




Annotated Agenda

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

October 5, 2022 – 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 (Absent) Elspeth Cordua Troy Hildreth William Kremer Lauren Rosenblatt
Deputy District Attorney	Catherine Jorgenson
Air Quality Staff	Marci Henson, Director Shibi Paul, Compliance & Enforcement Manager  Anna Sutowska, Air Quality Supervisor
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, 2 nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 1:33 p.m.

2. **PUBLIC COMMENT**

NONE

3. **OATHS OF OFFICE**

A. Elspeth Cordua (Lay Member)

Term of Office: 9/21/2021 through 9/20/2024

**ACTION: ANNA SUTOWSKA ADMINISTERED THE OATH OF OFFICE TO
ELSPETH CORDUA.**

4. **APPROVAL OF MINUTES**

Approval of April 6, 2022 meeting minutes.

(For possible action)

ACTION: APPROVED MINUTES AS RECOMMENDED

BY: Board Member Kremer

SECOND: Board Member Hildreth

VOTE: 3-0

VOTING AYE: Danny Sanders, Troy Hildreth, William Kremer

ABSTAINING: Elspeth Cordua, Lauren Rosenblatt

ABSENT: Ryan Dennett

RECESS: 1:38 p.m.

RECONVENE: 1:50 p.m.

5. **APPEAL OF HEARING OFFICER DECISION**

A. ACAK IRREVOCABLE TRUST (DCOP #55113) – NOV #9683 – On July 21, 2022, the Hearing Officer found ACAK Irrevocable Trust in violation of Sections 94.14(a)(4), 94.14(d), and 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for allowing soil to be tracked out greater than 50 feet in length onto a paved roadway; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Damon Lindsay while performing complaint investigations on March 7 and 8, 2022 at the Lone Mtn. and Allen construction project, located at the northwest corner of Lone Mountain Road and Allen Lane, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$6,750.00. ACAK Irrevocable Trust did not appear for the hearing and appealed the Air Pollution Control Hearing Officer's Order.

(For possible action.)

ACAK IRREVOCABLE TRUST DID NOT APPEAR.

ACTION: FOUND THAT THE APPELLANT FAILED TO APPEAR; AT AIR QUALITY'S REQUEST, NOV ADMITTED INTO THE RECORD; DENIED THE APPEAL; FOUND THAT THE VIOLATIONS DID OCCUR; AND ASSESSED THE RECOMMENDED PENALTY AMOUNT OF \$6,750.00 FOR NOV #9683.

BY: Board Member Sanders
SECOND: Board Member Rosenblatt
VOTE: 5-0
VOTING AYE: Elspeth Cordua, Troy Hildreth, William Kremer, Lauren Rosenblatt, Danny Sanders
VOTING NAY: None
ABSTAINING: None
ABSENT: Ryan Dennett

B. LVBD65, LLC (DCOP #54715) – NOV #9701 – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(a)(4), 94.14(a)(3), and 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez, Senior Air Quality Specialist Katrinka Byers, and Air Quality Supervisor David Dean while performing a complaint investigation during a Dust Advisory period on April 11, 2022, a complaint investigation during a Construction Notice period on April 12, 2022, follow-up inspections on April 13, 14 and 15, 2022, a follow-up inspection during a Dust Advisory on April 16, 2022, and a follow-up inspection during a Construction Notice period on April 18, 2022 at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$17,000.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer's Order.
 (For possible action.)

LVBD65, LLC DID NOT APPEAR.

ACTION: FOUND THAT THE APPELLANT FAILED TO APPEAR; APPROVED THE ADMINISTRATIVE CHANGE TO REPLACE EXHIBIT "T" IN NOV #9701 WITH A NEW COPY BECAUSE THE ORIGINAL HAD THE INSPECTOR NOTES CUT OFF; AT AIR QUALITY'S REQUEST, ADMITTED THE NOV INTO THE RECORD; DENIED THE APPEAL; FOUND THAT THE VIOLATIONS DID OCCUR; AND ASSESSED THE RECOMMENDED PENALTY AMOUNT OF \$17,000.00 FOR NOV #9701.

BY: Board Member Sanders
SECOND: Board Member Cordua
VOTE: 5-0
VOTING AYE: Elspeth Cordua, Troy Hildreth, William Kremer, Lauren Rosenblatt, Danny Sanders

VOTING NAY: None
ABSTAINING: None
ABSENT: Ryan Dennett

- C. LVBD65, LLC (DCOP #54715) – NOV #9704** – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(a)(4), 94.13(a) and (b), and 94.14(d) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing trackout more than 50 feet on a paved surface, as identified by Air Quality Specialist Allan Gutierrez and Senior Air Quality Specialist Katrinka Byers while performing a complaint investigation during a Construction Notice period on April 19, 2022, a complaint investigation during a Construction Notice period on April 21, 2022, a follow-up inspection during a Construction Notice period on April 22, 2022, and follow-up inspections on April 20, 25 and 26, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$13,750.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer’s Order.
(For possible action.)

LVBD65, LLC DID NOT APPEAR.

ACTION: FOUND THAT THE APPELLANT FAILED TO APPEAR; APPROVED THE ADMINISTRATIVE CHANGE TO REFLECT APRIL 20, 2022 INSTEAD OF APRIL 21, 2022 ON EXHIBIT “J” IN THE TABLE OF CONTENTS FOR NOV #9704; AT AIR QUALITY’S REQUEST, ADMITTED THE NOV INTO THE RECORD; DENIED THE APPEAL; FOUND THAT THE VIOLATIONS DID OCCUR; AND ASSESSED THE RECOMMENDED PENALTY AMOUNT OF \$13,750.00 FOR NOV #9704.

BY: Board Member Sanders
SECOND: Board Member Cordua
VOTE: 5-0
VOTING AYE: Elspeth Cordua, Troy Hildreth, William Kremer, Lauren Rosenblatt, Danny Sanders
VOTING NAY: None
ABSTAINING: None
ABSENT: Ryan Dennett

- D. LVBD65, LLC (DCOP #54715) – NOV #9709** – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(d) and 94.13(a) and (b) of the AQRs for allowing trackout more than 50 feet on a paved surface; and for failing to employ Best Available Control Measures (BACM) and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Allan Gutierrez and Mike Englehart, and Senior Air Quality Specialist Katrinka Byers while performing follow-up inspections on April 27, 29, 30, 2022 and May 2 and 4, 2022, and an inspection during a Construction Notice period on

April 28, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$10,750.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer's Order.
(For possible action.)

LVBD65, LLC DID NOT APPEAR.

ACTION: FOUND THAT THE APPELLANT FAILED TO APPEAR; APPROVED THE ADMINISTRATIVE CHANGE TO REFLECT THE CORRECT INSPECTOR WHO TOOK PHOTO 11 IN EXHIBIT "C" OF NOV #9709 WAS MICHAEL ENGLEHART AND NOT KATRINKA BYERS; AT AIR QUALITY'S REQUEST, ADMITTED THE NOV INTO THE RECORD; DENIED THE APPEAL; FOUND THAT THE VIOLATIONS DID OCCUR; AND ASSESSED THE RECOMMENDED PENALTY AMOUNT OF \$10,750.00 FOR NOV #9709.

BY: Board Member Sanders

SECOND: Board Member Cordua

VOTE: 5-0

VOTING AYE: Elspeth Cordua, Troy Hildreth, William Kremer, Lauren Rosenblatt, Danny Sanders

VOTING NAY: None

ABSTAINING: None

ABSENT: Ryan Dennett

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

Mr. Paul responded to questions by the Board regarding the Department of Environment and Sustainability's programmatic updates report covering the period of January – August 2022 that was handed out at the beginning of the meeting.

7. PUBLIC COMMENT

NONE

8. ADJOURNMENT 2:25 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)