



Annotated Agenda

Clark County Air Pollution Control Hearing Board
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

September 16, 2024 – 1:30 P.M.

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) 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 at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair
Daniel Bartlett (Absent)
Donald Bordelove (Absent)
Elspeth Cordua
Troy Hildreth
Amy Lahav

Hearing Board Counsel

Nichole Kazimirovicz

Air Quality Staff

Jodi Bechtel, Deputy Director
Shibi Paul, Compliance & Enforcement Manager
Anna Sutowska, Air Quality Supervisor

Department Counsel

Catherine Jorgenson

Administrative Secretary

Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov
Business Address: Clark County Department of Environment & Sustainability,
4701 W. Russell Road, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 1:36 p.m.
2. **PUBLIC COMMENT**
NONE
3. **APPEAL OF HEARING OFFICER DECISION**

HOLCIM – SWR, INC. (Part 70 Operating Permit, Source ID: 372) – NOV #10030 – On July 18, 2024, the Hearing Officer found Holcim - SWR, Inc., in violation of their 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, as identified by Air Quality Specialist Joshua Frye during a complaint investigation on May 29, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim – SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,500.00 with \$750.00 of that penalty held in abeyance with the stipulation that Holcim - SWR, Inc. does not violate AQRs before July 18, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order. (For possible action.)

Chair Sanders recused himself and did not participate in this appeal.

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10030 FINDING THE VIOLATION DID OCCUR AND ASSESSED A \$1,500.00 PENALTY, \$750.00 OF WHICH IS TO BE HELD IN ABEYANCE UNTIL JULY 18, 2025. IF HOLCIM – SWR, INC. DOES NOT VIOLATE THE AQRs BEFORE JULY 18, 2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING BOARD ORDER, THEN THE SUSPENDED AMOUNT OF \$750.00 WILL BE WAIVED.

BY: Board Member Cordua

SECOND: Board Member Lahav

VOTE: 4-0

VOTING AYE: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett

VOTING NAY: None

ABSTAINING: None

ABSENT: Daniel Bartlett, Donald Bordelove, Daniel Sanders

ACTION: AFFIRMED THAT THE HEARING BOARD HAS HEARD HOLCIM'S APPEAL OF THE HEARING OFFICER DECISION WITH REGARD TO THE VIOLATION OF THE PERMIT ON MAY 29, 2024, AND HAS DETERMINED THAT THE VIOLATION UNDER PERMIT CONDITION III.B.31 OCCURRED IN THAT A HAUL ROAD WAS MAINTAINED IN A FASHION WHICH ALLOWED FUGITIVE DUST TO BECOME AIRBORNE IN VIOLATION OF THAT SPECIFIC PROVISION. THE HEARING BOARD HAS DETERMINED THAT NO OBJECTIVE MEASUREMENTS WERE TAKEN OF THAT DUST AS WOULD HAVE BEEN REQUIRED BY SECTION III.B.32 AND ARE NOT NECESSARILY APPLICABLE IN THIS INSTANCE BECAUSE THE BOARD HAS DETERMINED THAT PERMIT CONDITION III.B.31 IS MORE STRINGENT AND RESTRICTIVE THAN CONDITION III.B.32. FOR THAT REASON, THE HEARING BOARD HAS DETERMINED THAT THE HEARING OFFICER DECISION FINDING A VIOLATION OF PERMIT CONDITION III.B.31 IS UPHELD, INCLUDING A TOTAL FINE OF \$1,500.00, OF WHICH \$750.00 WILL BE HELD IN ABEYANCE UNLESS THERE IS A SUBSEQUENT DUST VIOLATION ON OR BEFORE JULY 18, 2025.

BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None
ABSTAINING: None
ABSENT: Daniel Bartlett, Donald Bordelove, Daniel Sanders

Chair Sanders returned to the meeting.

4. REPORT BY DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF

A. General Update.

Jodi Bechtel, Deputy Director, gave an update on the activities of the Department of Environment and Sustainability for the period of January 1 through August 31, 2024.

REPORT RECEIVED

5. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING

NONE.

6. PUBLIC COMMENT

NONE.

7. **ADJOURNMENT** 4:51 p.m.

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)