



## Annotated Agenda

### Clark County Air Pollution Control Hearing Board

Wednesday, August 12, 2020 – 1:30 P.M.

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV

**Note:**

- Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the meeting is required.
- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a twenty-four (24) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- To request a copy of the supporting materials for an agenda item, please contact Sherrie Rogge at [sherrie.rogge@clarkcountynv.gov](mailto:sherrie.rogge@clarkcountynv.gov) or (702) 455-0354. Supporting material is/will be available on our website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance\\_EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx).
- If you do not wish to attend the meeting in person but desire to provide written general public comment or public comment on an individual agenda item, please submit your comments prior to **10:00 AM, AUGUST 12, 2020**. You can submit your comments to [AQEnforcement@ClarkCountyNV.gov](mailto:AQEnforcement@ClarkCountyNV.gov). Be sure to include your name, address, the agenda item number on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with members of the public body, meeting attendees, and on the public body's website.

**Hearing Board Members**

**Daniel Sanders, Chair**  
**Elsbeth Cordua**  
**Ryan L. Dennett, Esq.**  
**Tom Foster, P.E. (Absent)**  
**William Kremer**  
**Lauren Rosenblatt (Arrived at 1:40 pm)**

**Deputy District Attorney**

**Catherine Jorgenson**

**Air Quality Staff**

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

1. **CALL TO ORDER** 1:34 p.m.

2. **PUBLIC COMMENT**

NONE

3. **APPROVAL OF MINUTES**

Approval of December 11, 2019 meeting minutes. (For possible action)

**ACTION: APPROVED AS RECOMMENDED**

**BY: Board Member Dennett**

**SECOND: Board Member Kremer**

**VOTE: 3-0**

**VOTING AYE: Ryan Dennett, William Kremer, Daniel Sanders**

**VOTING NAY: None**

**ABSTAINING: Elspeth Cordua**

**ABSENT: Tom Foster, Lauren Rosenblatt**

Board Member Rosenblatt arrived at 1:40 p.m.

4. **APPEALS OF HEARING OFFICER DECISIONS**

**A. M.P. TRUST AND MICHAEL PERRY (Project #191086)**

**NOV #9394** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(a), 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(8), 61.145(c)(6)(i), 61.150(a)(1)(iii) and 61.150(a)(1)(iv) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovations activities; for failing to notify Air Quality 10 days prior to the removal of regulated asbestos-containing material (RACM) from the facility; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during inspections by Air Quality Specialist Kevin Adoor beginning on November 15, 2019, at a facility operated by M.P. Trust and Michael Perry located at 1430 East Desert Inn Road, in Clark County, Nevada. An \$11,600 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.

(For possible action)

**Appeals of Hearing Officer Decisions (Continued)**

**B. M.P. TRUST AND MICHAEL PERRY (Project #201010)**

**NOV #9409** – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(1), 61.145(c)(6)(i), 61.145(c)(8), and 61.150(a)(1)(iii) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to notify Air Quality 10 working days prior to the removal of regulated asbestos-containing material (RACM) from the facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; and for failing to seal all asbestos-containing waste material in leak tight containers while wet, as identified by Air Quality Specialist Kevin Adoor while performing a routine patrol on February 11, 2020 at an apartment building located at 1430 East Desert Inn Road, in Clark County, Nevada. A \$22,500 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.

(For possible action)

**M.P. TRUST AND MICHAEL PERRY REQUESTED A CONTINUANCE FOR NOV #9394 AND NOV #9409.**

**ACTION: GRANTED CONTINUANCE OF APPEAL FOR NOV #9394 AND NOV #9409 TO DECEMBER 2, 2020.**

**BY: Board Member Dennett**

**SECOND: Board Member Cordua**

**VOTE: 5-0**

**VOTING AYE: Elspeth Cordua, Ryan Dennett, William Kremer, Lauren Rosenblatt, Daniel Sanders**

**VOTING NAY: None**

**ABSTAINING: None**

**ABSENT: Tom Foster**

**5. DISCUSS AND RECOMMEND AMENDMENT OF AQR SECTION 44**

Discuss and recommend amendment of AQR Section 44 with the following changes: 1) make the exemption process an administrative process instead of requiring Board approval; 2) require DNA tree testing by the nurseries with a COE at the time of application/renewal as proof the trees are low or non-pollinating; 3) require nurseries with COEs to provide one additional DNA test during the exemption period to ensure the cultivar is true to type; and, 4) require Air Quality to inspect plant staging areas at developments nearing final completion and at various landscaping projects to ensure the only type of olive trees being planted are those with a COE. (Requested by former Board Member Wishengrad)

(For possible action)

**ACTION: APPROVED AS RECOMMENDED**

**BY: Board Member Dennett**

**SECOND: Board Member Rosenblatt**

**VOTE: 5-0**

**VOTING AYE: Elspeth Cordua, Ryan Dennett, William Kremer, Lauren Rosenblatt, Daniel Sanders**

**VOTING NAY: None**  
**ABSTAINING: None**  
**ABSENT: Tom Foster**

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

NONE

**7. PUBLIC COMMENT**

Air Quality distributed a general update report to the Board Members.

**8. ADJOURNMENT 2:00 p.m.**

The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) 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