



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
Ryan L. Dennett, Esq.
Tom Foster, P.E.
William Kremer
Lauren Rosenblatt

Deputy District Attorney

Jason Patchett

Air Quality Staff

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

- 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 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.

1. **OATH OF OFFICE**
 - A. George T. Foster, P.E. (Professional Engineer Member)
Term of Office: 10/2/19 through 10/1/22
2. **CALL TO ORDER**
3. **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.
4. **APPROVAL OF MINUTES**

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

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

8. **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.

9. **ADJOURNMENT**

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



Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

August 14, 2019

Clark County Building Services
Presentation Room
4701 West Russell Road
Las Vegas, NV

1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:30 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
Elspeth Cordua
Ryan L. Dennett, Esq.
Tom Foster, P.E.
William Kremer
Lauren Rosenblatt

ABSENT: Evan S. Wishengrad, Esq., Vice-Chair

LEGAL COUNSEL: Jason Patchett, Deputy District Attorney

DAQ STAFF: Marci Henson, Director
Shibi Paul, Compliance and Enforcement Manager
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

3. APPROVAL OF MINUTES OF THE FEBRUARY 13, 2019 MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the February 13, 2019 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Kremer, seconded by Board Member Foster that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Tom Foster, William Kremer, Lauren Rosenblatt, Daniel Sanders
Voting Nay: None
Abstaining: Ryan Dennett
Absent: Evan Wishengrad

4. PUBLIC HEARINGS - REQUEST FOR CERTIFICATE OF EXEMPTION

1. **EVERGREEN DISTRIBUTORS, 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 August 30, 2019. (For possible action)
2. **EVERGREEN DISTRIBUTORS, INC.** – Request for renewal of Certificate of Exemption for distributing and marketing non-pollinating olive shrubs (*Little Ollie*) for the next three (3) years. The current Certificate expires on August 30, 2019. (For possible action)

Chair Sanders announced Items 4.1 and 4.2 would be heard at the same time since it is the same applicant.

Chair Sanders asked if the representatives from Evergreen Distributors, Inc. would approach the testimony table. Mark Collins, President of Evergreen Distributors, Inc., P.O. Box 9830, Rancho Santa Fe, CA 92067, was sworn in.

DISCUSSION: Following introduction of the item, the Board, staff and the representative from Evergreen Nursery spoke regarding: the increase in pollen in the air during the past couple of allergy seasons; the number of trees that Evergreen Distributors is selling and the impact the trees are having on the allergy season; the pollen study conducted by UNLV; whether Air Quality or the Board of County Commissioners has considered limiting the number of olive trees that can be planted in the valley; if there is a method or audit that Air Quality staff uses to ensure the integrity of the tagging of the trees in order to maintain the stock as low- or no-pollinating stock; Air Quality inspection of exemptions; and how the nursery keeps it's stock from becoming cross-contaminated from high pollinating trees by producing the trees through asexual reproduction/cuttings from two main trees in their propagation facility.

Chair Sanders opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): Present

Paul Noe, representing Star Nursery, was sworn in. Mr. Noe spoke about the many species of trees, shrubs, grasses, and flowers that are the high producers of pollen compared to the Wilsonii olive tree that is a low or no-pollinating olive tree. A larger problem is the number of trees coming in from California and Arizona that are being shipped directly to job sites that are not certified by growers nor are they being tagged as exempt.

Tyler Bilyk, Casa del Zorro Nursery, 1284 Henderson Canyon Road, Borrego Springs, CA 92004, was sworn in. Mr. Bilyk spoke on the importance of maintaining the chain of custody between the grower and the buyer. He also spoke on the different types of trees that can be planted and those that grow naturally in the desert, which have much higher pollen counts than the olive trees requiring an exemption.

There being no other persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION ITEM 4.1: It was moved by Board Member Dennett, seconded by Board Member Rosenblatt to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders
Voting Nay: William Kremer
Abstaining: None
Absent: Evan Wishengrad

FINAL ACTION ITEM 4.2: It was moved by Board Member Cordua, seconded by Board Member Dennett to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders
Voting Nay: William Kremer
Abstaining: None
Absent: Evan Wishengrad

- CASA DEL ZORRO NURSERY dba ROADRUNNER TREE FARM** – Request for Certificate of Exemption for distributing and marketing low pollinating olive trees (Wilsonii) for the next three (3) years. (For possible action)

Chair Sanders asked if the representative from Casa del Zorro Nursery would approach the testimony table. Tyler Bilyk, Manager of Casa del Zorro Nursery, 1284 Henderson Canyon Road, Borrego Springs, CA 92004, approached. Chair Sanders stated that Mr. Bilyk was still under Oath.

DISCUSSION: Following introduction of the item, the Board and the representative from Casa del Zorro Nursery spoke regarding the DNA testing that had been performed on the trees being sold by the nursery, the proposed distribution plan, and the fact these would be the only trees being propagated through asexual reproduction/cuttings at the nursery and distributed to Clark County under this Certificate of Exemption, if granted.

Chair Sanders opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION: It was moved by Board Member Rosenblatt, seconded by Board Member Foster to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders

Voting Nay: William Kremer

Abstaining: None

Absent: Evan Wishengrad

4. **SUNRISE NURSERY, LLC** – Request for Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (Sunrise Pollenless Olives™) for the next three (3) years. (For possible action)

Chair Sanders asked if the representatives from Sunrise Nursery LLC would approach the testimony table. Mark Sneller, Ph.D., Owner of Aero Allergen Research LLC, who conducted the pollen tests on the trees for Sunrise Nursery, PO Box 12023, Tucson, AZ 85732, and Anthony Carranza, General Manager of Sunrise Nursery LLC, 22439 N. 163rd Ave., Surprise, AZ 85387, were both sworn in.

DISCUSSION: Following introduction of the item, Mr. Carranza distributed a handout to the Board showing the operations of the nursery. It was noted these trees come from the mother stock known as “Swan Hill Olive” which is trademarked by another nursery. Therefore, Sunrise Nursery has trademarked their trees as “Sunrise Pollenless Olive.” The Board and both representatives from Sunrise Nursery, LLC spoke regarding: allergens and those species in the valley that contribute to the high pollen count that occurs during the allergy season; the process of grafting a scion from a “Swan Hill Olive” onto a rootstock to produce the “Sunrise Pollenless Olive”; and, the pollen testing that had been performed on the trees being sold by the nursery, the proposed distribution plan, and the fact these would be the only trees being propagated and distributed to Clark County under this Certificate of Exemption, if granted.

Chair Sanders opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION: It was moved by Board Member Foster, seconded by Board Member Dennett to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders
Voting Nay: William Kremer
Abstaining: None
Absent: Evan Wishengrad

5. REPORT BY DEPARTMENT OF AIR QUALITY STAFF

- A. General update.
- B. Update on changes to the internal procedure on assessing penalties for alleged violations of the Air Quality Regulations at Stationary Sources.

DISCUSSION: Following introduction of the item, Director Marci Henson shared updates on the activities of the Department of Air Quality for the period January 2019 through August 2019. Board Member Rosenblatt inquired about the effect on Air Quality of the climate policy bill passed by the legislature that directed the Department of Conservation and Natural Resources to make their greenhouse gas inventory more frequent. Director Marci Henson explained that it does not directly affect the greenhouse gas inventory that Air Quality performs. However, Air Quality has been invited to participate in the upcoming Clean Energy Clean Transportation summit that the Governor's Office of Energy is hosting. Compliance and Enforcement Manager Shibi Paul updated the Board on changes to the department's internal procedure on assessing penalties for alleged violations of Air Quality Regulations at Stationary Sources.

FINAL ACTION: No action was taken by the Board.

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

DISCUSSION: Chair Sanders requested an item be placed on a future agenda to discuss the chain of custody for nurseries and distribution centers that have Certificates of Exemption.

Board Member Rosenblatt requested that, in that same discussion, the Board consider whether local nurseries should be required to provide an audit trail to Air Quality's inspectors in regards to how many trees are purchased and from which supplier. In addition to an audit trail, the nurseries may need to be required to perform and pay for DNA testing on their trees on a periodic basis to ensure their stock is clean.

Director Henson recommended adding a discussion item on the agenda for the next meeting for which she would invite UNLV to provide a presentation to the Board about their pollen monitoring program. In addition, staff will give a presentation on the process and procedures for investigating and enforcing the rules associated with Certificates of Exemption.

FINAL ACTION: No action was taken by the Board.

7. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

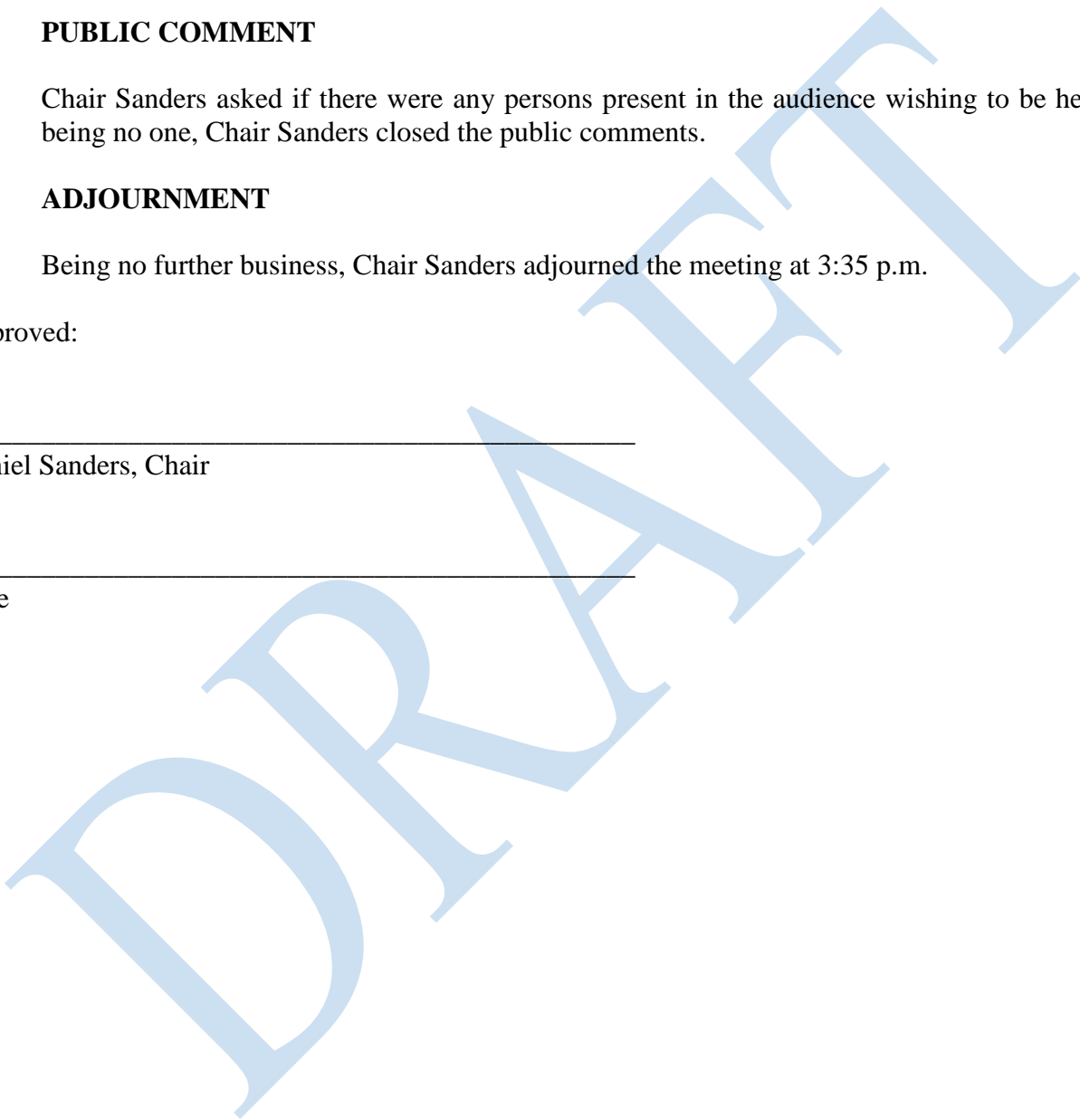
8. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:35 p.m.

Approved:

Daniel Sanders, Chair

Date



REPORT BY DEPARTMENT OF AIR QUALITY STAFF (December 11, 2019 Hearing Board Meeting)

- **Planning (August 1 – November 30, 2019)**
 - Criteria Pollutants
 - Carbon Monoxide (CO) - attainment/maintenance
 - Submitted 2nd 10-year maintenance plan in May 2019
 - Waiting EPA action/response
 - Ozone (O₃)
 - 1997 Ozone NAAQS is still under first 10-year maintenance
 - Working on 2nd 10-year maintenance plan due June 2021
 - 2015 Ozone NAAQS is still marginal based on 2016, 2017, and 2018 data
 - Working with RTC and airport on conformity issues
 - Submitted emissions budget revision to 1997 ozone maintenance plan
 - Submitted a letter of commitment to again revise the 1997 ozone maintenance plan emissions budget to reflect potential interferences arising from the 2015 ozone NAAQS
 - Waiting on emissions estimates from DOA contractor
 - PM₁₀ - attainment/maintenance
 - Initial planning for 2nd 10-year maintenance plan due June 2022
 - PM_{2.5} – attainment
 - Nitrogen dioxide (NO₂) – attainment
 - Sulfur dioxide (SO₂) – attainment
 - Lead (Pb) – attainment
 - Performance Metrics for August- November 2019
 - Increment Modeling: 8 major, 43 minor source reviews
 - Review/Analysis of agency air quality actions: 52
 - Processed records requests: 117
 - Public information and communication: 13 public outreach events which have yielded 3,572 engagements.
- **Monitoring**
 - Implemented 2019 Annual Monitoring Network Plan
 - Stations located in neighborhoods to assess exposure levels to the general population.
 - Three new sites were scheduled to open by the end of 2018, but being delayed due to circumstances beyond DAQ's control. The sites are anticipated to be open by mid-2020. The new sites will be located in the SW, SE, and NE portions of the valley.
 - Network also characterizes pollution transported into Clark County and background levels natural to Clark County.

- **Stationary Source Permitting**
 - 244 permits issued (Aug-Nov)
 - 235 permits issued on time (96%)
 - 1083 active operating permits
 - Year's end performance
 - Processed 44% more permit applications compared to 2018
 - Issued 53% more permits compared to 2018
 - Reduced late permits by 50% compared to 2018
 - Completed permitting actions equivalent to 97% more allotted hours compared to 2018
 - Program Highlights:
 - Complete overhaul of Minor Source Permit Application with significant revisions to improve user experience.
 - Another phase of enhancements to online mineral processing application and emissions tool to improve user experience.
 - General permit program development progressing (GDO) – first three permits expected to go into public participation at start of New Year.
- **Compliance: Dust Permits and Vacant Land**
 - Issued 1,078 dust permits from August 2019 through November 2019; averaged 4.68 days to issue a dust permit
 - Conducted 2,927 construction inspections from August 2019 through November 2019
 - In the last meeting, the board asked how much acreage is permitted. As of December 6, 2019, there are 1,940 active permits with a total of 27,573.3 acres of permitted area.
 - Year's end performance
 - Conducted 35% more construction site inspections compared to 2018
 - Issued 20% more dust permits compared to 2018
 - Average days to issue a dust permit was improved to 4.9 days in 2019 compared to 6 days in 2018
- **Compliance: Stationary Sources, Complaints and Enforcement**
 - Conducted 263 stationary source inspections from August 2019 through November 2019
 - Received and responded to 439 complaints from August 2019 through November 2019
 - Notices of Violation (NOVs) issued from August 2019 through November 2019
 - 34 for construction
 - 26 for stationary sources
 - 3 for asbestos
 - Assessed \$332,941 in penalties from August 2019 through November 2019
 - \$49,665 has not yet been adjudicated

- In the last meeting, the board asked how many NOV's are a result of complaints. Out of the 63 NOV's issued between August and November of 2019, 16 resulted from complaints which is approximately 25%.
- Year's end performance
 - Conducted 30% more on-site stationary source inspections compared to 2018
 - Average issuance time for NOV's was reduced by 35% compared to 2018
 - Met complaint response/resolution timelines for at least 98% of all complaints received in 2019 compared to 94% in 2018
- **Small Business Assistance Program**
 - Responded to 691 requests for assistance (479 for permitting assistance and 212 for compliance assistance) from August 2019 through November 2019.
 - SBA provided two workshops for the regulated community during October covering compliance inspections and permit requirements.
 - Continues to proactively contact stationary source permittees that are within 30 days from the deadline to renew their permits to offer assistance preparing their renewal application.
 - Has started providing training for large gasoline dispensing companies to train their managers about federal and local air quality requirements.
 - Both SBA Specialists are providing front counter assistance to Dust Permitting Customers.
 - Both SBA Specialists are visiting sources that are not required to maintain a permit, but are subject to federal requirements for gasoline dispensing, surface coating and dry cleaning to providing compliance assistance.
- **Regulation Updates**
 - AQR Section 4 – Control Officer, and AQR Section 7 – Hearing Board and Hearing Officer, AQR Section 9 – Civil Penalties are scheduled for a public hearing before the Board of County Commissioners on December 17, 2019.
 - Have started meetings for management review of Section 18 – Fee Rule. The Request for Proposal for a consultant to assist with reevaluating the fee structure should be ready by the end of January 2020.
 - Completed staff and supervisory review of AQR 94 – Permitting and Dust Control for Construction Activities. Management review will begin once the Best Management Practices are rewritten by staff. (First quarter 2020).

CCSD/UNLV POLLEN PROGRAM

Principal Investigator

Professor Mark Buttner

Co-Principal Investigator

Professor Dennis A. Bazylnski,

Allergist

Dr. Joram Seggev



National Allergy Bureau (NAB) Pollen and Mold Certification Process

- Certified separately as a pollen counter or as a mold counter in order to use a Burkard Spore Trap or the equivalent.
- Stations agree to provide data on a timely bases to the NAB.
- Required training course(s) and a web-based qualifying exam.
- NAB counters must be a member of the AAAAI or the ACAAI or participate in a station where the director is a member of one of these associations.

Burkard Sampler

- NAB stations counting molds and pollen grains operate with a volumetric air sampler, which are manufactured in England. Stations only counting pollen grains may operate with rotation impact samplers, which are manufactured in the U.S. or Canada.



Burkard Sampler

- **Air Sampler**

- Burkard recording volumetric spore trap
- Impaction sampler
- Efficient for small spores (mold)

- **Key features**

- Wind-oriented
- Sealed chamber with one orifice
- Air flow rate: 10 L/min
- 7-day or 24-hour sampling head
- Clock revolves drum (A) or slide carriage (B) at 2 mm/hour



A

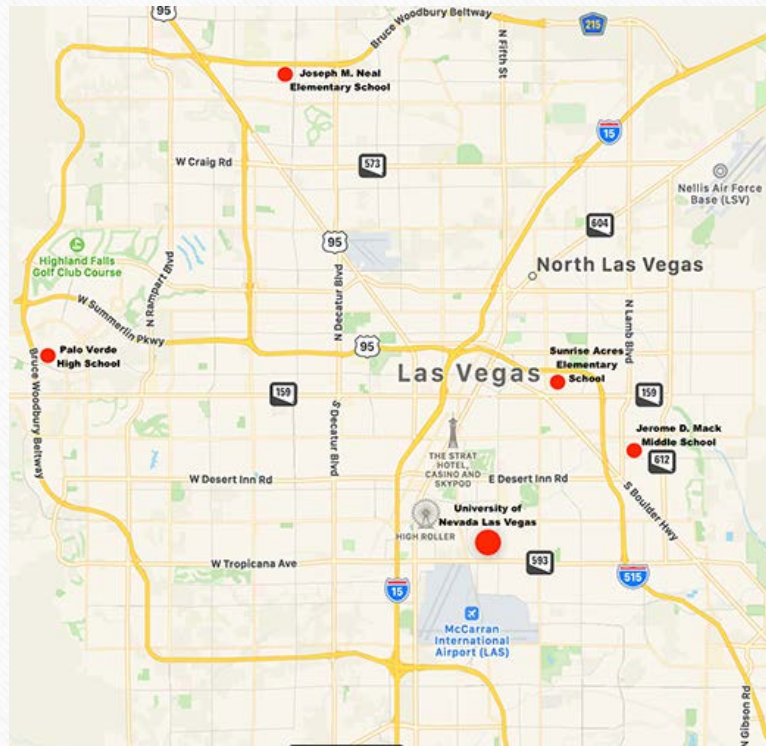


B

Pollen and Mold Collection Sites

- UNLV- National Allergy Bureau Certified Site - June, 2014
- Jerome D. Mack Middle School - March, 2015
- Sunrise Acres Elementary School - March, 2018
- Joe M. Neal Elementary School - March, 2015
- Palo Verde High School - March, 2015
- Jean - September, 2014

Site Locations on the Map



Site Locations

- **Jerome D. Mack Middle School**

- ❖ South east/6.5 miles from UNLV/ Lamb Blvd and Karen Ave.

- **Sunrise Acres Elementary School**

- ❖ Southeast/5.8 miles from UNLV/ Stewart and N 28TH St.

- **Joseph M. Neal Elementary School**

- ❖ Northeast/20 Miles from UNLV / N Rainbow and Azure Dr.

- **Palo Verde High School**

- ❖ Northwest/20 miles from UNLV / W. Charleston and S Pavilion Center Dr.

- **Jean**

- ❖ **I-15 South/29 miles from UNLV**

Pollen Trend for 2018

- After a peak in 2017, total tree pollen concentrations showed a decrease in 2018, possibly due to a shorter winter and an earlier spring. Weed and grass pollen also showed an increase in 2017 compared to the other years.
- Continued monitoring is needed to determine the annual pollen trends to provide timely forecasts for the community.
- 2019 ?



Department of Air Quality


Update to the

Clark County Air Pollution Control Hearing Board

Wednesday, December 11, 2019

Agenda Item 5C

Inspection and Enforcement Procedures – AQR Section 44



Origin of Section 44

- ▶ Clean Air Act does not contain provisions to regulate pollen or trees.
- ▶ As a result of increased complaints about pollen sensitivity, the Clark County Health District (now the Southern Nevada Health District), in January 1991, adopted Section 44 into the Air Quality Regulations to prohibit the planting or selling of fruitless mulberry and traditional European olive trees,
- ▶ These two tree types were deemed the worst pollinators (highly allergenic) and a public nuisance.
 - Mulberry trees are popular because they make good shade trees.
 - Olive trees transplant well and do well in arid climates.



Section 44 – Prohibitions on Planting, Selling, or Offering to Sell Fruitless Mulberry and European Olive Trees

- ▶ Section 44.2.1 - “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.”
- ▶ Section 44.3.1 - Cultivars (cultivated varieties) of low pollinating Fruitless Mulberry or European Olive may be exempt from the above restrictions if the person who grows them for commercial distribution applies for and receives a “Certificate of Exemption” from the Hearing Board. Certificates are good for only 3 years, then must be renewed.
- ▶ Certificates of Exemption do not exist for Fruitless Mulberry trees (as there are no known low pollinating Fruitless Mulberry trees).

Fruitless Mulberry (Morus Alba "Fruitless")

- ▶ Morus Alba Fruitless (photo below) produces pollen but no fruit (male tree). Not allowed to be sold.
- ▶ White Fruiting Mulberry (produces no pollen but bears fruit). Legal.



Recent Case

- ▶ NOV #8969 to a commercial nursery for selling fruitless mulberries (result of a citizen complaint).
- ▶ Adjudicated penalty: \$1,400



Young Fruitless Mulberry





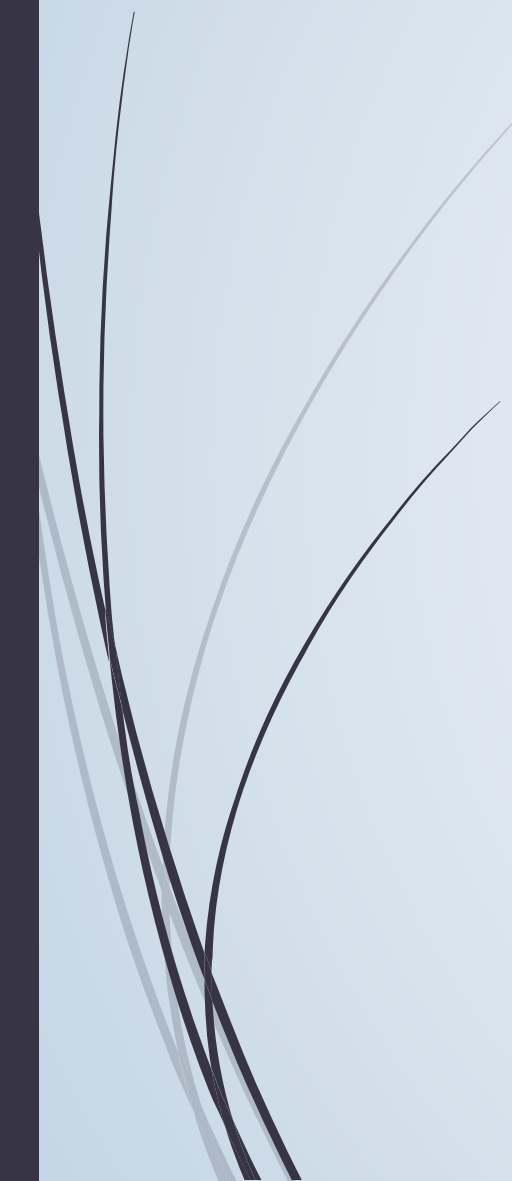
Olea Europaea (European Olive)

Wilson Olive on UNLV Campus (standard)





Inspections

- ▶ Periodic and random inspections of commercial nurseries (Moon Valley and Star Nursery are the largest nurseries) and home improvement stores (e.g. Home Depot and Lowes).
 - ▶ Complaint initiated; most complaints are about grandfathered trees (1000's of traditional olive trees planted prior to 1991).
 - ▶ DAQ occasionally receives complaints about pollen from olive trees in the springtime.
- 

Nursery Visits

Swan Hill tagged trees



small container Wilsonii with Ponto Nursery tag



large box Wilsonii



Tag Identification



OLEA EUROPAE WILSONI

Plant Pat. #4464

Approved By Clark
County Air Pollution
Control Hearing Board
12-9-04

Easy Pace Tree Farm
16344 W. Orangewood Ave., Litchfield Park, AZ
85340
(623) 935-3497

No 08437





Approved by
Clark County
Dept of Air Quality
Las Vegas, NV

Ponto Nursery
2545 Ramona Drive
Vista, California

OLEA EUROPAEA
WILSONI

053517

Presence of olives





Enforcement

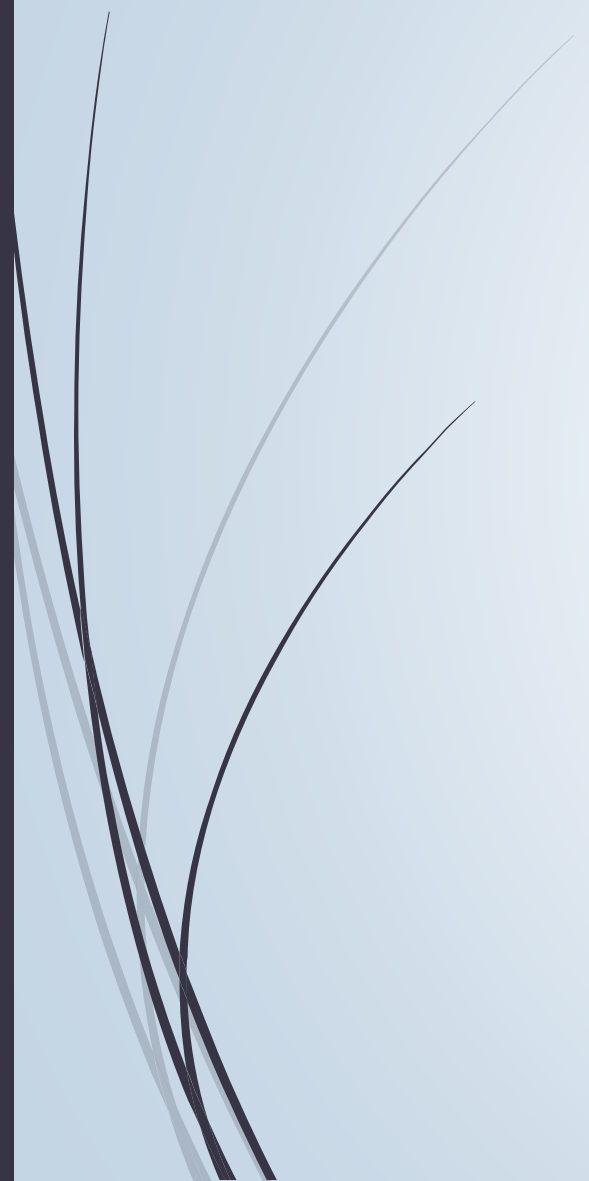
- ▶ Trees with no tags are requested to be pulled from the selling floor; nursery determines fate of plant if it comes from a nursery with no COE.
- ▶ Request to see invoice or other documentation for tree to check tag numbers.
- ▶ If a new cultivar or if tree is from a nursery without a Certificate of Exemption, nursery manager is informed it can't be sold and given information about Section 44.
- ▶ Photos taken, report compiled and enforcement action (e.g. NOV) recommended.

Recent Cases

- ▶ NOV #9252 to home improvement store for selling shrubs (Little Ollie) and cultivars (e.g. Majestic Beauty, Wilsonii) from two different nurseries without a Certificate of Exemption.
- ▶ Adjudicated penalty: \$3,800







Recent Cases

- NOV #9251 to a commercial nursery for selling shrubs ("Little Ollie") from a nursery without a Certificate of Exemption.
- Adjudicated penalty: \$2,700



Recent Cases

- NOV #9257 to a commercial nursery for selling shrubs (dwarf olive bush) from a nursery without a Certificate of Exemption.
- Adjudicated penalty: \$500





Possible Future Activities

- ▶ Require DNA tree testing on nurseries with COEs at time of application/renewal and once during the exemption period to ensure cultivar is true to type.
- ▶ Inspect plant staging areas at developments nearing final completion, and at various landscaping projects.
- ▶ Current Administrative challenges and proposed changes
 - ▶ AQR Section 7 revisions

Questions?

RE: DESERT FORREST NURSERY – 2019 Renewal of Certificate of Exemption (Wilsonii)

EXHIBIT LIST

| EXHIBIT # | DESCRIPTION | DATE |
|------------------|---|---------------------|
| DFN001-DFN003 | Staff Report | 11/8/19 |
| DFN004-DFN011 | Desert Forrest Nursery Distribution Plan and Tag 2016-2018 | 10/3/19 |
| DFN012 | Notice of Hearing | 10/29/19 |
| DFN013 | Affidavit of Publication – LV Review Journal | 10/29/19 |
| DFN014-DFN016 | Certificate of Mailing for Hearing Notice | 10/28/19 |
| DFN017 | Letter to Desert Forrest Nursery Deeming Application Complete | 10/8/19 |
| DFN018 | Record of Communication with Desert Forrest Nursery Requesting Additional Documentation for Renewal of Certificate of Exemption | 9/30/19 and 10/1/19 |
| DFN019-DFN022 | Email to Desert Forrest Nursery with copies of documentation submitted in 2016 for Renewal of Certificate of Exemption | 9/24/19 |
| DFN023 | Letter to Desert Forrest Nursery Requesting Additional Documentation for Renewal of Certificate of Exemption – Third Request | 8/29/19 |
| DFN024 | Record of Communication with Desert Forrest Nursery Regarding the Status of his Certificate of Exemption Renewal | 8/2/19 |
| DFN025 | Letter to Desert Forrest Nursery Acknowledging Receipt of Renewal Request and Requesting Additional Documentation | 6/19/19 |
| DFN026 | Receipt of Payment from Desert Forrest Nursery for Renewal of Certificate of Exemption | 6/13/19 |
| DFN027 | Renewal Inquiry Letter to Desert Forrest Nursery | 6/10/19 |
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| | | |
| | | |
| | | |

STAFF REPORT
November 8, 2019

Application for Renewal of Certificate of Exemption

Applicant: Desert Forrest Nursery, LLC
16835 West Olive Avenue
Waddell, AZ 85355

Purpose:

Desert Forrest Nursery LLC (Desert Forrest) 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:

Desert Forrest acquired Easy Pace Tree Farm (also known as Orangewood Nursery, Inc.) in 2012. 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 Wilsonii 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 Wilsonii 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, November 4, 2010, October 9, 2013, and again on December 8, 2016 with an expiration date of December 8, 2019 under the name of Desert Forrest Nursery LLC. On June 19, 2019, Desert Forrest submitted an application for renewal of its Certificate of Exemption for growing, distributing, and marketing Wilsonii trees. Additional information was required and received. The application was deemed complete on October 8, 2019.

Regulations:

Clark County Air Quality Regulation (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 October 29, 2019 notifying the public of the application and inviting public comment. In addition, staff mailed 14 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, 4701 West Russell Road, Suite 200, Las Vegas, NV, (702) 455-5942.

Anyone may petition to intervene in writing by November 18, 2019. 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 November 18, 2019, 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 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 a 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 application, please contact Sherrie Rogge at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.

From: [Forrest](#)
To: [Anna Sutowska](#)
Cc: [Sherrie Rogge](#)
Subject: RE: Certificate of Exemption
Date: Thursday, October 3, 2019 10:40:58 PM
Attachments: [Olea europea Wilsonii.xlsx](#)
[DFN Letter Head Distribution Plan.doc](#)
[DFN Distrubution Plan for Wilson Olives.doc](#)

Hello Anna & Sherrie,

Please see attached our Olea Europea Wilsonii distribution plan, Tags, our letterhead so on. Please let me know if you need anything else at 602-690-3030.

Thank you,

Forrest Wald

DESERT FORREST NURSERY LLC
EQUIPMENT RENTALS
Ph. 623-935-1859
8000
Fax 623-505-9626
3030

Forrest@DesertForrestNursery.com

Info@ForrestEquipmentRentals.com

FORREST COLLISION & SALES LLC

Ph. 602-973-3030

Fax 602-337-8464

Forrest@ForrestCollision.com

FORREST

Cell. 602-831-

Cell. 602-690-



From: Anna Sutowska [mailto:Anna.Sutowska@ClarkCountyNV.gov]
Sent: Tuesday, September 24, 2019 2:16 PM
To: fwrealty@cox.net; forrest@desertforrestnursery.com
Cc: Sherrie Rogge
Subject: Certificate of Exemption

Good afternoon Mr. Wald,
As we discussed over the phone, here are the documents that were submitted previously.

Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Air Quality
4701 W. Russell Rd., Suite 200

DFN004

Las Vegas, NV 89118

Office: 702-455-0666

Cell: 702-378-9780

Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

http://www.clarkcountynv.gov/airquality/compliance/Pages/Compliance_DustForms.aspx

Desert Forrest Nursery, LLC

West Yard

16835 W. Olive Ave, Waddell, AZ 85355

Phone (623) 935-1859 Fax (623) 505-9626



Clark County,

I have attached our current and ongoing distribution plan for shipment of our Wilson Olives to landscape projects and retail outlets throughout Clark County Nevada.

You will also find a sample of the numbered identification tags provided by Desert Forrest Nursery L.L.C. which will be attached to each individual tree. These individual numbers will also be referenced on all related shipping documents, along with any other required exemption certification documentation.

If you have any questions or concerns please contact us at 623-935-1859.

Sincerely,

Forrest Wald
Desert Forrest Nursery, L.L.C.

Desert Forrest Nursery, LLC

West Yard

16835 W. Olive Ave, Waddell, AZ 85355

Phone (623) 935-1859 Fax (623) 505-9626



Distribution Plan For Wilson Olives to Clark County, Nevada

Variety Assurance:

Desert Forrest Nursery will ship only Wilson Olives.

Labeling:

Every Wilson Olive shipped from Desert Forrest Nursery will have an individually numbered identification tag attached to the tree.

Documentation:

All Shipping documents will have the individual tag numbers and be accompanied with a copy of our certificate of exemption.

Tracking:

Upon request, Desert Forrest Nursery will provide the DAQ with documentation of any customer that has taken delivery of our Wilson Olive in Clark County, Nevada.

Desert Forrest Nursery, LLC

16739 W Olive Avenue Waddell, AZ 85355

Phone (623) 935-1859

Fax (623) 505-9626



48" box Olea europea "Wilsonii"

| DATE | TAG NUMBER | CUSTOMER NAME | JOB LOCATION |
|------------|------------|--------------------------------|---|
| 10/7/2016 | 26641 | JC Masonry LLC | Alta Dr. & Sky Vista. Las Vegas NV |
| 10/7/2016 | 26642 | JC Masonry LLC | Alta Dr. & Sky Vista. Las Vegas NV |
| 10/7/2016 | 26643 | JC Masonry LLC | Alta Dr. & Sky Vista. Las Vegas NV |
| 10/7/2016 | 26644 | JC Masonry LLC | Alta Dr. & Sky Vista. Las Vegas NV |
| 10/7/2016 | 26645 | JC Masonry LLC | Alta Dr. & Sky Vista. Las Vegas NV |
| 10/10/2016 | 26653 | Western Landscape C | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26654 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26655 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26656 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26657 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26658 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26659 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/10/2016 | 26660 | Western Landscape Construction | 4 Soaring Bird Ct. Las Vegas NV 89135 |
| 10/11/2016 | 26661 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26662 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26663 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26664 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26665 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26666 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26667 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26668 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26669 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/11/2016 | 26670 | US Landscape | Far Hills Dr&Fox Hills Dr.Summerlin, Las Vegas NV |
| 10/14/2016 | 26671 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 10/14/2016 | 26672 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 10/14/2016 | 26673 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 10/14/2016 | 26674 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 10/14/2016 | 26675 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 10/14/2016 | 26676 | Green Image LLC DBA GTI | Desert Foothills & Alta. Summerlin - Las Vegas |
| 11/3/2016 | 26677 | Gothic Landscaping, Inc. | S. Grand Canyon Dr. & W. Maule Ave. Las Vegas NV |
| 11/4/2016 | 26678 | Gothic Landscaping, Inc. | S. Grand Canyon Dr. & W. Maule Ave. Las Vegas NV |
| 11/5/2016 | 26679 | Gothic Landscaping, Inc. | S. Grand Canyon Dr. & W. Maule Ave. Las Vegas NV |
| 1/23/2017 | 26032 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26033 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26034 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26035 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |

| | | | |
|------------|-------|-------------------------|--|
| 1/23/2017 | 26036 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26037 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26038 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 1/23/2017 | 26039 | Sunstate Companies | St Rose Pkwy & Alper Center Dr. Henderson NV |
| 2/2/2017 | 28 | Star Nursery | X St Eastern & Grand Hills |
| 2/2/2017 | 29 | Star Nursery | X St Eastern & Grand Hills |
| 4/17/2017 | 54 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 55 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 56 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 57 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 58 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 59 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/17/2017 | 60 | Nevada Landscape, Corp | Equestrian Dr & Sausalito Way. Henderson, NV |
| 4/13/2017 | 30 | Sunstate Companies | 5810 S. Eastern Ave. LV 89119 |
| 4/13/2017 | 31 | Sunstate Companies | 5810 S. Eastern Ave. LV 89119 |
| 4/13/2017 | 32 | Sunstate Companies | 5810 S. Eastern Ave. LV 89119 |
| 4/13/2017 | 33 | Sunstate Companies | 5810 S. Eastern Ave. LV 89119 |
| 4/13/2017 | 34 | Sunstate Companies | 5810 S. Eastern Ave. LV 89119 |
| 4/25/2017 | 38 | Sunstate Companies | Simmons & Craig Rd.Henderson, NV 89074 |
| 4/25/2017 | 39 | Sunstate Companies | Simmons & Craig Rd.Henderson, NV 89074 |
| 4/25/2017 | 40 | Sunstate Companies | Simmons & Craig Rd.Henderson, NV 89074 |
| 4/25/2017 | 41 | Sunstate Companies | Simmons & Craig Rd.Henderson, NV 89074 |
| 5/16/2017 | 42 | Green Image LLC DBA GTI | 2981 Ascension Point. Las Vegas, NV 89138 |
| 5/16/2017 | 43 | Green Image LLC DBA GTI | 2981 Ascension Point. Las Vegas, NV 89138 |
| 5/16/2017 | 44 | Green Image LLC DBA GTI | 2981 Ascension Point. Las Vegas, NV 89138 |
| 5/16/2017 | 45 | Green Image LLC DBA GTI | 2981 Ascension Point. Las Vegas, NV 89138 |
| 5/23/2017 | 61 | Green Image LLC DBA GTI | 1341 Villa Fr. Henderson, NV 89052 |
| 8/3/2017 | 81 | Gothic Landsdcape, Inc | The Cliffs Las Vegas, NV |
| 8/3/2017 | 82 | Gothic Landsdcape, Inc | The Cliffs Las Vegas, NV |
| 8/3/2017 | 83 | Gothic Landsdcape, Inc | The Cliffs Las Vegas, NV |
| 10/18/2017 | 84 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/18/2017 | 85 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/18/2017 | 86 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/18/2017 | 87 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/18/2017 | 88 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/18/2017 | 89 | Gothic Landsdcape, Inc | S. Grand Canyon Dr. & W. Maule Ave.Las Vegas, NV |
| 10/19/2017 | 90 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 10/19/2017 | 91 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 10/19/2017 | 92 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 10/19/2017 | 93 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 10/19/2017 | 94 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 10/19/2017 | 95 | Gothic Landsdcape, Inc | W. Lake Mead & 215 Beltway Las Vegas, NV |
| 11/2/2017 | 96 | Gothic Landsdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 97 | Gothic Landsdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 98 | Gothic Landsdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 99 | Gothic Landsdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 100 | Gothic Landsdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |

| | | | |
|------------|-----|-----------------------|---|
| 11/2/2017 | 101 | Gothic Lansdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 102 | Gothic Lansdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/2/2017 | 103 | Gothic Lansdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 11/3/2017 | 104 | Gothic Lansdcape, Inc | W. Lake Mead & I-215 Las Vegas, NV |
| 12/27/2017 | 109 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 12/27/2017 | 110 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 12/27/2017 | 111 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 12/27/2017 | 112 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 12/27/2017 | 113 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 114 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 115 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 116 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 117 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 118 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 119 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 120 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/4/2018 | 121 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 122 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 123 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 124 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 125 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 126 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 127 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 128 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/5/2018 | 129 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. D Henderson, NV |
| 1/9/2018 | 130 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 1/9/2018 | 131 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 1/9/2018 | 132 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 1/9/2018 | 133 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 1/9/2018 | 134 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 1/9/2018 | 135 | Gothic Lansdcape, Inc | Sunridge Hts. Pkwy. & Canyon Hts. Dr. Henderson, NV |
| 7/18/2018 | 136 | Gothic Lansdcape, Inc | 710 Dragon Ridge Dr. Henderson, NV 89052 |
| 7/18/2018 | 137 | Gothic Lansdcape, Inc | 710 Dragon Ridge Dr. Henderson, NV 89052 |
| 7/18/2018 | 138 | Gothic Lansdcape, Inc | 710 Dragon Ridge Dr. Henderson, NV 89052 |
| 7/18/2018 | 139 | Gothic Lansdcape, Inc | 710 Dragon Ridge Dr. Henderson, NV 89052 |
| 7/18/2018 | 140 | Gothic Lansdcape, Inc | 710 Dragon Ridge Dr. Henderson, NV 89052 |
| 9/12/2018 | 142 | Gothic Lansdcape, Inc | SWC N. Walker St.& Cadence Crest A Las Vegas,NV |
| 9/12/2018 | 143 | Gothic Lansdcape, Inc | SWC N. Walker St.& Cadence Crest A Las Vegas,NV |
| 9/12/2018 | 144 | Gothic Lansdcape, Inc | SWC N. Walker St.& Cadence Crest A Las Vegas,NV |
| 9/12/2018 | 145 | Gothic Lansdcape, Inc | SWC N. Walker St.& Cadence Crest A Las Vegas,NV |
| 12/13/2018 | 167 | Gothic Lansdcape, Inc | 6325 S. Valley View Blvd. Las Vegas, NV 89118 |
| | | | |
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| | | | |
| | | | |
| | | | |

OLEA EUROPAE WILSONI

Plant Pat. #4464

Approved By Clark
County Air Pollution
Control Hearing Board
On 12-08-16

Approved By Pima
County Board
of Supervision
On 01-17-95

00168



Desert Forrest Nursery, LLC
16406 W. Oranewood Ave.
Litchfield Park, AZ 85340
(623) 935-1859



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 an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

A public hearing on these applications has been scheduled for December 11, 2019, 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.

Published: October 29, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED CC DAO
2019 OCT 31 PM 12:54

20

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

Account # 22354
Ad Number 0001073390

Leslie McCormick, 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 10/29/2019 to 10/29/2019, on the following days:

10 / 29 / 19

NOTICE OF HEARING
The Clark County Department of Air Quality (DAQ) has received an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.
A public hearing on these applications has been scheduled for December 11, 2019, 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: October 29, 2019
LV Review-Journal

Leslie McCormick
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of October, 2019

Notary *Mary Lee*



CERTIFICATE OF MAILING

I hereby certify that on October 28, 2019, 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 28th day of October 2019.



Sherrie D. Rogge, Administrative Secretary
Enforcement Division
Department of 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 an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

A public hearing on these applications has been scheduled for December 11, 2019, 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.

Published: October 29, 2019

Nick Bieser
Plant Industry/Measurement Standards
District Office
Nevada Dept. of Agriculture
2300 E. St. Louis Ave.,
Las Vegas NV 89104

Brad Bowers
Valley Crest Tree Company
dba Brightview Nurseries
3200 W. Telegraph Road
Fillmore CA 93015

Jack Zunino
JW Zunino & Associates
3191 S. Jones Blvd.
Las Vegas NV 89146

Dennis Swartzell
Arid Plant Solutions
824 Apperson Circle
Las Vegas NV 89123

Wally Kearns
Evergreen Nursery
P.O. Box 9830
Rancho Santa Fe CA 92067

Paul Noe
Star Nursery
125 Cassia Way
Henderson NV 89014

Russ Hafen
Hafen Nursery
1740 N. Boulder Highway
Henderson NV 89011

Ashley Jeppson, Agriculturist
Plant Industry Division
Nevada Dept. of Agriculture
405 South 21st Street
Sparks NV 89431

Matthew Fichera, Regional Operations
Manager
Moon Valley Nurseries
9040 S. Eastern Ave.
Las Vegas NV 89123

Ashley Jeppson
Nevada Department of Agriculture
405 S 21st Street
Sparks NV 89431

Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Judy Ponto
Ponto Nursery Inc
PO Box 536
Vista CA 92085-0536

Tyler Bilyk, Manager
Casa del Zorro Nursery
d/b/a Roadrunner Tree Farm
PO Box 3070
Valley Center CA 92082

Anthony Carranza, General Manager
Sunrise Nursery LLC
22439 N. 163rd Avenue
Surprise AZ 85387



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

October 8, 2019

CERTIFIED MAIL #9489 0090 0027 6122 2126 62

Mr. Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

E-mail: forrest@desertforrestnursery.com

Re: Renewal of Certificate of Exemption – Olea Europaea “Wilsonii Olive”

Dear Mr. Wald:

On June 19, 2019, the Department of Air Quality received your request to renew your Certificate of Exemption for the “Wilsonii Olive” and on October 3, 2019 we received the additional material as requested.

Staff has reviewed the documentation you submitted and deemed it complete.

This letter confirms that the renewal of your Certificate of Exemption for the Wilsonii Olive has been scheduled for a public hearing before the Air Pollution Control Hearing Board on December 11, 2019 at 1:30 p.m. The hearing will take place in the Clark County Building Department – Presentation Room, located at 4701 West Russell Road, Las Vegas Nevada 89118. Once finalized, copies of the Hearing Board Agenda and staff’s report to the Board will be sent to you. It is recommended that you attend this hearing to answer any questions by the Hearing Board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 9:00 a.m., Monday, December 2, 2019, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

In the meantime, if you have any question, please do not hesitate to contact me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge
Administrative Secretary

cc: Anna Sutowska, Enforcement Supervisor
Patricia A. Ringgenberg, Air Quality Specialist II



**VIOLATION PROCESSING SECTION
RECORD OF COMMUNICATION**

Record of: Telephone Conversation X Date: 9/30/2019 and 10/1/19 Time: _____
Meeting _____

NOV # N/A

Company: Desert Forrest Nursery Tele #: 602-690-3030
_____ Call
From/To: Forrest Wald, Owner

Summary: On 9/30/19 at 1:44 p.m., I called Mr. Wald to inquire about the documents he was to submit for the renewal of his Certificate of Exemption following his conversation with Anna Sutowska, Enforcement Supervisor on 9/24/19.

Mr. Wald's voicemail box was full and I was not able to leave a message.

On 10/1/19 at 7:25 AM, I called Mr. Wald (602-690-3030) in an attempt to speak with him about the documents we have been waiting on so we can process the renewal of his Certificate of Exemption.

At the time of my call Mr. Wald's voicemail box was still full and I was not able to leave a message.

On 10/1/19 at 7:27 AM, I called the main number for Desert Forrest Nursery (623-935-1859) and was told by Betsy that Mr. Wald was out and that he didn't have voicemail in his office. She gave me the following number for a different cell phone that he also uses: 602-831-8000.

On 10/1/19 at 7:29 AM, I called Mr. Wald at 602-831-8000 and left a message for him to call me back. In the message, I informed Mr. Wald that we needed to receive the additional documents previously requested as soon as possible. I also informed Mr. Wald that if I wasn't available when he called, to please speak with Anna Sutowska, Enforcement Supervisor.

Follow-up: 10/2/19 @ 10:37 AM - I called Mr. Wald (602-690-3030) to follow-up on the email that Anna Sutowska, Enforcement Supervisor, had sent him on 9/24/19.

I spoke with Mr. Wald to find out the status of the documents we needed to process his Certificate of Exemption renewal. I informed Mr. Wald that we were running out of time to place him on the 12/11/19 HB Docket and the public hearing notice needed to go to the paper on 10/8/19. Mr. Wald stated he wasn't aware of the deadline and would respond to Anna's email with a cc to me no later than Friday, 10/4/19.

Form Completed By: Sherrie Rogge, Administrative Secretary

From: [Anna Sutowska](#)
To: fwrealty@cox.net; forrest@desertforrestnursery.com
Cc: [Sherrie Rogge](#)
Subject: Certificate of Exemption
Date: Tuesday, September 24, 2019 2:16:09 PM
Attachments: [Pages from Desert Forrest COE Case File 1988 to Current-3.pdf](#)
[Pages from Desert Forrest COE Case File 1988 to Current-2.pdf](#)
[Pages from Desert Forrest COE Case File 1988 to Current.pdf](#)

Good afternoon Mr. Wald,
As we discussed over the phone, here are the documents that were submitted previously.

Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

http://www.clarkcountynv.gov/airquality/compliance/Pages/Compliance_DustForms.aspx

Desert Forrest Nursery, LLC

16835 W Olive Avenue Waddell, AZ 85355
Phone (623) 935-1859
Fax (623) 505-9626



November 21, 2016

Mr. Ryan Breitweiser
DAQ Enforcement Division
4701 Russel Road, Suite 200
Las Vegas, NV 89118

Dear Mr. Breitweiser:

I have attached our current and ongoing distribution plan for shipment of our Wilson Olives to landscape projects and retail outlets throughout Clark County Nevada.

You will also find a sample of the numbered identification tags provided by Desert Forrest Nursery L.L.C. which will be attached to each individual tree. These individual numbers will also be referenced on all related shipping documents, along with any other required exemption certification documentation.

If you any questions or concerns please contact us at 623-935-1859.

Sincerely,

Forrest Wald
Desert Forrest Nursery L.L.C.

Desert Forrest Nursery, LLC

16835 W Olive Avenue Waddell, AZ 85355
Phone (623) 935-1859
Fax (623) 505-9626



November 21, 2016

Distribution Plan for Wilson Olives to Clark County, Nevada

Variety assurance :

Desert Forrest Nursery will ship only Wilson Olives.

Labeling :

Every Wilson Olive shipped from Desert Forrest Nursery will have an individually numbered identification tag attached to the tree.

Documentation :

All shipping documents will have the individual tag numbers and be accompanied with a copy of our certificate of exemption.

Tracking:

Upon request, Desert Forrest Nursery will provide the DAQ with documentation of any customer that has taken delivery of our Wilson Olive in Clark County, Nevada.

OLEA EUROPAE WILSONI

Plant Pat. #4464



Approved By Clark
County Air Pollution
Control Hearing Board
On ##-##-###

Approved By Pima
County Board
of Supervision
On ##-##-###

17000



Desert Forrest Nursery, LLC
18406 W. Orangewood Ave.
Litchfield Park, AZ 85340
(623) 935-1859

August 29, 2019

CERTIFIED MAIL #9489 0090 0027 6104 3208 42

Mr. Forrest Wald, Owner
Desert Forrest Nursery LLC
16739 West Olive Avenue
Waddell AZ 85355

Email: accounts@desertforrestnursery.com

**Re: Renewal of Certificate of Exemption – Wilsonii
Third Request**

Dear Mr. Wald:

On June 19, 2019 and on August 2, 2019, a letter was sent to you advising that we had received your payment to renew your Certificate of Exemption for the *Olea europaea cv. Wilsonii* ('Wilsonii') tree; however, additional documentation still needed to be submitted.

Your current Certificate of Exemption for the *Olea europaea cv. Wilsonii* (Wilsonii) trees will expire on December 8, 2019. Air Quality Regulations (AQR) Subsection 44.3.5 states "the applicant may renew a certificate for three year increments." An Air Pollution Control Hearing Board meeting has been scheduled for December 11, 2019. In order for your renewal to be adequately addressed on that hearing agenda, the following documents need to be submitted:

- A written request to renew your Certificate of Exemption
- Completed Application for Renewal (attached)
- Documentation showing the trees demonstrate they are low pollinating cultivar releases to the atmosphere less than 15% of the pollen released by a sexually mature traditional Olive tree and that this low pollinating capacity is retained by the sexually mature cultivar for at least three years.
- Copies of the current labels showing the exempt status, date of approval of Certificate until sale to consumer.
- Copy of current distribution plan that shows who the trees was sold to, the tag number and the shipping invoice.
- Copy of proposed label following approval of 2019 exemption request.
- Copy of nursery contact information (client list).

Please note these documents and any additional documentation you want to present regarding your renewal must be submitted on or before September 23, 2019.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,



Shibi Paul
Compliance Manager

cc: Patricia Ringgenberg, Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor



**VIOLATION PROCESSING SECTION
RECORD OF COMMUNICATION**

Record of: Telephone Conversation Date: 8/2/2019 Time: 12:20
Meeting

NOV # N/A

Company: Desert Forrest Nursery Tele #: 602-690-3030
Re: Certificate of Exemption Call
From/To: Forrest Wald

Summary:

Forrest Wald, Owner of Desert Forrest Nursery called in regards to the public hearing notice he received for the August 14, 2019 Hearing Board meeting in which Certificates of Exemptions would be heard. Mr. Wald inquired as to why he wasn't on the agenda.

I informed Mr. Wald that I had sent him an email and a certified letter on 6/19/19 outlining the documents he still needed to submit for his 2019 Certificate of Exemption Renewal and that to date I had yet to receive said documents.

Mr. Wald stated the email address I had utilized was for his sales people and to resend the letter and email to his secretary at accounts@desertforrestnursery.com. He would make sure the required information was submitted.

I also informed Mr. Wald that his current exemption didn't expire until December 8, 2019 and that we are planning to schedule his item for the December 11, 2019 Hearing Board meeting.

On 8/2/19 at 1:10 p.m., I emailed Mr. Wald's secretary sending her a copy of the June 19, 2019 letter I had previously sent along with the new Certificate of Exemption Application for Renewals.

Follow-up:

None required at this time.

Form Completed By: Sherrie Rogge, Administrative Secretary



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

June 19, 2019

CERTIFIED MAIL #9489 0090 0027 6104 2121 09

Mr. Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Email: forrest@desertforrestnursery.com

Re: Renewal of Certificate of Exemption - Wilsonii

Dear Mr. Wald:

We are in receipt of your payment to renew your Certificate of Exemption for the Wilsonii trees and am enclosing your receipt for Invoice 037665.

As outlined in Air Quality Regulations (AQR) Subsection 44.3 (copy enclosed), please submit the following documentation:

- Documentation showing the trees demonstrate they are low pollinating cultivar releases to the atmosphere less than 15% of the pollen released by a sexually mature traditional Olive tree and that this low pollinating capacity is retained by the sexually mature cultivar for at least three years.
- Copies of the current labels showing the exempt status, date of approval of Certificate until sale to consumer.
- Copy of current distribution plan that shows who the trees was sold to, the tag number and the shipping invoice.
- Copy of proposed label following approval of 2019 exemption request.
- Copy of nursery contact information (client list).

In addition to the above documentation, we also need, in writing, your request to renew your Certificate of Exemption.

Upon receipt of the required documentation and staff's review of said documentation, we shall schedule a hearing date in front of the Hearing Board and publish a "Notice of Hearing" in the general newspaper. The public will have 20 days to review your information and provide comment.

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, these documents and any additional documentation you want to present regarding your renewal **must be submitted to my attention by Monday, September 9, 2019.**

If you have any questions, please contact me at (702) 455-0354.

Sincerely,


Sherrie D. Rogge, Administrative Secretary
Enforcement Division

Attachment:

- Receipt #037665
- AQR Section 44

cc: Anna Sutowska, Air Quality Supervisor
Patricia Ringgenberg, DAQ Air Quality Specialist II

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN JONES • MICHAEL NAFT • TICK SEGERBLOM
YOLANDA T. KING, County Manager

DFN025



RECEIPT

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

Desert Forrest Nursery, LLC
 16739 West Olive Avenue
 Waddell AZ 85355

| Invoice # | Invoice Date | Invoice By | Invoice Type | Due Date |
|-----------|--------------|------------|---------------------|-----------|
| 037665 | 6/13/2019 | SHERRIER | AIR QUALITY PROGRAM | 6/13/2019 |

| Quantity | Description | Fee Code | Fee | Total |
|----------|--------------------------------------|----------|----------|------------|
| 1 | TREE EXEMPTION CERTIFICATE - RENEWAL | AGTR02 | \$149.00 | \$149.00 |
| | 06/13/2019 CHECK (20390) | PAYMENT | | (\$149.00) |

Notes: Renewal of Certificate of Exemption - Wilsonii Tree

| | |
|--------------|------------|
| Subtotal: | \$149.00 |
| Paid: | (\$149.00) |
| Adjustments: | \$0.00 |
| Balance Due: | \$0.00 |



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-8994
Marci Henson Director

June 10, 2019

CERTIFIED MAIL #9489 0090 0027 6092 2609 84

Mr. Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Email: forrest@desertforrestnursery.com

Re: Renewal of Certificate of Exemption - Wilsonii

Dear Mr. Wald:

A review of our files indicates your Certificate of Exemption for Olea europaea cv. Wilsonii trees will expire on December 8, 2019.

Air Quality Regulations (AQR) Subsection 44.3.5 states “the applicant may renew a certificate for three year increments.” An Air Pollution Control Hearing Board meeting is scheduled before the expiration date on October 9, 2019. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before July 1, 2019.

In compliance with AQR Subsection 18.9, a filing fee of \$149.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality or DAQ and mail it along with your request for renewal to the attention of Sherrie Rogge, Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,

Shibi Paul
Compliance Manager

SP:sdr

cc: Patricia Ringgenberg, DAQ Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor

RE: PONTO NURSERY – 2019 Renewal of Certificate of Exemption (Wilsonii)

EXHIBIT LIST

| EXHIBIT # | DESCRIPTION | DATE |
|------------------|---|-------------|
| PN001-PN003 | Staff Report | 11/8/19 |
| PN004-PN022 | Ponto Nursery Distribution Plan and Tag 2017-2019 | 10/3/19 |
| PN023 | Notice of Hearing | 10/29/19 |
| PN024 | Affidavit of Publication – LV Review Journal | 10/29/19 |
| PN025-PN027 | Certificate of Mailing for Hearing Notice | 10/28/19 |
| PN028 | Letter to Ponto Nursery Deeming Application Complete | 10/8/19 |
| PN029 | Record of Communication with Ponto Nursery Requesting Additional Documentation for Renewal of Certificate of Exemption – Fourth Request | 9/30/19 |
| PN030-PN031 | Application from Ponto Nursery for Renewal of Certificate of Exemption for Wilsonii Tree and Receipt of Payment of Renewal | 9/24/19 |
| PN032-PN033 | Follow-up Email to Ponto Nursery Regarding Status of Renewal Application – Third Request | 9/13/19 |
| PN034-PN035 | Letter to Ponto Nursery Advising of Upcoming Certificate of Exemption Expiration and Request for Renewal Application and Payment of Fees – Third Request | 8/29/19 |
| PN036-PN037 | Follow-up Email To and From Ponto Nursery Advising of Upcoming Certificate of Exemption Expiration and Request for Renewal Application and Payment of Fees – Second Request | 7/10/19 |
| PN038 | Renewal Inquiry Letter to Ponto Nursery | 6/10/19 |
| | | |
| | | |
| | | |
| | | |

STAFF REPORT
November 8, 2019

Application for Renewal of Certificate of Exemption

Applicant: Ponto Nursery
P.O. Box 536
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 Europaea 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, November 4, 2010, October 9, 2013 and again on December 8, 2016 with an expiration date of December 8, 2019. On September 24, 2019, Ponto Nursery submitted an application for renewal of its Certificate of Exemption for growing, distributing, and marketing Wilsonii trees. Additional information was required and received. The application was deemed complete on October 8, 2019.

Regulations:

Clark County Air Quality Regulation (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 October 29, 2019 notifying the public of the application and inviting public comment. In addition, staff mailed 14 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, 4701 West Russell Road, Suite 200, Las Vegas, NV, (702) 455-5942.

Anyone may petition to intervene in writing by November 18, 2019. 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 November 18, 2019, 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 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 a 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 application, please contact Sherrie Rogge at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.



PONTO & SONS
PO BOX 536
VISTA, CA 92085
760-724-6003

JF RECEIVED CC DAQ
2019 OCT 3 PM12:10

Clark County Air Quality Board

Attention Sherry

Thank you for your patience. To follow are the invoices that contain the Labeling numbers.

We only do the following Tree growers. Their addresses are on the Invoice.

TY Nursery

Pardee Tree

Sunyslope Trees

Brightview (previously Valley Crest)

Moon Valley

Road Runner Tree farms

In 2017 we sold a lot of Wilsons but 2018 and 2019 we struggled with the crops.

Also a Copy of the label, which is now florescent yellow.

If you need anything else, please let me know.

Best Regards,

Judy Ponto
Judy Ponto

10/03/2019

From: judypono@pontonursery.com
To: [Sherrie Rogge](#)
Subject: Wilsonii
Date: Thursday, October 3, 2019 12:38:05 PM

Good Afternoon Sherrie,
The Olea Wilsonii are kept at our Gopher Canyon yard and our fruiting olives are kept at our Ramona Dr. location. Each yard does their own production, eliminating any form of mix-up or confusing. We never use any stock other than our own which are planted out.

I hope this answers the questions.

Best Regards,

Judy Ponto

Sherrie Rogge

-----Original Message-----

From: judyponto@pontonursery.com [mailto:judypto@pontonursery.com]

Sent: Friday, October 4, 2019 1:41 PM

To: Sherrie Rogge <Sherrie.Rogge@clarkcountynv.gov>

Subject: Re: FW: Cert. of Exemption - Ponto Renewal –

good Morning Sherrie,

We sell and assortment of plants. Trees, shrubs, grasses, some succulent type items, in quantity and variety as the customer seem to need. We have been in business since 1956.

We are in the San Diego area and we ship as far north as Chico and as far east as Tuscon in our own trucks.

We also ship nation wide in boxes.

Hope this answers the question.

Best Regards,

Judy

On 2019-10-03 15:18, Sherrie Rogge wrote:

> Good afternoon Judy,

>

> Our Air Quality Specialist has a question as to the type of trees

> and/or shrubs you are selling. Can you respond to her question below?

>

>

> Thank you,

>

> Sherrie Rogge

>

> Administrative Secretary

>

> Compliance Division - Enforcement

>

> Clark County Dept. of Air Quality

>

> 4701 W. Russell Road #200

>

> Las Vegas NV 89118

>

> Phone: (702) 455-0354 Fax: (702) 383-9994

>

> Email: sherrie.rogge@clarkcountynv.gov

>

> FROM: Patricia Ringgenberg

> SENT: Thursday, October 3, 2019 1:38 PM

> TO: Sherrie Rogge <Sherrie.Rogge@clarkcountynv.gov>
> SUBJECT: RE: Cert. of Exemption - Ponto Renewal - PLEASE REVIEW
>
> I thought Ponto only had the exemption for the Wilsonii tree; on their
> application for renewal, she is noting the Little Ollie/Olea Dwarf,
> which is a bush/shrub and for which I don't think she has an
> exemption. I thought she sold only the plant liners (starter trees;
> "babies").
>
> FROM: Sherrie Rogge
> SENT: Thursday, October 3, 2019 12:53 PM
> TO: Patricia Ringgenberg <RINGGENBERG@ClarkCountyNV.gov>
> CC: Scott Jelinek <JELINEK@ClarkCountyNV.gov>; Anna Sutowska
> <Anna.Sutowska@ClarkCountyNV.gov>
> SUBJECT: Cert. of Exemption - Ponto Renewal - PLEASE REVIEW
> IMPORTANCE: High
>
> Good afternoon Pat,
>
> Attached is Ponto Nursery's renewal application along with the
> required document. Would you please review and let me know if I can
> move forward with placing them on the December Hearing Board agenda?
>
> I have to final the public hearing notice for the paper next Tuesday,
> so if you could review this information and get back to me as soon as
> possible I would really appreciate it.
>
> As an FYI, I'm still waiting for Mr. Wald to submit his paperwork for
> Desert Forrest's COE renewal that we'll also want to put on the
> December H.B. agenda.
>
> Thank you
>
> Sherrie Rogge
>
> Administrative Secretary
>
> Compliance Division - Enforcement
>
> Clark County Dept. of Air Quality
>
> 4701 W. Russell Road #200
>
> Las Vegas NV 89118
>
> Phone: (702) 455-0354 Fax: (702) 383-9994
>
> Email: sherrie.rogge@clarkcountynv.gov

11:38 AM
 10/02/19
 Accrual Basis

Ponto Nursery
Sales by Item Detail
 January 1, 2017 through October 2, 2019

| Type | Date | Num | Memo | Name | Qty | Sales Price | Amount |
|------------------------------------|------------|--------|----------------------------------|--------------------|---------------|-------------|-----------------|
| Service | | | | | | | |
| LABEL (OLEA WILSONII LABEL) | | | | | | | |
| Invoice | 04/19/2017 | 174649 | OLEA WILSONII LABELS | T.Y. NURSERY | 5,152 | 0.25 | 1,285.00 |
| Invoice | 05/24/2017 | 174805 | OLEA WILSONII LABELS-RENEWAL | MOON VALLEY / M. | 3,416 | 0.25 | 854.00 |
| Invoice | 07/19/2017 | 174964 | OLEA WILSONII LABELS 362464-063 | MOON VALLEY / M... | 1,344 | 0.25 | 336.00 |
| Invoice | 07/28/2017 | 175017 | OLEA WILSONII LABELS | ROAD RUNNER TR... | 1,008 | 0.25 | 252.00 |
| Invoice | 08/23/2017 | 175101 | OLEA WILSONII LABELS | T.Y. NURSERY | 2,016 | 0.25 | 504.00 |
| Invoice | 09/26/2017 | 175226 | OLEA WILSONII LABEL #366834-0671 | SUNNYSLOPE NU. | 300 | 0.25 | 75.00 |
| Invoice | 09/26/2017 | 175238 | OLEA WILSONII LABELS 067134-067 | BRIGHTVIEW TRE... | 500 | 0.25 | 125.00 |
| Total LABEL (OLEA WILSONII LABEL) | | | | | 13,736 | | 3,434.00 |
| Total Service | | | | | 13,736 | | 3,434.00 |
| TOTAL | | | | | 13,736 | | 3,434.00 |

PAID
09/12/2017

8/23/2017

175101

I.Y. NURSERY
5221 ARVADA ST
TORRANCE CA 90503

PAUMA VALLEY YARD

8/23/2017

2.016 LABEL

OLEA WILSONII LABELS
063816-064000=185
065001-066150=1150
066153-066833=681

0.25

504.00

\$504.00

PN009

5/24/2017

174806

PAID
08/04/2017

MOON VALLEY / MOON MTN. NURSERY
Brenda
19820 N 7th St # 260
PHOENIX AZ 85024

3906 E Telegraph Rd
FILLMORE, CA 93015

9990519171

Net 30

5/24/2017

| | | | | |
|-------|-------|-----------------------------------|-------|----------|
| 3.416 | OLW1 | OLEA WILSONII | 0.85 | 2.903.60 |
| 61 | FL | PLATS | 0.35 | 21.35 |
| 3.416 | LABTL | OLEA WILSONII LABELS-RENEWAL DATE | 0.25 | 854.00 |
| | | 12/2/2016 | | |
| | | label numbers 058936-062463 | | |
| | FS | TRIP SURCHARGE | 20.00 | 20.00 |

\$3.798 95

PN010

PAID
09/25/2017

7/19/2017

174984

MOON VALLEY / MOON MTN. NURSERY
Brenda
19820 N 7th St # 260
PHOENIX AZ 85024

FALLBROOK GROWING YARD
FALLBROOK, CA. 92028

Net 30

7/19/2017

| | | | | |
|-------|-------|------------------------------------|-------|----------|
| 3.696 | QUV1. | QUERCUS VIRGINIANA 66 | 0.68 | 2,513.28 |
| 1.344 | OLW1 | OLEA WILSONII | 0.85 | 1,142.40 |
| 1.344 | LABEL | OLEA WILSONII LABELS 062464-063807 | 0.25 | 336.00 |
| 90 | FL. | FLATS | 0.35 | 31.50 |
| | FS | FUEL SURCHARGE | 20.00 | 20.00 |

\$4,043.18

PN011

PAID
08/01/2017

7/28/2017

175017

ROAD RUNNER TREE FARM
P.O. BOX 940
BORREGO SPRINGS, CA 92004

house pick up

7/28/2017

| | | | |
|---------------|---|------|--------|
| 1.008 OLEA W1 | OLEA WILSONII | 0.85 | 856.80 |
| 18 FL | FLATS | 0.35 | 6.30 |
| 1.008 LABEL | OLEA WILSONII LABELS | 0.25 | 252.00 |
| | tag numbers 063808-063815 064001-065000 | | |

\$1,115.10

PAID
06/05/2017

4/19/2017

174649

1.Y NURSERY
5221 ARVADA ST
TORRANCE CA 90503

PAUMA VALLEY YARD

| | | | |
|-------------|------------------------|--------|----------|
| 5.152 OLW1 | OLEA WILSONII | 0.85 | 4,379.20 |
| 5.152 LABEL | OLEA WILSONII LABELS | 0.25 | 1,288.00 |
| 92 FI | FLATS | 0.35 | 32.20 |
| FS | FUEL SURCHARGE | 20.00 | 20.00 |
| | 057001-0557125 ---TAGS | | |
| | 057426---058000---TAGS | | |
| | 053433-054000---TAGS | | |
| | 054001--057000---TAGS | | |
| | 058001-058935---TAGS | | |
| 1 PI | PLANT | 384.28 | 384.28 |

\$6,103.68

PAID
11/03/2017

9/26/2017

175238

BRIGHTVIEW TREE COMPANY
3200 W TELEGRAPH ROAD
FILMORE, CA. 93015

3200 W TELEGRAPH RD
FILMORE, CA 93015

440501

Net 30

9/26/2017

| | | | | |
|-------|-------|------------------------------------|-------|--------|
| 1.008 | GEPI | GEJERA PARVIFLORA 18 | 0.95 | 957.60 |
| 560 | FINI | FICUS NITIDA 10 | 0.65 | 364.00 |
| 1.008 | OLW1 | OLEA WILSONII 18 | 0.85 | 856.80 |
| 500 | LABEL | OLEA WILSONII LABELS 067134-067633 | 0.25 | 125.00 |
| 46 | FL | FLATS | 0.35 | 16.10 |
| | FS | FUEL SURCHARGE | 20.00 | 20.00 |

\$2,339.50

PAID
10/27/2017

9/26/2017

175226

SUNNYSIDE NURSERY
1025 E. LA PALMA AVE # 203
ANAHEIM, CA. 92807-1716

VALLEY CENTER

9/26/2017

112 CHT2
300 LABEL
FS

CHITALPA TASHKENTENSIS 2
OLEA WILSONII LABEL #066834-067133
FUEL SURCHARGE

0.65
0.25
20.00

72.80
75.00
20.00

*To In # 174392
300. Olea-wilsonii*

\$167.80

PN015

10:59 AM
10/03/19
Accrual Basis

Ponto and Sons
Sales by Item Detail
January 1, 2018 through October 3, 2019

| Type | Date | Num | Memo | Name | Qty | Sales Price | Amount | Balance |
|--|------------|--------|------------|---|--------------|-------------|---------------|---------------|
| Service | | | | | | | | |
| LABEL (OLEA WILSONII LABEL) | | | | | | | | |
| Invoice | 11/09/2018 | 176733 | OLEA WILSO | <i>Fixed Runner</i> ZZZ INVOICE TO W. | 1,300 | 0.25 | 250.00 | 250.00 |
| Invoice | 02/13/2019 | 176943 | OLEA WILSO | ROAD RUNNER TR | 224 | 0.25 | 56.00 | 306.00 |
| Invoice | 07/18/2019 | 177517 | OLEA WILSO | ROAD RUNNER TR | 1,008 | 0.25 | 252.00 | 558.00 |
| Invoice | 07/30/2019 | 177498 | OLEA WILSO | PARDEE TREE CC | 1,008 | 0.25 | 252.00 | 810.00 |
| Total LABEL (OLEA WILSONII LABEL) | | | | | 3,240 | | 810.00 | 810.00 |
| Total Service | | | | | 3,240 | | 810.00 | 810.00 |
| TOTAL | | | | | 3,240 | | 810.00 | 810.00 |

Invoice

Date 2/13/2019 Invoice # 176943

PAID
02/19/2019

Bill To
ROAD RUNNER TREE FARM
P.O. BOX 940
BORRERO SPRINGS, CA 92004

Ship To
NurseryRoadrunner + Casa del Zorro Nurser
1284 Henderson Canyon Rd., 1284 Henderson
760-315-9912

P.O. Number Terms Ship Via F.O.B. Project
2/13/2019

| Quantity | Item Code | Description | Price Each | Amount |
|----------|-----------|-----------------------------------|------------|--------|
| 320 | DAA1 | DASYLIRION ACROTRICHII 5 | 0.65 | 208.00 |
| 320 | DALI | DASYLIRION LONGISSIMA 5 | 0.65 | 208.00 |
| 320 | DAW1 | DASYLIRION WHEELERII 5 | 0.65 | 208.00 |
| 256 | LAN3 | LAGERSTROEMIA NATCHEZ 4 | 0.68 | 174.08 |
| 256 | LAT4 | LAGERSTROEMIA TUSCARORA 4 | 0.68 | 174.08 |
| 336 | PIII | PINUS HALÉPENSIS 6 | 0.68 | 228.48 |
| 336 | RIII 1 | RHUS LANCEA 6 | 0.68 | 228.48 |
| 224 | OLW1 | OLEA WILSONII 4 | 0.89 | 199.36 |
| 224 | LABEL | OLEA WILSONII LABEL 068634-068857 | 0.25 | 56.00 |
| 39 | FL | FLATS | 0.35 | 13.65 |
| | FS | FUEL SURCHARGE | 30.00 | 30.00 |

Total \$1,728.13

PN017

Invoice

Date 11/8/2018 Invoice # 176733

Bill To

Ship To

R. G. [Signature]

P.O. Number Terms Rep Ship Via F.O.B. Project

11/9/2018

| Quantity | Item Code | Description | Price Each | Amount |
|----------|-----------|------------------------------------|------------|--------|
| 336 | OLW1 | OLEA WILSONII | 0.89 | 299.04 |
| 112 | STD1 | STERCULIA DIVERSIFOLIA | 0.68 | 76.16 |
| 1.000 | LABEL | OLEA WILSONII LABELS 067634-068633 | 0.25 | 250.00 |

Total

\$625.20

PN018

OCT-03-2019 10:49 From: PONTD

Invoice

Date 7/30/2019 Invoice # 177498

Bill To
PARDEF TREE COMPANY
PO BOX 340
BONSALL, CA 92003

Ship To

| P O Number | Terms | Ship | Via | F.O.B. | Project |
|------------|-----------|---|------------|--------|---------|
| | Net 30 | 7/30/2019 | | | |
| Quantity | Item Code | Description | Price Each | Amount | |
| 1.008 | LABEL | QUEA WILSONII LABEL 070009 - 071000 071100 - 071115 | 0.25 | 252.00 | |

FOR
INVOICE
DATE 7/30/19

Total \$252.00

PN019

Invoice

Date 7/18/2019 Invoice # 177517

PAID
07/31/2019

Bill To
ROAD RUNNER TREE FARM
P.O. BOX 440
BORREGO SPRINGS, CA 92004

Ship To
Nursery/Roadrunner + Casa del Zorro Nurser
1284 Henderson Canyon Rd., 1284 Henderson
760-315-9912

P.O Number Terms Ship Via F.O B Project
Net 30 1/23/2019

| Quantity | Item Code | Description | Price Each | Amount |
|----------|-----------|-----------------------------------|------------|--------|
| 224 | ACS5 | ACACIA STENOPHYLLA | 0.76 | 170.24 |
| 112 | BRP1 | BRACHYCHITON POPULNEUS | 0.68 | 76.16 |
| 1,008 | OLW1 | OLEA WILSONII | 0.89 | 897.12 |
| 1,008 | LABF1 | OLEA WILSONII LABEL 069001-070008 | 0.25 | 252.00 |
| 336 | PIE1 | PINUS ELDAIICA | 0.68 | 228.48 |
| 336 | PIH1 | PINUS HALEPENSIS | 0.68 | 228.48 |
| 336 | PIP2 | PINUS PINEA | 0.68 | 228.48 |
| 448 | QUV1 | QUERCUS VIRGINIANA | 0.76 | 340.48 |
| 256 | DAAT | DASYLIRION ACROTRICHE | 0.65 | 166.40 |
| 256 | DAL1 | DASYLIRION LONGISSIMA | 0.65 | 166.40 |
| 256 | DAW1 | DASYLIRION WHEELERI | 0.65 | 166.40 |
| 64 | FL | FLATS | 0.35 | 22.40 |
| | FS | FUEL SURCHARGE | 30.00 | 30.00 |

Total \$2,973.04

Invoice

Date 7/2/2019 Invoice # 177474

PAID

Bill To
PARDIE TREE COMPANY
PO BOX 240
BONSALI, CA 92003

Ship To

| P.O. Number | Terms | Ship | Via | F.O.B | Project |
|-------------|-----------|---------------|------------|--------|---------|
| | | 7/2/2019 | | | |
| Quantity | Item Code | Description | Price Each | Amount | |
| 1.008 | QLW1 | OLEA WILSONII | 0.86 | 866.88 | |
| 18 FT | | FLATS | 0.35 | 6.30 | |

Total \$873.18

PN021

Approved by
Clark County
Dept. of Air Quality
Las Vegas, NV

Ponto Nursery
2545 Ramona Drive
Vista, California

OLEA EUROPAEA
WILSONI

072549



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 an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

A public hearing on these applications has been scheduled for December 11, 2019, 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.

Published: October 29, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED CC DAO
2019 OCT 31 PM 12:56

20

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

Account # 22354
Ad Number 0001073390

Leslie McCormick, 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 10/29/2019 to 10/29/2019, on the following days:

10 / 29 / 19

NOTICE OF HEARING

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PUB: October 29, 2019
LV Review-Journal

[Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of October, 2019

Notary *[Signature]*



CERTIFICATE OF MAILING

I hereby certify that on October 28, 2019, 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 28th day of October 2019.



Sherrie D. Rogge, Administrative Secretary
Enforcement Division
Department of 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

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Published: October 29, 2019

Nick Bieser
Plant Industry/Measurement Standards
District Office
Nevada Dept. of Agriculture
2300 E. St. Louis Ave.,
Las Vegas NV 89104

Brad Bowers
Valley Crest Tree Company
dba Brightview Nurseries
3200 W. Telegraph Road
Fillmore CA 93015

Jack Zunino
JW Zunino & Associates
3191 S. Jones Blvd.
Las Vegas NV 89146

Dennis Swartzell
Arid Plant Solutions
824 Apperson Circle
Las Vegas NV 89123

Wally Kearns
Evergreen Nursery
P.O. Box 9830
Rancho Santa Fe CA 92067

Paul Noe
Star Nursery
125 Cassia Way
Henderson NV 89014

Russ Hafen
Hafen Nursery
1740 N. Boulder Highway
Henderson NV 89011

Ashley Jeppson, Agriculturist
Plant Industry Division
Nevada Dept. of Agriculture
405 South 21st Street
Sparks NV 89431

Matthew Fichera, Regional Operations
Manager
Moon Valley Nurseries
9040 S. Eastern Ave.
Las Vegas NV 89123

Ashley Jeppson
Nevada Department of Agriculture
405 S 21st Street
Sparks NV 89431

Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Judy Ponto
Ponto Nursery Inc
PO Box 536
Vista CA 92085-0536

Tyler Bilyk, Manager
Casa del Zorro Nursery
d/b/a Roadrunner Tree Farm
PO Box 3070
Valley Center CA 92082

Anthony Carranza, General Manager
Sunrise Nursery LLC
22439 N. 163rd Avenue
Surprise AZ 85387



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

October 8, 2019

CERTIFIED MAIL #9489 0090 0027 6122 2126 79

Ms. Judy Ponto
Ponto Nursery
PO Box 536
Vista CA 92085

E-mail: judypono@pontonursery.com

Re: Renewal of Certificate of Exemption – Olea Europaea “Wilsonii Olive”

Dear Ms. Ponto:

On September 24, 2019, the Department of Air Quality received your request to renew your Certificate of Exemption for the “Wilsonii Olive” and on October 3, 2019 we received the additional material as requested. I am enclosing your receipt for payment of Invoice #039289.

Staff has reviewed the documentation you submitted and deemed it complete.

This letter confirms that the renewal of your Certificate of Exemption for the Wilsonii Olive has been scheduled for a public hearing before the Air Pollution Control Hearing Board on December 11, 2019 at 1:30 p.m. The hearing will take place in the Clark County Building Department – Presentation Room, located at 4701 West Russell Road, Las Vegas Nevada 89118. Once finalized, copies of the Hearing Board Agenda and staff’s report to the Board will be sent to you. It is recommended that you attend this hearing to answer any questions by the Hearing Board members. Should you choose not to attend, please provide a detailed statement that supports your request for renewal.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 9:00 a.m., Monday, December 2, 2019, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

In the meantime, if you have any question, please do not hesitate to contact me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge
Administrative Secretary

cc: Anna Sutowska, Enforcement Supervisor
Patricia A. Ringgenberg, Air Quality Specialist II

Enclosure: Receipt for Invoice #039289

Application for Certificate of Exemption of Low Pollinating Trees

New Application Renewal Application

Primary Entity Name: Ponto Nursery

DBA (if applicable): _____

Nature of Business: nursery Phone Number: 800-300-6003

Physical Address: 2545 Ramona Dr Mailing Address: PO Box 536
Vista Ca, 92084 Vista CA 92085

Name & variety Olea Wilsonii
of tree seeking Olea Little Ollie same as Olea Drarf
exemption: _____

Responsible Official: Judy Ponto

Title: Owner

Email Address: Judypono@Pontonursery.com

Mailing Address: PO Box 536
Vista Ca 92085

Phone Number: 800-300-6003

RECEIVED CC DAQ
2019 SEP 24 AM 8:56
AK
039289


Signature of Authorized Person

Date: 8/29/2019

See page 2 of this application for a list of information required for the hearing by Air Quality Regulations and the Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures.

AQR Sections 44 (Prohibitions on Planting, Selling, or Offering to Sell Fruitless Mulberry and European Olive Trees) and Section 18 (Permit and Technical Service Fees) can be found at http://www.clarkcountynv.gov/airquality/regulations/Pages/Rules_CurrentRulesandRegulations.aspx.

Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures can be found at http://www.clarkcountynv.gov/AirQuality/Compliance/Pages/Compliance_EnforcementForms.aspx.

Return application with payment to Sherrie Rogge via mail at Clark County Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or e-mail at sherrie.rogge@clarkcountynv.gov. Checks made payable to DAQ or Department of Air Quality.



RECEIPT

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

PONTO NURSERY
 P O BOX 536
 VISTA CA 92085

| Invoice # | Invoice Date | Invoice By | Invoice Type | Due Date |
|-----------|--------------|------------|---------------------|-----------|
| 039289 | 9/24/2019 | KITCHENM | AIR QUALITY PROGRAM | 9/24/2019 |

| Quantity | Description | Fee Code | Fee | Total |
|----------|--------------------------------------|----------|----------|------------|
| 1 | TREE EXEMPTION CERTIFICATE - RENEWAL | AGTR02 | \$149.00 | \$149.00 |
| | 09/24/2019 CHECK (20573) | PAYMENT | | (\$149.00) |

Notes:

| | |
|--------------|------------|
| Subtotal: | \$149.00 |
| Paid: | (\$149.00) |
| Adjustments: | \$0.00 |
| Balance Due: | \$0.00 |

From: [AQ Enforcement](#)
To: judypono@pontonursery.com
Bcc: [Sherrie Rogge](#)
Subject: RE: Renewal of Certificate of Exemption - Wilsonii Trees - 3rd Request
Date: Friday, September 13, 2019 3:03:00 PM
Importance: High

Good afternoon Judy,

After our phone conversation on September 4th, I've been checking our mail on a daily basis to see if your check and renewal packet had come in.

As of this afternoon's mail delivery, I have yet to receive your check and paperwork.

You might want to check with your bank to stop payment on check #20573 since it hasn't been received. Since we are so close to the deadline for submitting your payment and the necessary paperwork (due 9/23/19), may I suggest you send everything to us via Federal Express? Please be sure to use my mailing address as shown below my signature. Your check needs to be made payment to DAQ or Clark County Department of Air Quality.

If you have any questions, please do not hesitate to contact me. I am getting ready to leave the office now, but will be back in on Monday, September 16th.

Thank you,

Sherrie Rogge

Administrative Secretary
Compliance Division - Enforcement
Clark County Dept. of Air Quality
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-0354 Fax: (702) 383-9994
Email: sherrie.rogge@clarkcountynv.gov

-----Original Message-----

From: judypono@pontonursery.com [mailto:judypono@pontonursery.com]
Sent: Thursday, August 29, 2019 7:46 AM
To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Subject: Re: Renewal of Certificate of Exemption - Wilsonii Trees - 3rd Request
Importance: High

On 2019-08-29 08:33, AQ Enforcement wrote:

Good Morning Sherrie, Sorry you needed to ask for this confirmation more than once. I will be there. I will put them in the mail this week, along with my check.

I look forward to seeing you again,
Judy

> Dear Ms. Ponto,
>
> The attached documents were sent to you today via certified mail:
>
> 1. Renewal Inquiry Letter for Certificate of Exemption - Wilsonii
> Trees - 3rd Request
>
> 2. Certificate of Exemption Renewal Application
>
> If you have any questions, please contact Anna Sutowska, Air Quality
> Supervisor at (702) 455-0666.
>
> PLEASE CONFIRM RECEIPT OF THESE DOCUMENTS BY RESPONDING TO
> THIS EMAIL.
>
>
> Thank you,
>
> Sherrie Rogge
>
> Administrative Secretary
>
> Compliance Division - Enforcement
>
> Clark County Dept. of Air Quality
>
> 4701 W. Russell Road #200
>
> Las Vegas NV 89118
>
> Phone: (702) 455-0354 Fax: (702) 383-9994
>
> Email: sherrie.rogge@clarkcountynv.gov



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

August 29, 2019

CERTIFIED MAIL #9489 0090 0027 6104 3207 81

Ms. Judy Ponto
Ponto Nursery
PO Box 536
Vista CA 92085

Email: judypono@pontonursery.com

**Re: Renewal of Certificate of Exemption – Wilsonii
Third Request**

Dear Ms. Ponto:

On June 10, 2019 and on July 10, 2019, a letter was sent to you advising that your Certificate of Exemption for *Olea europaea cv. Wilsonii* ('Wilsonii') trees will expire on December 8, 2019.

Air Quality Regulations (AQR) Subsection 44.3.5 states “the applicant may renew a certificate for three year increments.” An Air Pollution Control Hearing Board meeting is scheduled before the expiration date on December 11, 2019. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal along with a renewal application must be submitted on or before September 23, 2019.

In compliance with AQR Subsection 18.9, a filing fee of \$149.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality or DAQ and mail it along with your request and the renewal application to the attention of Sherrie Rogge, Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,

Shibi Paul
Compliance Manager

SP:sdr

cc: Patricia Ringgenberg, DAQ Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor

From: judyvonto@pontonursery.com
To: [AQ Enforcement](#)
Subject: Re: Renewal of Certificate of Exemption - Wilsonii Trees - 3rd Request
Date: Thursday, August 29, 2019 7:46:02 AM
Importance: High

On 2019-08-29 08:33, AQ Enforcement wrote:

Good Morning Sherrie, Sorry you needed to ask for this confirmation more than once.

I will be there. I will put them in the mail this week, along with my check.

I look forward to seeing you again,

Judy

> Dear Ms. Ponto,

>

> The attached documents were sent to you today via certified mail:

>

> 1. Renewal Inquiry Letter for Certificate of Exemption - Wilsonii

> Trees - 3rd Request

>

> 2. Certificate of Exemption Renewal Application

>

> If you have any questions, please contact Anna Sutowska, Air Quality

> Supervisor at (702) 455-0666.

>

> PLEASE CONFIRM RECEIPT OF THESE DOCUMENTS BY RESPONDING TO THIS EMAIL.

>

>

> Thank you,

>

> Sherrie Rogge

>

> Administrative Secretary

>

> Compliance Division - Enforcement

>

> Clark County Dept. of Air Quality

>

> 4701 W. Russell Road #200

>

> Las Vegas NV 89118

>

> Phone: (702) 455-0354 Fax: (702) 383-9994

>

> Email: sherrie.rogge@clarkcountynv.gov

From: [AO Enforcement](#)
To: judypono@pontonursery.com
Subject: FW: Renewal of Certificate of Exemption - Ponto Nursery - Wilsonii Trees
Date: Wednesday, July 10, 2019 8:46:00 AM
Attachments: [Renewal Inquiry Ponto Wilsonii 20190610 00F LET.PDF](#)
[SECT44 07-01-04.pdf](#)
Importance: High

Dear Ms. Ponto,

Please see the attached letter that was sent to you via Certified Mail #9489 0090 0027 6092 2609 91 and via email on June 10, 2019. The letter concerns the renewal of your Certificate of Exemption for the Wilsonii trees in Clark County, Nevada. Your current exemption will expire on December 8, 2019. I have tentatively scheduled your renewal for the Hearing Board meeting on October 9, 2019.

If you would like your renewal to be considered on that date, please submit your renewal request and the filing fee of \$149.00, payable to the Department of Air Quality or DAQ, to me by Wednesday, July 31, 2019.

Please note that on July 9, 2019 the certified letter was returned to us as undeliverable. If you would please confirm your mailing address it would be appreciated.

If you have any questions or concerns, please feel free to call or email me.

PLEASE CONFIRM RECEIPT OF THESE DOCUMENTS BY RESPONDING TO THIS EMAIL.

Thank you,

Sherrie Rogge

Administrative Secretary
Compliance Division - Enforcement
Clark County Dept. of Air Quality
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-0354 Fax: (702) 383-9994
Email: sherrie.rogge@clarkcountynv.gov

From: AQ Enforcement
Sent: Monday, June 10, 2019 12:14 PM
To: judypono@pontonursery.com
Cc: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Patricia Ringgenberg <RINGGENBERG@ClarkCountyNV.gov>

PN036

Subject: Renewal of Certificate of Exemption - Ponto Nursery - Wilsonii Trees
Importance: High

Dear Ms. Ponto:

The attached documents were sent to you today via certified mail:

1. Renewal of Certificate of Exemption – Wilsonii Trees
2. Air Quality Regulation Section 44

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Thank you,

Sherrie Rogge

Administrative Secretary
Compliance Division - Enforcement
Clark County Dept. of Air Quality
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-0354 Fax: (702) 383-9994
Email: sherrie.rogge@clarkcountynv.gov



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

June 10, 2019

CERTIFIED MAIL #9489 0090 0027 6092 2609 91

Ms. Judy Ponto
Ponto Nursery
PO Box 536
Vista CA 92085

Email: judyponto@pontonursery.com

Re: Renewal of Certificate of Exemption - Wilsonii

Dear Ms. Ponto:

A review of our files indicates your Certificate of Exemption for Olea europaea cv. Wilsonii trees will expire on December 8, 2019.

Air Quality Regulations (AQR) Subsection 44.3.5 states “the applicant may renew a certificate for three year increments.” An Air Pollution Control Hearing Board meeting is scheduled before the expiration date on October 9, 2019. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal must be submitted on or before July 1, 2019.

In compliance with AQR Subsection 18.9, a filing fee of \$149.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality or DAQ and mail it along with your request for renewal to the attention of Sherrie Rogge, Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,

Shibi Paul
Compliance Manager

SP:sdr

cc: Patricia Ringgenberg, DAQ Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor

RE: BRIGHTVIEW TREE COMPANY – 2019 Renewal of Certificate of Exemption
(Wilsonii)

EXHIBIT LIST

| EXHIBIT # | DESCRIPTION | DATE |
|------------------|--|-------------|
| BVTC001-BVTC003 | Staff Report | 11/8/19 |
| BVTC004-BVTC008 | BrightView Tree Company Distribution Plan and Tag 2017-2019 | 9/13/19 |
| BVTC009 | Notice of Hearing | 10/29/19 |
| BVTC010 | Affidavit of Publication – LV Review Journal | 10/29/19 |
| BVTC011-BVTC013 | Certificate of Mailing for Hearing Notice | 10/28/19 |
| BVTC014 | Letter to BrightView Tree Company Deeming Application Complete | 9/23/19 |
| BVTC015-BVTC016 | Application from BrightView Tree Company for Renewal of Certificate of Exemption for Wilsonii Trees and Receipt of Payment | 9/13/19 |
| BVTC017 | Renewal Inquiry Letter to BrightView Tree Company | 8/28/19 |
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STAFF REPORT
November 8, 2019

Application for Renewal of Certificate of Exemption

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

Purpose:

BrightView Tree Company (BrightView) 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. Valley Crest Tree Company was renamed BrightView Tree Company in 2015.

Background:

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 in Clark County. Valley Crest Tree Company purchased low-pollinating Wilsonii olive trees from Ponto Nursery. Ponto Nursery had been granted a Certificate of Exemption for their low-pollen cultivar. Ponto Nursery provided a letter stating they provided approved seedlings to Valley Crest Tree Company for future selling and planting in Clark County. After presenting evidence that the Wilsonii 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, November 4, 2010, October 9, 2013, and again on February 22, 2017 with an expiration date of February 22, 2020. On September 13, 2019, BrightView submitted an application for renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating olive trees known as the Wilsonii in Clark County.

Regulations:

Clark County Air Quality Regulation (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 October 29, 2019 notifying the public of the application and inviting public comment. In addition, staff mailed 14 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, 4701 West Russell Road, Suite 200, Las Vegas, NV, (702) 455-5942.

Anyone may petition to intervene in writing by November 18, 2019. 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 November 18, 2019, 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 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 a 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 application, please contact Sherrie Rogge at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.

3200 West Telegraph Road
Fillmore, CA 93015
www.brightview.com



RECEIVED CC DAQ
2019 SEP 13 AM 11:03

August 28, 2019

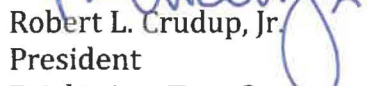
Ms. Sherrie Rogge
Department of Air Quality
4701 Russel Road, Suite 200
Las Vegas, Nevada 89118

Dear Ms. Rogge, I have attached our Application for Certificate of Exemption of Low Pollinating Trees and our distribution plan for shipment of our Olea 'Wilsonii' olives trees to landscape projects and nurseries in Clark County Nevada.

In addition, I have attached a sample of our identification tags that BrightView Tree Company attaches to each tree shipped to Clark County Nevada. A copy of our shipping document which displays our exemption certification documentation is also attached.

If you have any questions please let me know.

Sincerely,


Robert L. Crudup, Jr.
President
Brightview Tree Company

BVTC004



August 28, 2019

Distribution Plan for Olea 'Wilsonii' Olives to Clark County, Nevada

Variety Assurance:

BrightView Tree Company will only ship Olea 'Wilsonii' olive trees that are true to name.

Labelling:

Each Wilson olive shipped into Clark County, Nevada will have an identification label attached to the tree which indicates the name of the tree and the Certificate of Exemption number.

Documentation:

All shipping documents will have the horticultural name, the order and certificate of exemption stamp.

Tracking and Verification:

Upon request, BrightView Tree Company will cooperate with the Clark County Department of Air Quality to provide documentation and delivery detail of shipments as required.



Approved by 2017
Clark County
Dept of Air Quality
Las Vegas, NV

Ponto Nursery
2545 Ramona Drive
Vista, California

OLEA EUROPAEA
WILSONI

067606

BrightView
Tree Company
Shipping Document
SO/744941

BrightView Tree Company
3200 W. Telegraph Rd
Fillmore, CA. 93015
(805) 524-3939

Date - 10/3/2018
Time - 11:54:00
Page - 1
Branch - 5030
Sales Rep - 507952
Pick Slip # - 1436010

Sold To: 1659851
Par-3 Landscape and Maintenance Inc.
4610 Wynn Rd, Ste B
Las Vegas NV 89103

Ship To: 19055087
Foley Project
11795 Stardust Dr
Las Vegas NV 89135

(702) 253-7878 Business
(702) 253-7879 Fax

#1
700

S NV01 6545 Aqt

| | | | | | | |
|------------------|-----------|---|----------------------------------|--|-------|--------------------------------|
| Ordered: | 10/3/2018 | ALEX | PO#: | 484818 J.18128 | Ship: | MKP. X St. W.Flamingo/S.TwnCtr |
| Requested: | 10/3/2018 | MPOTEET | Auth: | CPN CPN1003MKP | Art | 702.581.0798 |
| Quantity Shipped | 10 | Item Description | Item# Location | | | |
| 5.000 | | Olea europaea 'Wilsonii' 60" Box Multi | 538791 6190260 201806/401S | ** TAGGED * Tagged RSL * Approved by Alex @ Pa 3 ** | | |

THIS SHIPMENT OF PLANT MATERIAL
ORIGINATES FROM VENTURA
SEE BACK OF THIS DOCUMENT
CALIFORNIA NURSERY STOCK CERTIFICATE

ORDER AND CERTIFICATE OF EXEMPTION
For Swan Hill Olives and Wilson Olives
Air Quality Control Board
Clark County, Nevada

Driver Signature

Date

Customer Signature

Date

BVTC007

**CALIFORNIA NURSERY STOCK CERTIFICATE
FOR INTERSTATE AND INTRASTATE SHIPMENTS**

NO. A-4900

This plant material or nursery or premises from which this shipment was made has been inspected and found free from especially injurious plants pests and disease symptoms. •

THIS SHIPMENT NEED NOT BE HELD FOR INSPECTION IN CALIFORNIA

Issued by: Los Angeles County Agricultural Commissioner, Alameda County Agricultural Commissioner, Orange County Agricultural Commissioner, San Joaquin Agricultural Commissioner, Ventura County Agricultural Commissioner and California Department of Agriculture, Sacramento 95814

TERMS AND CONDITIONS

1. **TERMS AND CONDITIONS OF PAYMENT:** TERMS ARE "DUE UPON RECEIPT OF INVOICE". All invoices NOT paid by the 10th of the month following invoice date are subject to a 1-1/2% monthly service charge; 18% ANNUAL PERCENTAGE RATE. In the event it becomes necessary for **BrightView Tree Company** to file suit to enforce payment of past due amounts, such suit may be brought in Los Angeles County, California, at the option of **BrightView Tree Company**. **BrightView Tree Company** shall be entitled to collection fees, actual attorney fees, court costs and SERVICE CHARGES AT 1-1/2% PER MONTH (18% PER ANNUM), OR SUCH OTHER LEGAL MAXIMUM RATE AS IS ALLOWED IN ANY OTHER THAN THE STATE OF CALIFORNIA, ON ALL AMOUNTS FOUND TO DUE AND PAYABLE. All purchases are deemed made and payment is due at principal place of business of **BrightView Tree Company** in Calabasas, California.
2. Any claims as to condition of material must be made at time of delivery. After material has been accepted in good condition, we cannot be responsible for improper handling, planting, exceptional weather, or lack of proper maintenance. Plants are not guaranteed to live, and our liability in all instances is limited to the purchase price.
3. Buyer acknowledges, guarantees and warrants to **BrightView Tree Company** that the person signing this contract, any future invoices evidencing materials purchased pursuant to this contract, any shipping document, delivery order or receipt is a person authorized to sign the same. In the event the buyer wishes to specify or limit persons in authority to order and purchase on their behalf, it shall be the buyer's responsibility to submit and update such a list in writing.
4. Financial statements, credit information supplied by buyer or by others on behalf of buyer, and agreements, are a part of this contract. Any false or misleading information constitutes a fraudulent misrepresentation.
5. As a matter of course, **PRELIMINARY NOTICES** are filed on each order delivered from our office. Please be prepared to provide the required information prior to delivery, and preferably, at the time that you place your order.
6. A freight charge will be added to all orders delivered. Deliveries out of state may require additional freight charges.
7. All deliveries are made based on subjective schedules, and all promises of shipment or delivery are approximated as closely as possible by **BrightView Tree Company**, but in no event will **BrightView Tree Company** assume any responsibility for delays in shipment or delivery, and shortages due to causes beyond our reasonable control.
8. The acceptance of any individual order and terms of payment to all sales and order are subject to approval by the Credit Department of **BrightView Tree Company**.
9. **NON WARRANTY:** We give no warranty, express or implied, as to description, quality, productiveness or any other matter, of trees or plants We sell, other than original price of the stock at the date of sale.
10. **RETURNED CHECKS** are subject to \$25.00 returned check fee in ALL instances.
11. All sales are made pursuant to these conditions, and all orders are received with the understanding that they are placed under these conditions.



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 an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

A public hearing on these applications has been scheduled for December 11, 2019, 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.

Published: October 29, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED CC DAO
2019 OCT 31 PM 12:51 *20*

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

Account # 22354
Ad Number 0001073390

Leslie McCormick, 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 10/29/2019 to 10/29/2019, on the following days:

10 / 29 / 19

NOTICE OF HEARING

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PUB: October 29, 2019
LV Review-Journal

LSJ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of October, 2019

Notary 



CERTIFICATE OF MAILING

I hereby certify that on October 28, 2019, 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 28th day of October 2019.



Sherrie D. Rogge, Administrative Secretary
Enforcement Division
Department of Air Quality



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-8994
Lewis Wallenmeyer Director

NOTICE OF HEARING

The Clark County Department of Air Quality (DAQ) has received an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

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Published: October 29, 2019

Nick Bieser
Plant Industry/Measurement Standards
District Office
Nevada Dept. of Agriculture
2300 E. St. Louis Ave.,
Las Vegas NV 89104

Brad Bowers
Valley Crest Tree Company
dba Brightview Nurseries
3200 W. Telegraph Road
Fillmore CA 93015

Jack Zunino
JW Zunino & Associates
3191 S. Jones Blvd.
Las Vegas NV 89146

Dennis Swartzell
Arid Plant Solutions
824 Apperson Circle
Las Vegas NV 89123

Wally Kearns
Evergreen Nursery
P.O. Box 9830
Rancho Santa Fe CA 92067

Paul Noe
Star Nursery
125 Cassia Way
Henderson NV 89014

Russ Hafen
Hafen Nursery
1740 N. Boulder Highway
Henderson NV 89011

Ashley Jeppson, Agriculturist
Plant Industry Division
Nevada Dept. of Agriculture
405 South 21st Street
Sparks NV 89431

Matthew Fichera, Regional Operations
Manager
Moon Valley Nurseries
9040 S. Eastern Ave.
Las Vegas NV 89123

Ashley Jeppson
Nevada Department of Agriculture
405 S 21st Street
Sparks NV 89431

Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Judy Ponto
Ponto Nursery Inc
PO Box 536
Vista CA 92085-0536

Tyler Bilyk, Manager
Casa del Zorro Nursery
d/b/a Roadrunner Tree Farm
PO Box 3070
Valley Center CA 92082

Anthony Carranza, General Manager
Sunrise Nursery LLC
22439 N. 163rd Avenue
Surprise AZ 85387



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

September 23, 2019

CERTIFIED MAIL #9489 0090 0027 6122 2125 32

Robert Crudup, Jr.
President and COO
Brad Bowers
Brightview Tree Company
3200 West Telegraph Road
Fillmore CA 93015

E-mail: Robert.crudup@brightview.com

E-mail: Brad.Bowers@brightview.com

Re: Application for Certificate of Exemption – Olea Europaea “Wilsonii”

Dear Mr. Crudup and Mr. Bowers:

On September 13, 2019, the Department of Air Quality received your request and application to renew your Certificate of Exemption for the “Wilsonii” Olive Tree. I’m enclosing your receipt for payment of Invoice #039124.

Staff has reviewed your renewal application and the documentation you submitted and deemed it complete.

This letter confirms that the renewal of your Certificate of Exemption for the “Wilsonii” olive tree has been scheduled for a public hearing before the Air Pollution Control Hearing Board on December 11, 2019, at 1:30 p.m., in the Clark County Building Department – Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada 89118. Once finalized, copies of the Hearing Board Agenda and staff’s report to the Board will be sent to you. Should you choose not to attend, please provide a detailed statement that supports your request for renewal.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 9:00 a.m., Wednesday, December 4, 2019, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

In the meantime, if you have any question, please do not hesitate to contact me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge
Administrative Secretary

cc: Anna Sutowska, Enforcement Supervisor
Patricia A. Ringgenberg, Air Quality Specialist II

Enclosure: Receipt for Invoice #039124

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN JONES • MICHAEL NAFT • TICK SEGERBLOM
YOLANDA T. KING, County Manager

BVTC014



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

Application for Certificate of Exemption of Low Pollinating Trees

New Application Renewal Application

039124ms
RECEIVED CC DAQ
2019 SEP 13 AM 10:07 46

Primary Entity Name: Valley Crest Tree Company

DBA (if applicable): BrightView Tree Company

Nature of Business: Wholesale Nursery

Phone Number: 805-524-3939

Physical Address: 3200 West Telegraph Road
Fillmore, California 93015

Mailing Address: 3200 West Telegraph Road
Fillmore, California 93015

Name & variety of tree seeking exemption: Olea 'Wilsonii'

Responsible Official: Brad Bowers

Title: Production Manager

Email Address: Brad.Bowers@Brightview.com

Mailing Address: 3200 West Telegraph Road
Fillmore, California 93015

Phone Number: 805-524-3939

Signature of Authorized Person

Date: 09-04-19

See page 2 of this application for a list of information required for the hearing by Air Quality Regulations and the Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures.

AQR Sections 44 (Prohibitions on Planting, Selling, or Offering to Sell Fruitless Mulberry and European Olive Trees) and Section 18 (Permit and Technical Service Fees) can be found at http://www.clarkcountynv.gov/airquality/regulations/Pages/Rules_CurrentRulesandRegulations.aspx.

Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures can be found at http://www.clarkcountynv.gov/AirQuality/Compliance/Pages/Compliance_EnforcementForms.aspx.

Return application with payment to Sherrie Rogge via mail at Clark County Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or e-mail at sherrie.rogge@clarkcountynv.gov. Checks made payable to DAQ or Department of Air Quality.



RECEIPT

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

BRIGHTVIEW TREE COMPANY
 3200 WEST TELEGRAPH ROAD
 FILLMORE CA 93015

| Invoice # | Invoice Date | Invoice By | Invoice Type | Due Date |
|-----------|--------------|------------|---------------------|-----------|
| 039124 | 9/13/2019 | SHERRIER | AIR QUALITY PROGRAM | 9/13/2019 |

| Quantity | Description | Fee Code | Fee | Total |
|----------|--------------------------------------|----------|----------|------------|
| 1 | TREE EXEMPTION CERTIFICATE - RENEWAL | AGTR02 | \$149.00 | \$149.00 |
| | 09/13/2019 CHECK (00137301) | PAYMENT | | (\$149.00) |

Notes: Certificate of Exemption for Olea europaea cv Wilsonii Tree - Renewal Application

| | |
|--------------|------------|
| Subtotal: | \$149.00 |
| Paid: | (\$149.00) |
| Adjustments: | \$0.00 |
| Balance Due: | \$0.00 |



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

August 28, 2019

CERTIFIED MAIL #9489 0090 0027 6104 3207 74

Robert Crudup, Jr., President and COO
Brad Bowers
Valley Crest Tree Company dba
BrightView Tree Company
3200 West Telegraph Road
Fillmore CA 93015

Email: Robert.crudup@brightview.com

Email: Brad.bowers@brightview.com

Re: Renewal of Certificate of Exemption – Wilsonii

Dear Messrs. Crudup and Bowers:

A review of our files indicates your Certificate of Exemption for *Olea europaea cv. Wilsonii* (Wilsonii) will expire on February 22, 2020.

Air Quality Regulations (AQR) Subsection 44.3.5 states “the applicant may renew a certificate for three year increments.” An Air Pollution Control Hearing Board meeting is scheduled before the expiration date on December 11, 2019. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal and the attached renewal application must be submitted on or before September 23, 2019.

In compliance with AQR Subsection 18.9, a filing fee of \$149.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality or DAQ and mail it along with your request for renewal to the attention of Sherrie Rogge, Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,

Shibi Paul
Compliance Manager

SP:sdr

cc: Patricia Ringgenberg, DAQ Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor

RE: BRIGHTVIEW TREE COMPANY – 2019 Renewal of Certificate of Exemption
(Swan Hill®)

EXHIBIT LIST

| EXHIBIT # | DESCRIPTION | DATE |
|------------------|---|-------------|
| BVTC001-BVTC003 | Staff Report | 11/8/19 |
| BVTC004-BVTC008 | BrightView Tree Company Distribution Plan and Tag 2017-2019 | 9/13/19 |
| BVTC009 | Notice of Hearing | 10/29/19 |
| BVTC010 | Affidavit of Publication – LV Review Journal | 10/29/19 |
| BVTC011-BVTC013 | Certificate of Mailing for Hearing Notice | 10/28/19 |
| BVTC014 | Letter to BrightView Tree Company Deeming Application Complete | 9/23/19 |
| BVTC015-BVTC016 | Application from BrightView Tree Company for Renewal of Certificate of Exemption for Swan Hill Trees and Receipt of Payment | 9/13/19 |
| BVTC017 | Renewal Inquiry Letter to BrightView Tree Company | 8/28/19 |
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| | | |

STAFF REPORT
November 8, 2019

Application for Renewal of Certificate of Exemption

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

Purpose:

BrightView Tree Company (BrightView) has applied for a renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating *Olea europaea* trees known as the “Swan Hill Olives®” for the next three years. Valley Crest Tree Company was renamed BrightView Tree Company in 2015.

Background:

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 Swan Hill in Clark County. Valley Crest Tree Company purchased low-pollinating Swan Hill live seedlings from Swan Hill Nursery, LLC. Swan Hill Nursery, LLC had been granted a Certificate of Exemption for their low-pollen cultivar. Swan Hill Nursery, LLC provided a letter stating they provided approved seedlings to Valley Crest Tree Company for future selling and planting in Clark County. After presenting evidence that the 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, November 4, 2010, October 9, 2013, and again on February 22, 2017 with an expiration date of February 22, 2020. On September 13, 2019, BrightView submitted an application for renewal of its Certificate of Exemption for growing, distributing, and marketing low-pollinating *Olea europaea* trees known as the “Swan Hill Olives®” in Clark County.

Regulations:

Clark County Air Quality Regulation (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 October 29, 2019 notifying the public of the application and inviting public comment. In addition, staff mailed 14 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, 4701 West Russell Road, Suite 200, Las Vegas, NV, (702) 455-5942.

Anyone may petition to intervene in writing by November 18, 2019. 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 November 18, 2019, or ten copies must be brought to the meeting for staff, board members, and the public.

Conclusions:

DAQ staff has discussed the Swan Hill Olive with representatives of several local nurseries in Clark County that market the majority of these 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 a 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 application, please contact Sherrie Rogge at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.

3200 West Telegraph Road
Fillmore, CA 93015
www.brightview.com



August 28, 2019

RECEIVED CC DAQ
2019 SEP 13 AM 11:03

Ms. Sherrie Rogge
Department of Air Quality
4701 Russel Road, Suite 200
Las Vegas, Nevada 89118

Dear Ms. Rogge, I have attached our Application for Certificate of Exemption of Low Pollinating Trees and our distribution plan for shipment of our Olea 'Swan Hill Olives®' trees to landscape projects and nurseries in Clark County Nevada.

In addition, I have attached a sample of our identification tags that BrightView Tree Company attaches to each tree shipped to Clark County Nevada. A copy of our shipping document which displays our exemption certification documentation is also attached.

If you have any questions please let me know

Sincerely,


Robert E. Cradup, Jr.
President
Brightview Tree Company

BVTC004

3200 West Telegraph Road
Fillmore, CA 93015
www.brightview.com



August 28, 2019

Distribution Plan Olea 'Swan Hill Olives®' to Clark County, Nevada

Variety Assurance:

BrightView Tree Company will only ship Olea 'Swan Hill Olives®' trees that are true to name.

Labelling:

Each 'Swan Hill Olives®' tree shipped into Clark County, Nevada will have an identification label attached to the tree which indicates the name of the tree and the Certificate of Exemption number and a unique and sequential identification number will be included on the face of the tag.

Documentation:

All shipping documents will have the horticultural name, the order and certificate of exemption stamp, and in the case of 'Swan Hill Olives®, the unique and sequential tree number.

Tracking and Verification:

Upon request, BrightView Tree Company will cooperate with the Clark County Department of Air Quality to provide documentation and delivery detail of shipments as required.



BrightView

Tree Company

Shipping Document

SO/718906

BrightView Tree Company
 3200 W. Telegraph Rd
 Fillmore, CA. 93015
 (805) 524-3939

Date - 1/16/2017
 Time - 14:42:25
 Page - 1
 Branch - 5030
 Sales Rep
 Pick Slip # - 1302049


Sold To: 1300
 BVLD Las Vegas
 BrightView Landscape Development, I
 Location # 1300
 4021 W Carey Avenue
 North Las Vegas NV 89032

Ship To: 1300
 BVLD Las Vegas
 BrightView Landscape Development, I
 Location # 1300
 4021 W Carey Avenue
 North Las Vegas NV 89032

(702) 597-2556 Business
 (702) 739-6840 Fax

S NV01

Ordered: 1/16/2017 ROBERT C PO#: Ship:
 Requested: 1/16/2017 BLONG Auth: 1

| Quantity Shipped | Item Description | Item# Location |
|------------------|--|---|
| 1.000 | Olea europaea 'Swan Hill'  48" Box Multi 443186 | 6187248 201210/830F tree #222.599 |

ORDER AND CERTIFICATE OF EXEMPTION
 For Swan Hill Olives and Wilson Olives
 Air Quality Control Board
 Clark County, Nevada

Driver Signature Date Customer Signature Date

**CALIFORNIA NURSERY STOCK CERTIFICATE
FOR INTERSTATE AND INTRASTATE SHIPMENTS**

NO. A-4900

This plant material or nursery or premises from which this shipment was made has been inspected and found free from especially injurious plants pests and disease symptoms. •

THIS SHIPMENT NEED NOT BE HELD FOR INSPECTION IN CALIFORNIA

Issued by: Los Angeles County Agricultural Commissioner, Alameda County Agricultural Commissioner, Orange County Agricultural Commissioner, San Joaquin Agricultural Commissioner, Ventura County Agricultural Commissioner and California Department of Agriculture, Sacramento 95814

TERMS AND CONDITIONS

1. **TERMS AND CONDITIONS OF PAYMENT:** TERMS ARE "DUE UPON RECEIPT OF INVOICE". All invoices NOT paid by the 10th of the month following invoice date are subject to a 1-1/2% monthly service charge; 18% ANNUAL PERCENTAGE RATE. In the event it becomes necessary for **BrightView Tree Company** to file suit to enforce payment of past due amounts, such suit may be brought in Los Angeles County, California, at the option of **BrightView Tree Company**. **BrightView Tree Company** shall be entitled to collection fees, actual attorney fees, court costs and SERVICE CHARGES AT 1-1/2% PER MONTH (18% PER ANNUM), OR SUCH OTHER LEGAL MAXIMUM RATE AS IS ALLOWED IN ANY OTHER THAN THE STATE OF CALIFORNIA, ON ALL AMOUNTS FOUND TO DUE AND PAYABLE. All purchases are deemed made and payment is due at principal place of business of **BrightView Tree Company** in Calabasas, California.
2. Any claims as to condition of material must be made at time of delivery. After material has been accepted in good condition, we cannot be responsible for improper handling, planting, exceptional weather, or lack of proper maintenance. Plants are not guaranteed to live, and our liability in all instances is limited to the purchase price.
3. Buyer acknowledges, guarantees and warrants to **BrightView Tree Company** that the person signing this contract, any future invoices evidencing materials purchased pursuant to this contract, any shipping document, delivery order or receipt is a person authorized to sign the same. In the event the buyer wishes to specify or limit persons in authority to order and purchase on their behalf, it shall be the buyer's responsibility to submit and update such a list in writing.
4. Financial statements, credit information supplied by buyer or by others on behalf of buyer, and agreements, are a part of this contract. Any false or misleading information constitutes a fraudulent misrepresentation.
5. As a matter of course, **PRELIMINARY NOTICES** are filed on each order delivered from our office. Please be prepared to provide the required information prior to delivery, and preferably, at the time that you place your order.
6. A freight charge will be added to all orders delivered. Deliveries out of state may require additional freight charges.
7. All deliveries are made based on subjective schedules, and all promises of shipment or delivery are approximated as closely as possible by **BrightView Tree Company**, but in no event will **BrightView Tree Company** assume any responsibility for delays in shipment or delivery, and shortages due to causes beyond our reasonable control.
8. The acceptance of any individual order and terms of payment to all sales and order are subject to approval by the Credit Department of **BrightView Tree Company**.
9. **NON WARRANTY:** We give no warranty, express or implied, as to description, quality, productiveness or any other matter, of trees or plants We sell, other than original price of the stock at the date of sale.
10. **RETURNED CHECKS** are subject to \$25.00 returned check fee in ALL instances.
11. All sales are made pursuant to these conditions, and all orders are received with the understanding that they are placed under these conditions.



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 an application for the renewal of two Certificates of Exemption for non-pollinating and fruitless 'Wilsonii' and 'Swan Hill Olive[®]' trees from BrightView Tree Company (formerly Valley Crest Tree Company); an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Desert Forrest Nursery; and an application for the renewal of a Certificate of Exemption for non-fruiting, low pollinating 'Wilsonii' olive trees from Ponto Nursery.

A public hearing on these applications has been scheduled for December 11, 2019, 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.

Published: October 29, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED CC DAO
2019 OCT 31 PM 12:58

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

Account # 22354
Ad Number 0001073390

Leslie McCormick, 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 10/29/2019 to 10/29/2019, on the following days:

10 / 29 / 19

NOTICE OF HEARING

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PUB: October 29, 2019-
LV Review-Journal

Leslie McCormick

 LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of October, 2019

Notary *Mary Lee*



CERTIFICATE OF MAILING

I hereby certify that on October 28, 2019, 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 28th day of October 2019.



Sherrie D. Rogge, Administrative Secretary
Enforcement Division
Department of 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

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Published: October 29, 2019

Nick Bieser
Plant Industry/Measurement Standards
District Office
Nevada Dept. of Agriculture
2300 E. St. Louis Ave.,
Las Vegas NV 89104

Brad Bowers
Valley Crest Tree Company
dba Brightview Nurseries
3200 W. Telegraph Road
Fillmore CA 93015

Jack Zunino
JW Zunino & Associates
3191 S. Jones Blvd.
Las Vegas NV 89146

Dennis Swartzell
Arid Plant Solutions
824 Apperson Circle
Las Vegas NV 89123

Wally Kearns
Evergreen Nursery
P.O. Box 9830
Rancho Santa Fe CA 92067

Paul Noe
Star Nursery
125 Cassia Way
Henderson NV 89014

Russ Hafen
Hafen Nursery
1740 N. Boulder Highway
Henderson NV 89011

Ashley Jeppson, Agriculturist
Plant Industry Division
Nevada Dept. of Agriculture
405 South 21st Street
Sparks NV 89431

Matthew Fichera, Regional Operations
Manager
Moon Valley Nurseries
9040 S. Eastern Ave.
Las Vegas NV 89123

Ashley Jeppson
Nevada Department of Agriculture
405 S 21st Street
Sparks NV 89431

Forrest Wald
Desert Forrest Nursery, LLC
16739 West Olive Avenue
Waddell AZ 85355

Judy Ponto
Ponto Nursery Inc
PO Box 536
Vista CA 92085-0536

Tyler Bilyk, Manager
Casa del Zorro Nursery
d/b/a Roadrunner Tree Farm
PO Box 3070
Valley Center CA 92082

Anthony Carranza, General Manager
Sunrise Nursery LLC
22439 N. 163rd Avenue
Surprise AZ 85387



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

September 23, 2019

CERTIFIED MAIL #9489 0090 0027 6122 2125 25

Robert Crudup, Jr.
President and COO
Brad Bowers
Brightview Tree Company
3200 West Telegraph Road
Fillmore CA 93015

E-mail: Robert.crudup@brightview.com

E-mail: Brad.Bowers@brightview.com

Re: Application for Certificate of Exemption – Olea Europaea “Swan Hill Olives®”

Dear Mr. Crudup and Mr. Bowers:

On September 13, 2019, the Department of Air Quality received your request and application to renew your Certificate of Exemption for the “Swan Hill Olive®”. I’m enclosing your receipt for payment of Invoice #039125.

Staff has reviewed your renewal application and the documentation you submitted and deemed it complete.

This letter confirms that the renewal of your Certificate of Exemption for the “Swan Hill Olives®” has been scheduled for a public hearing before the Air Pollution Control Hearing Board on December 11, 2019, at 1:30 p.m., in the Clark County Building Department – Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada 89118. Once finalized, copies of the Hearing Board Agenda and staff’s report to the Board will be sent to you. Should you choose not to attend, please provide a detailed statement that supports your request for renewal.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by 9:00 a.m., Wednesday, December 4, 2019, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, along with ten copies for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

In the meantime, if you have any question, please do not hesitate to contact me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge
Administrative Secretary

cc: Anna Sutowska, Enforcement Supervisor
Patricia A. Ringgenberg, Air Quality Specialist II

Enclosure: Receipt for Invoice #039125

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN JONES • MICHAEL NAFT • TICK SEGERBLOM
YOLANDA T. KING, County Manager

BVTC014



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 466-6942 • Fax (702) 383-9994
Marc Henson Director

Application for Certificate of Exemption of Low Pollinating Trees

New Application Renewal Application

039135 ME
RECEIVED CC DAQ
2019 SEP 13 AM 10:10 ME

Primary Entity Name: Valley Crest Tree Company

DBA (if applicable): BrightView Tree Company

Nature of Business: Wholesale Nursery

Phone Number: 805-524-3939

Physical Address: 3200 West Telegraph Road
Fillmore, California 93015

Mailing Address: 3200 West Telegraph Road
Fillmore, California 93015

Name & variety of tree seeking exemption: Olea 'Swan Hill Olives®'

Responsible Official: Brad Bowers

Title: Production Manager

Email Address: Brad.Bowers@Brightview.com

Mailing Address: 3200 West Telegraph Road
Fillmore, California 93015

Phone Number: 805-524-3939

Signature of Authorized Person

Date: 09-04-19

See page 2 of this application for a list of information required for the hearing by Air Quality Regulations and the Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures.

AQR Sections 44 (Prohibitions on Planting, Selling, or Offering to Sell Fruitless Mulberry and European Olive Trees) and Section 18 (Permit and Technical Service Fees) can be found at http://www.clarkcountynv.gov/airquality/regulations/Pages/Rules_CurrentRulesandRegulations.aspx.

Air Pollution Control Hearing Officer/Hearing Board Manual of Procedures can be found at http://www.clarkcountynv.gov/AirQuality/Compliance/Pages/Compliance_EnforcementForms.aspx.

Return application with payment to Sherrie Rogge via mail at Clark County Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or e-mail at sherrie.rogge@clarkcountynv.gov. Checks made payable to DAQ or Department of Air Quality.



RECEIPT

Clark County Nevada Department of Air Quality

4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

BRIGHTVIEW TREE COMPANY
 3200 WEST TELEGRAPH ROAD
 FILLMORE CA 93015

| Invoice # | Invoice Date | Invoice By | Invoice Type | Due Date |
|-----------|--------------|------------|---------------------|-----------|
| 039125 | 9/13/2019 | SHERRIER | AIR QUALITY PROGRAM | 9/13/2019 |

| Quantity | Description | Fee Code | Fee | Total |
|----------|--------------------------------------|----------|----------|------------|
| 1 | TREE EXEMPTION CERTIFICATE - RENEWAL | AGTR02 | \$149.00 | \$149.00 |
| | 09/13/2019 CHECK (00137313) | PAYMENT | | (\$149.00) |

Notes: Certificate of Exemption for Olea europaea cv Swan Hill - Renewal Application

| | |
|--------------|------------|
| Subtotal: | \$149.00 |
| Paid: | (\$149.00) |
| Adjustments: | \$0.00 |
| Balance Due: | \$0.00 |



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

August 28, 2019

CERTIFIED MAIL #9489 0090 0027 6104 3207 67

Robert Crudup, Jr., President and COO
Brad Bowers
Valley Crest Tree Company dba
BrightView Tree Company
3200 West Telegraph Road
Fillmore CA 93015

Email: Robert.crudup@brightview.com
Email: Brad.bowers@brightview.com

Re: Renewal of Certificate of Exemption – Swan Hill

Dear Messrs. Crudup and Bowers:

A review of our files indicates your Certificate of Exemption for Olea europaea cv. Swan Hill (Swan Hill) will expire on February 22, 2020.

Air Quality Regulations (AQR) Subsection 44.3.5 states “the applicant may renew a certificate for three year increments.” An Air Pollution Control Hearing Board meeting is scheduled before the expiration date on December 11, 2019. In order for your renewal to be adequately addressed on that hearing agenda, your request for renewal and the attached renewal application must be submitted on or before September 23, 2019.

In compliance with AQR Subsection 18.9, a filing fee of \$149.00 for a Certificate of Exemption Renewal is required. Please make your check payable to the Clark County Department of Air Quality or DAQ and mail it along with your request for renewal to the attention of Sherrie Rogge, Department of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231.

If you have any questions, please contact Anna Sutowska, Air Quality Supervisor at (702) 455-0666.

Sincerely,

Shibi Paul
Compliance Manager

SP:sdr

cc: Patricia Ringgenberg, DAQ Air Quality Specialist II
Anna Sutowska, Air Quality Supervisor