demolition Notification Form (DNF) for the southern-most structure and an asbestos survey along with the DCP application. DAQ assigned the DNF Project #150217 and the DCP #45056. Mr. Francis noted that the DCP covered all 3 structures on the parcel. At the time that the DCP was issued, CDS was only notified to demolish the southern-most structure on the parcel. Mr. Francis then spoke with Jack Paripovich (Project Manager) of CDS over the phone and discussed his observations. Mr. Francis stated to Mr. Paripovich that CDS failed to submit DNFs for the 2 remaining structures on the site 10 working days prior to their demolition – failure to notify. Mr. Paripovich stated that he would speak with his staff and submit the 2 DNFs as soon as possible. This inspection concluded at 2:30 PM. At 2:31 PM the same day, DAQ received a fax from CDS containing a single DNF for both structures and a demolition supplemental upping the total number of buildings to be demolished on the site to 3. At 3:26 PM the same day, Mr. Francis called Mr. Paripovich and discussed the fax. Mr. Francis notified Mr. Paripovich that he must submit 2 DNFs (one for each structure) with original signatures and submit a DCP modification to update his demolition supplemental. Mr. Paripovich stated that he would submit originals the following day.

Approved by: GH



Building #1: DNF Submitted 5/8/15 - Start Date of 5/22/15

Building #2: DNF Submitted 7/31/15 (after demolition)

Building #3: DNF Submitted 7/31/15 (after demolition)

Contractor: Complete Demo Services

Project: 405 N. 6th Street Demolition

Location: 405 N. 6th Street, Las Vegas, NV 89101

Exhibit 2

Digital Photographs

NESHAP #:150217, 150334, & 150335

Permittee: Complete Demo Services

Project Name: 405 N. 6th Street Demolition

Photos taken by: Whitney Francis



Photograph # 1

Alleged Violation # 1

View looking SE towards the footing of Building #2 (foreground) and Building #3 (background). The dumpsters are sitting where Building #1 once stood.



Photograph # 2

Alleged Violation # 1

View looking NE towards the 405 N. 6th Street Demolition project.



Photograph # 3 **Alleged Violation # 1**
 View looking SE towards the footing of Building #2 (foreground) and Building #3 (background). The dumpsters are sitting where Building #1 once stood.



Photograph # 4 **Alleged Violation # 1**
 View looking SE towards the footing of Building #2 (foreground) and Building #3 (background). The dumpsters are sitting where Building #1 once stood.

DCP# 45056 MOD-0

Exhibit 3

Project # 150217
(DAQ use)



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

Submitted 5/8/15

Demolition Notification Form

GENERAL INSTRUCTIONS: This form is to be completed and submitted before a building or structure is to be demolished. **NOTE:** If the building or structure contains friable asbestos-containing materials, the NESHAP Notification of Asbestos Abatement Form (ASB01) must be completed and submitted to the DAQ.

This form will not be accepted for reporting the removal or encapsulation of friable asbestos-containing materials from buildings or structures scheduled for demolition.

This form is to be received by the DAQ no less than 10 working days before the demolition project is scheduled to start. Any notification that is incomplete or any notification indicating site activities to be in violation of applicable regulations will be considered an invalid notification.

Separate notifications must be provided for each building or other individual facility where demolition of said building or facility is to be demolished.

Under most circumstances, the removal of Category I non-friable asbestos-containing materials will not be required prior to demolition unless the building is to be burned or the materials are in poor condition or will be handled in a manner that renders them friable. Category II non-friable asbestos-containing materials must be removed prior to demolition if the materials would be subject to crushing, crumbling, or pulverizing during the process of demolition of the building or structure.

Submit the **original, signed and completed** form to the address listed above (attn: Asbestos Program).

PART A AUTHENTICATION

I hereby certify that to the best of my knowledge and understanding, the information provided is complete, true and correct.

Name: Jack Paripovich Title: Project Manager

Signature: [Signature] Date: 5/8/2015

Name of Firm: Complete Demo Services

Email address: completedemoservices@yahoo.com

Telephone #: (702) 466-8737 Fax #: (702) 685-9938

PART B PROJECT DESCRIPTION

Building/Structure Owner: City of Las Vegas

Owner Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Owner Contact: Life is Beautiful working with CLV

Telephone # (917) 747-4471 Cell # (818) 905-1888 Fax #: _____

Building/Structure Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Present use: Residence Age of Building: 1929 - 86yrs old

Total Floor Space (sf): 3000 Number of Floors: 1

Scheduled Demolition: Start Date: 5/22/2015 Completion Date: 8/15/2015

Description of how building will be demolished:

Mechanical demolition with a hydraulic excavator & water truck/wagon. Loading materials into the box and haul materials.

PART C INSPECTION INFORMATION

Was an inspection for asbestos conducted for this project? Yes No
Inspector Name: Dennis Kish - Cam Air Date of Inspection: 4/15/2015 + 4/21/15
Telephone #: (702) 610-4226 Cell #: 610-4226 Fax #: 363-2889
Accreditation by: _____ Exp Date: _____

Provide method used to detect the presence of asbestos material.

sample from various locations and submitted for sample analysis thru PLM method.

PART D DEMOLITION CONTRACTOR INFORMATION

Contractor: Complete Demo Services
Address: 133 E. Warm Spring Road #101
City: Las Vegas State: NV Zip: 89119
Contact: Telephone #: (702) 776-7762 Cell #: (702) 466-8737 Fax #: (702) 685-9938

Procedures to be used if unexpected asbestos is discovered during demolition:

Stop work and notify asbestos contractor

PART E IDENTIFIED ASBESTOS CONTAINING MATERIALS (remaining in building during demo)

Non-friable Category I: _____ sq. ft. _____ ln. ft. _____ cu. ft.
Non-friable Category II: _____ sq. ft. _____ ln. ft. _____ cu. ft.

If Category II asbestos containing material is present, briefly state the work practices intended to ensure these materials do not become friable (i.e. crushed, crumbled or pulverized).

Removal by an Asbestos Company-They have to submit their own documents. Unknown at this time.

Is the concrete going to be recycled? Yes No

Note: All asbestos containing materials must be removed prior to being recycled.

Where will the concrete be recycled? _____
What is the site's DAQ permit number? _____

Is the building or structure to be burned? Yes No

Note: All asbestos containing materials must be removed prior to burning.

Was the demolition ordered by a Local Government because the structure is structurally unsound and in danger of imminent collapse? Yes No

If yes, order issued by date: _____
Note: Attach a copy of the order.

PART F BUILDING/STRUCTURE WASTE DISPOSAL INFORMATION

Disposal Site: Apex
Location: City: Las Vegas County: Clark State: NV
Waste Transporter: Republic Environmental - Services (702-734-5400)
Address: 770 E. Sahara Ave.
City: Las Vegas State: NV Zip: 89104
Telephone # (702) 735-5151 Fax # _____

AS-5/13/15



CLARK COUNTY DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd. Suite 200, 2nd Floor, Las Vegas Nevada 89118-2231
Office (702) 455-5942 · Fax (702) 383-9994

RECEIVED
CC-DAQM

2015 MAY 13 P 2:21

DEMOLITION SUPPLEMENTAL

NESHAP notifications must be submitted with renovation/de molition applications regardless of a age and/or size of the building.

Permit Number: 45056
(if known, otherwise to be completed by DAQEM)

1. PERMIT INFORMATION:

Applicant/Permittee: Complete Demol Services
Project Name: 405 N. 10th Street
Project Address/Location: 405 N. 10th Street LV, NV 89101

2. DEMOLITION CONTRACTOR:

Company Name: Complete Demol Service Responsible Person: Jack Peripovich
Address: 133 E. Warm Springs Rd. LV, NV 89119
Phone #: 702-776-7702 Cellular #: 702-466-8737 FAX #: 685-9933

3. DEMOLITION INFORMATION:

Describe demolition to take place: Mechanical demo w/ hydraulic excavator/water wagon
Size of building: 3000 sq ft ft² Date of building construction: 1929
Total Number of buildings on site: 1 Number of buildings to be demolished: 1
Load materials to box.

4. BEFORE A DUST CONTROL PERMIT CAN BE ISSUED ON SITES REQUIRING AN ASBESTOS SURVEY, THE FOLLOWING IS REQUIRED:

- A. If Regulated Asbestos Containing Material (RACM) is present, a NESHAP notification must be submitted to DAQ and an Asbestos Waste Certificate must be issued before the asbestos can be removed and disposed.
- B. Once the RACM has been abated, submit a final clearance letter from a certified asbestos consultant along with a copy of the license of the individual that cleared the site.
- C. Has Asbestos Waste Certificate been received from DAQ?
No: Yes: Certificate #: _____

5. SUBMITTED BY:

Name: [Signature] Title: Permit Estimator
Company Name: Complete Demol Services
Signature: [Signature] Date: 5/13/15

Appendix A -2

Clark County Department of Air Quality, Las Vegas, Nevada 89118

Adopted: 3/18/03

Exhibit 4

152005_20150729_COM

COMPLETE DEMO SERVICES

133 E. WARM SPRINGS RD STE 101

LAS VEGAS, NV 89119

PHONE: (702) 416-7528 ~ FAX: (702) 685-9938

E-Mail: Completedemoservices@yahoo.com

LICENSE # 0079091 LIMIT \$150,000

FACSIMILE TRANSMITTAL SHEET

TO: Whitney	FROM: BRANDON WIGGINS / Jackie
COMPANY: CC-DA @	DATE: 7.29.15
FAX NUMBER: 702-383-4994	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	RE: Permit # 45056

RECEIVED
 CC-DA@
 2015 JUL 29 P 3:24

Project # 152005
(DAQ use)



CLARK COUNTY DEPARTMENT OF AIR QUALITY
4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 333-9994

2015 JUL 29 P 3:24

Demolition Notification Form

GENERAL INSTRUCTIONS: This form is to be completed and submitted before a building or structure is to be demolished. **NOTE:** If the building or structure contains friable asbestos-containing materials, the NESHAP Notification of Asbestos Abatement Form (ASB01) must be completed and submitted to the DAQ.

This form will not be accepted for reporting the removal or encapsulation of friable asbestos-containing materials from buildings or structures scheduled for demolition.

This form is to be received by the DAQ no less than 10 working days before the demolition project is scheduled to start. Any notification that is incomplete or any notification indicating site activities to be in violation of applicable regulations will be considered an invalid notification.

Separate notifications must be provided for each building or other individual facility where demolition of said building or facility is to be demolished.

Under most circumstances, the removal of Category I non-friable asbestos-containing materials will not be required prior to demolition unless the building is to be burned or the materials are in poor condition or will be handled in a manner that renders them friable. Category II non-friable asbestos-containing materials must be removed prior to demolition if the materials would be subject to crushing, crumbling, or pulverizing during the process of demolition of the building or structure.

Submit the original, signed and completed form to the address listed above (attn: Asbestos Program).

PART A AUTHENTICATION

I hereby certify that to the best of my knowledge and understanding, the information provided is complete, true and correct.

Name: Jack Paripovich Title: Project Manager

Signature: [Handwritten Signature] Date: 5/8/2015 7-29-15

Name of Firm: Complete Demo Services

Email address: completedemoservices@yahoo.com

Telephone #: (702) 466-8737 Fax #: (702) 685-9938

PART B PROJECT DESCRIPTION

Building/Structure Owner: City of Las Vegas

Owner Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Owner Contact: Life is Beautiful working with CLV

Telephone # (917) 747-4471 Cell # (818) 905-1888 Fax #:

Building/Structure Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Present use: Residence Age of Building: 1929 - 86yrs old

Total Floor Space (sf): 3000 5000 Number of Floors: 1 AND 2

Scheduled Demolition: Start Date: 5/22/2015 Completion Date: 8/15/2015

Description of how building will be demolished:

Mechanical demolition with a hydraulic excavator & water truck/wagon. Loading materials into the box and haul materials.

PART C INSPECTION INFORMATION

Was an inspection for asbestos conducted for this project? Yes No
 Inspector Name: Dennis Kish - Cam Air Date of Inspection: 4/15/2015 + 4/21/15
 Telephone #: (702) 610-4228 Cell #: 610-4228 Fax #: 363-2889
 Accreditation by: _____ Exp Date: _____

Provide method used to detect the presence of asbestos material.

sample from various locations and submitted for sample analysis thru PLM method.

PART D DEMOLITION CONTRACTOR INFORMATION

Contractor: Complete Demo Services
 Address: 133 E. Warm Spring Road #101
 City: Las Vegas State: NV Zip: 89119
 Contact: Telephone #: (702) 776-7762 Cell #: (702) 466-8737 Fax #: (702) 685-9938

Procedures to be used if unexpected asbestos is discovered during demolition:

Stop work and notify asbestos contractor

PART E IDENTIFIED ASBESTOS CONTAINING MATERIALS (remaining in building during demo)

Non-friable Category I: 0 sq. ft. _____ in. ft. _____ cu. ft.
 Non-friable Category II: 0 sq. ft. _____ in. ft. _____ cu. ft.

If Category II asbestos containing material is present, briefly state the work practices intended to ensure these materials do not become friable (i.e. crushed, crumbled or pulverized).

Removal by an Asbestos Company-They have to submit their own documents. Unknown at this time.

Is the concrete going to be recycled? Yes No

Note: All asbestos containing materials must be removed prior to being recycled.

Where will the concrete be recycled? _____

What is the site's DAQ permit number? _____

Is the building or structure to be burned? Yes No

Note: All asbestos containing materials must be removed prior to burning.

Was the demolition ordered by a Local Government because the structure is structurally unsound and in danger of imminent collapse? Yes No

If yes, order issued by date: _____

Note: Attach a copy of the order.

PART F BUILDING/STRUCTURE WASTE DISPOSAL INFORMATION

Disposal Site: Apex
 Location: City: Las Vegas County: Clark State: NV
 Waste Transporter: Republic Environmental - Services (702-734-5400)
 Address: 770 E. Sahara Ave.
 City: Las Vegas State: NV Zip: 89104
 Telephone # (702) 735-6151 Fax # _____



CLARK COUNTY DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd, Suite 200, 2nd Floor, Las Vegas Nevada 89118-2231
Office (702) 455-5942 · Fax (702) 383-9994

DEMOLITION SUPPLEMENTAL

NESHAP notifications must be submitted with renovation/de molition applications regardless of age and/or size of the building.

Permit Number: _____
(If known, otherwise to be completed by DAQEM)

1. PERMIT INFORMATION:

Applicant/Permittee: Complete Demo Services
Project Name: 405 N. 10th Street
Project Address/Location: 405 N. 10th Street LV, NV 89101

2. DEMOLITION CONTRACTOR:

Company Name: Complete Demo Service Responsible Person: Jack Parrish
Address: 133 E. Warm Springs Rd. LV, NV 89119
Phone #: 702-776-7762 Cellular #: 702-466-8737 FAX #: 1-855-4938

3. DEMOLITION INFORMATION:

Describe demolition to take place: Mechanical demo w/ hydraulic excavator/water w/son
Size of building: 3600 sq ft ft² Date of building construction: 1929
Total Number of buildings on site: 2 Number of buildings to be demolished: 3
Local materials to box.

4. BEFORE A DUST CONTROL PERMIT CAN BE ISSUED ON SITES REQUIRING AN ASBESTOS SURVEY, THE FOLLOWING IS REQUIRED:

- A. If Regulated Asbestos Containing Material (RACM) is present, a NESHAP notification must be submitted to DAQ and an Asbestos Waste Certificate must be issued before the asbestos can be removed and disposed.
- B. Once the RACM has been abated, submit a final clearance letter from a certified asbestos consultant along with a copy of the license of the individual that cleared the site.
- C. Has Asbestos Waste Certificate been received from DAQ?
No: Yes: Certificate #: _____

5. SUBMITTED BY:

Name: Paul Doyle Title: ESTIMATOR
Company Name: Complete Demo Services
Signature: Jack Parrish Date: 5/13/15 7-28-15

Appendix A -2

Clark County Department of Air Quality, Las Vegas, Nevada 89118

Adopted: 3/18/03



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

ASBESTOS SITE INSPECTION FORM

Date: 7/30/2015 Arrival: 8:30 am Departure: 9:10 am Air Quality Specialist: Whitney Francis

Facility Name or Description: 405 N. 6th Street

Site Address: 405 N. 6th Street City: Las Vegas State: Nevada Zip: 89101

Abatement/Demolition Company: Complete Demo Services

Project Start Date: _____ Project #: 152005

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

- 1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
- Name of on-site supervisor: _____

B. WORKSITE

- 1. Is activity as described on the notification? Yes No N/A Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)? Yes No N/A Not Observed
- 3. Warning signs posted? Yes No N/A Not Observed
- 4. Containment intact? Yes No N/A Not Observed
- 5. RACM adequately wet? Yes No N/A Not Observed
- 6. Functional decontamination unit? Yes No N/A Not Observed
- 7. Are there visible emissions? Yes No N/A Not Observed
- 8. Dust/debris outside removal area? Yes No N/A Not Observed
- 9. Negative air machines operating? Yes No N/A Not Observed
- 10. Is non-friable ACM in good condition? Yes No N/A Not Observed

C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)? Yes No N/A Not Observed
- 2. Are contents adequately wet? Yes No N/A Not Observed
- 3. ACWM placed in leak-tight containers? Yes No N/A Not Observed
- 4. Are waste containers/dumpsters properly labeled? Yes No N/A Not Observed

Samples taken? Yes No

Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:

At approximately 8:30 AM on 7/30/15, Air Quality Specialist II Whitney Francis returned to APN 139-34-512-102 (405 N. 6th Street) While on site, Mr. Francis noted no demolition activities taking place at the time of the inspection. Mr. Francis then spoke with Jack Paripovich (Project Manager) of Complete Demo Services over the phone and discussed the project. Mr. Paripovich stated that the 2 Demolition Notification Forms required for this parcel would be submitted to DAQ later on the same day. Mr. Francis observed no further violations of the Air Quality Regulations during this inspection. This inspection concluded at 9:10 AM.

Approved by: GH



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
 4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
 (702) 455-5942 • Fax (702) 383-9994

ASBESTOS SITE INSPECTION FORM

Date: 8/3/2015 Arrival: 8:40 am Departure: 8:55 am Air Quality Specialist: Whitney Francis

Facility Name or Description: 405 N. 6th Street

Site Address: 405 N. 6th Street City: Las Vegas State: Nevada Zip: 89101

Abatement/Demolition Company: Complete Demo Services

Project Start Date: _____ Project #: 152005

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
 Name of on-site supervisor: _____

B. WORKSITE

1. Is activity as described on the notification? Yes No N/A Not Observed
 2. Does amount on notification agree with observed amount (within 20%)? Yes No N/A Not Observed
 3. Warning signs posted? Yes No N/A Not Observed
 4. Containment intact? Yes No N/A Not Observed
 5. RACM adequately wet? Yes No N/A Not Observed
 6. Functional decontamination unit? Yes No N/A Not Observed
 7. Are there visible emissions? Yes No N/A Not Observed
 8. Dust/debris outside removal area? Yes No N/A Not Observed
 9. Negative air machines operating? Yes No N/A Not Observed
 10. Is non-friable ACM in good condition? Yes No N/A Not Observed

C. WASTE PACKAGING AND DISPOSAL

1. Are bags appropriately labeled (OSHA warning label and generator label)? Yes No N/A Not Observed
 2. Are contents adequately wet? Yes No N/A Not Observed
 3. ACWM placed in leak-tight containers? Yes No N/A Not Observed
 4. Are waste containers/dumpsters properly labeled? Yes No N/A Not Observed

Samples taken? Yes No

Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:

At approximately 8:40 AM on 8/3/15, Air Quality Specialist II Whitney Francis returned to APN 139-34-512-102 (405 N. 6th Street). Mr. Francis noted that Complete Demo Services (CDS) submitted 2 Demolition Notification Forms to DAQ on 7/31/15 for the buildings demolished last week. While on site, Mr. Francis noted no demolition activities taking place. Mr. Francis then spoke with Jack Paripovich (Project Manager) of CDS over the phone and discussed the project. Mr. Paripovich stated that the remaining demolition will take place within the next few days. Mr. Francis observed no further violations of the Air Quality Regulations during this inspection. This inspection concluded at 8:55 AM.

Approved by: CR

Complete
Demo
Services

EMAIL: COMPLETEDEMOSERVICES@YAHOO.COM

December 9, 2015

Ref: NOV #8736

Pamela Thompson
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118

I am contesting the violation and I need to know the procedure for this type of thing. Please send me paperwork to fill out or how I need to be prepared to discuss the violation.

Respectfully,

Jack Paripovich

Pamela Thompson

From: Pamela Thompson
Sent: Wednesday, December 09, 2015 2:22 PM
To: 'Complete Demo Services Wiggins'
Subject: RE: Response Required: NOV #8736, Complete Demo Services (DCP #45056)
Attachments: 8736_20151204_NOV.pdf

Thank you for responding in a timely manner. This e-mail/attachment will suffice. Between now and the scheduled hearing date set for January 20, 2016, you will receive correspondences from me. The only document we will present to the Hearing Officer is the NOV, which you should already have, and any further correspondence between you and DAQ staff. For your convenience I have attached the NOV to this e-mail.

If you have new evidence that you would like to present to the Hearing Officer, please make sure you have four extra copies to hand out to DAQ staff.

Any further questions, or concerns please let me know.

Thanks again,
Pam Thompson

From: Complete Demo Services Wiggins [<mailto:completedemoservices@yahoo.com>]
Sent: Wednesday, December 09, 2015 2:07 PM
To: Pamela Thompson
Subject: Re: Response Required: NOV #8736, Complete Demo Services (DCP #45056)

Please see attached letterhead stating I will be contesting and need the procedure on how to handle.

Respectfully,
Jack Paripovich, Estimator

Complete Demo Services
5720 N. Campbell Road Las Vegas, NV 89149
Office (702) 776-7762/206-8523
Jack's Cell (702) 466-8737/416-7528
Brandon's Cell (702) 664-3012
Fax (702) 685-9938
License # 0079091 Limit \$150,000.00

From: Pamela Thompson <Pamela.Thompson@clarkcountynv.gov>
To: "completedemoservices@yahoo.com" <completedemoservices@yahoo.com>
Sent: Wednesday, December 9, 2015 1:05 PM
Subject: Response Required: NOV #8736, Complete Demo Services (DCP #45056)

Currently I am working on the docket for the 1/20/2016 Air Pollution Control Hearing Officer meeting, which the above Notice of Violation (NOV) is scheduled to be heard. Please let me know as soon as possible on letterhead via e-mail, fax or mail-if Complete Demo Services is contesting the NOV, or not.

If Complete Demo Services is not contesting the NOV, you do not have to attend the hearing, and Air Quality staff will mail the Hearing Officer's order to the permittee along with instructions on the remittance of any penalties. If you are contesting the NOV, Air Quality recommends that you send a Complete Demo Services representative to the scheduled hearing, which you will receive correspondence between now and the scheduled hearing date.

If Complete Demo Services **does not respond** the case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket, which the Hearing Officer will go forward and make a ruling, and Complete Demo Services will receive an order along with instructions on the remittance of any penalties.

If you have any questions please feel free to either e-mail, or contact me directly which my information is provided below.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Air Quality (DAQ)
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

December 22, 2015

Jack Paripovich, Project Manager
Complete Demo Services
133 East Warm Springs Road
Las Vegas, NV 89119

E-mail: completedemoservices@yahoo.com

**Re: Notice of Violation (NOV) #8736
DCP #45056**

Dear Mr. Paripovich:

We have scheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on January 20, 2016, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.)

This case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket. Prior to the hearing, a docket will be sent via certified mail. If you do not wish to contest the Notice of Violation please notify me as soon as possible via e-mail, fax, or written letter. Also, if you intend to present any additional documentation at the meeting, please bring six copies for distribution to Hearing Officer and staff.

Should you have any questions regarding this case, please contact me via e-mail at Pamela.Thompson@clarkcountynv.gov, or call 702-455-3126.

Sincerely,



Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt

February 8, 2016

CERTIFIED MAIL #91 7199 9991 7034 9212 7827

Jack Paripovich, Project Manager
Complete Demo Services
133 East Warm Springs Road
Las Vegas, NV 89119

E-mail: completedemoservices@yahoo.com

**Re: Notice of Violation (NOV) #8736
DCP #45056**

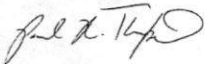
Dear Mr. Paripovich:

Enclosed please find Invoice #018277 in the amount of \$1,000.00, representing the penalty assessed in the above-described matter at the January 20, 2016 Hearing Officer meeting. A copy of the Hearing Officer's Order is enclosed for your records.

Payment is due on or before March 7, 2016. Please send your payment to the Department of Air Quality (DAQ), 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118. **Please write the invoice number on the check and make it payable to DAQ.**

Thank you in advance for your prompt attention to this matter. If you have any questions, please contact me via e-mail at Pamela.Thompson@clarkcountynv.gov, or call me at (702) 455-3126.

Sincerely,



Pamela R. Thompson, Sr. Secretary
Enforcement Division

PRT:pt

Attachment(s):

1. Hearing Officer's Order
2. Invoice

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation) ORDER
Issued to) Notice of Violation #8736
COMPLETE DEMO SERVICES.)
_____)

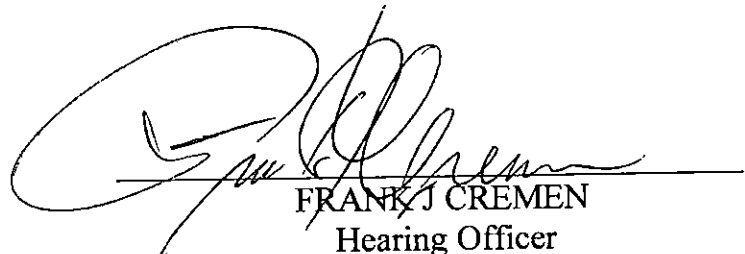
The above-entitled matter having come on for a hearing on January 20, 2016; COMPLETE DEMO SERVICES on the Action Required and Contested Docket being charged for failing to notify Air Quality of all structures subject to renovation or demolition activities prior to conducting renovation and demolition activities (Project Number: 152005; DCP #45056), as identified during a routine site inspection on July 29, 2015, located at 405 North 6th Street, in Clark County, Nevada; and the Hearing Officer having heard the representation of the parties; and good cause appearing;

IT IS HEREBY ORDERED that COMPLETE DEMO SERVICES be assessed a penalty of One Thousand Dollars (\$1,000.00) for violation of Clark County Air Quality Regulations 40CFR61, Subpart M, Part 61.145(b)(3)(i) identified on July 29, 2015, as charged in Notice of Violation #8736.

A check or money order is to be made payable to the Clark County DAQ, and submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118. Payment is to be made on or before the 7 day of March, 2016.

1 You have the right to appeal this order to the Clark County Air Pollution Control
2 Hearing Board. Any appeal of this order shall be (1) in writing specifying the reasons for the
3 appeal, (2) accompanied by a \$140.00 filing fee, and (3) received by the Department of Air
4 Quality within 10 days of your receipt of this order.

5 DATED this 4 day of Feb, 2016.

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10 FRANK J CREMEN
11 Hearing Officer

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REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

018318

RECEIVED CC-DAQM

2016 FEB -9 P 1:51

Appeal of Hearing Officer's Order

1. Date of Appeal: 1-28-16 (Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 8736 Hearing Date: 1-20-16

Hearing Officer:

2. Name, address, telephone number of Appellant:

Name: JAK PRIPONICH ESTIMATOR CDS (Please print)

Address: 5720 N Campbell RD LAS VEGAS NV 89149

Telephone: 702-76-7762 Fax: 702-685-9938

Email: complete.demo.services@yahoo.com

3. Other person or persons authorized to receive service of notice:

Name: (Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

DEMO CONTRACTOR - 405 6th STREET

5. Reason for appeal: [X] Facts alleged [X] Penalty assessed [X] Both

Provide a detailed explanation of the reason for your appeal:


We were fined for not providing a original correction addendum listing and additional

Address in our last Control Application
known as the 2 page Demo Notifications.
You do not provide this original notification
either in the packet or available in the document
display. It is unknown if you own employees.

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: 1-28-16
Printed Name: Mark Dnepovick
Title: ESTIMATOR

FOR OFFICE USE ONLY

Application Received on _____
Application Fee \$140.00 - Check /Cash _____ Received Date: _____

March 8, 2016

Jack Paripovich, Project Manager
Complete Demo Services
133 East Warm Springs Road
Las Vegas, NV 89119

E-mail: completedemoservices@yahoo.com

**Re: Notice of Violation (NOV) #8736
DCP #45056**

Dear Mr. Paripovich:

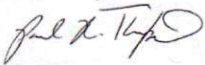
We are in receipt of your Request for Hearing before the Air Pollution Control Hearing Board, wherein you are appealing the Hearing Officer's Order on NOV #8736.

Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board at 1:30 p.m. on April 21, 2016, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.) It is imperative that you be present at this meeting to give testimony and answer questions by the Hearing Board members.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 4:00 p.m. on Monday, April 4, 2016, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

If you have any questions regarding this case, please contact me via e-mail at Pamela.Thompson@clarkcountynv.gov, or call 702-455-3126.

Sincerely,



Pamela R. Thompson, Sr. Secretary
Enforcement Division

PRT:pt

Project # 150334

RECEIVED
CC-DAQM
(DAQ use)

2015 JUL 31 A 11:46



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

Demolition Notification Form

GENERAL INSTRUCTIONS: This form is to be completed and submitted before a building or structure is to be demolished. **NOTE:** If the building or structure contains friable asbestos-containing materials, the NESHAP Notification of Asbestos Abatement Form (ASB01) must be completed and submitted to the DAQ.

This form will not be accepted for reporting the removal or encapsulation of friable asbestos-containing materials from buildings or structures scheduled for demolition.

This form is to be received by the DAQ no less than 10 working days before the demolition project is scheduled to start. Any notification that is incomplete or any notification indicating site activities to be in violation of applicable regulations will be considered an invalid notification.

Separate notifications must be provided for each building or other individual facility where demolition of said building or facility is to be demolished.

Under most circumstances, the removal of Category I non-friable asbestos-containing materials will not be required prior to demolition unless the building is to be burned or the materials are in poor condition or will be handled in a manner that renders them friable. Category II non-friable asbestos-containing materials must be removed prior to demolition if the materials would be subject to crushing, crumbling, or pulverizing during the process of demolition of the building or structure.

Submit the **original, signed and completed** form to the address listed above (attn: Asbestos Program).

PART A AUTHENTICATION

I hereby certify that to the best of my knowledge and understanding, the information provided is complete, true and correct.

Name: Jack Paripovich Title: Project Manager

Signature: [Signature] Date: 7/29/2015

Name of Firm: Complete Demo Services

Email address: completedemoservices@yahoo.com

Telephone #: (702) 466-8737 Fax #: (702) 685-9938

PART B PROJECT DESCRIPTION

Building/Structure Owner: City of Las Vegas

Owner Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Owner Contact: Life is Beautiful working with CLV

Telephone # (917) 747-4471 Cell # (818) 905-1888 Fax #: _____

Building/Structure Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Present use: Residence Age of Building: 1929 - 86yrs old

Total Floor Space (sf): 14605 sq ft Number of Floors: 1

Scheduled Demolition: Start Date: 7/28/2015 Completion Date: 8/15/2015

Description of how building will be demolished:

Mechanical demolition with a hydraulic excavator & water truck/wagon. Loading materials into the box and haul materials.

2nd Bldg

PART C INSPECTION INFORMATION

Was an inspection for asbestos conducted for this project? Yes No
Inspector Name: Dennis Kish - Cam Air Date of Inspection: 4/15/2015 4/21/15
Telephone #: (702) 610-4226 Cell #: 610-4226 Fax #: 363-2889

Accreditation by: _____ Exp Date: _____

Provide method used to detect the presence of asbestos material.

sample from various locations and submitted for sample analysis thru PLM method.

PART D DEMOLITION CONTRACTOR INFORMATION

Contractor: Complete Demo Services
Address: 133 E. Warm Spring Road #101
City: Las Vegas State: NV Zip: 89119
Contact: Telephone #: (702) 776-7762 Cell #: (702) 466-8737 Fax #: (702) 685-9938

Procedures to be used if unexpected asbestos is discovered during demolition:

Stop work and notify asbestos contractor

PART E IDENTIFIED ASBESTOS CONTAINING MATERIALS (remaining in building during demo)

Non-friable Category I: _____ sq. ft. _____ ln. ft. _____ cu. ft.
Non-friable Category II: _____ sq. ft. _____ ln. ft. _____ cu. ft.

If Category II asbestos containing material is present, briefly state the work practices intended to ensure these materials do not become friable (i.e. crushed, crumbled or pulverized).

Removal by an Asbestos Company-They have to submit their own documents. Unknown at this time.

Is the concrete going to be recycled? Yes No

Note: All asbestos containing materials must be removed prior to being recycled.

Where will the concrete be recycled? _____
What is the site's DAQ permit number? _____

Is the building or structure to be burned? Yes No

Note: All asbestos containing materials must be removed prior to burning.

Was the demolition ordered by a Local Government because the structure is structurally unsound and in danger of imminent collapse? Yes No

If yes, order issued by date: _____
Note: Attach a copy of the order.

PART F BUILDING/STRUCTURE WASTE DISPOSAL INFORMATION

Disposal Site: Apex
Location: City: Las Vegas County: Clark State: NV
Waste Transporter: Republic Environmental - Services (702-734-5400)
Address: 770 E. Sahara Ave.
City: Las Vegas State: NV Zip: 89104
Telephone # (702) 735-5151 Fax # _____

Project # 150335
(DAQ use)

RECEIVED
CC-DAQM

2015 JUL 31 A 11:46



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

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Signature: [Signature] Date: 7/23/2015

Name of Firm: Complete Demo Services

Email address: completedemoservices@yahoo.com

Telephone #: (702) 466-8737 Fax #: (702) 685-9938

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Owner Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Owner Contact: Life is Beautiful working with CLV

Telephone # (917) 747-4471 Cell # (818) 905-1888 Fax #: _____

Building/Structure Address: 405 N. 6th Street

City: Las Vegas State: NV Zip: 89101

Present use: Residence Age of Building: 1929 - 86yrs old

Total Floor Space (sf): 1200 sq ft Number of Floors: 1

Scheduled Demolition: Start Date: 7/23/2015 Completion Date: 8/15/2015

Description of how building will be demolished:

Mechanical demolition with a hydraulic excavator & water truck/wagon. Loading materials into the box and haul materials.

3rd Bldg

PART C INSPECTION INFORMATION

Was an inspection for asbestos conducted for this project? Yes No
Inspector Name: Dennis Kish - Cam Air Date of Inspection: 4/15/2015 + 4/21/15
Telephone #: (702) 610-4226 Cell #: 610-4226 Fax #: 363-2889
Accreditation by: _____ Exp Date: _____
Provide method used to detect the presence of asbestos material.

sample from various locations and submitted for sample analysis thru PLM method.

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