



# Annotated Agenda

## Clark County Air Pollution Control Hearing Board

Wednesday, December 11, 2019 – 1:30 P.M.  
Clark County Building Department  
Presentation Room  
4701 West Russell Road  
Las Vegas, NV

### Hearing Board Members

**Daniel Sanders, Chair**  
**Evan S. Wishengrad, Esq., Vice-Chair**  
**Elsbeth Cordua (Absent)**  
**Ryan L. Dennett, Esq.**  
**Tom Foster, P.E.**  
**William Kremer**  
**Lauren Rosenblatt**

### Deputy District Attorney

**Jason Patchett**

### Air Quality Staff

**Marci Henson, Director**  
**Shibi Paul, Compliance & Enforcement Manager**  
**Anna Sutowska, Air Quality Supervisor**  
**Sherrie Rogge, Administrative Secretary**

A handwritten signature in blue ink, appearing to be "SR", is located to the right of the Air Quality Staff list.

- 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 Sherrie Rogge at [sherrie.rogge@clarkcountynv.gov](mailto:sherrie.rogge@clarkcountynv.gov) or (702) 455-0354. Supporting materials are available for inspection at the Clark County Department of Air Quality office located at 4701 West Russell Road, Las Vegas, NV 89118 or on our website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx).

1. **OATH OF OFFICE**

A. George T. Foster, P.E. (Professional Engineer Member)  
Term of Office: 10/2/19 through 10/1/22

**ACTION: ANNA SUTOWSKA ADMINISTERED THE OATH OF OFFICE TO  
GEORGE T. FOSTER, P.E.**

2. **CALL TO ORDER** 1:30 p.m.

3. **PUBLIC COMMENT**

NONE

4. **APPROVAL OF MINUTES**

Approval of August 14, 2019 meeting minutes. (For possible action)

**ACTION: APPROVED AS RECOMMENDED**

**BY: Board Member Dennett**

**SECOND: Board Member Kremer**

**VOTE: 5-0**

**VOTING AYE: Ryan Dennett, Tom Foster, William Kremer, Lauren Rosenblatt,  
Daniel Sanders**

**VOTING NAY: None**

**ABSTAINING: Evan Wishengrad**

**ABSENT: Elspeth Cordua**

5. **REPORT BY DEPARTMENT OF AIR QUALITY STAFF**

A. General update.

B. Presentation by UNLV - Pollen Monitoring Program.

C. Informational session from Air Quality on the process and procedures for investigating and enforcing the rules associated with Certificates of Exemption for low or no-pollinating Fruitless Mulberry or European Olive trees, chain of custody from growers and distributors to nurseries, and local nurseries obligations. (Requested by Chair Sanders and Board Member Rosenblatt)

**ACTION: RECEIVED REPORTS**

**6. PUBLIC HEARINGS – REQUEST FOR CERTIFICATE OF EXEMPTION**

1. **DESERT FORREST NURSERY, LLC.** – Request for renewal of Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (*Wilsonii*) for the next three (3) years. The current Certificate expires on December 8, 2019. (For possible action)

**ACTION:** APPROVED AS RECOMMENDED  
**BY:** Board Member Rosenblatt  
**SECOND:** Board Member Wishengrad  
**VOTE:** 5-1  
**VOTING AYE:** Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad  
**VOTING NAY:** William Kremer  
**ABSTAINING:** None  
**ABSENT:** Elspeth Cordua

2. **PONTO NURSERY, INC.** – Request for renewal of Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (*Wilsonii*) for the next three (3) years. The current Certificate expires on December 8, 2019. (For possible action)

**ACTION:** APPROVED AS RECOMMENDED  
**BY:** Board Member Wishengrad  
**SECOND:** Board Member Dennett  
**VOTE:** 5-1  
**VOTING AYE:** Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad  
**VOTING NAY:** William Kremer  
**ABSTAINING:** None  
**ABSENT:** Elspeth Cordua

3. **VALLEY CREST TREE COMPANY dba BRIGHT VIEW TREE COMPANY** – Request for renewal of Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (*Wilsonii*) for the next three (3) years. The current Certificate expires on February 22, 2020. (For possible action)

**ACTION:** APPROVED AS RECOMMENDED  
**BY:** Board Member Foster  
**SECOND:** Board Member Dennett  
**VOTE:** 5-1  
**VOTING AYE:** Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad  
**VOTING NAY:** William Kremer  
**ABSTAINING:** None  
**ABSENT:** Elspeth Cordua

4. **VALLEY CREST TREE COMPANY dba BRIGHT VIEW TREE COMPANY** – Request for renewal of Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (Swan Hill®) for the next three (3) years. The current Certificate expires on February 22, 2020. (For possible action)

**ACTION:** APPROVED AS RECOMMENDED  
**BY:** Board Member Rosenblatt  
**SECOND:** Board Member Wishengrad  
**VOTE:** 5-1  
**VOTING AYE:** Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad  
**VOTING NAY:** William Kremer  
**ABSTAINING:** None  
**ABSENT:** Elspeth Cordua

7. **IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETING**

**ACTION:** Vice Chair Wishengrad requested an item be placed on a future agenda to consider amending AQR Section 44 with the following changes: 1) make the exemption process an administrative process instead of requiring Board approval; 2) require DNA tree testing by the nurseries with Certificates of Exemption (COEs) at the time of application/renewal; 3) require nurseries with COEs to provide one additional DNA test during the exemption period to ensure the cultivar is true to type; and, 4) require the Department of Air Quality to inspect plant staging areas at developments nearing final completion and at various landscaping projects to ensure the only type of olive trees being planted are those with a COE.

8. **PUBLIC COMMENT**

NONE

9. **ADJOURNMENT** 3:33 p.m.

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

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

- Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada
- Las Vegas City Hall, 495 S. Main Street, Las Vegas, Nevada
- Henderson City Hall, 240 S. Water Street, Henderson, Nevada
- North Las Vegas City Hall 2250 Las Vegas Blvd. North Las Vegas, Nevada
- Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada
- Mesquite City Hall, 10 E. Mesquite Boulevard, Mesquite, Nevada
- CC Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada