



Annotated Agenda

Clark County Air Pollution Control Hearing Board Clark County Building Department Presentation Room 4701 West Russell Road Las Vegas, NV 89118

October 2, 2024 – 10:00 A.M.

Note:

- 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 forty-eight (48) 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
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members	Daniel Sanders, Chair Ryan L. Dennett, Esq., Vice-Chair Daniel Bartlett Donald Bordelove (Joined via MS Teams) Troy Hildreth (Absent) Amy Lahav (Absent)
Hearing Board Counsel	Nichole Kazimirovicz
Air Quality Staff	Jodi Bechtel, Deputy Director Shibi Paul, Compliance & Enforcement Manager Anna Sutowska, Air Quality Supervisor
Department Counsel	Catherine Jorgenson
Administrative Secretary	Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov Business Address: Clark County Department of Environment & Sustainability, 4701 W. Russell Road, 2 nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 10:11 a.m.

2. **PUBLIC COMMENT**

NONE

3. **OATHS OF OFFICE**

A. Daniel Sanders (Building Contractor Member)

Term of Office: 9/17/2024 through 9/16/2027

ACTION: ANNA SUTOWSKA ADMINISTERED THE OATH OF OFFICE TO DANIEL SANDERS

4. **ELECTION OF CHAIR**

New term – 10/2/2024 through end of term

(For possible action)

Clark County Air Quality Regulations (AQRs) Subsection 7.1(b)(1)(H) states, “The Hearing Board shall select a Chair, Vice-chair, and any other officers it deems necessary.”

ACTION: NOMINATED BOARD MEMBER SANDERS TO SERVE AS CHAIR FOR THE PERIOD OF OCTOBER 2, 2024 THROUGH SEPTEMBER 16, 2027

BY: Board Member Dennett

SECOND: Board Member Bartlett

VOTE: 4-0

VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders

VOTING NOE: None

ABSTAINING: None

ABSENT: Troy Hildreth, Amy Lahav

5. **APPROVAL OF MINUTES**

Approval of August 7, 2024 meeting minutes.

(For possible action)

ACTION: APPROVED MINUTES AS RECOMMENDED

BY: Board Member Dennett

SECOND: Board Member Bartlett

VOTE: 3-1

VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove

VOTING NOE: None

ABSTAINING: Daniel Sanders

ABSENT: Troy Hildreth, Amy Lahav

6. **RESPONDENTS’ MOTION FOR A CONTINUANCE AND TO ISSUE SUBPOENAS**

Respondents’ motion in the matter of Notices of Violation #9907, 9946, 9979, and 10008 submitted to Administrative Secretary on September 24, 2024.

(For possible action)

ACTION: GRANTED RESPONDENTS’ MOTION FOR A CONTINUANCE OF NOVS #9907, 9946, 9979 AND 10008 TO JANUARY 2025 (CONTINUED #9981 TO JANUARY 2025 AS WELL); AND GRANTED

RESPONDENTS' MOTION FOR A SUBPOENA, IN PART, TO THE DIVISION OF AIR QUALITY (DAQ) THAT DAQ PROVIDE:

- A. THE EXCEL SPREADSHEET SUMMARIZING CLOSE OUT INFORMATION FOR ALL DUST CONTROL OPERATING PERMITS (DCOPS) THAT DAQ CLOSED OUT FROM JANUARY 1, 2023 TO AUGUST 7, 2024 (EXCEL SPREADSHEET).**
- B. IF APPLICABLE, THE DCOPS; NOTICES OF NONCOMPLIANCE; NOTICES OF VIOLATION; PERMIT CLOSURE FORMS INCLUDING INSPECTOR NOTES; INTERNAL NOTES; AND COMMUNICATIONS IDENTIFIED AS ROC OR COM IN DAQ'S DATABASE WHICH INCLUDE THOSE BETWEEN THE INSPECTOR AND THE PERMIT REVIEWER ON CLOSING OUT AREAS ON A PERMIT AND WITH THE PERMITTEE AND THE PERMIT REVIEWER, FOR THE FOLLOWING SITES:**

**519 FIFE APN 179-04-309-001
744 NAPLES APN 179-04-510-002
740 NAPLES APN 179-04-510-001
740 MILAN APN 179-04-502-008
505 EMDEN APN 170-04-307-002
721 MILAN APN 179-04-503-002
735 ORLEANS APN 179-04-405-012
628 KIEL APN 179-04-602-004 & 005
539 MILAN APN 179-04-701-031
524 MILAN APN 179-04-701-028
424 RACETRACK APN 179-04-405-011
503 RACETRACK APN 179-04-702-004
436 HULL APN 179-04-404-006
504 EMDEN APN 179-04-307-002
540 GLASGOW APN 179-04-309-001
624 KIEL APN 179-04-602-005
628 KIEL APN 179-04-602-004
632 KIEL APN 179-04-602-003
636 KIEL APN 179-04-602-002
640 KIEL APN 179-04-602-001
DUST CONTROL PERMIT 53319**

ANY REQUEST FOR RECORDS FOR SPECIFIC DOCUMENTS FROM THE PERMIT CLOSURES REPORT MUST BE RELEVANT AND PROPORTIONAL. IF THERE IS A QUESTION OF THE DOCUMENTS' RELEVANCE OR QUESTION ON PROPORTIONALITY OF THE REQUEST, COUNSEL WOULD PRESENT THE REQUEST TO BOARD MEMBER DENNETT WHO WOULD, ON BEHALF OF THE BOARD, MAKE A DETERMINATION WHETHER OR NOT THEY SHOULD BE PROVIDED.

ACTION: APPROVED THE FOLLOWING SCHEDULE: DAQ'S RESPONSE TO SUBPOENA DUE BY FRIDAY, OCTOBER 18, 2024; REQUEST FOR

ADDITIONAL DOCUMENTS, IF NECESSARY, FROM APPELLANTS DUE BY FRIDAY, NOVEMBER 15, 2024; IF DOCUMENTS ARE REQUESTED, DAQ WOULD HAVE UNTIL FRIDAY, DECEMBER 13, 2024 TO PROVIDE THOSE DOCUMENTS OR CONSULT WITH BOARD MEMBER DENNETT; BRIEFINGS AND EXHIBITS TO BE PRESENTED AT THE JANUARY 2025 HEARING BOARD MEETING TO BE SUBMITTED TO BOARD SECRETARY NO LATER THAN 10 DAYS PRIOR TO THE SCHEDULED DATE.

BY: Board Member Dennett
SECOND: Board Member Bartlett
VOTE: 4-0
VOTING AYE: Ryan Dennett, Daniel Bartlett, Donald Bordelove, Daniel Sanders
VOTING NOE: None
ABSTAINING: None
ABSENT: Troy Hildreth, Amy Lahav

Mr. Rocheleau asked the Hearing Board to either affirm or deny the request to issue the subpoena for Items 1-6 and 8-19 of Exhibit 7 of his Motion for a Continuance and to Issue Subpoenas.

Chair Sanders stated for the record that the Hearing Board was denying the rest of Mr. Rocheleau's request.

7. APPEAL OF HEARING OFFICER DECISION

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,000.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan

construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,937.50. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

C. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$4,000.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

D. JOSEPH YAKUBIK AND DARCIÉ YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981 – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

E. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008 – On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of

Sections 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,250.00. Continued from the August 7, 2024 Hearing Board meeting.

Conduct Hearing and Render Decision
(For possible action)

SEE ACTIONS TAKEN IN ITEM 6.

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

NONE

9. PUBLIC COMMENT

NONE

10. ADJOURNMENT 1:05 p.m.

The Presentation Room is accessible to individuals with disabilities. Within 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 meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)