



APPROVED APC HEARING BOARD
DATE: 12/4/2024
BY: Sherrie Rogge
Board Secretary

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

September 16, 2024

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 1:36 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
Elspeth Cordua
Troy Hildreth
Amy Lahav

ABSENT: Daniel Bartlett
Donald Bordelove

DEPARTMENT
COUNSEL: Catherine Jorgenson, Deputy District Attorney

HEARING BOARD
COUNSEL: Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Jodi Bechtel, Deputy 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. APPEAL OF HEARING OFFICER DECISION

HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 371) – NOV #10030 – On July 18, 2024, the Hearing Officer found Holcim – SWR, Inc., in violation of their 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, as identified by Air Quality Specialist Joshua Frye during a complaint investigation on May 29, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim – SWR, Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,500.00 with \$750.00 of that penalty held in abeyance with the stipulation that Holcim – SWR, Inc. does not violate AQRs before July 18, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order. (For possible action.)

Chair Sanders recused himself due to a potential conflict of interest and did not participate in this appeal hearing.

Vice-Chair Dennett confirmed that attorneys for both sides were present and ready to present their case.

Monique S. Jammer, Esq., Nevada Bar No. 15420, 9555 Hillwood Drive, Second Floor, Las Vegas NV 89134, Attorney for Respondent, Holcim-SWR, Inc., stated she was present and ready to present her case.

Catherine Jorgenson, Deputy District Attorney, State Bar No. 006700, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Division of Air Quality (Air Quality), stated she was present and ready to present her case.

Vice Chair Dennett swore the following people in for questioning by both attorneys:

Aaron Lund, Environmental Manager, Holcim-SWR, Inc., 4675 West Teco Ave., Suite 140,
Las Vegas NV 89118

Joshua Frye, Air Quality Specialist, Stationary Source Section

Scott Jelinek, Air Quality Supervisor, Stationary Source Section

Anna Sutowska, Air Quality Supervisor, Enforcement Section

DISCUSSION: Ms. Jammer presented Holcim-SWR's case in regard to NOV #10030, that Air Quality failed to follow required procedures to establish that the dust emissions observed on May 29, 2024 exceeded opacity standards as a violation of AQRs or Holcim's permit, and that Air Quality failed to follow required procedures pursuant to AQRs to properly implement a significant permit revision to pause certain permit conditions. In addition, Holcim requested that the Hearing Board find that Air Quality failed to establish that Holcim committed a violation on May 29, 2024 and overturn the Hearing Officer Order from July 24, 2024.

Ms. Jammer questioned witnesses previously sworn in by Vice-Chair Dennett.

Ms. Jorgenson presented Air Quality's case pertaining to the appeal of NOV #10030 and questioned witnesses previously sworn in by Vice-Chair Dennett.

Vice-Chair Dennett called for a 5 minute recess.

RECESSED: 3:40 p.m.

RECONVENED: 3:45 p.m.

Vice-Chair Dennett called the meeting back to order.

Ms. Jorgenson and Ms. Jammer both questioned Air Quality Supervisor Anna Sutowska.

General discussion ensued between the Board.

FINAL ACTION: It was moved by Board Member Cordua, seconded by Board Member Lahav, to affirm the Hearing Officer Order in the matter of NOV #10030 finding the violation did occur and assessing a \$1,500 penalty, \$750 of which is to be held in abeyance until July 18, 2025. If Holcim-SWR, Inc., does not violate the AQRs before July 18, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Board Order, then the suspended amount of \$750 will be waived.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett

Voting Nay: None

Abstaining: None

Absent: Daniel Bartlett, Donald Bordelove, Daniel Sanders

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Hildreth to affirm that the Hearing Board has heard Holcim's appeal of the Hearing Officer decision with regard to the violation of the permit on May 29, 2024, and has determined that the violation under permit section III.B.31 occurred in that a haul road was maintained in a fashion which allowed fugitive dust to become airborne in violation of that specific provision. The Hearing Board has determined that no objective measurements were taken of that dust as would have been required by section III.B.32 and are not necessarily applicable in this instance because the board has determined that section III.B.31 is more stringent and restrictive than section III.B.32. For that reason, the Hearing Board has determined that the Hearing Officer decision finding a violation of section III.B.31 is upheld, including a total fine of \$1,500.00, of which \$750.00 will be held in abeyance unless there is a subsequent dust violation on or before July 18, 2025.

Motion carried by the following vote:

Voting Aye: Elspeth Cordua, Troy Hildreth, Amy Lahav, Ryan Dennett

Voting Nay: None

Abstaining: None

Absent: Daniel Bartlett, Donald Bordelove, Daniel Sanders

Chair Sanders returned to the meeting at 4:29 p.m.

4. REPORT BY DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF

A. General Update

DISCUSSION: Deputy Director Jodi Bechtel gave an update on the activities of the Department of Environment and Sustainability for the period of January 1 through August 31, 2024.

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

There were no emerging issues identified by the Board.


6. 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.

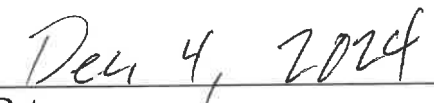
7. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 4:51 p.m.

Approved:



Daniel Sanders, Chair



Date