Clark County Air Pollution Control Hearing Board

Amended Agenda

October 9, 2013 – 1:30 P.M.
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV

Hearing Board Members	**Daniel Sanders, Chair** **Karen Purves, Vice-Chair** **Herbert Inhaber** **Mark S. Ireland** **George Foster, Jr., P.E.** **Craig Schweisinger**
Deputy District Attorney	**Soomi Kim, Esq.**
Air Quality Staff	**Gary Miller, Compliance & Enforcement Manager**

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 Araceli Pruett at araceli.pruett@clarkcountynv.gov or (702) 455-3206. 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. OATH OF OFFICE George Foster, Jr., P.E. (Engineer Member) (Term of Office – 8/6/13 – 8/5/16)	
IV. APPROVE MINUTES OF APRIL 11, 2013 MEETING	*For possible action*
V. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION	**GRANT/DENY/TAKE OTHER APPROPRIATE ACTION**
A. <u>CERTIFICATES OF EXEMPTION</u>	
1. EVERGREEN DISTRIBUTORS, INC. – Renewal of Certificate of Exemption for distributing and marketing low-pollinating olive trees for the next three (3) years. (Expiration: December 9, 2013)	*1. For possible action*
2. ORANGEWOOD NURSERY, LLC dba EASY PACE TREE FARM – Renewal of Certificate of Exemption for distributing and marketing low-pollinating olive trees for the next three (3) years. (Expiration: December 9, 2013)	*2. For possible action*
3. PONTO NURSERY, INC. – Renewal of Certificate of Exemption for distributing and marketing low-pollinating olive trees for the next three (3) years. (Expiration: December 9, 2013)	*3. For possible action*
4. VALLEY CREST TREE COMPANY – Renewal of Certificate of Exemption for distributing and marketing low-pollinating olive trees for the next three (3) years. (Expiration: February 10, 2014)	*4. For possible action*

ITEM	ACTION REQUESTED
VI. REPORT BY DAQ STAFF 1. Programmatic Update	
VII. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS	
VIII. 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.	
IX. ADJOURNMENT	

The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) hour advanced request, a sign language interpreter may be made available (telephone number TT/TDD: Nevada Relay toll-free (800) 326-6868) and assisted listening devices are available upon request.

COPIES OF THIS AGENDA HAVE BEEN POSTED IN THE LOBBY AT THE FOLLOWING LOCATIONS: 1) LAS VEGAS CITY HALL; 400 Stewart Avenue, Las Vegas, NV; 2) HENDERSON CITY HALL, 240 Water Street, Henderson, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) BOULDER CITY, CITY HALL; 401 California Avenue, Boulder City, NV; 5) CITY OF MESQUITE, 10 E. Mesquite, Mesquite, NV; 6) and CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV.

Minutes of the Clark County

Air Pollution Control Hearing Board Meeting

April 11, 2013

I. CALL TO ORDER

Chairman James Lavelle called the meeting of the Air Pollution Control Hearing Board to order at 1:38 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 Karen Purves, Vice-Chair Herbert Inhaber James Lavelle Craig Schweisinger
LEGAL COUNSEL:	Deputy District Attorney Soomi Kim, Counsel for DAQ
DAQ STAFF:	Gary Miller, Compliance and Enforcement Manager Michael Uhl, Principal Air Quality Specialist Araceli Pruett, Administrative Secretary
OTHERS PRESENT:	Shibi Paul, DAQ; Richard Beckstead, DAQ;

II. PUBLIC COMMENT

There were no public comments.

III. ELECTION OF HEARING BOARD CHAIRMAN

Chair Lavelle elected himself out of the position of Chair. Board Member Inhaber nominated Karen Purves for Chair. Being no second, the nomination died. Board Member Schweisinger motioned to nominate Vice-Chair Sanders as Chair, which was seconded by Chair Lavelle. Chair Lavelle reiterated the motion was to nominate Daniel Sanders to the Chair position and called for a vote on the motion, which was followed by a chorus of ayes. There were no oppositions. The motion passed unanimously

Chair Lavelle relinquished control of the meeting over to the newly-elected Chair Sanders.

IV. ELECTION OF HEARING BOARD VICE-CHAIRMAN

Board Member Inhaber nominated Board Member Purves as Vice-Chair, which was seconded by Board Member Lavelle. Chair Sanders reiterated the motion was to nominate Karen Purves as Vice-Chair and called for a vote on the motion. The motion was affirmed by Chair Sanders and Board Members Lavelle and Schweisinger. It was opposed by Board Member Purves. The motion carried on a majority vote.

V. APPROVE MINUTES OF FEBRUARY 14, 2013

Chair Sanders called for comments, changes, or corrections to the February 14, 2013 minutes. Being none, he called for a motion. Board Member Schweisinger made a motion to approve the minutes, which was seconded by Board Member Lavelle, and carried by the rest of the board members. The motion passed unanimously.

VI. MATTERS REQUIRING BOARD ACTION – DISCUSSION/POSSIBLE ACTION

A. REVOCATION OF OPERATING PERMIT DUE TO NON-PAYMENT OF AIR QUALITY FEES

Mr. Miller informed the board that the 23 sources on the agenda were issued revocation Notices of Violation (NOVs) for failing to pay their 2013 air quality fees. He explained Air Quality Regulations (AQR) allow for the termination of permits either at the request of the source or at the request of the department via the revocation process.

Mr. Miller requested the following sources be withdrawn from board consideration because the associated invoices have been paid and the respective NOV canceled:

- Item V1.A.5 - Bebekyan, LLC - NOV #8399 (Source ID #: 15002)
- Item V1.A.8 - Unlimited Finishing, LLC - NOV #8403 (Source ID #: 15925)
- Item V1.A.10 - Las Vegas Classic Coach - NOV #8405 (Source ID #: 16040)
- Item V1.A.21 - CLS Transportation - NOV #8421 (Source ID #: 16961)

Board Member Schweisinger inquired whether or not a motion was required to withdrawn these items. It was agreed their withdrawal would be included in the same action as the other NOVs.

Mr. Miller explained DAQ staff had contacted and investigated all sources with outstanding balances in February. Of the 19 remaining sources, eight are out of business and three have either moved or are under new ownership and will need a new permit. The remaining eight sources were contacted numerous times about the outstanding fees and have had similar type issues in the past— staff will inspect these sources following revocation to ensure they are not operating and, if necessary, take necessary enforcement action.

Sources that are reportedly out of business:

- Item V1.A.2 - Geneva Pipe of Nevada, LLC - NOV #8396 (Source ID #: 776)
- Item V1.A.6 - Interstate Brands Corporation - NOV #8400 (Source ID #: 15060)
- Item V1.A.7 - Western Organics, Inc. - NOV #8402 (Source ID #: 15823)
- Item V1.A.9 - Blue Point Materials - NOV #8404 (Source ID #: 16015)
- Item V1.A.12 - Trade Show Fabrication Metalmen - NOV #8410 (Source ID #: 16421)
- Item V1.A.14 - Mesquite Auto Body and Paint - NOV #8412 (Source ID #: 16607)
- Item V1.A.20 - Next Day Paint and Body - NOV #8419 (Source ID #: 16894)
- Item V1.A.23 - All Out Collision Center, LLC - NOV #8423 (Source ID #: 17050)

Sources that have moved or are under new ownership and require a new permit:

- Item V1.A.1 - Rainbow Rock of Las Vegas, Inc. - NOV #8394 (Source ID #: 551)
- Item V1.A.16 - New 5 Stars Body Shop - NOV #8415 (Source ID #: 16749)
- Item V1.A.17 - Lucky Champ, Inc. - NOV #8416 (Source ID #: 16805)

Sources that may still be in business, but have not paid their fees:

- Item V1.A.3 - Hahns Texaco - NOV #8395 (Source ID #: 9198)
- Item V1.A.4 - Apparel Star Dry Cleaners - NOV #8398 (Source ID #: 10115)
- Item V1.A.11- Phil-Am Auto Repairs - NOV #8408 (Source ID #: 16400)
- Item V1.A.13 - VIP Collision - NOV #8411(Source ID #: 16516)
- Item V1.A.15 - Spring Mountain Auto Body- NOV #8414 (Source ID #: 16695)
- Item V1.A. 18 - Lee Harrison Holding, Inc. - NOV #8417 (Source ID #: 16832)
- Item V1.A.19 - Ilonggo Entrepreneurs, LLC - NOV #8418 (Source ID #: 16866)
- Item V1.A.22 - Qaraman Sunset Decatur, LLC - NOV #8422 (Source ID #:16967)

Board Member Lavelle noted a potential conflict of interest with Item V1.A.1, Rainbow Rock of Las Vegas, Inc., NOV #8394 (Source ID #: 551), stating he would abstain from any action taken on this matter. He requested this be considered as a separate action if the Chair opted to rule on all the items at once. Chair Sanders agreed.

Vice-Chair Purves inquired about the mailing process. Mr. Miller pointed out the Nevada Revised Statutes require DAQ send these types of notices via Certified Mail, adding the invoices were also sent via email to the responsible officials for each source. Staff also hand-delivered the outstanding invoices and spoke with the responsible officials about them.

Board Member Inhaber questioned the fee calculations and late penalties. Mr. Miller explained fees are calculated based on the number of emission units listed in the permit and the associated fee outlined in Air Quality Regulations (AQR) Section 18. Late fees are usually assessed 45

days after the invoice is issued; however, due to technical glitches with the billing database this year that caused some billing issues, DAQ's Director opted not to assess late fees.

Chair Sanders called for action on Items V1.A.2 through V1.A.23, with the exception of those that have been paid and withdrawn– Items V1.A.5, V1.A.8, V1.A.10, and V1.A.21. Board Member Schweisinger made a motion to approve the revocations, which was seconded by Board Member Lavelle. Chair Sanders reiterated the motion was to revoke the air quality permits in Items V1.A.2 through V1.A.23 with the exception of Items V1.A.5, V1.A.8, V1.A.10, and V1.A.21. He called for a vote on the motion, which was affirmed by Vice-Chair Purves, Chair Sanders, and Board Member Inhaber. There were no oppositions. The motion carried.

Chair Sanders called for action on Item V1.A.1, noting Board Member Lavelle withdrew himself from action on this item due to a potential conflict of interesting. Board Member Schweisinger made a motion to revoke the permit, which was seconded by Board Member Inhaber. Chair Sanders acknowledged the motion and called for a vote. The motion was affirmed by Chair Sanders and Vice-Chair Purves. The motion carried.

Mr. Miller informed the Chair that orders revoking these permits were available for signature. It was agreed the orders would be presented for the Chair's signature after the meeting.

VII. REPORT BY DAQ STAFF

Update on DAQ Permitting Program

DAQ Permitting Manager Richard Beckstead presented a PowerPoint overview of the permitting program, outlining recent changes in stationary source permit regulations. He briefed the board on the new regulations governing minor sources, AQR §12.1, explaining future stationary source matters coming before the board for action would likely be subject to this rule[1]. Board Members were presented with a sample letter being sent to existing sources notifying them of changes in the permitting rules that requires them to submit new permit applications (Appendix A). These are sources that have permits issued under the previous rule. He recited the transition rule, AQR §12.0.3(b)(2), requiring the subject sources to submit a permit application within five years of the adoption date of July 1, 2010. He also presented a list being used to track sources that have received the letter thus far and their respective deadlines (Appendix B).

- Over 2,000 regulated sources are subject to this rule.
- Approximately 15-20 letters are sent each week to ensure even distribution over the year and to ensure the 5-year deadline is met.
- DAQ has received approximately 750 applications.
- Approximately 1,300 sources remain and will be brought in over next two years (before the July 1, 2015 deadline).
- DAQ usually receives 20-25 applications (for new and revised permits) a month this time of year—received approximately 45 in March 2013; anticipates receiving 55-60 in April 2013.

[1] Regulations and rules are used intermittently throughout these minutes. They are, in fact, one in the same— both are references to the Clark County Air Quality Regulations.

Vice-Chair Purves expressed concern over how the letter could be confusing to recipients and offered suggestions on making it clearer. Mr. Beckstead acknowledged the suggestions, adding DAQ Small Business Assistance staff has consulted with several sources to clarify any misunderstandings and help them discern what is required. An email was also sent to sources based on feedback received and encouraging sources to contact DAQ staff with any questions.

Chair Sanders commented on the cumbersomeness of the new permitting process and a desire to see it become more streamlined. Mr. Beckstead acknowledged his concern and explained new thresholds would exempt numerous sources from having to obtain permits. Out of the 2,000 regulated sources subject to this rule, approximately 400 will fall below the threshold and not be required to be permitted where they once were in the past. The 5-year term expiration will help sources keep permits updated and assist them in complying with local and federal rules.

Highlights of the new minor sources regulations under AQR §12.1 include:

- Thresholds for various pollutants are pushed as high as possible without causing a backsliding issue for DAQ. The Clean Air Act (CAA) has an anti-backsliding rule that if the rules are so relaxed that you cannot meet compliance with the National Air Quality Ambient Standards (NAAQS), they will not be approved. $PM^{2.5}$ defaults to the 5- ton PM^{10} standard since minor sources do not often have the capability of determining $PM^{2.5}$.

- Minor sources are stationary sources that are not subject to Authority to Construct (ATC) in §12.4.3 or Part 70 with a potential to emit (PTE) that equals or exceeds the PTE listed for various pollutants.

- Best available control technology (BACT) will no longer apply to minor sources and will only apply to new major sources or those undergoing a major modification. The stringent BACT requirement has been replaced with reasonably achievable control technology (RACT), which has a much lower threshold.

- Thresholds that cause a minor source to go to a major source depend on the pollutant. There are currently 29 major sources. DAQ does not anticipate many, if any, of the subject 2,000 regulated sources transitioning from a minor to major source. There might be a couple that should have been major sources, but they can take a Voluntary Accepted Emission Limit (VAEL) to avoid major source status and be labeled as a synthetic minor source. A synthetic minor source is a source whose PTE is greater than major source threshold, however they take a voluntary limit or operational condition that limits their PTE below major source threshold. They would have one year to submit a major source application, otherwise they will stay a synthetic minor source, which has more recordkeeping requirements and is enforceable.

- Sources with a PTE below the minor source threshold are exempt from permitting. They can request an exemption letter from DAQ, which is valid for five years or longer unless there are any operational changes that would cause them to exceed the allowed threshold. Exempt sources are registered so compliance can monitor them to see if they are maintaining operations within the exempt status. Staff is aware as the economy rebounds exempt sources may see an increase in business, thus increasing their emissions.

- There was concern over the potential for abuse in relying on a source's self-reporting. Mr. Beckstead agreed, adding the CAA puts responsibility on the source to be forthright. Sources are subject to substantial penalties if false information is discovered. Discrepancies are investigated by permitting staff and, if concerns remain, compliance staff will inspect the facility.

- Mr. Beckstead provided background on the different types of permit revisions: significant, minor, and administrative revision, and what type of changes require a revision— not all changes require a permit revision. He briefed the board on the revision process, the types of analysis performed, and the timelines for application submittal, review, issuance, and denial.

- Significant permit revisions require public notice, which can go to public hearing at the request of the source or staff. Public hearings are heard by staff and the regulated community. All concerns brought up at the hearing must be addressed before the matter is taken to public notice.

- For minor permit revisions, the source can implement the changes seven days after submittal of the application if DAQ accepts it. DAQ has 30 days to issue, deny, or amend and issue the minor permit revision. If the determination is not made by eighth day, source can move forward at its own risk.

- Mr. Beckstead provided a compressive explanation of the types of changes that can be implemented without permit revisions upon notification to the department, including the changes that can be implemented without a permit revision if the source maintains on-site log of those changes. If emissions are not going to be significant, the source notifies DAQ of the change, which is attached to the permit and becomes enforceable. If a change is made that does not require a permit revision, source must log changes in its record logs so that it is available for staff upon inspection and review.

- Permit timelines are more stringent and minor sources are required to apply for and obtain a permit prior to commencing construction, operation, or modification. A source that does not have a permit prior to July 1, 2010, can apply for a permit at any time, but no later than 180 days of receipt of written notice from DAQ. A timely renewal application is one that is submitted at least 120 days, but no more than 270 days before the date of expiration.

- Applications undergo extensive evaluation to ensure all content is included and payment is made before they can be deemed complete. If DAQ does not make any determination within 60 days of receipt of the application, it is deemed complete. Once it is deemed complete, maximum deadlines for issuance or denial are as follows:

Permit for a new minor source	150 days
Initial permit for an existing minor source issued under Section 12.1	75 days
Permit Renewal	75 days

Minor permit revision	30 days
Significant permit revision	120 days

- Operational allowances of applications undergoing review are as follows:

Initial permit for an existing minor source issued under Section 12.1	continue to operate under old permit until new one is issued
Permit Renewal	continue to operate under old permit until new one is issued
Minor permit revision	continue to operate under old permit and operate under what has been submitted as a revision
Significant permit revision	permit must be issued before they can operate under the new limits or scenario

- Public notices are required for new minor sources with a PTE that exceeds the pollutant levels specified under AQR §12.1.5.3 and those that will be located within a certain distance of school, hospitals, or residential areas; and for significant permit revisions due to significant increase in an existing source's PTE.

- Definition of PTE was changed to match the federal definition, "maximum capacity to emit any [pollutant] under its physical and operational design. Secondary emissions do not count in determining PTE."

- Definition of stationary source was changed to "the collection of all emissions units and pollutant-emitting activities that are contiguous or adjacent, under common control and in the same industrial category." The old rule did not have the same industrial category requirement, which meant all categories were grouped into one source regardless of type. This will cause some sources to break into two different sources.

- Definition of emissions unit was simplified and changed to match the federal definition, "any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant." The major source definition of emissions unit under AQR §12.2 and 12.3 is "... any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant."

- Fugitive emissions are not considered under the new rules. The new rules apply to new stationary sources; existing sources must comply with the old rules until the permit or a unit is modified. Fugitive emissions are not counted in determining whether a project is a major modification in non-categorical sources. There was concern over fugitive emissions being overlooked under this rule. Mr. Beckstead explained they would be controlled under AQR §26, which states opacity cannot exceed 20 percent.

- Moisture testing requirements have decreased for aggregate plants resulting in savings in the costs associated with those tests. This does not mean sources are not wetting/stability their product. Sources are now able to increase their PTE and maintain emissions within

those limits to avoid testing requirements and demonstrate compliance. Approximately 80 percent of sources have changed to this new scenario.

- Chair Sanders asked that DAQ show consideration for sources undergoing the permit transition process, pointing out there is a lot of concern in the industry. Mr. Miller explained sources will have to renew their permits every five years and this has been an exhaustive process for DAQ permitting staff, but the initial assessment is done once and if there are no significant changes, renewals could be processed quickly. Most inquiries and concerns are referred to the Small Business Assistance staff, who provides administrative guidance on regulatory and application requirements at no cost.

Other matters

The department has received county management approval to initiate the recruitment for a new Assistant Director.

There was discussion about the possible closure of the Reid-Gardner plant. Mr. Miller pointed out, according to the Nevada Revised Statutes (NRS), power plants that burn fossil fuel and not natural gas fall under the jurisdiction of Nevada Division of Environmental Protection (NDEP). A bill was recently introduced to label natural gas as a fossil fuel so DAQ will have no authority over natural gas, where currently the department does. The environmental remediation that would have to be done at Reid-Gardner will fall under the jurisdiction of NDEP. There is uncertainty of what will happen with the bill, but it would cause a major policy change.

Chair Sanders asked for continual updates on the permit transition process. Staff agreed.

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

No issues were identified for discussion.

IX. PUBLIC COMMENT

There were no public comments.

X. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:28 p.m.

Submitted for approval,

Gary D. Miller, Compliance Manager
Department of Air Quality

5/2/2013
Date

Appendix A

Protecting the air we share
Air Quality

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

March 19, 2013

FedEx: 7993 1791 4385

Mr. David L. Mendenhall, Responsible Official
Northwest Water Resource Center_Source #00690
6005 East Vegas Valley Boulevard
Las Vegas, NV 89122

Re: Notification to submit application for an Initial AQR 12.1 Minor Source Permit, in accordance with AQR 12.0.3(b)(2)

Dear Mr. Mendenhall:

On July 1, 2010, the Clark County Air Quality Regulations (AQR) governing the permitting of Stationary Sources were replaced with AQR 12.0 thru 12.12. The transition rule, AQR 12.0.3(b)(2) states:

> *"An existing minor source operating under a permit issued by the Control Officer prior to the effective date of these regulations must submit a permit application within five years of this date or earlier if requested in writing by the Control Officer."*

Accordingly, this letter provides notification for your regulated source to submit an application to obtain an initial AQR 12.1 Minor Source Permit within 60-days of receipt of this notice. Applications can be found on the department website (application fees and permit review and issuance fees will apply):

http://www.clarkcountynv.gov/Depts/AirQuality/Documents/Permitting/SS_forms/Minor_Source_Permit_Application.pdf

Other supplemental forms that may prove to be helpful can be found at the web address below:

http://www.clarkcountynv.gov/Depts/AirQuality/Pages/Permitting_Sources.aspx

Upon receipt of a written request, additional time will be allowed up to the 90th day from the receipt of this notice. After that time, the source will be found in non-compliance. **Applications not received will be sent a Notice of Violation/Termination of Permit whereby the existing permit will be revoked after 120 days, or at the next Hearing Officer date.**

If you have any questions regarding this matter, or need assistance with your application, please contact the Department of Air Quality Small Business Assistance Program at (702) 455-3455 or (702) 455-1624.

Sincerely,

L. Wallenmeyer

Lewis Wallenmeyer
Control Officer

LW:gab

Appendix B

Source ID	OP Issued	Source Name	FedEx Ship Date	FedEx/Cert Delivery Date	Cert Mail Date	Email Date	APP RCD	Due Date	P 360
15	3/3/2000	WHITING BROTHERS INC	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
16	6/3/2009	R.C. White Transport (Clark County School District)	2/22/2013	2/27/2013		2/28/2013		4/28/2013	X
29	9/23/2008	Anderson Dairy, Inc.	2/22/2013	2/27/2013		2/28/2013		4/28/2013	X
30	10/24/2007	Alsco Inc	2/22/2013	2/27/2013		2/28/2013		4/28/2013	X
32	1/30/2001	TOWER MANAGEMENT INC	3/28/2013	3/29/2013		4/8/2013		6/27/2013	
41	6/22/2009	James Down Towers (Housing Authority of Las Vegas)	2/22/2013	2/27/2013		2/28/2013	3/8/2013	4/28/2013	X
44	11/9/2009	Thatcher Company of Nevada		2/27/2013	2/22/2013	2/28/2013		4/28/2013	X
47	12/23/2008	Circus Circus Hotel and Casino / Slots of Fun	2/22/2013	2/26/2013		2/28/2013		4/27/2013	X
59	1/8/2009	Desert Spring Hospital Medical Center	2/22/2013	2/26/2013		2/28/2013		4/27/2013	X
76	12/22/2000	FOUR QUEENS CASINO AND HOTEL	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
77	4/7/2003	FREMONT HOTEL & CASINO	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
81	8/5/2009	Golden Nugget Hotel and Casino	2/22/2013	2/27/2013		2/28/2013	4/4/2013	4/28/2013	X
83	2/1/2010	Quarry 187	2/22/2013	2/26/2013		2/28/2013		4/27/2013	X
85	5/27/2008	Binion's Gambling Hall and Hotel	2/22/2013	2/25/2013		2/28/2013		4/26/2013	X
87	6/14/2007	RINKER MATERIALS CONCRETE PIPE DIVISION	3/28/2013	3/29/2013		4/8/2013		6/27/2013	
99	5/31/2006	NEVADA READY MIX CORPORATION	3/28/2013	4/2/2013		4/8/2013	4/10/2013	7/1/2013	p
102	12/22/2009	New Vegas Country Club	2/26/2013	2/28/2013		3/1/2013	3/29/2013	4/29/2013	X
105	**12/14/2004**	**LAS VEGAS PAVING CORPORATON LONE MOUNTAIN**	**Hold until May**					**HOLD**	
109	10/16/1998	BUNKERS MEMORY GARDENS MEMORIAL PARK	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
112	12/23/2009	Brady Linen Services	2/26/2013	3/1/2013		3/6/2013		4/30/2013	X
123	9/25/2009	Capital One Services Inc	2/26/2013	3/1/2013		3/1/2013		4/30/2013	X
125	**2/25/2009**	**CEMEX - Eldorado_HOLD**						**HOLD**	
126	6/22/2009	Palm Mortuary	2/26/2013	3/1/2013		3/6/2013		4/30/2013	X
128	4/17/2008	WAVE- Worthington Armstrong Venture	2/26/2013	3/1/2013		3/6/2013	3/13/2013	4/30/2013	X
130	5/21/2010	CalPortland	2/26/2013	3/1/2013		3/7/2013		4/30/2013	X
132	2/8/2005	ROYAL RESORT	3/28/2013	3/29/2013		4/8/2013		6/27/2013	
133	8/1/2007	The Sahara Hotel and Casino	2/26/2013	2/28/2013		3/1/2013		4/29/2013	X
144	6/21/1994	ARC INTERNATIONAL ANILOX ROLL COMPANY WEST INC	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
147	10/28/2008	Sunrise Hospital and Medical Center/Sunrise Children's Hospital	2/26/2013	2/27/2013		3/1/2013		4/28/2013	X
149	2/22/2007	LAUGHLIN LANDFILL	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
151	7/21/2009	Jockey Condominium, Inc.	2/26/2013	2/27/2013		3/1/2013		4/28/2013	X
155	6/4/2010	Plaza Hotel and Casino & Las Vegas Hotel and Casino	2/26/2013	3/1/2013		3/7/2013		4/30/2013	X
170	6/5/2002	WELLS FARGO FINANCIAL CENTER	3/28/2013	4/2/2013		4/8/2013		7/1/2013	
186	5/11/2010	Las Vegas Paving Corporation - Sunset Road/Eastgate Road Facility	2/26/2013	2/28/2013		3/1/2013		4/29/2013	X
199	2/4/2010	Ergon Asphalt & Emulsions, Inc.		3/4/2013	2/27/2013	3/7/2013		5/3/2013	X
253	6/12/2003	SUNROC CORPORATION	2/27/2013	2/28/2013		3/7/2013		5/29/2013	X
255	7/31/2009	Hooters Casino & Hotel	2/27/2013	2/28/2013		3/7/2013		4/29/2013	X

280	6/10/2010	Meadow View Associates	2/27/2013	3/4/2013		3/7/2013	4/9/2013	5/3/2013	X
282	2/1/2010	Mirage Hotel and Casino	2/27/2013	2/28/2013		3/7/2013	2/27/2013	4/29/2013	X
285	9/28/2007	Precast Concrete Company	2/27/2013	3/4/2013		3/7/2013		5/3/2013	X
303	10/27/2008	Cemex Construction Materials South LLC	2/27/2013	3/4/2013		3/7/2013		5/3/2013	X
306	9/11/2003	Boulevard Mall	2/27/2013	2/28/2013		3/7/2013		5/29/2013	X
311	11/20/2009	Fiberglass Specialties Inc	2/27/2013	2/28/2013		3/7/2013		4/29/2013	X
323	1/30/1990	Catalina Graphic Films	2/27/2013	2/28/2013		3/7/2013	3/5/2013	4/29/2013	X
324	11/12/2008	Quikrete Companies Inc	2/27/2013	3/4/2013		3/7/2013		5/3/2013	X
342	5/15/2008	Westin Casuarina Hotel Las Vegas	2/27/2013	2/28/2013		3/7/2013		4/29/2013	X
346	5/11/2009	Boral Roofing LLC	2/28/2013	3/1/2013		3/7/2013		4/30/2013	X
355	7/24/2006	Aquarius Casino Resort	2/28/2013	3/1/2013		3/7/2013		4/30/2013	X
359	6/22/2009	Bank of America Plaza	2/28/2013	3/5/2013		3/7/2013	3/1/2013	5/4/2013	X
375	3/14/2002	WESTSIDE SAND & GRAVEL PIT	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
384	12/23/2009	SOUTHWEST GAS CORPORATION		3/8/2013	3/6/2013	3/13/2013		5/7/2013	X
389	8/5/2009	CRAIG ROAD PET CEMETERY	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
402	12/17/2004	CITY OF LAS VEGAS WATER POLLUTION CONTROL FACILITY	3/6/2013	3/11/2013		3/13/2013	2/2/2013	5/10/2013	X
404	8/10/2010	NIKKISO CRYO INC	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
407	12/27/2004	DESERT MEMORIAL CREMATION & BURIAL SOCIETY	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
408	2/5/2003	ROCKWAY PRECAST INC	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
414	1/18/2008	SILVER STATE MATERIALS	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
415	3/30/2010	ETHEL M CHOCOLATES	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
434	9/30/2008	FITZGERALDS CASINO HOTEL	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
455	7/21/2009	LAS VEGAS YMCA	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
461	12/14/2004	ELECTROSTATIC PAINTING INC	3/6/2013	3/7/2013		3/13/2013		5/6/2013	X
477	1/29/2008	NV Energy - Pearson Building	2/26/2013	2/27/2013		3/1/2013		4/28/2013	X
486	6/1/2005	LAS VEGAS ROCK INC	3/6/2013	3/11/2013		3/13/2013		5/10/2013	X
503	**8/23/2010**	**SOUTHERN NEVADA WATER SYSTEM ALFRED MERRITT SMITH WATER TREATMENT PLANT**	**3/6/2013**	**3/11/2013**				**RESEND**	
507	10/27/2008	NEVADA READY MIX	3/7/2013	3/12/2013		3/13/2013		5/11/2013	X
510	6/1/2009	HARD ROCK HOTEL AND CASINO	3/7/2013	3/11/2013		3/13/2013		5/10/2013	X
523	2/9/2006	CIND R LITE BLOCK COMPANY	3/7/2013	3/11/2013		3/13/2013		5/10/2013	X
527	5/4/1999	BOULDER CITY LANDFILL	3/7/2013	3/12/2013		3/13/2013		5/11/2013	X
536	4/13/2007	CITY OF HENDERSON ANIMAL CONTROL	3/7/2013	3/11/2013		3/13/2013	3/29/2013	5/10/2013	X
538	7/15/2009	7 ELEVEN STORE #20826	3/7/2013	3/12/2013		3/13/2013		5/11/2013	X
543	7/15/2009	7 ELEVEN STORE #19653	3/13/2013	3/18/2013		3/19/2013		5/17/2013	X
546	5/12/2010	CITIBANK THE LAKES	3/13/2013	3/14/2013		3/19/2013		5/13/2013	X
551	11/3/1998	RAINBOW ROCK OF LAS VEGAS INC	3/13/2013	3/19/2013		No Email	CNX	5/18/2013	X
553	10/19/2004	MGM MIRAGE CORPORATE SERVICES CENTER	3/13/2013	3/14/2013		3/19/2013		5/13/2013	x
556	10/1/2007	AHERN RENTALS INC	3/13/2013	3/18/2013		3/19/2013	4/9/2013	5/17/2013	X
565	3/7/2007	PARAGON BUILDING PRODUCTS	3/13/2013	3/18/2013		3/19/2013		5/17/2013	X

568	5/2/2003	JT3 LLC	3/13/2013	3/18/2013		3/21/2013		5/17/2013	X
569	10/22/2007	LETICA CORPORATION	3/13/2013	3/18/2013		3/19/2013		6/16/2013	X
572	4/10/2000	BAKER COMMODITIES INC	3/13/2013	3/18/2013		3/19/2013		5/17/2013	X
586	6/2/2009	SILVER STATE MATERIALS	3/13/2013	3/14/2013		3/19/2013		5/13/2013	X
589	8/15/2005	THE FORUM SHOPS AT CAESARS	3/13/2013	3/18/2013		3/19/2013	5/29/2013	5/17/2013	X
592	12/15/2008	GEORGIA PACIFIC GYPSUM LLC	3/13/2013	3/18/2013		3/19/2013	Major	5/17/2013	X
600	7/8/2010	EL CORTEZ HOTEL AND CASINO	3/15/2013	3/20/2013		3/21/2013		5/19/2013	X
601	3/2/2002	JERRYS NUGGET	3/15/2013	3/20/2013		3/21/2013		5/19/2013	X
602	12/15/1999	LADY LUCK HOTEL AND CASINO		3/20/2013	3/15/2013	No Email		5/19/2013	X
604	4/11/2008	MAIN STREET STATION CALIFORNIA HOTEL AND CASINO	3/15/2013	3/20/2013		3/21/2013		5/19/2013	X
605	11/3/2006	PALACE STATION HOTEL & CASINO	3/15/2013	3/18/2013		3/21/2013		5/17/2013	X
606	4/21/2008	GOLD COAST HOTEL AND CASINO	3/15/2013	3/19/2013		3/21/2013		5/18/2013	X
615	4/8/2008	EASTSIDE CANNERY	3/15/2013	3/20/2013		3/21/2013		5/19/2013	X
616	7/21/2009	SAMS TOWN HOTEL AND CASINO	3/15/2013	3/20/2013		3/21/2013		5/19/2013	X
619	11/9/2006	NEVADA LANDING HOTEL & CASINO AND GOLDSTRIKE HOTEL & CAMBLING HALL	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
625	9/30/2009	UNIFIRST CORPORATION	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
627	8/17/2009	HARRAHS LAUGHLIN HOTEL AND CASINO	3/19/2013	3/20/2013		No Email	1/18/2013	5/19/2013	X
628	9/5/2002	GOLDEN NUGGET LAUGHLIN	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
629	3/3/2010	RIVER PALMS RESORT AND CASINO	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
630	7/21/2008	EDGEWATER COLORADO BELLE HOTEL AND CASINO	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
632	1/4/2007	RIVERSIDE RESORT AND CASINO	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
633	1/17/2008	TROPICANA EXPRESS HOTEL AND CASINO	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
645	6/8/2009	HEALTHSOUTH REHABILITATION HOSPITAL OF HENDERSON	3/19/2013	3/21/2013				5/20/2013	
655	10/15/2009	SILVERTON CASINO LODGE LAS VEGAS	3/19/2013	3/20/2013		3/21/2013		5/19/2013	X
659	7/15/2009	7 ELEVEN STORE #25586	3/19/2013	3/22/2013		3/21/2013		5/21/2013	X
671	4/9/2010	FEDERAL AVIATION ADMINISTRATION LAS VEGAS AIR TRAFFIC CONTROL TOWER	3/20/2013	3/20/2013		3/21/2013	4/20/2013	5/19/2013	X
673	12/21/2005	WESTERN MINING AND MINERALS	3/20/2013	3/20/2013		3/21/2013		5/19/2013	X
676	11/4/2009	TRI DELTA	3/20/2013	3/22/2013				5/21/2013	
677	**10/30/2009**	**CEMEX CONSTRUCTION MATERIALS SOUTH LLC**	**Hold until April**					**HOLD**	
688	6/2/2009	SOUTHWEST GAS CORPORATION		3/21/2013	3/19/2013			5/20/2013	
688	7/9/2009	ASH GROVE CEMENT COMPANY		3/21/2013	3/19/2013	3/21/2013		5/20/2013	X
690	6/2/2003	NORTHWEST WATER RESOURCE CENTER	3/20/2013	3/25/2013				5/24/2013	
692	9/22/2009	SOUTHERN NEVADA WATER SYSTEM RIVER MOUNTAINS WATER TREATMENT FACILITY	3/20/2013	3/25/2013				5/24/2013	
696	9/14/2009	SPRINT LAS VEGAS PCS SWITCH		3/21/2013	3/19/2013	3/21/2013		5/20/2013	X
697	3/30/2009	VENETIAN HOTEL AND CASINO	3/28/2013	3/29/2013		4/8/2013	3/4/2013	6/27/2013	P
701	3/25/1999	RESTORATION COLLISION SPECIALISTS INC	3/20/2013	3/21/2013				5/20/2013	
726	6/16/2009	VERIZON BUSINESS		3/21/2013	3/19/2013	3/21/2013		5/20/2013	X
727	7/31/2009	HITES CREMATORY	3/20/2013	3/22/2013				5/21/2013	
740	5/30/2003	SPANISH GATE HOLDINGS INC	3/28/2013	3/29/2013		4/8/2013		6/27/2013	

741	5/11/1999	COLE INDUSTRIES INC	3/28/2013	4/1/2013		4/8/2013	6/30/2013	
747	**8/13/2009**	**CASHMAN CENTER**	**Hold until May**				**HOLD**	
748	11/9/2009	CHEVRON FACILITY #306496	3/28/2013	4/2/2013		4/8/2013	7/1/2013	
752	6/18/2009	MOUNTAIN VIEW DIALYSIS	3/28/2013	4/2/2013		4/8/2013	7/1/2013	
755	5/28/2009	JW MARRIOTT LAS VEGAS	3/28/2013	3/29/2013		4/8/2013	6/27/2013	
759	5/11/2010	LAS VEGAS MARRIOTT SUITES	3/28/2013	3/29/2013		4/8/2013	6/27/2013	
764	10/11/1999	LAS VEGAS VACATION SUITES	3/28/2013	4/1/2013		4/8/2013	6/30/2013	
767	10/17/2002	DARLING INTERNATIONAL INC	3/28/2013	4/2/2013		4/8/2013	7/1/2013	
837	6/4/2010	Thomas A Campbell Pumping Station	2/26/2013	3/4/2013		3/7/2013	5/3/2013	X
1020	5/7/1998	Proficient Auto Body repair Shop LLC	2/26/2013	2/28/2013		3/1/2013	4/3/2013 4/29/2013	X
9605	12/31/2007	Terrible Herbst #225	2/26/2013	2/27/2013		3/1/2013	4/28/2013	X
15404	7/9/2004	Durmex Mobile Concrete	2/26/2013	3/1/2013		3/7/2013	4/30/2013	X
15466	10/13/2004	Rebel Mobile Concrete	2/26/2013	3/1/2013		3/7/2013	4/2/2013 4/30/2013	X
15629	6/2/2009	Aggregate Industries SWR Inc	2/26/2013	3/1/2013		3/1/2013	4/30/2013	X
15893	9/20/2006	Lowe's of Las Vegas		3/4/2013	2/27/2013	No Email	5/3/2013	X
16024	5/8/2007	LOWES OF NE LAS VEGAS	3/28/2013	4/1/2013		4/8/2013	6/30/2013	
16030	2/6/2008	Walker Furniture	2/28/2013	3/5/2013		3/7/2013	3/28/2013 5/4/2013	X
16260	4/30/2008	Vision Sign Inc	2/28/2013	3/5/2013		3/7/2013	5/4/2013	X

RE: Evergreen Distributors, Inc. – Renewal of Certificate of Exemption

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
ED000001	Letter from Gary D. Miller, DAQ	07/09/13
ED000002	Letter from Araceli Pruett, DAQ	08/14/13
ED000003-ED000006	Notice of Hearing & Affidavit of Publication	09/12/13
ED000007-ED000008	Fact Sheet	09/12/13
ED000009	Email from Araceli Pruett, DAQ	09/25/13

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

July 9, 2013

CERTIFIED MAIL #91 7199 9991 7031 1393 3981

Mr. Wally Kearns
Evergreen Distributors, Inc.
P.O. Box 503130
San Diego, California 92150-3130

Re: Renewal of Certificate of Exemption

Dear Mr. Kearns:

A review of our files indicates your Certificate of Exemption for Wilsonii trees will expire on December 9, 2013.

Air Quality Regulations (AQR) Subsection 44.3.5 states "the applicant may renew a certificate for three year increments." The last Air Pollution Control Hearing Board meeting before the expiration date is October 9, 2013. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before August 15, 2013.

In compliance with AQR Subsection 18.9, a filing fee of $136.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality and mail it along with your request for renewal to the attention of Araceli Pruett, DAQ, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact me at (702) 455-5199.

Sincerely,

Gary D. Miller
Compliance and Enforcement Manager

GDM/AP

cc: Patricia Ringgenberg, DAQEM Air Quality Specialist II

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4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

August 14, 2013 Certified Mail #91 7199 9991 7031 1393 3820

Mr. Wally Kearns
Evergreen Distributors, Inc.
P.O. Box 503130
San Diego, California 92150-3130

Re: Renewal of Certificate of Exemption

Dear Mr. Kearns:

We are in receipt of your request to renew your Certificate of Exemption. Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on October 9, 2013, at 1:30 p.m. at the Clark County Building Department - Presentation Room, 4701 West Russell Road, Las Vegas. *This is a new location-- see enclosed map.* An agenda will be sent to you prior to the hearing.

You may want to attend this hearing to answer any questions by the board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (copy enclosed). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3. Please note, this statement and any additional documentation you want to present regarding your renewal must be submitted to my attention by Monday, September 23, 2013 so that it can be copied and placed in the board books for distribution to the respective board members.

If the board acts favorably on your request, an Order will be prepared requiring the submittal of a distribution plan that identifies your procedures for tracking and distributing the subject trees.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett

Araceli Pruett, Administrative Secretary
Enforcement Division

Attachments

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4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants: Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company. A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.

CERTIFICATE OF MAILING

I hereby certify that on September 11, 2013, 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 11th day of September 2013.

Araceli Pruett

Araceli M. Pruett

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 891153452

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

Hafen Nursery
1740 North Boulder Highway
Henderson, Nevada 890154124

Hurley's Nursery
9675 Redwood Street
Las Vegas, Nevada 891397331

Ladybug Nursery
1674 Nevada Highway
Boulder City, Nevada 89005

Majestic Color Growers
3125 South Hollywood Boulevard
Las Vegas, Nevada 891223606

Moon Valley Nursery
9040 South Eastern Avenue
Las Vegas, Nevada 891233262

Mountain States Wholesale
824 Apperson Circle
Las Vegas, Nevada 891230543

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 891227451

Vista Nursery
20 North Gibson Road
Henderson, Nevada 890146704

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

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 920850536

Frank Rauscher
Star Nursery
125 Cassia Way
Henderson, Nevada 89014

Tom Russell, Ph.D.
Swan Hill Nurseries, LLC
P. O. Box 420
Waddell, Arizona 853550420

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
4701 W RUSSELL RD
2ND FLR
ATTN: RUSSEL ROBERTS
LAS VEGAS NV 89118

Account # **22354**

Ad Number **0000015881**

Stacey M Lewis, 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 09/12/2013 to 09/12/2013, on the following days:

09 / 12 / 13

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants:
Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company.
A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.
PUB: September 12, 2013
LV Review-Journal

/S/ Stacey M Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of September, 2013

Notary Mary Lee

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

RECEIVED
CC-DAQ
2013 SEP 19 A 8:15

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Lewis Wallenmeyer Director

FACT SHEET
September 12, 2013

Application for Renewal of Certificate of Exemption

Applicant: Evergreen Distributors, Inc.
7150 Black Mountain Road
San Diego, CA 92130

Purpose:

Evergreen Distributors, Inc. has applied for a renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii olive for the next three years.

Background:

On August 24, 1992, Evergreen Distributors submitted its original application for a Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii in Clark County. Evergreen Distributors presented a study dated May 13, 1992, by Dr. Nicholas P. Yensen that stated the Wilson olive trees observed released pollen at a level significantly (with a 95% confidence level) below 15% of the level of the Mission Olive. The study used seven Wilson olive trees with pollen traps that used "Tangle Foot" sticky paper. Issues were raised regarding the validity of the study whereby the APC Hearing Board granted an exemption for one year to December 10, 1993 with conditions. Further research was completed with the data showing evidence of low pollen potential from the Wilson cultivar. On December 9, 1993, after reviewing the consultant's study, the Board extended the Certificate of Exemption to December 10, 1995. The Board renewed the certificate on October 12, 1995; October 8, 1998; December 6, 2001; December 9, 2004; November 29, 2007; and again on November 4, 2010, with an expiration date of December 9, 2013. A request for renewal was received on August 8, 2013.

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 September 12, 2013, notifying the public of the application and inviting public comment. In addition, staff mailed over 25 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, 702-455-3206.

Anyone may petition to intervene in writing by September 23, 2013. 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 September 23, 2013, or ten copies must be brought to the meeting for staff, board members, and the public.

Conclusions:

DAQ staff has discussed the Wilsonii olive with representatives of several local nurseries in Clark County that market the majority of these olive trees. They have received no customer complaints about pollination or fruiting. In conclusion, staff recommends approval of the request for renewal, 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 renewal application, please contact Araceli Pruett at (702) 455-3206.

Araceli Pruett

From: Araceli Pruett
Sent: Wednesday, September 25, 2013 10:54 AM
To: 'wkearns@evergreennursery.com'
Subject: Renewal of Certificate of Exemption
Attachments: Renewal_Receipt_Letter.pdf

Good Morning Mr. Kearns,

The attached letter was sent to you by Certified Mail on August 29, 2013, and the US Post Office has confirmed it was delivered on August 16. To date, we have not received the additional information/documentation requested in this letter from Evergreen Distributors.

As you are aware the renewal of your certificate of exemption is scheduled for October 9, 2013. **If you choose not to attend this hearing, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (see link below). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3.**

http://www.clarkcountynv.gov/Depts/AirQuality/Documents/Regs/SECT44_07-01-04.pdf

We need this statement and any other supporting documentation from you by Tuesday, October 1, so it can be distributed to the board members prior to the hearing.

Your prompt attention to this would be greatly appreciated. If you have any questions, please let me know.

Araceli Pruett
Clark County Department of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, Nevada 89118
Direct Line: (702) 455-3206
Main Number: (702) 455-5942/Fax: (702) 383-9994

RE: Orangewood Nursery, LLC dba Easy Pace Tree Farm– Renewal of Certificate of Exemption

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
EP000001	Letter from Gary D. Miller, DAQ	07/09/13
EP000002	Letter from Jerry Mangham, Easy Pace Tree Farm	07/19/13
EP000003	Letter from Jerry Mangham, Easy Pace Tree Farm	08/05/13
EP000004	Letter from Araceli Pruett, DAQ	08/14/13
EP000005-EP000008	Notice of Hearing & Affidavit of Publication	09/12/13
EP000009-EP000010	Fact Sheet	09/12/13
EP000011-EP000050	Letter from Jerry Mangham, Easy Pace Tree Farm	09/12/13

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

July 9, 2013

CERTIFIED MAIL #91 7199 9991 7031 1393 3998

Mr. Jerry Mangham
Easy Pace Tree Farm, LLC
P.O. Box 277
Waddell, AZ 85355

Re: Renewal of Certificate of Exemption

Dear Mr. Mangham:

A review of our files indicates your Certificate of Exemption for Wilsonii trees will expire on December 9, 2013.

Air Quality Regulations (AQR) Subsection 44.3.5 states "the applicant may renew a certificate for three year increments." The last Air Pollution Control Hearing Board meeting before the expiration date is October 9, 2013. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before August 15, 2013.

In compliance with AQR Subsection 18.9, a filing fee of $136.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality and mail it along with your request for renewal to the attention of Araceli Pruett, DAQ, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact me at (702) 455-5199.

Sincerely,

Gary D. Miller
Compliance and Enforcement Manager

GDM/AP

cc: Patricia Ringgenberg, DAQEM Air Quality Specialist II

RECEIVED
CC-DAQ

2013 JUL 24 P 1:13

July 19, 2013

Clark County Department Of Air Quality
4701 W. Russell Road
Suite 200
LAS vegas, NV 89118

Mr. Miller

Easy Pace Tree Farm would like to request the renewal of the Certificate of Exemption that we now hold for the Wilson olive. Please advise of any paper work that may be required.

Sincerely,

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

EASY PACE TREE FARM
PO BOX 277
Waddell, AZ 85355
623-826-0080

August 5, 2013

Mr. Pruett

Easy Pace Tree Farm office and farm (growing grounds) are still at 16344 W. Orangewood Road, Litchfield Park, AZ. We use the Waddell PO box because of problems we have had with mail delivery in the past.

The current phone number is 623-826-0080

Sincerely,

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

August 14, 2013 Certified Mail #91 7199 9991 7031 1393 3844

Mr. Jerry Mangham
Easy Pace Tree Farm, LLC
P.O. Box 277
Waddell, AZ 85355

Re: Renewal of Certificate of Exemption

Dear Mr. Mangham:

We are in receipt of your request to renew your Certificate of Exemption. Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on October 9, 2013, at 1:30 p.m. at the Clark County Building Department - Presentation Room, 4701 West Russell Road, Las Vegas. *This is a new location-- see enclosed map.* An agenda will be sent to you prior to the hearing.

You may want to attend this hearing to answer any questions by the board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (copy enclosed). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3. Please note, this statement and any additional documentation you want to present regarding your renewal must be submitted to my attention by Monday, September 23, 2013 so that it can be copied and placed in the board books for distribution to the respective board members.

If the board acts favorably on your request, an Order will be prepared requiring the submittal of a distribution plan that identifies your procedures for tracking and distributing the subject trees.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett

Araceli Pruett, Administrative Secretary
Enforcement Division

Attachments

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants: Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company. A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.

CERTIFICATE OF MAILING

I hereby certify that on September 11, 2013, 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 11th day of September 2013.

Araceli Pruett

Araceli M. Pruett

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 891153452

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

Hafen Nursery
1740 North Boulder Highway
Henderson, Nevada 890154124

Hurley's Nursery
9675 Redwood Street
Las Vegas, Nevada 891397331

Ladybug Nursery
1674 Nevada Highway
Boulder City, Nevada 89005

Majestic Color Growers
3125 South Hollywood Boulevard
Las Vegas, Nevada 891223606

Moon Valley Nursery
9040 South Eastern Avenue
Las Vegas, Nevada 891233262

Mountain States Wholesale
824 Apperson Circle
Las Vegas, Nevada 891230543

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 891227451

Vista Nursery
20 North Gibson Road
Henderson, Nevada 890146704

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

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 920850536

Frank Rauscher
Star Nursery
125 Cassia Way
Henderson, Nevada 89014

Tom Russell, Ph.D.
Swan Hill Nurseries, LLC
P. O. Box 420
Waddell, Arizona 853550420

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
4701 W RUSSELL RD
2ND FLR
ATTN: RUSSEL ROBERTS
LAS VEGAS NV 89118

Account # **22354**

Ad Number **0000015881**

Stacey M Lewis, 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 09/12/2013 to 09/12/2013, on the following days:

09 / 12 / 13

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants:
Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company.
A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.
PUB: September 12, 2013
LV Review-Journal

/S/ Stacey M Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of September, 2013

Notary Mary Lee

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

RECEIVED
CC-DAQ
2013 SEP 19 A 8:15

EP000008

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

FACT SHEET
September 12, 2013

Application for Renewal of Certificate of Exemption

Applicant: Orangewood Nursery, Inc. dba Easy Pace Tree Farm
16344 W. Orangewood Avenue
Litchfield Park, AZ 85340

Purpose:

Orangewood Nursery, LLC dba Easy Pace Tree Farm (Easy Pace) has applied for a renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii olive for the next three years.

Background:

On May 6, 1991, Easy Pace submitted its original application for a Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii in Clark County. Subsequently, Easy Pace presented a study dated May 13, 1992, by Dr. Nicholas P. Yensen that stated the Wilson olive trees observed released pollen at a level significantly (with a 95% confidence level) below 15% of the level of the Mission Olive. The study used seven Wilson olive trees with pollen traps that used "Tangle Foot" sticky paper. Issues were raised regarding the validity of the study whereby the Air Pollution Control Hearing Board granted an exemption for one year to December 10, 1993 with conditions. Further research was completed with the data showing evidence of low pollen potential from the Wilson cultivar. On December 9, 1993, after reviewing the consultant's study, the Board extended the Certificate of Exemption to December 10, 1995. The Board renewed the certificate on October 12, 1995; October 8, 1998; December 6, 2001; December 9, 2004; November 29, 2007; and again on November 4, 2010 with an expiration date of December 9, 2013. A request for renewal was received on July 19, 2013.

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 September 12, 2013, notifying the public of the application and inviting public comment. In addition, staff mailed over 25 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, 702-455-3206.

Anyone may petition to intervene in writing by September 23, 2013. 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 September 23, 2013, or ten copies must be brought to the meeting for staff, board members, and the public.

Conclusions:

DAQ staff has discussed the Wilsonii olives with representatives of several local nurseries in Clark County that market the majority of these olive trees. They have received no customer complaints about pollination or fruiting. In conclusion, staff recommends approval of the request for renewal, 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 renewal application, please contact Araceli Pruett at (702) 455-3206.

EASY PACE TREE FARM

P.O. BOX 277
WADDELL, AZ 85355
623-826-0080

September 12, 2013

Mr Aracell Pruett
Clark County Department of Air Quality
Suite 200
Las Vegas, NV 89118

Dear Sir,

Easy Pace Tree Farm would like to request renewal of our Wilson olive exemption per section 44.3 of the Clark County Air Quality regulations.

Section 44.3.2 sets a pollen limit of 15% of that produced by the traditional European olive. I have two studies done at U.N.L.V. that show that thw Wilson olive this limit.

As per sections 44.3.3/44.3.4, our distribution plan will be as it has been for the last 20 years. Each tree will have a numbered tag that also contains the required information. A Certificate of Exemption will be included with each shipping invoice..

Any questions can be directed to Jerry Mangham at 623-826-0080.

Thank you

Jerry Mangham

ARIZONA DEPARTMENT OF AGRICULTURE
Plant Services Division
1688 W. Adams St., Phoenix, AZ 85007
Website: http://www.azda.gov

Special Nursery Stock Inspection Certificate

EASY PACE TREE FARM

Certified Locations:	**Certification Numbers**
16406 W. ORANGEWOOD AVE. LITCHFIELD PARK, AZ	ORR-2875

This is to certify that the plant material accompanied by this certificate was grown at an Arizona location in a manner that assures freedom from ozonium root rot or was determined to be free from ozonium root rot.

Expiration Date: 6/26/2014

G. John Caravetta, Associate Director

6/26/13
Issue Date

EP000012

ARIZONA DEPARTMENT OF AGRICULTURE

Plant Services Division
1688 W. Adams St., Phoenix, AZ 85007
Website: http://www.azda.gov

General Nursery Stock Inspection Certificate

EASY PACE TREE FARM

Certified Locations:
16406 W. ORANGEWOOD AVE.
LITCHFIELD PARK, AZ

Certification Numbers
AZ-2457

The Nursery or business premise(s) from which this shipment was made has been visually inspected and found to be in compliance with National Plant Board Standards of Pest Freedom.

Expiration Date: 12/31/2013

G. John Caravetta, Associate Director

12-6-12
Issue Date

EP000013

OLEA EUROPAE WILSONI

Plant Pat. #4464

Approved By Clark
County Air Pollution
Control Hearing Board
On 1-1-10

Approved By Pima
County Board
of Supervision
On 1-17-95

25492

Easy Pace Tree Farm
16406 W. Orangewood Ave., Litchfield Park, AZ 85340
(623) 935-3497

ADDENDUM TO
POLLEN YIELD FROM OLIVE TREE CVS. MANZANILLO AND WILSON ON THE UNIVERSITY OF NEVADA LAS VEGAS CAMPUS

Frederick W. Bachhuber, Professor of Geology
Department of Geoscience
University of Nevada, Las Vegas
Campus Box 454010
Las Vegas, Nevada 89154-4010

ADDENDUM TO
POLLEN YIELD FROM OLIVE TREE CVS. MANZANILLO AND WILSON ON THE UNIVERSITY OF NEVADA LAS VEGAS CAMPUS

Summary

In the spring of 1993, a sophisticated array of collecting devices monitored the airborne pollen released at sites in proximity to the common, and high pollen producing, Manzanillo olive tree, the new cultiver, and supposedly low pollen producing, Wilson olive tree, and for comparison the general background pollen rain. The study concluded that, depending on the type of pollen-collecting device utilized, pollen production from the Wilson olive tree was 99% to 80% less than that of the Manzanillo olive tree, statistically well within the limit of 85% less pollen imposed by Air Pollution Control Regulation, Section 44.3.2. The Wilson olive tree used in the study, however, was transplanted on the UNLV campus only a few months prior to pollen collection. Therefore, I was concerned that the low pollen production of the Wilson olive could have been related to "transplant shock."

A follow up study, with pollen collected in the spring of 1999, confirms the initial results. Using non-static collectors located in the canopy of a Wilson olive tree and a Manzanillo olive tree, the Wilson cultiver presumably produced 87% less pollen during the 3-day period of highest general pollen production, and 79% less pollen during the total collecting period of April 16 through May 10, 1999.

Introduction

In 1991, the then Clark County Health District regulated against the new planting of *Olea europaea* L. cv. Manzanillo, the common horticultural cultivar of olive tree. The purpose of the regulation (Section 44) is due to the common olive's propensity to produce extraordinarily high amounts of pollen that is believed to contribute to serious health problems for many Clark County residents. In response to health problem concerns and direct regulations against the new planting of the common olive tree in a number of cities, a series of hybrids or varieties of common olive have been horticulturally developed, all purported to have genetic characteristics of either lower pollen production or significantly reduced capacity to release pollen into the atmosphere. Olive tree *Olea europaea* L. cv. Wilson, the focus of the initial and this follow up study, is one such hybrid.

The original study seemed to demonstrate that the pollen production capacity of the Wilson olive tree was significantly lower than that of the Manzanillo olive tree. All the data supported this relationship, however, it was noted that the Wilson olive trees on the UNLV campus were recent transplants prior to the beginning of the study. As such, I expressed concern that the apparent low pollen production of the Wilson olive tree could have been a factor of "transplant shock" even though there was no visual evidence of such a condition. Immature development of the root system or severe pruning of newly transplanted stock could retard the reproductive cycle, thus preventing normal flowering and pollen production.

In 1999, in order to evaluate the factor of "transplant shock," I recollected airborne pollen from the original Wilson olive tree site and a Manzanillo olive tree site. The purpose of the follow up study was to collect additional data for publication in a scientific journal. Coincidentally, after I started the project, Mr. Joseph Costanzo of Easy Pace Tree Farm contacted me. He indicated that the newly titled Department of Air Quality Management requested further documentation in order to continue certification of the Wilson olive tree for planting in Clark County. This study provides such documentation.

Research design and procedures

The original study, initiated in 1993, used a Health District approved research design utilizing a highly sophisticated array of collecting devices. The pollen collecting devices consisted of Burkard Spore Traps, Rotorod samplers (both mechanical collectors), and two types of non-static collectors (Bachhuber, 1994). An array consisting of each device type was set at 3 different locations: a background collecting site, a site in proximity to the common Manzanillo olive tree, and a site in proximity to the Wilson olive tree. While the quality of data varied between the different collecting devises, all devises demonstrated lower olive pollen densities at the Wilson olive tree site. The collecting array used in 1993 was expensive, and logistically difficult to obtain, set up, maintain, and operate. For these reasons, it would have been impractical, if not impossible, for me to replicate the original collecting array. However, since all collecting devises yielded similar data I opted to use only single non-static devices located in the canopies of the two olive tree types for the follow up study.

The non-static collecting devices of this study were the same ones used in the 1993 study. Each collector consisted of a glass vial, partially filled with glycerine, inserted in a 12 oz aluminum "beer" can that had openings cut into the sides and top. Total open area of the can was 47 cm^2. Airborne pollen grains enter the can from the openings in the sides and top, collecting in the glass vial and being retained by the glycerine. In the original study the side openings of the can were covered with mosquito netting. Owing to the low pollen densities recorded by the non-static samplers in the original study, netting was not added to the samplers for this study. Consequently, pollen densities were much higher.

The non-static samplers were hung in the canopy of a Manzanillo olive tree located near the old UNLV Library, and a Wilson olive tree located to the west of the Physical Education complex. After 3 days of continuous pollen collection (with the exception of 4 days for the first sample collected on April 20 and 5 days for the last sample collected on May 10), the vials were removed from the can, sealed with a cork, and refrigerated.

A total of 14 samples (7 from the Manzanillo olive tree site, 7 from the Wilson olive tree site) were collected, representing the continuous collecting period from April 16 through May 10, 1999. Individual samples were processed in the laboratory in August 1999 and pollen was tabulated between August 2000 and October 2001. Processing, mounting and microscopic examination of pollen was consistent with procedures established in the original study (Bachhuber, 1994).

Data analyses

Microscopic examination of samples consisted of identifying and tabulating the number of olive pollen grains, non-olive pollen grains and marker grains (Stockmarr *Lycopodium* Tablets Batch 212761) that were added to the samples during laboratory processing. The number of non-olivine pollen was extremely low therefore tabulations are not used in data analyses. Since the marker grains were added to the samples in statistically known quantities, the number of marker grains relative to the number of olive pollen grains is a measure of pollen density per unit time. Specifically, the numbers expressed in Table 1 and graphically expressed in Figure 1 are olive grains deposited (in the vials) per cm^2 per day.

Table 1. Number of olive pollen grains /cm^2/day at the Wilson olive tree site and the Manzanillo olive tree site, from April 4 through May 10, 1999, UNLV campus. Data represent 3 days of collection (exceptions April 20, 4 days; May 10, 5 days) converted to one day averages.

Yr 1999	April 20	April 23	April 26	April 29	May 2	May 5	May 10
Wilson	12	437	2437	3173	4190	812	154
Manzan.	2300	6677	10093	3312	31227	696	239

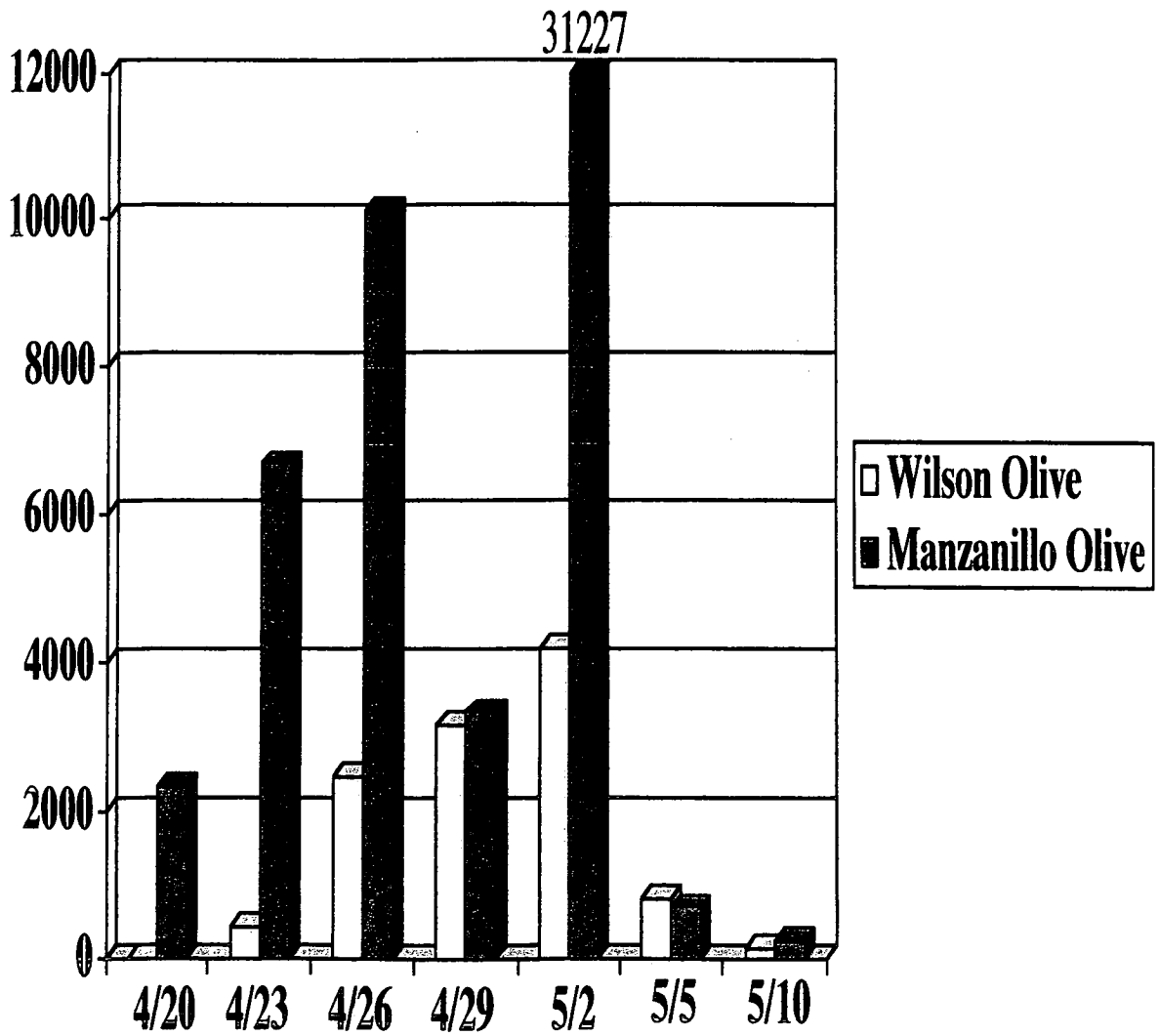
With the exception of the April 29 and May 5 collecting periods, the non-static samples from the Wilson olive tree site are significantly lower in olive pollen than the Manzanillo olive tree site. The April 29 collection period records a significant decrease in pollen density at the Manzanillo site as compared to the April 26 and May 2 collection periods. During the same time period, the Wilson olive tree site exhibits a steady increase in pollen densities. Since pollen density steadily increases at both the Wilson site and Manzanillo site from April 20, then decreases at the Manzanillo site on April 29, and subsequently increases to the highest level on May 2, it appears that pollen production was retarded at the site. The reason for the decrease in pollen density, at a time when densities should be generally increasing to peak level on May 2 is unknown. However, changing weather conditions may have played a role in retardation of pollen production or pollen release from flowers during the 3 day collecting interval. While I do not have definitive weather data for the period, field notes indicate that the beginning of the week of April 23 was relatively cold with rain falling on the 24th. The 26th and 27th were warmer, followed by colder conditions on the 28th and 29th. It is likely, but not quantifiable, that changing weather conditions impacted pollen production or release during the time period. A similar significant decrease in pollen density was also observed in the 1993 study. This decrease was also attributed to weather conditions, but for both studies, this is supposition on my part.

The May 5 collection interval is characterized by a slightly higher olive pollen density at the Wilson olive tree site than that of the Manzanillo olive tree site. I do not believe that this is an important change because pollen densities dropped significantly following the

FIGURE 1

NON-STATIC SAMPLES - CANOPY

Comparison of olive pollen per square centimeter per day from non-static canopy samplers at Wilson Olive Tree site and Manzanillo Olive Tree site from April 4 through May 10, 1999, UNLV campus. Data represent 3 days of collection (exceptions April 20, 4 days; May 10, 5 days) converted to one day averages. Dates on graph represent day of collection ending at approximately 9:00 a.m.



peak pollen production of the May 2 collecting interval. By May 2, virtually all flowering had ceased at both olive tree sites.

Whereas Table 1 and Figure 1 clearly demonstrate the significantly lower olive pollen densities at the Wilson olive tree site as compared to the Manzanillo olive tree site, Air Pollution Control Regulation, Section 44.3.2 imposes a demonstrated reduction of 85% less olive pollen for olive tree hybrids in order to be considered for planting within Clark County. Table 2 converts pollen densities to per cent difference between the two olive tree sites.

Table 2. Per cent difference between pollen density of Wilson olive tree site as compared to the Manzanillo olive tree site from April 4 through May 10, 1999, UNLV campus.

	April 20	April 23	April 26	April 29	May 2	May 5	May 10	Total Period
% differ. Wilson / Manzan.	99% lower	93% lower	76% lower	10% lower	87% lower	14% higher	36% lower	79% lower

Since peak pollen production occurred during the May 2 collection interval, it is suspected that the majority of pollen collected at both sites in the May 5 and May 10 periods is background pollen derived from the valley in general and therefore, is not site specific. In addition, it is likely that the pollen density of April 29 at both sites is predominately a reflection of background pollen rain.

The data strongly suggests that the Wilson olive tree produces/releases significantly lower numbers of pollen grains than the common Manzanillo olive tree. These data are consistent with those of the original study. Also consistent with conditions of the original study, the majority of flowers on the Wilson olive tree continue to abort before pollen is developed or released. The buds and partially opened flowers turn brown and fall off the stem before the pollen-containing anthers are exposed. Clearly, this aspect is a function of the genetic character of the tree.

Conclusions

Pollen data from non-static samplers located in the canopies of olive trees support the contention that *Olea europaea* L. cv. Wilson, a new cultivar, releases significantly fewer pollen grains into the atmosphere than does *Olea europaea* L. cv. Manzanillo, the common olive tree. During the period of optimal flowering (May 2 collecting interval), the Wilson olive released into the atmosphere 87 % less pollen than that of the Manzanillo olive. From April 16 (prior to any flowering) through May 10 (flowers no longer visible), the Wilson olive tree site recorded 79% less olive pollen than the Manzanillo olive tree site. It is believed here that lower pollen production/release of the Wilson cultiver is related to genetic characteristics of the tree, and is not due to external conditions. Owing to low pollen production, relatively rapid growth, shade potential, low

potential water consumption, and high aesthetic value, the Wilson olive tree is a welcome horticultural element in the Clark County landscape.

Qualification

Easy Pace Tree Farm of Litchfield Park, Arizona donated $300 to the Department of Geoscience, UNLV to expedite this report. Previous to this donation, samples had been collected and processed. Funding was used exclusively to hire a student who supported the identification and tabulation of olive pollen grains in the various samples. In this regard, I thank Anne Apgar, an undergraduate student in the department, for her assistance in the microscopic examination of all samples.

Literature cited

Bachhuber, F. W., 1994, Pollen Yield from Olive Tree cvs. Manzanillo and Wilson on the University of Nevada, Las Vegas Campus: submitted to Clark County Health District, Air Pollution Control Division, p. 27

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UNLV
UNIVERSITY OF NEVADA LAS VEGAS

April 19, 1994

Michael H. Naylor
Air Pollution Control Division
Clark County Health District
P.O. Box 4426
Las Vegas, Nevada 89127

Dear Mr. Naylor:

Please find enclosed the final report for the Wilson olive tree study. Please notify me directly if there are any problems (702) 895-3120. Thank you.

Sincerely,

Fred Bachhuber

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POLLEN YIELD FROM OLIVE TREE CVS. MANZANILLO AND WILSON ON THE UNIVERSITY OF NEVADA LAS VEGAS CAMPUS

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POLLEN YIELD FROM OLIVE TREE CVS. MANZANILLO AND WILSON ON THE UNIVERSITY OF NEVADA LAS VEGAS CAMPUS

Summary

The purpose of this research project was to determine the amount of airborne pollen released by a new variety of olive tree (Wilson type) as compared to the known high-pollen producing common olive (Manzanillo type) now growing throughout the Las Vegas Valley. Three pollen-collecting sites, each with three different collecting devices, were monitored, one in proximity to the Wilson olive, one in proximity to the Manzanillo olive, and a background site for determining the average pollen rain on the UNLV campus. The pollen data from the three monitoring sites indicate that the Wilson olive tree releases into the atmosphere significantly fewer pollen grains than the Manzanillo olive. Depending upon the type of pollen-collecting device utilized, pollen production from the Wilson olive tree as compared to the Manzanillo olive tree was 99% to 80% less, statistically well within the limit of 85% less imposed by Air Pollution Control Regulations, Section 44.3.2.

Introduction

As of April 1, 1991, the Clark County Health District regulates against the new planting of *Olea europaea* L. cv. Manzanillo, the common horticultural cultivar of olive tree, because it is a prolific producer of pollen (Air Pollution Control Regulations, Section 44). It is suspected that the large quantity of airborne pollen from this tree causes serious health problems for a large number of Las Vegas residents. It is not known when this tree was initially brought into the valley, but since introduction more than 30,000 specimens have been planted. The tree became a common landscaping element because of its rapid growth, pleasant appearance, low-water consumption, and resistance to high temperatures. The esthetic and practical value of the Manzanillo olive tree is not questioned, but its propensity to produce large quantities of highly "reactive" pollen has resulted in its "undesired" status.

Over the last fifteen years, a number of hybrids or varieties of the common olive have been developed which are claimed to have the characteristic of either lower pollen production or significantly reduced capacity to release pollen grains into the atmosphere. One such cultivar, *Olea europaea* L. cv. Swan Hill, was tested for pollen production in Pima County, Arizona. O'Rourke and Buchmann (1986) report that the Swan Hill cultivar produced an order of magnitude less pollen than the common variety. In December 1982, Easy Pace Tree Farm, Arizona and Mt. Royal Nursery, California requested an exemption from Section 44 as per 44.3 for the sale and planting of a new cultivar, *Olea europaea* L. cv. Wilson. The two nurseries claim that the Wilson olive produces significantly less airborne pollen than the common Manzanillo variety, and pollen production is comparable to that of the Swan Hill variety. On December 10, 1992, the Air Pollution Control Hearing Board approved a one-year exemption to Section 44 for the two tree nurseries contingent upon the

establishment of a monitoring program which was to ascertain the cultivars potential contribution to the local pollen rain and the inferred associated health risk. In the spring of 1993, a research proposal was submitted to and approved by the Clark County Health District that was designed to monitor the pollen production and airborne release of pollen from the Wilson olive. This report discusses the results of the monitoring program.

Research design

A number of Wilson-variety olive trees from Easy Pace Tree Farm (Litchfield Park, Arizona) and Mt. Royal Nursery (Escondido, California) were transplanted on the University of Nevada, Las Vegas campus in March, 1993 for the purpose of establishing the pollen-monitoring program. Dennis Swartzell (Manager, Grounds, Landscape & Ground Service, UNLV) preselected planting sites based predominantly on remoteness from existing Manzanillo olive trees. An area of three exceptionally large, closely-spaced Wilson olive trees was chosen for the study, and secured with a chain-link fence. A comparable area of established, high-pollen-producing Manzanillo olive trees was also selected and fenced. In addition, a third site, relatively remote from all olive trees was selected as a background-pollen monitoring station. All sites are located on the UNLV campus.

Collecting devices. Three separate collecting devices were utilized in the study. Two of these devices (the Burkard Spore Trap and the Rotorod Sampler) are mechanical, requiring electrical power at the collecting sites, whereas the third device is a non-static collector designed by the principle investigator. The Burkard Spore Trap is an impinging suction device aspirating air at a known flow rate. Pollen grains moved into the collecting devise by the flow of air are deposited on a rotating drum covered with adhesive-coated tape. Since the rotation of the drum is time activated and the tape time calibrated, pollen is collected on a continuous real-time basis. Three Burkard Spore Traps were utilized in the study.

The Rotorod Sampler is a device that collects airborne pollen for a certain length of time at predetermined sampling intervals. Pollen is collected by a spinning arm and deposited on silicone-coated rods that are extended only during rotation. Three Rotorod Samplers were used in the study, in parallel with the Burkard samplers, in order to determine relative sampling efficiencies of the two different collectors. Both samplers provide a measure of an "absolute" count of airborne pollen per air volume per unit of time.

The third device used in the study was a non-static collector consisting of a protected glass vial partially filled with glycerine (a non-evaporative, sticky fluid). Pollen is deposited in the vial and trapped in the glycerine by natural air currents. After the collecting period, the glycerine and pollen residue is "spiked" with a known quantity of marker spores and processed using a standard palynological technique. Upon counting of the pollen and marker grains, data are extrapolated into pollen-

depositional rates per area per time. The non-static collectors were placed in the canopy of the monitored trees and at ground level in parallel with the Burkard and Rotorod samplers. While the non-static samplers provide a different unit of measurement than that of the more sophisticated samplers, degree of value-change was relatively consistent between all samplers. Additionally, the non-static samplers provided the needed security of continuous data collection in the event of an electrical power failure or mechanical problems with the Burkard and Rotorod samplers.

Pollen collecting sites. Three sites (Fig. 1a) were monitored for airborne pollen. Site 1- mature Wilson olive trees provided by Mt. Royal Nursery, planted along west side of the UNLV indoor swimming pool (natatorium). A Burkard, Rotorod, and non-static sampler were placed 4 m to the east of three trees (Fig. 1b). One non-static sampler was placed in the tree canopy.

Site 2 - a Manzanillo olive tree, approximately 20 years old, along the north side of the EPA Greenhouse. A Burkard, Rotorod, and non-static sampler were placed 3 m to the west of the tree (Fig. 1c). One non-static sampler was placed in the tree canopy.

Site 3 - control site for monitoring of background pollen rain, third floor roof of Wright Hall. A Burkard, Rotorod, and non-static sampler were placed in proximity to each other (Fig. 1d).

Sampling frequencies. The sampling arrays were set on April 7, 1993, prior to the onset of olive tree flowering. Sampling was terminated on May 14, 1993, when few open flowers remained on the trees. The Burkard Spore Trap has a timing device that permits time-continuous collection of pollen during a seven day interval. As a result, the collecting tape was changed weekly. The Rotorod samplers initially were set to collect pollen for a 24-hour period, every third day. During the period of high-olive-pollen production (April 20 - May 3), however, rods were collected on a daily basis. Vials from the non-static samplers (ground level and canopy) were collected every third day, and thus represent pollen deposition over a 72-hour period.

Laboratory procedure. Upon collection, all samples were temporarily stored in a refrigerator located in the Palynological Laboratory, Department of Geoscience, at UNLV. Within one day of collection, the Burkard Spore Trap tapes, each covering a 7-day collecting period, were cut into segments representing 24 hours of continuous pollen deposition. The 24-hour segments were mounted on glass slides and sealed with coverslips. The Burkard tapes were examined under a high-powered microscope using 400x magnification (1000x for critical identifications). For each 24-hour segment, two 0.17 mm wide traverses were made crossing the tape from the portion representing hour-1 to hour-24. The two traverses combined covered 16.32 mm^2 or 2.43 % of the total tape area. Pollen within the examined area was differentiated and tabulated only as olive and non-olive types. This distinction was readily made because the gross morphology of olive pollen grains is relatively unique; olive pollen has an average diameter of about 23 microns; it is tricolpate (3 broad, moderately long furrows), and is coarsely and irregularly reticulate. The ridges of the reticulate pattern

University of Nevada, Las Vegas

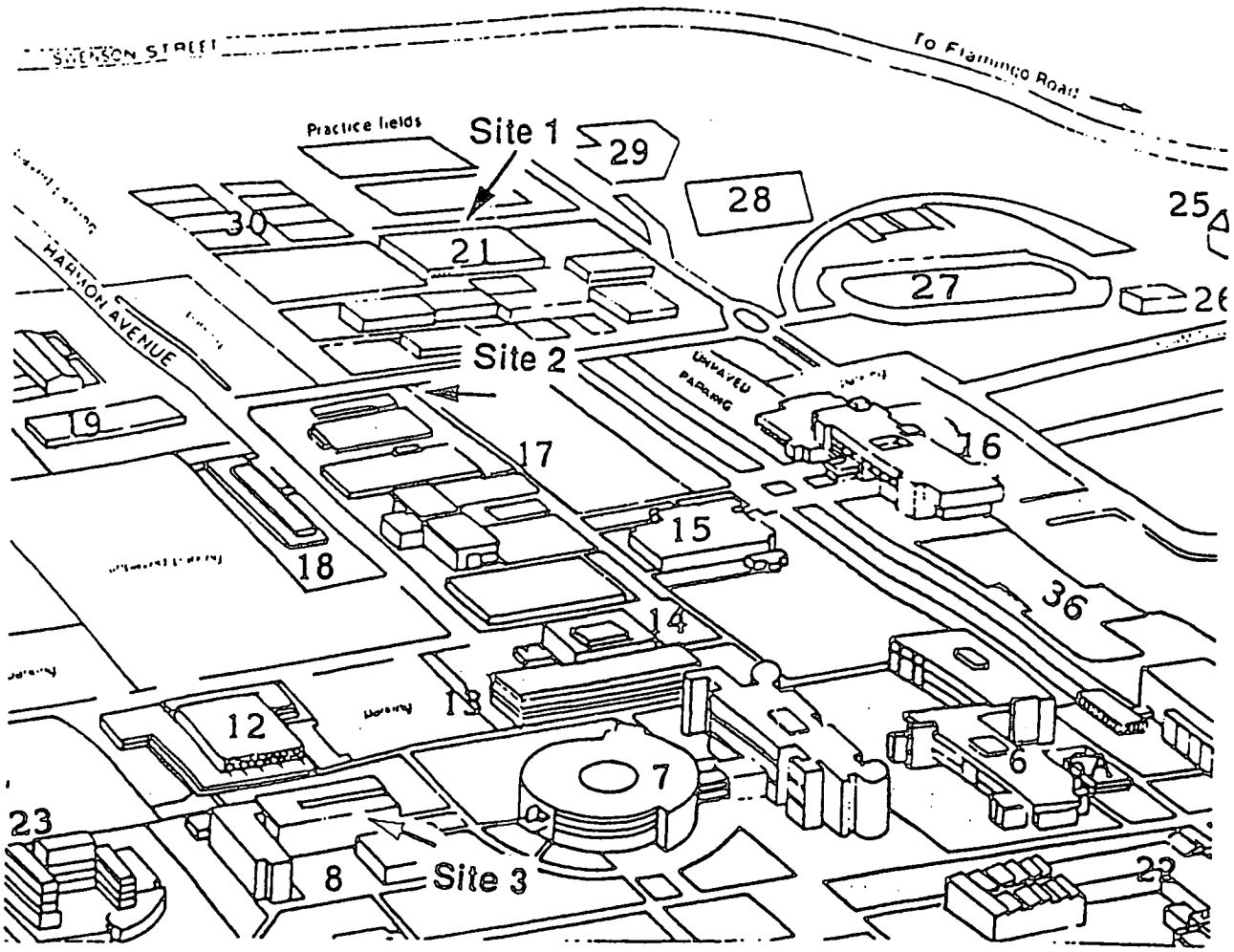

Figure 1a. Collecting sites on the UNLV campus.
Site 1 - Building 21, McDermott Natatorium, west side
Site 2 - EPA Greenhouse, north side
Site 3 - Building 8, Wright Hall, second story roof

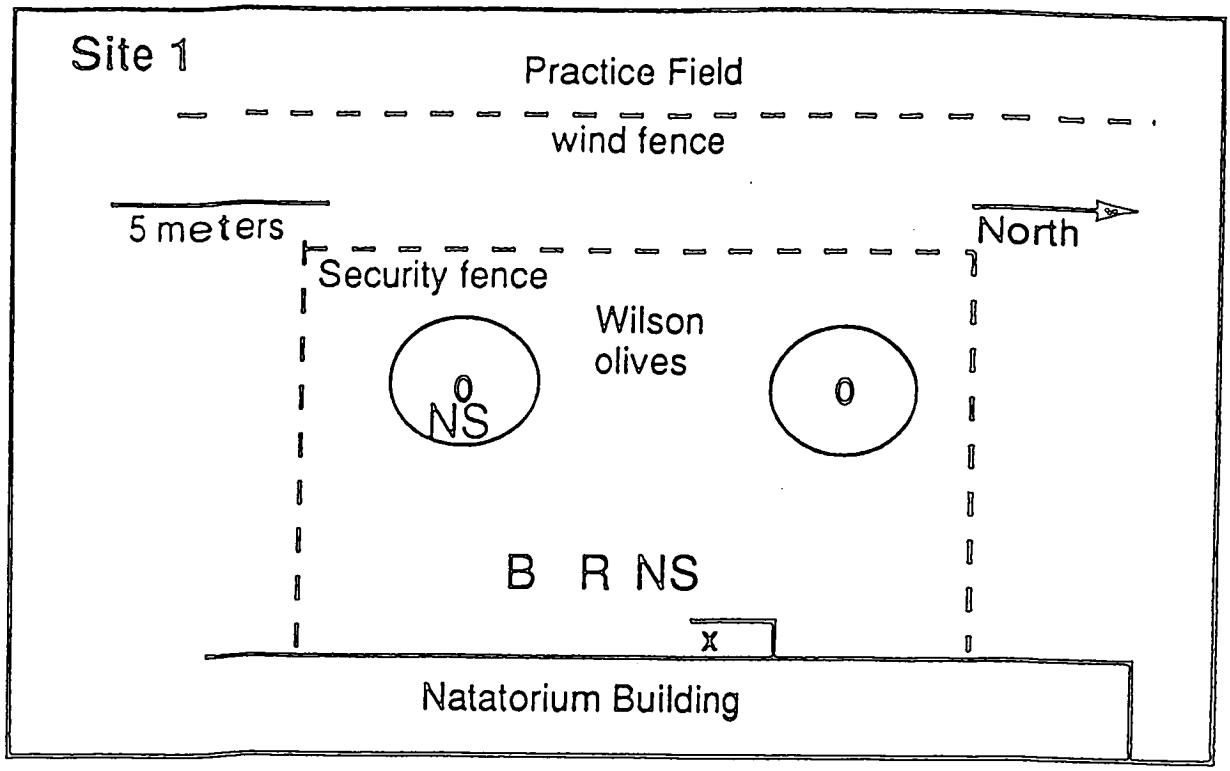

Figure 1b. Collecting array at Site 1. B = Burkhard, R = Rotorod, NS = nonstatic collectors, X = power source

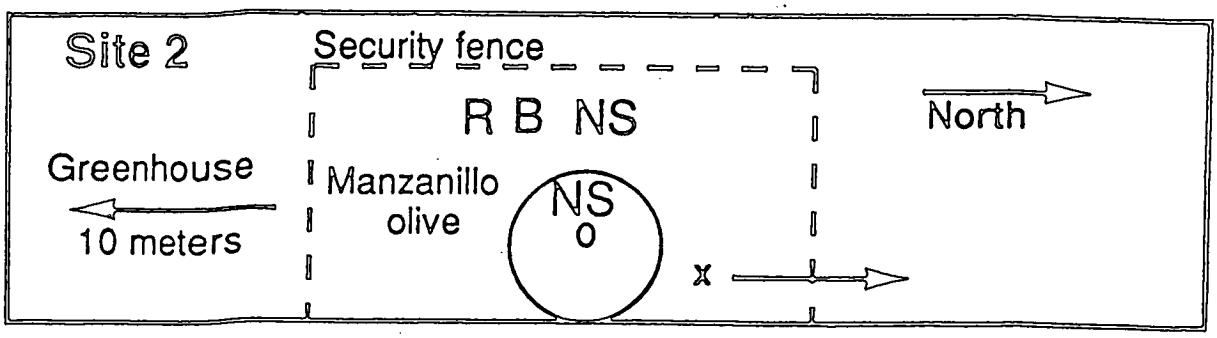

Figure 1c. Collecting array at Site 2. B = Burkhard, R = Rotorod, NS = nonstatic collectors, X = power source

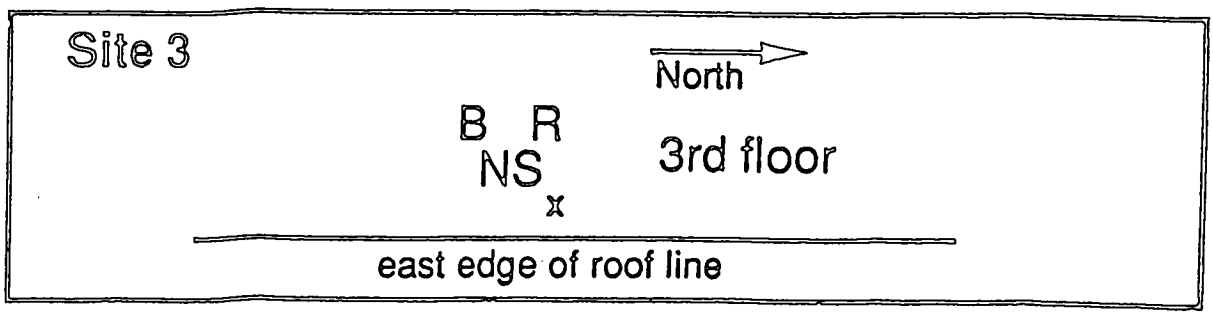

Figure 1d. Collecting array at Site 3. B = Burkhard, R = Rotorod, NS = nonstatic collectors, X = power source

are broad, thus distinguishing the pollen type from other common palynomorphs (e.g. *Salix*, willow) found in the Las Vegas Valley. Spores were not counted.

The Rotorod samples were examined beginning in late July, 1993. The two rods from each site for each collecting period were mounted parallel to each other on glass slides with the pollen-collecting surface facing upward. The rods were then sealed with a coverslip. A 0.17 mm wide optical traverse was made along the axis of each rod (23 mm long). The two traverses thus represent 10.69 % of the total pollen-collecting surface of the rods. Consistent with the method used for the Burkard samples, only olive and non-olive pollen grains were tabulated. After preliminary examination of the Rotorod data, it was determined that the Site 1 rods consistently had very low pollen densities. In an attempt to increase the statistical validity of the data, Site 1 rods were recounted with 5 longitudinal traverses across each rod, representing 53.46 % of the total surface area of the two rods.

The ground level and canopy non-static samples were processed in December, 1993. The glycerine with suspended pollen representing total deposition during a 3-day period was transferred to test tubes, spiked with one tablet of a marker, and processed according to a standard palynological technique (Faegri and Iversen, 1964). The marker used for this study was Stockmarr *Lycopodium* Tablets Batch 212761.These tablets have a mean of 12,489 ◦ N *Lycopodium* spores with a standard deviation of 491 ◦ √N. After chemical treatment, the pollen and *Lycopodium* residue was placed in small vials with the addition of silicone fluid as the mounting medium. A drop of the residue from each sample was transferred to glass slides and sealed with a coverslip. The slides were examined microscopically with olive pollen, non-olive pollen, and marker *Lycopodium* spores being tabulated.

All slide-mounted material from the Burkard, Rotorod, and non-static samplers are on file in the UNLV Department of Geoscience, Palynological Laboratory. This material is available for examination by contacting the principle investigator for this study.

Data analyses

Processing of samples, microscopic examination and data analyses were completed in the period from June 1993 through March 1994. The study involved collection, preparation and examination of over 200 samples from the three collecting devises.

Burkard Spore Traps samples. The pollen-collecting tapes from the Burkhard Spore Traps represent continuous pollen deposition, calibrated to actual time, for the duration of the monitoring program. Pollen counts from two optical traverses per 24-hour segment were converted to mean number of olive and non-olive pollen per m^3 of air per day for each of the 3 sites. Actual pollen counts, conversion data and method of conversion are listed in appendix A. Conversion data (pollen grains/m^3/day) are expressed graphically as figure 2, olive pollen encountered at Site 1 (Wilson olive

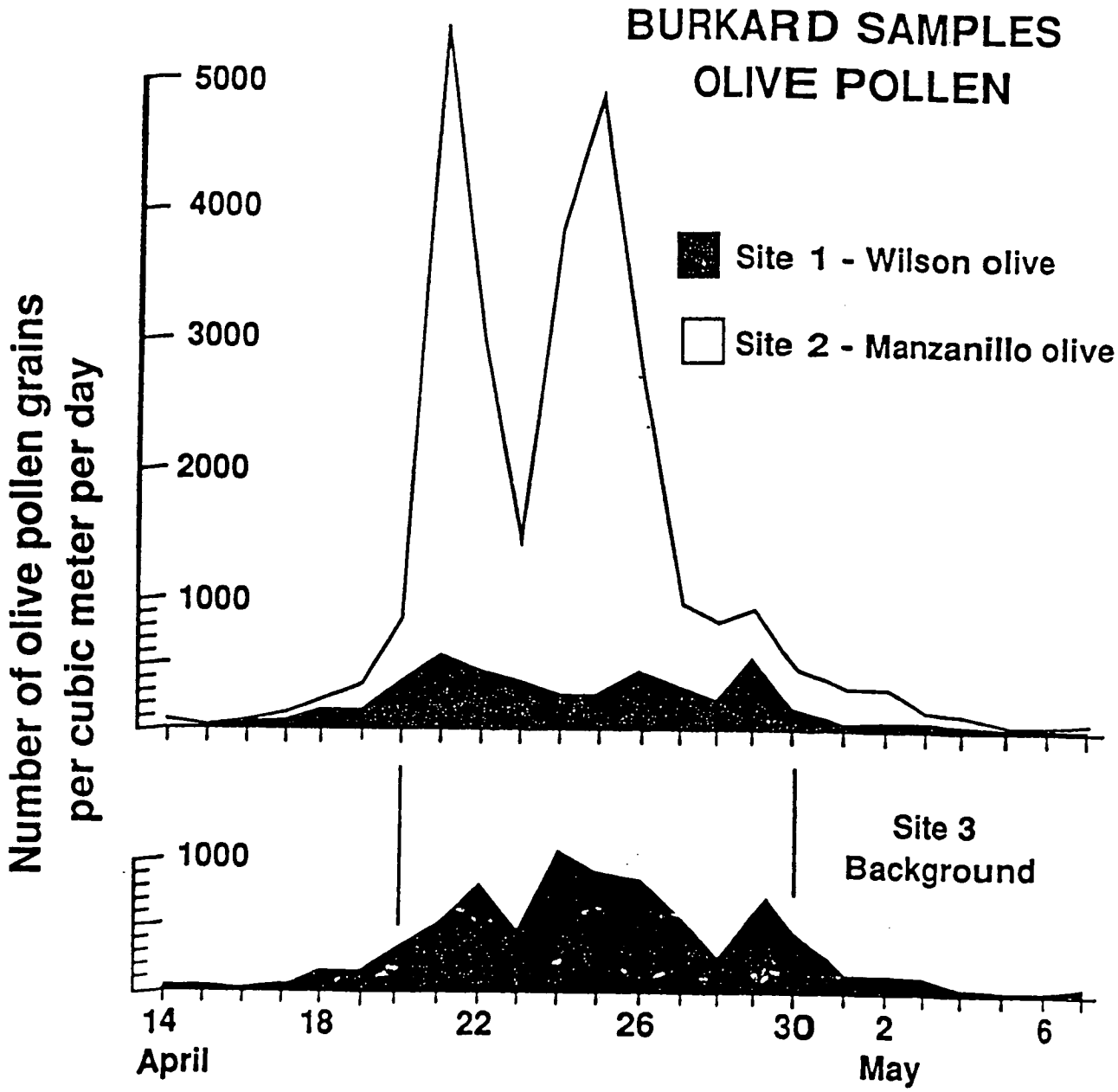

Figure 2. Comparison of the number of olive pollen grains per cubic meter of air per day from Burkard samplers at Site 1 (Wilson olive tree), Site 2 (Manzanillo olive tree), and Site 3 (background) from April 14, 1993 through April 7, 1993, UNLV campus.

trees), Site 2 (Manzanillo olive trees) and Site 3 (background), and figure 3, non-olive pollen encountered at the three respective sites. The dates indicated on the figures refer to the day that collection began, approximately at 3:30 p.m., and include data for the 24-hour period ending the following day.

As illustrated by figure 2, pollen collection with the Burkhard Spore Traps commenced well in advance of prolific flowering and pollen production at all three sites. As a result, samples collected from the week prior to April 14 and the 11 days of collection following May 7 were not tabulated. On April 20 all sites recorded a significant increase in the amount of airborne olive pollen with values remaining generally high until May 30. Site 2 (Manzanillo) had its highest olive-pollen peak on April 21 of 5393 grains/m^3 as compared to Site 1 (Wilson) that also had its highest peak, but only of 566 grains/m^3. Site 3 (background) recorded the highest value (1063 grains/m^3) on April 24. Whereas Site 3 does not simultaneously record the massive olive peak of Site 2, its peak was well within the time period of heaviest pollen production at Site 2.

In comparing the three sites, Site 2 consistently had the highest olive-pollen-deposition rates, varying from two times greater than Site 1 and Site 3 prior to and following the period of maximum flower/pollen production to almost an order of magnitude greater during the optimal flowering period. The data suggest that Site 2, located near the high-pollen producing Manzanillo olive trees, was collecting pollen predominately from the immediate, local pollen rain of the Manzanillo trees. Conversely, Site 1, located downwind from Wilson olive trees, with no Manzanillo trees in the immediate vicinity, was collecting olive pollen from the Wilson trees as well as the normal background pollen rain. Site 3, the background monitoring station on the roof of Wright Hall, typically had higher olive pollen counts than Site 1 because it was sampling the background pollen rain from the valley in general, as well as the pollen from the numerous Manzanillo trees located on campus. However, Site 3 records significantly lower numbers of olive pollen than Site 2. This is a factor of greater distance from the high-pollen producing Manzanillo trees and also because of the higher elevation (3rd floor location) of the monitoring device at Site 3.

Burkard pollen data encompassing the total collecting period from April 14 through May 7 from the 3 sites indicate the following:

Site 1 (Wilson) recorded 83% less olive pollen than Site 2 (Manzanillo)
Site 1 recorded 39% less olive pollen than Site 3 (background)
Site 3 recorded 72% less olive pollen than Site 2

In comparison of Site 2 olive pollen peaks with Site 1, the data indicates:

April 21 - Site 1 (highest peak) recorded 90% less olive pollen than Site 2 (highest peak)
April 25 - Site 1 recorded 94% less olive pollen than Site 2 (2nd highest peak)

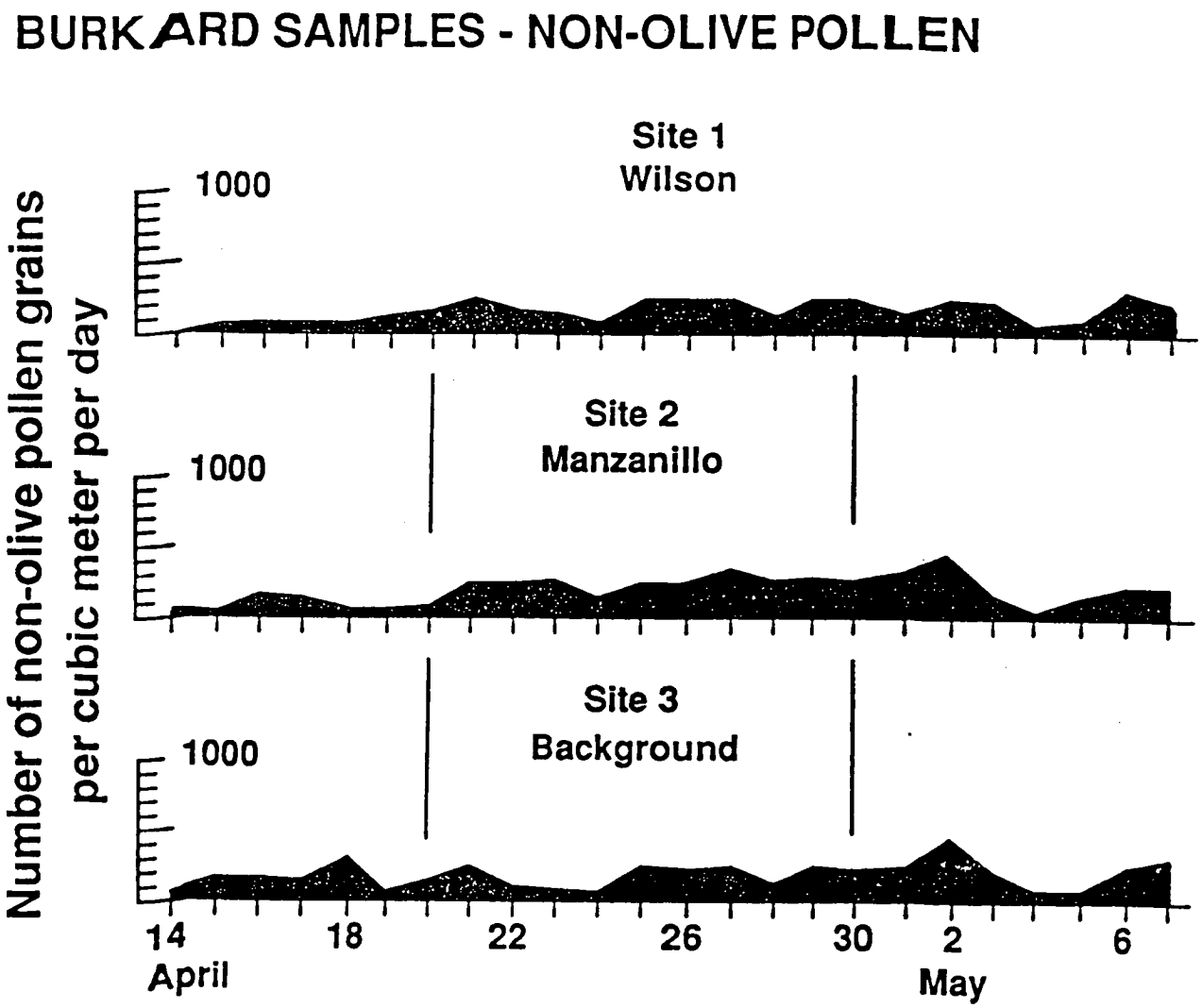

Figure 3. Comparison of the number of non-olive pollen grains per cubic meter of air per day from Burkard samplers at Site 1 (Wilson olive tree), Site 2 (Manzanillo olive tree), and Site 3 (background) from April 14, 1993 through April 7, 1993, UNLV campus.

While Site 2 had significantly higher pollen deposition rates than either Site 1 or Site 3 owing to proximity to Manzanillo trees, a dramatic decrease in pollen deposition occurred between the major peaks of April 21 and April 25 (Fig. 2) To a lesser extent this decrease was also recorded at Site 3, suggesting that Site 3 collected much olive pollen directly from UNLV campus trees. The reason for the dramatic decrease is unknown, however, weather records from campus show that the period April 22 - 24 was considerably warmer, winder and had lower relative humidity than April 21 and April 25. The data are as follows (supplied by Dennis Swartzell):

	% Rel Hum	Min Temp (°F)	Max Temp (°F)	Wind Vel (Mi/Hr)
April 21	18.68	52.27	87.71	1.14
April 22	12.66	64.54	93.63	4.60
April 23	14.45	55.40	87.37	4.36
April 24	14.87	58.48	82.35	6.02
April 25	18.57	48.40	81.68	1.47

Any of these weather factors or a combination of factors during the period April 22 - 24 could have retarded flower opening and pollen release. But for whatever reason, the decrease in pollen deposition during the period should be viewed only as an aberration within the period of maximum flowering and pollen production.

The deposition rate of non-olive pollen types (Fig. 3) was relatively consistent for sites 1, 2, and 3. This indicates that the only real change in total pollen collecting rates of the three sites was directly related to olive pollen which, in turn, was directly related to the location of the three monitoring site with respect to the two varieties of olive tree.

The non-olive pollen counts (converted to grains/m^3) during the total monitoring period indicate the following:

Site 1 recorded 19% less non-olive pollen than Site 2
Site 3 recorded 5% less non-olive pollen than Site 2
Site 1 recorded 15% less non-olive pollen than Site 3

While Site 1 consistently recorded lower non-olive pollen than the other 2 sites, data suggest that all 3 Burkard samplers were collecting non-olive pollen at approximately similar efficiencies.

Rotorod samples. The Rotorod Samplers were calibrated to collect pollen over a 10 second period per 10 minutes (24 minutes/24 hours). The samplers were placed at the monitoring sites on the same day as the Burkard samplers. Initially, the sampling schedule for the Rotorods was a 24-hour-collection every third day. When the olive trees began to flower, collecting rods were changed on a daily basis. Actual pollen counts, conversion data and method of conversion are listed in appendix B.

Conversion data (pollen grains/m^3/day) are expressed graphically as figure 4, olive pollen encountered at Site 1 (Wilson olive trees), Site 2 (Manzanillo olive trees) and

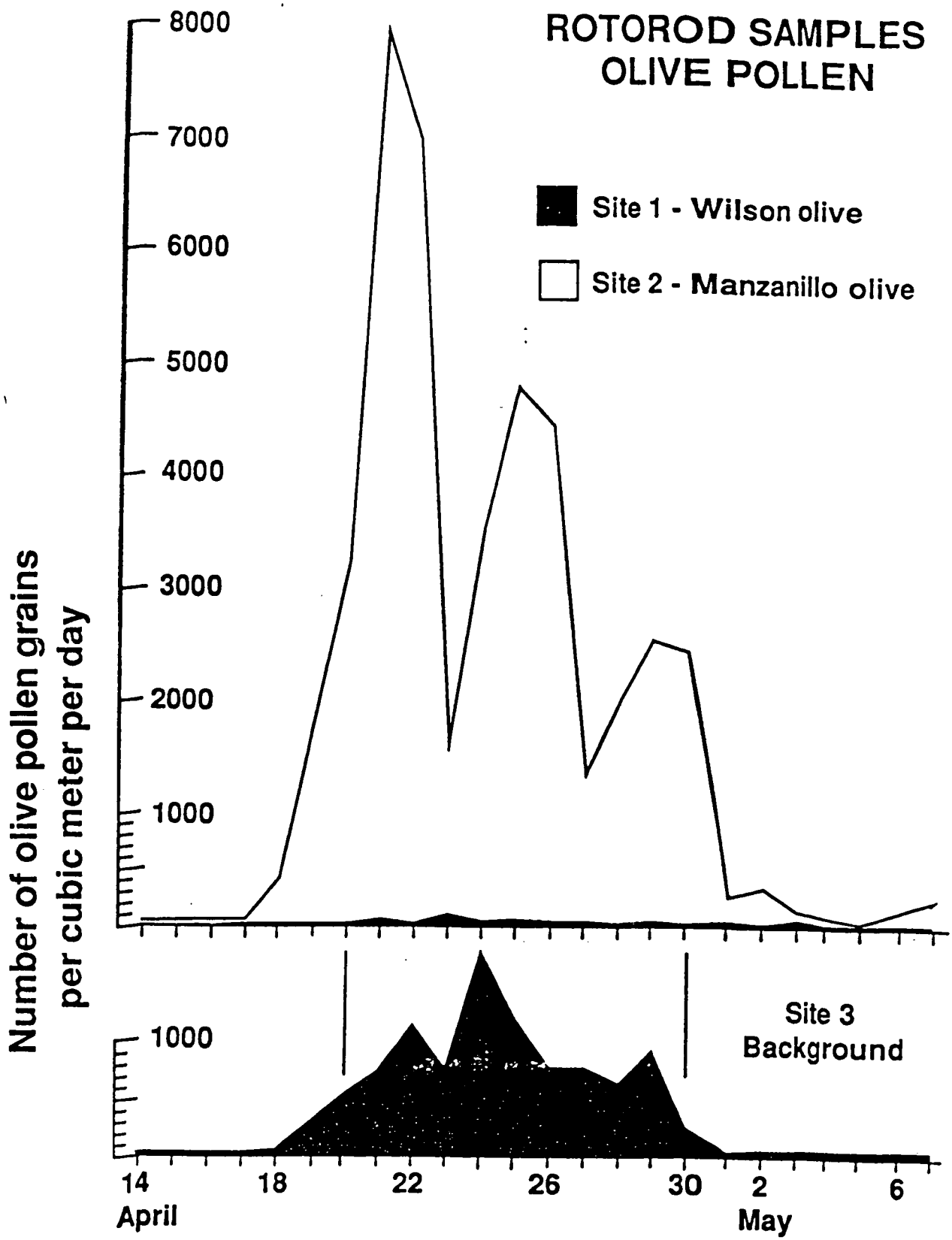

Figure 4. Comparison of the number of olive pollen grains per cubic meter of air per day from Rotorod samplers at Site 1 (Wilson olive tree), Site 2 (Manzanillo olive tree), and Site 3 (background) from April 14, 1993 through April 7, 1993, UNLV campus.

Site 3 (background), and figure 5, non-olive pollen encountered at the three respective sites. The dates indicated on the figures refer to the day that collection began, nominally at 4:00 p.m., and include data for the 24-hour period ending the following day. Figure 4 and figure 5 represent monitoring on a daily basis for a 24-hour period from April 20 through May 3. Prior to April 20 and following May 3, data from a 24-hour period was averaged over three days. Samples collected prior to April 13 and following May 7 were not tabulated.

Data from the Rotorod samplers generally support those of the Burkard samplers. Site 2 recorded the highest total olive pollen concentrations (fig. 4), followed by Site 3, and lastly Site 1. Highest values at Site 2 occurred on April 21 (7922/m^3/day) and April 25 (4768/m^3/day), the same peaks recorded by the Burkard sampler. Site 3 recorded the highest peak on April 24 (1788/m^3/day) while Site 1 peaked on April 23 (96/m^3/day), two days after the peak recorded on the Burkard sampler. The "weather" excursion of April 22 - 24 noted in Site 2 Burkard data (fig.2) was also recorded by the Rotorod. Rotorod pollen data encompassing the total collecting period from April 14 through May 7 from the 3 sites indicate the following:

Site 1 (Wilson) recorded 99% less olive pollen than Site 2 (Manzanillo)
Site 1 recorded 95% less olive pollen than Site 3 (background)
Site 3 recorded 77% less olive pollen than Site 2

General similarity in data and timing of peaks between the Burkard and Rotorod samplers is not surprising even though the Rotorod Sampler collects data in a manner fundamentally different than the Burkard Spore Trap. The Rotorod moves the collecting devise through a known volume of air while the Burkard aspirates a known volume of air over the collecting devise, but, in both collectors, the data are converted to grains/m^3/day. The different collecting mechanisms with similar conversion of data, however, provide a means by which relative collecting efficiencies can be compared. Burkard (fig. 2) and Rotorod (fig. 4) data are consistent within and between sites 2 and 3, but there appears to be a discrepancy within Site 1 (different timing of peaks and considerably lower values of peaks - 96/m^3/day from the Rotorod vs. 566/m^3/day from the Burkard), and between Site 1 and sites 2 and 3. Over the total collecting period, Site 1 Rotorod values are 90% less than comparable Burkard data. This suggests that the Site 1 Rotorod Sampler had some inherent problem that was not corrected by increasing the counted-surface-area of the rods from 10.69% to 53.46%. The nature of the problem, however, is unknown because the timing mechanism of the Site 1 Rotorod was checked prior to, during, and following the monitoring program, and, as indicated by the continuous collections of the Burkard, electrical power to the site was not interrupted throughout the monitoring period. In final analysis, it appears that the Site 1 Rotorod did collect data initially for a 10 second interval over a 10 minute period, but over the course of the day, it did not collect 24 minutes worth of data.

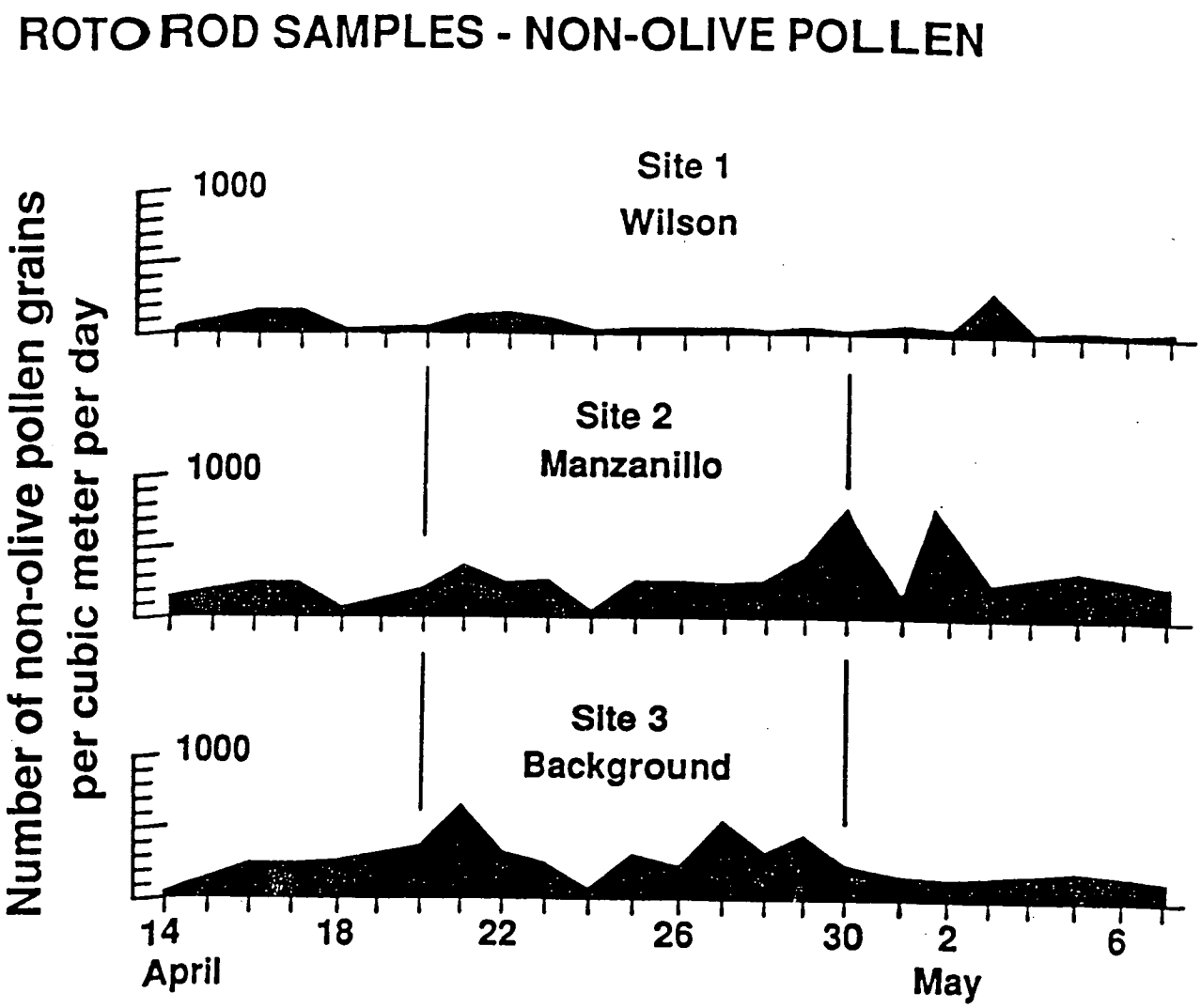

Figure 5. Comparison of the number of non-olive pollen grains per cubic meter of air per day from Rotorod samplers at Site 1 (Wilson olive tree), Site 2 (Manzanillo olive tree), and Site 3 (background) from April 14, 1993 through April 7, 1993, UNLV campus.

To a lesser degree, this contention is supported by examination of the Rotorod data of non-olive pollen (fig. 5). All three sites record relatively level and low densities of non-olive pollen which compare favorably with that of the Burkard data (fig. 3). The low resolution of the numerical scales of figures 3 and 5, however, are deceptive. The non-olive pollen counts (converted to grains/m^3) during the total monitoring period indicate the following:

Site 1 recorded 81% less non-olive pollen than Site 2
Site 3 recorded 9% less non-olive pollen than Site 2
Site 1 recorded 79% less non-olive pollen than Site 3

As compared to the Burkard non-olive pollen data, these figures verify the low efficiency of collection or malfunction of the Site 1 Rotorod. As a result, all Rotorod data from Site 1 should be considered inconclusive.

Non-static collector samples. The non-static collectors consisted of a glass vial set inside a can. Vial dimensions are 7 cm x 1.8(ID) cm. The ground level samplers were protected by a 39 oz-sized coffee can with closed lid. Openings were cut into the sides of the can with a total open-area of 150 cm^2. The side openings were covered with mosquito netting of about 2 mm^2 mesh. The vials for the canopy samplers were placed inside a 12 oz beer can with open-area of 47 cm^2, also covered with netting. These samplers were hung within the canopy of Wilson and Manzanillo olive trees. The vials were collected every third day and corked for storage. Actual pollen counts, conversion data and method of conversion for the two sets of samples (ground level and canopy) are listed in appendix C. Converted data (grains/cm^2/day) of olive and non-olive pollen from the ground-level collectors at each of the 3 sites are represented on figure 6. Figure 7 illustrates converted data of olive and non-olive pollen from canopy collectors at Site 1 and Site 2. Calendar dates listed on the figures represent the 72-hour collecting period starting at about 4:00 p.m. on the day indicated. Data plotted for the 72-hour period are a daily mean.

Since relatively low pollen densities were recorded by the non-static samplers, it appears that collector design was too conservative. The can lids, especially, may have retarded pollen-deposition rates. However, the lids were deemed necessary in the event of rain. Nonetheless, data are meaningful and consistent with those of the Rotorod and Burkard samplers. Intervals of high olive pollen deposition from both ground-level (Fig. 6) and canopy (Fig. 7) samplers mirror those of the Rotorod and Burkard samplers. Relative olive-pollen-density differences of ground level samples between sites 1, 2, and 3 also are consistent with other data. Over the total collecting period, the ground-level samples recorded the following:

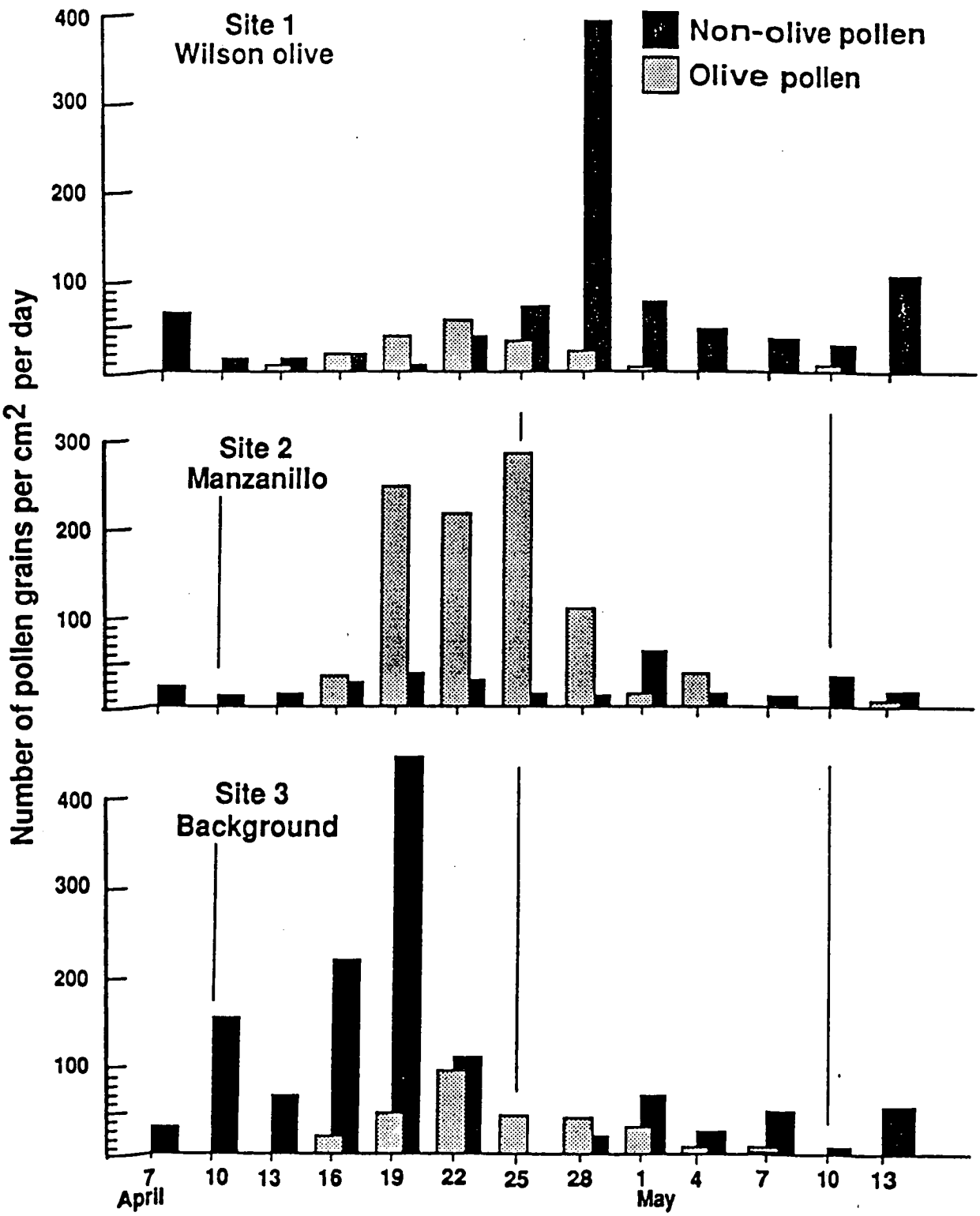

Figure 6. Comparison of olive and non-olive pollen per square centimeter per day from non-static samplers at Site 1 (Wilson olive), Site 2 (Manzanillo olive), and Site 3 (background) from April 7 into May 16, 1993, UNLV campus. Data represent 72 hours of collection, converted to one day averages, starting at approximately 4:00 p.m. on the date indicated.

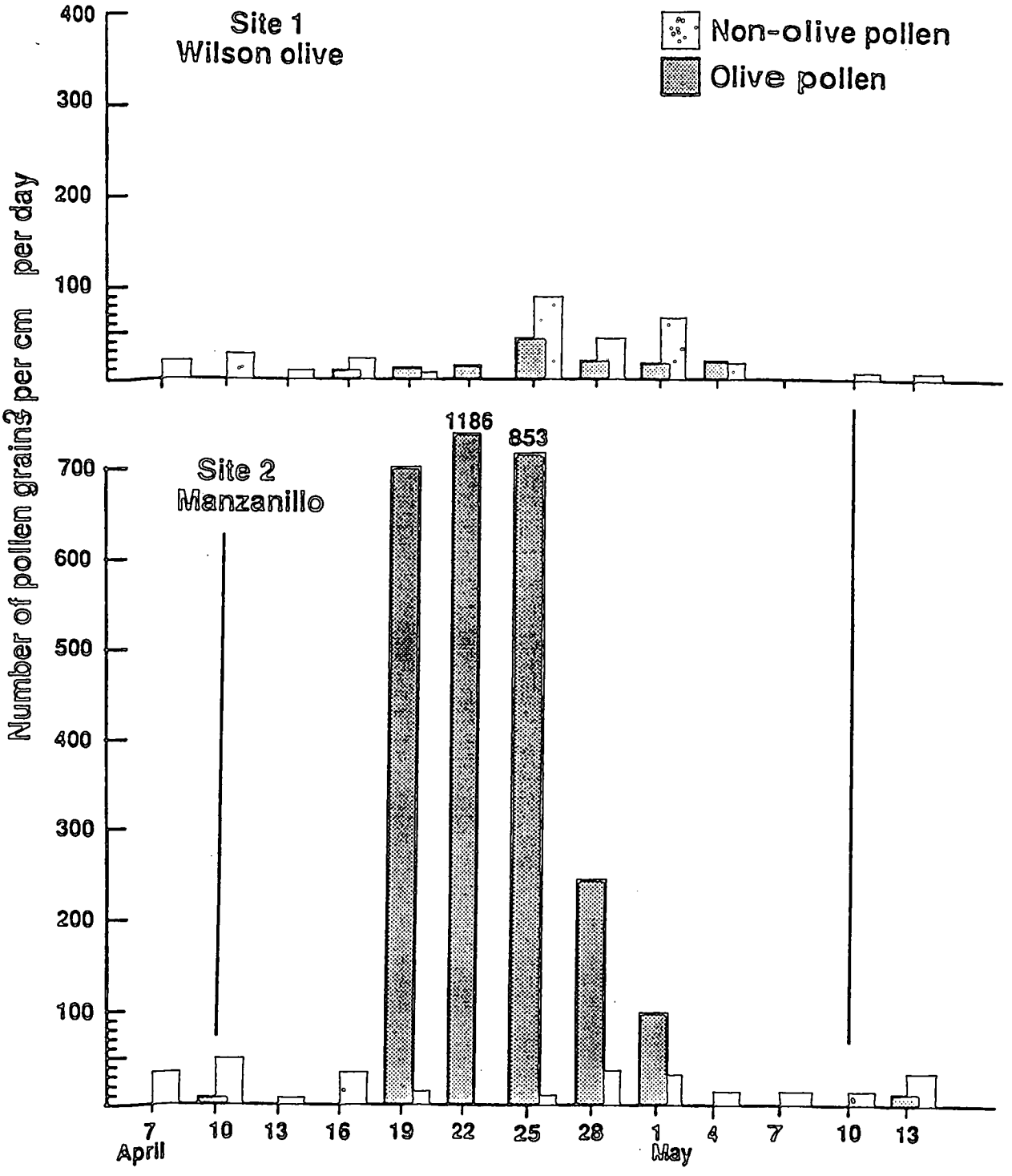

Figure 7. Comparison of olive and non-olive pollen per square centimeter per day from non-static canopy samplers at Site 1 (Wilson olive), and Site 2 (Manzanillo olive) from April 7 into May 16, 1993, UNLV campus. Data represent 72 hours of collection, converted to one day averages, starting at approximately 4:00 p.m. on the date indicated.

Site 1 recorded 80% less olive pollen than Site 2
Site 3 recorded 72% less olive pollen than Site 2
Site 1 recorded 30% less olive pollen than Site 3

Non-olive pollen densities, however, show some differences from those of the Burkard and Rotorod data. Total-collecting-period, non-olive- pollen data from the ground-level samples at the respective sites are:

Site 2 recorded 47% less non-olive pollen than Site 1
Site 1 recorded 51% less non-olive pollen than Site 3
Site 2 recorded 74% less non-olive pollen than Site 3

While the relative differences appear significant, it must be realized that totally different recording units are utilized for the non-static samplers (grains/cm^2/day) vs. the Rotorod and Burkard samplers (grains/m^3/day). Therefore, the differences between the various collectors of non-olive pollen may be of little significance.

There is, however, a revealing aspect of the non-static canopy data from Site 1 and Site 2 as compared to the non-static ground-level data; during the total collecting period, canopy olive pollen at Site 1 was 96% less than at Site 2, but during the same period, ground-level olive pollen at Site 1 was only 80% less than at Site 2. The assumption is made that most of the olive pollen in the canopy collector is predominantly local (derived from the tree from which the collector is suspended). This, in turn, suggests that a disproportionate amount of olive pollen recorded at Site 1 with all collectors is background and not actually derived from the Wilson olive trees. In final analysis, the Wilson olive trees may be producing even lower numbers of pollen than that indicated by the data.

Flower collection

In conjuction with monitoring the pollen rain at the three sites, flowers were collected from the Wilson olive and the Manzanillo olive prior to and during the maximum period of pollen production. A 15-cm long terminal branch, measured from the last pair of leaves, was collected from each tree variety, placed in a plastic bag, and refrigerated. Upon microscopic examination, the number of flower spikes (technically termed panicles) were tabulated, along with the number of unopened flowers (buds) and opened flowers (fig. 8). The average diameter of buds was also recorded (fig. 8). In almost all collecting periods the number of buds and opened flowers on the Manzanillo olive tree were significantly higher than those of the Wilson olive tree. Typically, the Manzanillo olive had 5 to 13 times the number of buds and flowers than the Wilson olive. In addition, it was observed (but not quantified) that the Wilson olive flowers did not completely open. Instead, Wilson buds and partially opened flowers turned brown and fell off the stem before the pollen-containing anthers were exposed.

DATE	TYPE	# Flower Spikes	Ave Equatorial Bud Diameter	# Flower Buds	# Flowers Opened	Per Cent Opened
4/8	Manza.	26	1.47mm	702	0	0
	Wilson	3	1.58mm	32	0	0
4/10	Manza.	20	1.50mm	503	0	0
	Wilson	6	1.74mm	95	0	0
4/13	Manza.	20	1.95mm	326	0	0
	Wilson	16	1.95mm	154	0	0
4/16	Manza.	25	2.00mm	440	0	0
	Wilson	3	2.21mm	40	0	0
4/19	Manza.	19	2.26mm	477	0	0
	Wilson	10	2.21mm	92	0	0
4/22	Manza.	23	2.26mm	654	3	.05%
	Wilson	5	2.21mm	46	2	4.2%
4/25	Manza.	15	2.21mm	33	91	73.4%
	Wilson	13	1.84mm	115	12	9.4%
4/26	Manza.	19	2.26mm	31	380	92.5%
	Wilson	6	2.00mm	52	1	1.9%
4/27	Manza.	19	2.21mm	17	410	96.0%
	Wilson	6	2.00mm	12	26	68.4%
4/28	Manza.	24	2.10mm	14	590	96.0%
	Wilson	6	2.00mm	11	64	85.0%
4/29	Manza.	no count	almost all flowers off			
	Wilson	3	1.95mm	34	0	0

Figure 8. Comparison of number of spikes, buds, and open flowers from Wilson and Manzanillo type olive trees from April 8 through April 29, 1993.

A very low percentage (about 4 to 5 %) of Wilson flowers actually opened to the degree where anthers were exposed with potential release of pollen into the atmosphere. This appears to be the reason for the significantly lower olivine-pollen counts from all collecting devices at Site 1.

Conclusion

Pollen data from the Burkhard Spore Traps, Rotorod samplers, and non-static samplers support the contention that *Olea europaea* L. cv. Wilson, a new cultivar, releases significantly fewer pollen grains into the atmosphere than does *Olea europaea* L. cv. Manzanillo, the common olive tree. During periods of optimal flowering, the Wilson olive released into the atmosphere almost an order of magnitude less pollen than the Manzanillo variety. In comparison of the two sites (Site 1, Wilson olive - Site 2, Manzanillo olive) the data indicate the following relationships:

Burkard - Site 1 had 83% less olive pollen than Site 2
Rotorod - Site 1 had 99% less olive pollen than Site 2 (inclusive results)
Non-static, ground level - Site 1 had 80% less olive pollen than Site 2
Non-static, canopy - Site 1 had 96% less olive pollen than Site 2

On the two days of highest olive-pollen production at Site 2, the following relationships occurred:

Burkard: April 21 - Site 1 had 90% less olive pollen than Site 2
April 25 - Site 1 had 94% less olive pollen than Site 2

In addition, data from non-static canopy collectors at sites 1 and 2 suggest that much of the olive pollen recorded at Site 1 may be background and not of local (Wilson olive tree) derivation. If this is true, the Wilson olive produces even less pollen than that indicated by the data from Burkark, Rotorod, and ground level non-static samplers.

It is the opinion of this investigator that the Wilson cultivar, during the monitoring period, produced levels of pollen within the constraints of the Air Pollution Control Regulations, Section 44.3.2.

Qualification

At initiation of the study it was not known whether the transplanted Wilson olive trees would suffer "transplant shock." In the opinion of this investigator, little or no "transplant shock" occurred. At all times, the leaves of the Wilson trees were uncurled with only minor yellowing of some leaf margins. The production of flower buds did not appear to be retarded and the aspect of buds not opening or only partially opening before falling off the stem seems to be more related to the genetic character of the tree than to "transplant shock."

During the duration of the pollen-collecting phase of this study, extensive construction activity occurred on the UNLV campus. As a result, Burkhard collecting tapes and Rotorod rods often contained an inordinate amount of sediment particles. The high dust content on the collecting surfaces made counting of pollen grains difficult. The dust, by occupying sticky-surface sites on the collecting devises, may also have artificially reduced the total number of pollen grains deposited. Site 1 was least affected by this problem. Site 2 was most affected due to the proximity of a major construction site.

While Ms. Ruth Hess of Easy Pace Tree Farm, Arizona and Mr. Mark Collins of Mt. Royal Nursery, California have cooperated with this study and have provided partial funding, they have not been involved in the research design nor data-collecting process. Further, they were not involved in the analysis of data and completion of the this report submitted to the Air Pollution Division of Clark County Health District.

Pollen data and conclusions are relevant only to those trees and sites monitored on the UNLV campus, and only during the period that research was conducted (April - May, 1993).

Acknowledgments

This investigator is indebted to the staff of the Air Pollution Division for technical advise and assistance in designing the research program. I thank Dr. Otto Ravehnolt for approving the loan of three Rotorod collecting devices and a Burkard Spore Trap. I also extend thanks to Dr. Linda Stetzenbach, Harry Reid Center for Environmental Studies, for the loan of two Burkard Spore Traps. Without this cooperation the study could not have been initiated. I am indebted to Dr. L. J. Maher, Jr., University of Wisconsin, for supplying the *Lycopodium* marker tablets and technical assistance. Finally, I thank M. Kathleen Webb, my able assistant, for help with all phases of this study.

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F. W. Bachhuber
4/18/94

APPENDIX A

BURKARD DATA

Date	Site	Actual count Olive	Actual count Non-olive	Air flow l/min	Conversion grains/m^3/day Olive	Conversion grains/m^3/day Non-olive
4-14	1	0	9	10	0	26
	2	29	28	11	75	73
	3	8	16	6	38	76
4-15	1	5	14	10	14	40
	2	3	17	11	8	44
	3	7	39	6	33	186
4-16	1	12	31	10	34	89
	2	23	68	11	60	177
	3	4	40	6	19	191
4-17	1	21	29	10	60	83
	2	30	50	11	78	130
	3	7	28	6	33	133
4-18	1	43	30	10	123	86
	2	81	23	11	210	60
	3	26	63	6	124	300
4-19	1	44	38	10	126	109
	2	138	22	11	359	57
	3	32	14	6	152	67
4-20	1	128	61	10	366	174
	2	327	34	11	850	88
	3	117	46	10	334	131
4-21	1	198	86	10	566	246
	2	1887	84	10	5393	240
	3	174	93	10	497	266
4-22	1	154	61	10	440	174
	2	1047	84	10	2992	240
	3	277	33	10	792	94
4-23	1	124	42	10	354	120
	2	507	90	10	1449	257
	3	149	27	10	426	77
4-24	1	101	30	10	289	86
	2	1337	43	10	3821	123
	3	372	22	10	1063	63
4-25	1	101	86	10	289	246
	2	1708	257	10	4881	257
	3	313	83	10	895	237
4-26	1	188	89	10	537	254
	2	936	85	10	2675	243
	3	292	75	10	835	214
4-27	1	109	83	10	312	237
	2	341	115	10	975	329
	3	182	80	10	520	229
4-28	1	73	39	10	209	112
	2	285	95	10	815	272
	3	81	41	10	232	117

BURKARD DATA (cont.)

Date	Site	Actual count Olive	Actual count Non-olive	Air flow l/min	Conversion grains/m^3/day Olive	Conversion grains/m^3/day Non-olive
4-29	1	187	81	10	534	232
	2	319	101	10	912	289
	3	243	88	10	694	251
4-30	1	64	90	10	183	257
	2	168	93	10	480	266
	3	148	78	10	423	223
5-1	1	7	41	10	20	117
	2	115	115	10	329	329
	3	37	85	10	106	243
5-2	1	12	85	10	34	243
	2	112	150	10	320	429
	3	42	162	10	120	463
5-3	1	14	80	10	40	229
	2	46	65	10	132	186
	3	35	72	10	100	206
5-4	1	11	18	10	31	51
	2	38	17	10	109	49
	3	10	31	10	29	89
5-5	1	2	32	10	6	91
	2	12	55	10	34	157
	3	8	31	10	23	89
5-6	1	4	96	9	13	305
	2	11	84	11	29	218
	3	6	80	9	19	254
5-7	1	9	69	9	29	219
	2	20	84	11	52	218
	3	12	92	9	38	292

Conversion of grains counted to number of grains per cubic meter of air per day (modified from Operating Instruction, Burkard Seven Day Recording Volumetric Spore Trap).

$$\frac{\text{number of grains counted}}{2.43\%} = \frac{\text{number grains/24 hours}}{m^3 \text{ air/24 hours}} = \text{mean daily grains/}m^3$$

m^3 air/24 hours = 8.64 m^3 at flow rate of 6 liters/minute
= 12.96 m^3 at flow rate of 9 liters/minute
= 14.40 m^3 at flow rate of 10 liters/minute
= 15.84 m^3 at flow rate of 11 liters/minute

2.43% = surface area of tape counted

APPENDIX B

ROTOROD DATA

Date	Site	Actual count Olive	Actual count Non-olive	Conversion grains/m^3/day Olive	Conversion grains/m^3/day Non-olive
4-13	1	0 (0)°	3 (18)°	0 (0)°	25 (30)°
	2	6	17	50	141
	3	1	6	11	50
4-16	1	2 (6)	34 (174)	17 (10)	282 (288)
(2 days)	2	18	60	149	497
	3	9	57	75	472
4-18	1	0 (5)	2 (4)	0 (8)	17 (7)
	2	51	7	422	58
	3	11	29	91	240
4-20	1	1 (5)	1 (11)	11 (8)	11 (18)
	2	394	24	3262	199
	3	68	45	563	373
4-21	1	6 (38)	9 (69)	50 (63)	75 (114)
	2	957	44	7922	364
	3	86	80	712	662
4-22	1	0 (4)	10 (73)	0 (7)	83 (121)
	2	841	30	6963	248
	3	134	37	1109	306
4-23	1	13 (58)	15 (62)	108 (96)	124 (103)
	2	195	32	1614	265
	3	89	26	737	215
4-24	1	4 (21)	0 (3)	33 (35)	0 (5)
	2	424	5	3510	41
	3	216	9	1788	75
4-25	1	11 (41)	5 (28)	91 (68)	41 (46)
	2	576	34	4768	282
	3	144	37	1192	306
4-26	1	5 (22)	4 (30)	41 (36)	33 (50)
	2	533	32	4412	265
	3	93	27	770	224
4-27	1	1 (13)	3 (29)	11 (22)	25 (48)
	2	165	28	1366	232
	3	93	65	769	538
4-28	1	0 (3)	1 (2)	0 (5)	11 (3)
	2	242	35	2003	290
	3	75	41	621	339
4-29	1	2 (24)	3 (20)	17 (40)	25 (33)
	2	311	51	2575	422
	3	109	52	902	430
4-30	1	2 (5)	2 (7)	17 (8)	17 (12)
	2	295	95	2442	786
	3	29	32	240	265
5-1	1	5 (10)	7 (47)	41 (17)	58 (78)
	2	29	20	240	166
	3	1	21	11	174

ROTOROD DATA (cont.)

Date	Site	Actual count Olive	Actual count Non-olive	Conversion grains/m^3/day Olive	Conversion grains/m^3/day Non-olive
5-2	1	0 (1)	8 (15)	0 (2)	66 (25)
	2	45	95	372	786
	3	6	14	50	116
5-3	1	3 (25)	41 (184)	25 (41)	339 (305)
	2	20	27	166	224
	3	7	23	58	190
5-5	1	0 (4)	1 (2)	0 (7)	11 (3)
	2	5	38	41	315
	3	5	25	41	207
5-7	1	1 (3)	2 (17)	11 (5)	17 (28)
	2	28	32	232	265
	3	4	19	33	157
5-9	1	0 (1)	0 (7)	0 (2)	0 (12)
	2	12	19	99	157
	3	1	10	11	83
5-11	1	0 (3)	1 (3)	0 (5)	11 (5)
	2	20	87	166	720
	3	17	94	141	778
5-13	1	0 (0)	9 (3)	0 (0)	75 (5)
	2	11	21	91	174
	3	0	7	0	58

(n)* : figures in parentheses from Site 1 represent data from an actual pollen count of 53.46% of the surface area of the two rotorods. These data are plotted on figure 4. Other data represent an actual pollen count of 10.69% of the surface area of the two rotorods. Site 2 and Site 3 on figure 4 are based on these data.

Conversion of grains counted to number of grains per cubic meter of air per day (modified from Chapman, J. A., 1982, and Operating Instructions for the Rotorod Sampler, revised 1984.

$$\frac{\text{number of grains counted}}{m^3} = \frac{\text{total grains in sample}}{\text{total volume of air samples } (m^3)}$$

$$\frac{\text{grains counted} \div \text{10.69\% or 53.46\% (rod surface area covered)}}{1.13\ m^3} = \text{grains}/m^3/\text{day}$$

$$1.13\ m^3 = \frac{\text{collecting area (cm2)} \times \text{swing diameter (cm)} \times \text{RPM} \times \text{Time (min)} \times \pi\ (3.14)}{10^6\ cm^3/m^3}$$

collecting area = 0.73 cm^2; swing diameter = 8.6 cm; RPM = 2400; Time = 24 min

APPENDIX C

NON-STATIC COLLECTOR DATA - GROUND LEVEL

Date	Site	Actual count Olive	Actual count Non-olive	Marker	Conversion Olive	grains/cm^2/day Non-olive
4/7-10	1	0	11	294	0	61
	2	0	4	296	0	22
	3	0	5	300	0	27
4/10-13	1	0	2	300	0	11
	2	0	2	292	0	11
	3	0	26	282	0	151
4/13-16	1	1	2	310	5	11
	2	0	3	300	0	16
	3	0	11	295	0	61
4/16-19	1	3	3	295	17	17
	2	6	5	290	34	28
	3	3	36	271	18	218
4/19-22	1	7	1	293	39	6
	2	39	6	258	248	38
	3	6	64	237	42	443
4/22-25	1	9	7	284	52	40
	2	36	5	272	217	30
	3	15	17	269	91	104
4/25-28	1	6	12	280	35	70
	2	45	2	258	286	13
	3	7	0	293	39	0
4/28-5/1	1	3	60	251	20	392
	2	19	2	283	110	12
	3	6	3	292	37	17
5/1-4	1	1	13	287	6	74
	2	3	11	292	17	62
	3	5	11	290	28	62
5/4-7	1	0	8	293	0	45
	2	7	3	295	39	17
	3	1	4	298	6	22
5/7-10	1	0	6	294	0	33
	2	0	2	301	0	11
	3	1	8	295	6	44
5/10-13	1	1	5	294	6	28
	2	0	6	296	0	33
	3	0	1	300	0	6
5/13-16	1	0	18	282	0	105
	2	1	3	297	6	17
	3	0	12	390	0	50

NON-STATIC COLLECTOR DATA - CANOPY

Date	Site	Actual count Olive	Actual count Non-olive	Marker	Conversion Olive	grains/cm^2/day Non-olive
4/7-10	1	0	3	297	0	17
	2	0	2	100	0	32
4/10-13	1	0	4	298	0	22
	2	1	9	298	6	50
4/13-16	1	0	1	300	0	6
	2	0	6	300	0	6
4/16-19	1	1	3	296	6	17
	2	0	6	294	0	33
4/19-22	1	2	1	297	11	6
	2	90	2	210	702	16
4/22-25	1	2	0	298	11	0
	2	136	0	188	1186	0
4/25-28	1	7	15	280	41	88
	2	103	1	198	853	8
4/28-5/1	1	3	7	290	17	40
	2	39	6	260	246	38
5/1-4	1	2	11	290	11	62
	2	17	5	279	100	29
5/4-7	1	3	2	295	17	11
	2	0	2	300	0	11
5/7-10	1	0	0	300	0	0
	2	0	2	298	0	11
5/10-13	1	0	1	300	0	6
	2	0	2	298	0	11
5/13-16	1	0	1	300	0	6
	2	2	6	295	11	33

Conversion of grains counted to number of grains per square centimeter per day (modified from Maher, 1981 and Stockmarr, 1973).

$$\frac{\text{grains in sample}}{\text{grains counted}} = \frac{\text{marker grains in sample}}{\text{marker grains counted}}$$

marker grains = Stockmarr Lycopodium tablets batch 212761
Mean per tablet - 12,489 (N); Standard Deviation - 491 x square root of N

$$\frac{12489}{\text{marker grains counted}} \times \text{grains counted} = \text{grains in sample (X)}$$

$$\frac{X}{2.54} + 3 \text{ days} = \text{mean daily grains/cm2}$$

2.54 cm = surface area of collecting vial (cm^2)

RE: Ponto Nursery, Inc. – Renewal of Certificate of Exemption

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
PN000001	Letter from Gary D. Miller, DAQ	07/09/13
PN000002	Letter from Araceli Pruett, DAQ	08/29/13
PN000003-PN000006	Notice of Hearing & Affidavit of Publication	09/12/13
PN000007-PN000008	Fact Sheet	09/12/13
PN000009	Email from Araceli Pruett, DAQ	09/25/13

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

July 9, 2013

CERTIFIED MAIL #91 7199 9991 7031 1393 4001

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

Re: Renewal of Certificate of Exemption

Dear Ms. Ponto:

A review of our files indicates your Certificate of Exemption for Wilsonii trees will expire on December 9, 2013.

Air Quality Regulations (AQR) Subsection 44.3.5 states "the applicant may renew a certificate for three year increments." The last Air Pollution Control Hearing Board meeting before the expiration date is October 9, 2013. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before August 15, 2013.

In compliance with AQR Subsection 18.9, a filing fee of $136.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality and mail it along with your request for renewal to the attention of Araceli Pruett, DAQ, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact me at (702) 455-5199.

Sincerely,

Gary D. Miller
Compliance and Enforcement Manager

GDM/AP

cc: Patricia Ringgenberg, DAQEM Air Quality Specialist II

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

August 29, 2013 CERTIFIED MAIL #91 7199 9991 7031 1393 3793

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

Re: Renewal of Certificate of Exemption

Dear Ms. Ponto:

We are in receipt of your request to renew your Certificate of Exemption. Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on October 9, 2013, at 1:30 p.m. at the Clark County Building Department - Presentation Room, 4701 West Russell Road, Las Vegas. *This is a new location-- see enclosed map.* An agenda will be sent to you prior to the hearing.

You may want to attend this hearing to answer any questions by the board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (copy enclosed). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3. Please note, this statement and any additional documentation you want to present regarding your renewal must be submitted to my attention by Monday, September 23, 2013 so that it can be copied and placed in the board books for distribution to the respective board members.

If the board acts favorably on your request, an Order will be prepared requiring the submittal of a distribution plan that identifies your procedures for tracking and distributing the subject trees.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett

Araceli Pruett, Administrative Secretary
Enforcement Division

Attachments

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants: Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company. A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.

PN000003

CERTIFICATE OF MAILING

I hereby certify that on September 11, 2013, 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 11th day of September 2013.

Araceli Pruett

Araceli M. Pruett

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 891153452

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

Hafen Nursery
1740 North Boulder Highway
Henderson, Nevada 890154124

Hurley's Nursery
9675 Redwood Street
Las Vegas, Nevada 891397331

Ladybug Nursery
1674 Nevada Highway
Boulder City, Nevada 89005

Majestic Color Growers
3125 South Hollywood Boulevard
Las Vegas, Nevada 891223606

Moon Valley Nursery
9040 South Eastern Avenue
Las Vegas, Nevada 891233262

Mountain States Wholesale
824 Apperson Circle
Las Vegas, Nevada 891230543

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 891227451

Vista Nursery
20 North Gibson Road
Henderson, Nevada 890146704

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

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 920850536

Frank Rauscher
Star Nursery
125 Cassia Way
Henderson, Nevada 89014

Tom Russell, Ph.D.
Swan Hill Nurseries, LLC
P. O. Box 420
Waddell, Arizona 853550420

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
4701 W RUSSELL RD
2ND FLR
ATTN: RUSSEL ROBERTS
LAS VEGAS NV 89118

Account # **22354**

Ad Number **0000015881**

Stacey M Lewis, 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 09/12/2013 to 09/12/2013, on the following days:

09 / 12 / 13

/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of September, 2013

Notary _____

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants:
Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company.
A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.
PUB: September 12, 2013
LV Review-Journal

RECEIVED
CC-DAQ
2013 SEP 19 A 8:15

PN000006

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(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

FACT SHEET
September 12, 2013

Application for Renewal of Certificate of Exemption

Applicant: Ponto Nursery
2545 Ramona Drive
Vista, CA 92085

Purpose:

Ponto Nursery has applied for a renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii olive for the next three years.

Background:

Ponto Nursery obtained mother plants of the Wilsonii olive tree from Easy Pace Tree Farm in August 1996 in order to sell Wilsonii Olive liners to other wholesale growers. Liners are propagated plants ready for transplanting into larger containers or the field. Easy Pace Tree Farm obtained their original Certificate of Exemption on December 10, 1992, after presenting evidence acceptable to the Board that the Wilsonii olive released pollen at a level significantly below 15% of the level of the Mission Olive.

On September 3, 2004, Ponto Nursery submitted its original application for a Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii in Clark County. After presenting evidence that the Olea Europae Wilsonii olive trees produce less than 15% of the pollen of traditional European Olive Trees, Ponto Nursery obtained its original certificate on December 9, 2004. The Board renewed the certificate on November 29, 2007, and again on November 4, 2010 with an expiration date of December 9, 2013. A request for renewal was received on July 15, 2013.

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 September 12, 2013, notifying the public of the application and inviting public comment. In addition, staff mailed over 25 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, 702-455-3206.

Anyone may petition to intervene in writing by September 23, 2013. 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 September 23, 2013, or ten copies must be brought to the meeting for staff, board members, and the public.

Conclusions:

DAQ staff has discussed the Wilsonii olive with representatives of several local nurseries in Clark County that market the majority of these olive trees. They have received no customer complaints about pollination or fruiting. In conclusion, staff recommends approval of the request for renewal, 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 renewal application, please contact Araceli Pruett at (702) 455-3206.

Araceli Pruett

From: Araceli Pruett
Sent: Wednesday, September 25, 2013 10:34 AM
To: 'judyponto@pontonursery.com'
Subject: Renewal of Certificate of Exemption
Attachments: Renewal_Receipt_letter.pdf

Good Morning Ms. Ponto,

The attached letter was sent to you by Certified Mail on August 29, 2013, and the US Post Office is unable to confirm delivery so I am not sure that you received it. To date, we have not received the additional information/documentation requested in this letter from Ponto Nursery.

As you are aware the renewal of your certificate of exemption is scheduled for October 9, 2013. **If you choose not to attend this hearing, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (see link below). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3.**

http://www.clarkcountynv.gov/Depts/AirQuality/Documents/Regs/SECT44_07-01-04.pdf

We need this statement and any other supporting documentation from you by Tuesday, October 1, so it can be distributed to the board members prior to the hearing.

Your prompt attention to this would be greatly appreciated. If you have any questions, please let me know.

Araceli Pruett
Clark County Department of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, Nevada 89118
Direct Line: (702) 455-3206
Main Number: (702) 455-5942/Fax: (702) 383-9994

RE: Valley Crest Tree Company – Renewal of Certificate of Exemption

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
VC000001	Letter from Gary D. Miller, DAQ	07/30/13
VC000002	Letter from Brad Bowers, Valley Crest Tree Company	08/02/13
VC000003	Letter from Araceli Pruett, DAQ	08/14/13
VC000004-VC000007	Notice of Hearing & Affidavit of Publication	09/12/13
VC000008-VC000009	Fact Sheet	09/12/13
VC000010	Email from Araceli Pruett, DAQ	09/25/13

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(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

July 30, 2013

CERTIFIED MAIL #91 7199 9991 7031 1393 3868

Mr. Brad Bowers
Valley Crest Tree Company
3200 West Telegraph Road
Fillmore, CA 93015

Re: Renewal of Certificate of Exemption

Dear Mr. Bowers:

A review of our files indicates your Certificate of Exemption for Wilsonii and Swan Hill olive trees will expire on February 10, 2014.

Air Quality Regulations (AQR) Subsection 44.3.5 states "the applicant may renew a certificate for three year increments." Currently, the last Air Pollution Control Hearing Board meeting before the expiration date is October 9, 2013. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before August 15, 2013.

In compliance with AQR Subsection 18.9, a filing fee of $136.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality and mail it along with your request for renewal to the attention of Araceli Pruett, DAQ, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact me at (702) 455-5199.

Sincerely,

Gary D. Miller
Compliance and Enforcement Manager

GDM/AP

cc: Patricia Ringgenberg, DAQEM Air Quality Specialist II

VC000001

VALLEY CREST TREE COMPANY

The Tree Growing and Tree Moving Company

August 2nd, 2013

Ms. Araceli Pruett, DAQ
Clark County Department of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118-2231

Dear Ms. Pruett:

This letter serves as our formal written request that Valley Crest Tree Company would like to renew our Certificate of Exemption for distributing and marketing low-pollinating Olive trees in Clark County, Nevada for an additional three year term. Attached you will find a check in the amount of $136.00 payable to the Clark County Department of Air Quality.

If you have any questions concern this matter, please contact me at your convenience at 805-524-3939.

Sincerely,

Brad Bowers
Production Manager
Valley Crest Tree Company

cc: Robert Crudup, President

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Air Quality
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4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

August 14, 2013 Certified Mail #91 7199 9991 7031 1393 3837

Mr. Brad Bowers
Valley Crest Tree Company
3200 West Telegraph Road
Fillmore, CA 93015

Re: Renewal of Certificate of Exemption

Dear Mr. Bowers:

We are in receipt of your request to renew your Certificate of Exemption. Please be advised this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on October 9, 2013, at 1:30 p.m. at the Clark County Building Department - Presentation Room, 4701 West Russell Road, Las Vegas. *This is a new location-- see enclosed map.* An agenda will be sent to you prior to the hearing.

You may want to attend this hearing to answer any questions by the board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (copy enclosed). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3. Please note, this statement and any additional documentation you want to present regarding your renewal must be submitted to my attention by Monday, September 23, 2013 so that it can be copied and placed in the board books for distribution to the respective board members.

If the board acts favorably on your request, an Order will be prepared requiring the submittal of a distribution plan that identifies your procedures for tracking and distributing the subject trees.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett

Araceli Pruett, Administrative Secretary
Enforcement Division

Attachments

VC000003

Protecting the air we share
Air Quality
CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants: Evergreen Distributors, Inc.; Orangewood Nursery, LLC dba Easy Pace Tree Farm; Ponto Nursery, Inc.; and Valley Crest Tree Company. A public hearing on these applications has been scheduled for October 9, 2013, 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 applications and supporting documents are available for public review during normal business hours at DAQ's offices at 4701 W. Russell Road, Suite 200, Las Vegas, NV, 702-455-3206.

CERTIFICATE OF MAILING

I hereby certify that on September 11, 2013, 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 11th day of September 2013.

Araceli Pruett

Araceli M. Pruett

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 891153452

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

Hafen Nursery
1740 North Boulder Highway
Henderson, Nevada 890154124

Hurley's Nursery
9675 Redwood Street
Las Vegas, Nevada 891397331

Ladybug Nursery
1674 Nevada Highway
Boulder City, Nevada 89005

Majestic Color Growers
3125 South Hollywood Boulevard
Las Vegas, Nevada 891223606

Moon Valley Nursery
9040 South Eastern Avenue
Las Vegas, Nevada 891233262

Mountain States Wholesale
824 Apperson Circle
Las Vegas, Nevada 891230543

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 891227451

Vista Nursery
20 North Gibson Road
Henderson, Nevada 890146704

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

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 920850536

Frank Rauscher
Star Nursery
125 Cassia Way
Henderson, Nevada 89014

Tom Russell, Ph.D.
Swan Hill Nurseries, LLC
P. O. Box 420
Waddell, Arizona 853550420

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

DEPT OF AIR QUALITY
4701 W RUSSELL RD
2ND FLR
ATTN: RUSSEL ROBERTS
LAS VEGAS NV 89118

Account # **22354**

Ad Number **0000015881**

Stacey M Lewis, 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 09/12/2013 to 09/12/2013, on the following days:

09 / 12 / 13

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received applications for renewal of Certificates of Exemption for low-pollinating olive trees from the following applicants:
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PUB: September 12, 2013
LV Review-Journal

/S/ Stacey M Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of September, 2013

Notary Mary Lee

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

RECEIVED
CC-DAQ
2013 SEP 19 A 8:15

VC000007

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(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

FACT SHEET
September 12, 2013

Application for Renewal of Certificate of Exemption

Applicant: Valley Crest Tree Company
3200 West Telegraph Road
Fillmore, CA 93015

Purpose:

Valley Crest Tree Company has applied for a renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii and Swan Hill olives for the next three years.

Background:

Valley Crest Tree Company purchases low-pollinating Wilsonii olive trees from Ponto Nursery and Swan Hill live seedlings from Swan Hill Nursery. Both nurseries have been granted Certificates of Exemption for their respective low-pollen cultivars. Each nursery has provided letters stating they provide approved seedlings to Valley Crest Tree Company for future selling and planting in Clark County.

On December 30, 2004, Valley Crest Tree Company submitted its original application for a Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii and Swan Hill in Clark County. After presenting evidence that the Wilsonii and Swan Hill olive trees produce less than 15% of the pollen of traditional European Olive Trees, Valley Crest Tree Company obtained its original certificate on February 10, 2005. The Board renewed the certificate on November 29, 2007, and again on November 4, 2010, with an expiration of February 10, 2014. A request for renewal was received on August 8, 2013.

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 September 12, 2013, notifying the public of the application and inviting public comment. In addition, staff mailed over 25 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, 702-455-3206.

Anyone may petition to intervene in writing by September 23, 2013. 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 September 23, 2013, or ten copies must be brought to the meeting for staff, board members, and the public.

Conclusions:

DAQ staff has discussed the Wilsonii and Swan Hill olives with representatives of several local nurseries in Clark County that market the majority of these olive trees. They have received no customer complaints about pollination or fruiting. In conclusion, staff recommends approval of the request for renewal, 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 renewal application, please contact Araceli Pruett at (702) 455-3206.

Araceli Pruett

From: Araceli Pruett
Sent: Wednesday, September 25, 2013 10:47 AM
To: 'bbowers@vctree.com'
Subject: Renewal of Certificate of Exemption
Attachments: Renewal_Receipt_Letter.pdf

Good Morning Mr. Bowers,

The attached letter was sent to you by Certified Mail on August 29, 2013, and the US Post Office has confirmed it was delivered on August 16. To date, we have not received the additional information/documentation requested in this letter from Valley Crest Tree Farm.

As you are aware the renewal of your certificate of exemption is scheduled for October 9, 2013. **If you choose not to attend this hearing, please provide a detailed statement that supports your request for renewal, including tree type, distribution method, nursery contact information, etc. See the requirements outlined in Air Quality Regulations (AQR) Subsection 44.3 for more specifics (see link below). We will supply this information to the board and support your request for renewal if the information therein meets the criteria in AQR Subsection 44.3.**

http://www.clarkcountynv.gov/Depts/AirQuality/Documents/Regs/SECT44_07-01-04.pdf

We need this statement and any other supporting documentation from you by Tuesday, October 1, so it can be distributed to the board members prior to the hearing.

Your prompt attention to this would be greatly appreciated. If you have any questions, please let me know.

Araceli Pruett
Clark County Department of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, Nevada 89118
Direct Line: (702) 455-3206
Main Number: (702) 455-5942/Fax: (702) 383-9994