



APPROVED APC HEARING BOARD
DATE: Dec 16, 2023
BY: Sherris O'Connell
Board Secretary

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

August 2, 2023

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
Ryan L. Dennett, Vice-Chair
Daniel Bennett
Troy Hildreth
Lauren Rosenblatt

ABSENT: Elspeth Cordua
William Kremer

LEGAL COUNSEL: Catherine Jorgenson, 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. OATHS OF OFFICE

- A. Daniel Bartlett (Professional Licensed Engineer)
Term of Office: 4/4/2023 through 4/3/2026

FINAL ACTION: Air Quality Supervisor Sutowska administered the oath of office to Daniel Bartlett.

4. APPROVAL OF MINUTES OF THE OCTOBER 5, 2022 MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the October 5, 2022 minutes. Being none, he called for a motion.

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

Motion carried by the following vote:

Voting Aye: Troy Hildreth, Lauren Rosenblatt, Daniel Sanders
Voting Nay: None
Abstaining: Daniel Bartlett, Ryan Dennett
Absent: Elspeth Cordua, William Kremer

5. APPEAL OF HEARING OFFICER DECISION – PROPOSED SETTLEMENT

- A. **AHUSA SERIES 2 LLC (DCOP #53484) – NOV #9784** – On January 19, 2023, the Hearing Officer found AHUSA Series 2 LLC (AHUSA) in violation of Sections 94.13(a) and (b) of the AQRs for failure to employ Best Available Control Measures (BACM) and comply with soil stabilization standards at their site 24 hours a day, seven days a week, as identified by Air Quality Specialist Satyra George while performing routine and follow-up inspections on October 18, 26 and 27, 2022, and a follow-up inspection during a Construction Notice period on November 2, 2022 at the Inspiration at The Village construction project, located at Manor Green Lane and Corwood Green Lane, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$4,750.00. AHUSA Series 2 LLC appealed the Air Pollution Control Hearing Officer's Order.

To resolve this appeal, the parties have agreed to settle the NOV in accordance with the terms and conditions of the attached settlement agreement. The Hearing Board may approve or disapprove the settlement agreement. If a settlement agreement is approved, the Hearing Board will enter an order requiring compliance with the settlement agreement, including setting a deadline for payment of any penalty. If a settlement agreement is disapproved, the appeal will be rescheduled for a hearing at a subsequent meeting.

(For possible action.)

Chair Sanders asked whether there was anyone present in the audience for the appeal of the Hearing Officer decision for NOV #9784 issued to AHUSA Series 2 LLC.

Deputy District Attorney Jorgenson stated that she had spoken to the attorney for AHUSA and informed him that she would present the settlement agreement to the Board and, if approved, the case would be settled. If not approved, they would reschedule the case to another date. Ms.

Jorgenson then presented the Settlement Agreement stating that both parties agreed to a settlement of \$4,000 and as part of the Agreement, AHUSA and Air Quality acknowledge it is made without any admission or acknowledgment of liability, damages or error by either party. However, in the event Air Quality issues any subsequent NOVs to AHUSA that include similar alleged violations as found in NOV #9784 during the two-year period following the Order approving this Agreement, Air Quality may consider NOV #9784 as a past violation to calculate the appropriate recommended penalty. If this is acceptable to the Board, then this matter would be resolved.

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.

Chair Sanders asked if there were any questions by the Board or for a motion.

Vice-Chair Dennett inquired of Ms. Jorgenson if this violation still exists with respect to this company for at least two-years.

Ms. Jorgenson responded that the time period is not reduced. The two-year period is based on the applicable statute of limitations..

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Rosenblatt to approve the Settlement Agreement for NOV #9784, which includes a total sum of \$4,000.00 to be paid in full within 30 days of the signed order.

Motion carried by the following vote:

Voting Aye:	Daniel Bartlett, Ryan Dennett, Troy Hildreth, Lauren Rosenblatt, Danny Sanders
Voting Nay:	None
Abstaining:	None
Absent:	Elsbeth Cordua, William Kremer

6. NEW MEMBER ORIENTATION

DISCUSSION: Deputy District Attorney Jorgenson provided an overview of the New Member Orientation Handbook with the Board.

FINAL ACTION: No final action was required by the Board on this matter.

7. REPORT BY DEPARTMENT OF AIR QUALITY STAFF

A. General Update

DISCUSSION: Director Marci Henson shared updates on the activities of the Department of Environment and Sustainability for the period of January 1 – May 31, 2023.

FINAL ACTION: No final action was required by the Board on this matter.

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

There were no emerging issues identified by the Board.

9. 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.

10. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 2:26 p.m.

Approved:



Daniel Sanders, Chair

Date



Date