

*Clark County
Air Pollution Control
Hearing Board*

*Clark County Building Services
Presentation Room*

October 5, 2022 at 1:30 p.m.

Additional document(s) authenticated and entered into the record at the

10/5/2022 Hearing Board Meeting:

Appeal of Hearing Officer Decision – NOV #9701

LVBD65, LLC

**CLARK COUNTY DIVISION OF AIR QUALITY PRESENTED AS REPLACEMENT
DOCUMENT FOR EXHIBIT T**



NOV #9701
Exhibit T

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102204

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 16, 2022	7:30 AM	8:15 AM	Follow-up	71695, 71696, 71697, 71702, 71741, 71742, 71745, 71749, 71750, 71765, 71766, 71769, 71770, 71772, 71773, 71774	54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	64 degrees	10-14 mph	15 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Enforcement Action Recommended		Violation in 1000 feet of:	Hospital		
Emission Compliance:						No
Fugitive Dust Source:	Wind		Plume Length:	658 Feet		
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Unstable		Size of Instability:	15 acres		
Trackout Device:	Yes - Effective		Has Trackout:	No		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Fail		
Adm in Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:				Approved By:	Katrinka Byers	



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I conducted a Follow-up investigation during a Dust Advisory at approximately 7:30 am and observed over 15 acres of unstable soils. At approximately 12:50 pm, My supervisor (David Dean) also inspected the site and observed fugitive dust blowing approximately 658' crossing the property line into W. Warm Springs Road. I spoke with Responsible Official Christian Lampman who confirmed receipt of the Dust Advisory DAQ issued for today. I informed Mr. Lampman today is Day 6 of a possible Notice of Violation. Mr. Lampman said he understood the possible NOV and would comply with Air Quality Regulations.

Additional material entered into the record at the

10/5/2022 Hearing Board Meeting:

**CLARK COUNTY DIVISION OF AIR QUALITY PRESENTED THE REPORT BY
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF**

(January 1 – August 31, 2022)

**Discussed during Item #6: Identifying Emerging Issues to be Discussed by the
Board at a Future Meeting**



DES

DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY



REPORT BY DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF (January 1 – August 31, 2022)

➤ Planning

▪ Criteria Pollutants

○ Carbon Monoxide (CO) - attainment/maintenance

- 2nd 10-year maintenance plan approved by EPA in October 2021

○ Ozone (O₃)

- For the 1997 8-hour O₃ NAAQS, EPA approved the redesignated request and the Clark County nonattainment area was redesignated to attainment, effective February 7, 2013. 2nd 10-year maintenance plan for 1997 O₃ NAAQS submitted to EPA in January 2022. *Under EPA review*
- For the 2015 O₃ NAAQS, EPA proposed to reclassify the Las Vegas Valley from marginal nonattainment to moderate nonattainment on July 22, 2022. *Awaiting final EPA action*
 - Submitted 17 exceptional event demonstrations to exclude 28 exceedances in 2018 and 2020 that would demonstrate attainment of the 2015 O₃ standard. In April 2022 EPA issued nonconcurrences on the 5 “most-challenging” demonstrations and suspended review of the remaining 12 because they were no longer regulatory significant. This led to our moderate reclassification.
- DES is in the process of developing a moderate O₃ attainment state implementation plan in order to attain the 2015 O₃ NAAQS. Moderate attainment plan requirements will include identifying and implementing Reasonably Available Control Technologies, Reasonably Available Control Measures, and any other controls determined to be necessary. This is expected to be a lengthy, complex process that will require thorough data collection and analysis, modelling stakeholder and public input, and adoption of new air quality rules.

○ PM₁₀ - attainment/maintenance

- 2nd 10-year PM₁₀ maintenance plan is being developed.
- One of our monitoring sites is out of attainment for PM₁₀ for the 2019-2021 time period.
- DAQ will develop exceptional event demonstrations to exclude exceedance days and bring the area back into attainment.

○ PM_{2.5} – attainment (the NAAQS is currently under review, and it is anticipated that EPA will lower the standard, which could present attainment challenges for Clark County).

○ Nitrogen dioxide (NO₂) – attainment

○ Sulfur dioxide (SO₂) – attainment

○ Lead (Pb) – attainment



- **Other studies:**
 - 2021 Saturation Study for NO_x/VOC Limiting and Ratios. Clark has contracted NOAA to conduct a study to determine NO_x/VOC limiting ratios and VOC source apportionment. Study is currently underway—data analysis in progress.
 - An in-house PM_{2.5} study with fingerprinting to identify significant sources contributing to PM_{2.5} in the Las Vegas Valley is currently underway.

 - **Performance Metrics for July 1 – December, 2021**
 - Increment Modelling: 11 major, 82 minor source reviews
 - Review/Analysis of agency air quality actions: 120

 - **Classic Car Loophole**
 - The State Assembly Bill to close the loophole goes into effect January 1, 2023.
 - DES is funding a 1-yr pilot program to assist low income residents with smog emissions repairs.

 - **Lawnmower Exchange Program**
 - DES is developing a lawnmower exchange program to incentivize commercial businesses to convert to electric equipment.
- **Monitoring**
- Implemented 2022 Annual Monitoring Network Plan
 - Stations located in neighbourhood's to assess exposure levels to the general population.
 - Network characterized pollution transported into Clark County and background levels natural to Clark County.
 - Deployed Photochemical Assessment Monitoring Stations (PAMS) monitoring of ozone precursors and VOCs.
 - Conducted additional ozone monitoring at Spring Mountain Youth Camp (SMYC) and Indian Springs during ozone season (April 1st – September 30th)
 - Deployed trace CO monitors at Joe Neal, Green Valley, Walter Johnson and SMYC during ozone season (April 1st – September 30th).
 - Per NDOT request, deployed CO, PM₁₀ and PM_{2.5} monitors at Casino Center for an Environmental Impact Statement related to the expansion of US-95.
 - Conducted special studies to assess Ozone and PM_{2.5} National Ambient Air Quality Standards.



- Upgraded air monitoring network data acquisition system (DAS)
 - Updated DAS hardware and software network-wide.
 - Developed and deployed new public website.
- Submitted revised Quality Management Plan to EPA
 - Addressed EPA comments
 - Updated organizational structure and operational requirements
 - Updated air monitoring network's technical requirements and implementation strategies

➤ **Stationary Source Permitting**

- 337 permitting actions completed (January - August)
- 329 permitting actions addressed on time (98%)
- 1,129 active operating permits
- Program Highlights:
 - The Online Mineral Processing Tool received an achievement award and designated "Best in Class" by the National Association of Counties (NACo).
 - Completed the CROMERR development project (electronic system) for accepting electronic applications/reports – design plans to be submitted to EPA for approval soon.
 - Completed an overhaul of the major stationary source permit application.
 - Continued renewal project for Permitting SOPs – updates made accordingly.
 - Hired two permit writers to backfill vacant positions – currently fully staffed.

➤ **Compliance: Dust Permits and Vacant Land**

- Issued 2,016 dust permits from January 2022 through August 2022; averaged 5.62 days to issue a dust permit.
- Conducted 5,459 construction inspections from January 2022 through August 2022.
- As of August 31, 2022, there were 1,796 active permits with a total of 30,732.81 acres of permitted area.

➤ **Compliance: Stationary Sources, Complaints and Enforcement**

- Conducted 569 stationary source inspections from January 2022 through August 2022.
- Received and responded to 960 complaints from January 2022 through August 2022; responded to 957 (99.7%) complaints within 24-hrs.
- Notices of Violation (NOVs) issued from January 2022 through August 2022:
 - 30 for construction



- 48 for stationary sources
- 5 for asbestos
- 1 for other
- Recommended \$632,182.35 in penalties from January 2022 through August 2022. Hearing Officer levied \$556,788.00.
 - \$66,564.35 has not yet been adjudicated.
- Out of the 84 NOVs issued between January 2022 through August 2022, 17 resulted from complaints which is approximately 20%.

➤ **Small Business Assistance Program**

- Responded to 1,567 requests for assistance (837 for permitting assistance and 730 for compliance assistance) from January 2022 through August 2022.
- SBA provided virtual workshops:
 - Completing Annual Reports for Minor Sources 1/26/22
 - Gasoline Dispensing Daily Inspections 2/16/22
 - Compliance Boot Camp 3/23/22
 - Permitting 101 5/18/22
 - Gasoline Dispensing Daily Inspection 6/15/22
 - Preparing for a Minor Source Permit Inspection 7/20/22
 - Permitting 101 8/24/22
- SBA will provide a virtual workshop for Preparing for an Annual Billing Check-up for Minor Sources on 10/19/22.
- The SBA Specialists work primarily from the office. We are meeting with customers and visiting their businesses, but continue offering virtual contact using phone and emails and WebEx.

➤ **Regulations Updates**

- Approved by BCC on March 22, 2022 and effective April 5, 2022: AQR 13 – National Emission Standards for Hazardous Air Pollutants; AQR 14 – New Source Performance Standards.
- Approved by BCC on June 7, 2022 and effective June 21, 2022: AQR 12.4 – Regional Haze Requirements.



➤ Office of Sustainability

- “All-In Clark County” Sustainability and Climate Action Plan for County operations is currently underway. Some of the actions being implemented include:
 - Upgrade all lighting in County buildings to County buildings to LED
 - Apply to become a Clean City through Clean Cities Coalition
 - Install electric vehicle charging infrastructure needed to support County staff vehicles
 - Establish an employee energy awareness and conservation program
 - Assess number of cooling stations provided by Clark County and continue to ensure equitable distribution
- “All-In Clark County” County Operations Plan received a National Association of Counties Award.
- In the planning process for a Community-Wide Sustainability and Climate Action Plan. There are three main efforts informing the plan bolded below. Details for each of those are included:
 - **Community/Stakeholder Engagement:**
 - Over 20 presentations and outreach events attended by engagement team
 - Community – wide survey, reaching nearly 2,000 people
 - Virtual forum series
 - Roundtables with key groups
 - Sustainability and Climate Advisory Group
 - The data from regional **Greenhouse Gas Emissions (GHG) Inventory** led to a GHG pathways analysis. This analysis looks at the main strategies we can use to reduce the most greenhouse gases.
 - The **Climate Vulnerability Assessment (CVA)** Stakeholder Working Group concluded, with many follow up conversations. The final CVA will be released later this year with resiliency recommendations.
- Other Notable Achievements:
 - Transportation Electrification Working Group met monthly to discuss strategies, opportunities, and barriers to electrification.
 - Created StayCoolClarkCounty.com - public facing all things related to extreme heat.
 - Supported the UHI Mapping Campaign in partnership with RTC and NOAA.



➤ Public Information and Outreach

▪ Earned Media

- **Total mentions.** DES has been mentioned and/or appeared in the media approximately 50 times in 2022 on all local media, including print, radio and television.
- **National media attention.** U.S. News & World Report published an article on 4 April 22 about our Division of Air Quality's first-ever seasonal wildfire smoke advisory.

▪ Social Media

- **Facebook.** Followers have more than doubled since 2021.
- **Instagram.** Current statistics show a 9 percent increase in reach and more than 8 percent increase in followers.
- **Twitter.** Overall followers increased 12 percent this year, while year-over-year analyses shows a 31 percent increase in mentions and 52 percent increase in profile visits.

▪ In-Person Outreach

- **3 May 22: Battle Born, Wildfire Ready.** With the American Lung Association in Nevada, UNR, BLM and NVEnergy, presented on the impacts of wildfire smoke in Southern Nevada and how it affects local air quality.
- **17 Aug 22: Comm. McCurdy's "Classic Car" Loophole Town Hall Meeting.** Shared information with the public on our vehicle repair assistance program, which will help those in financial need repair their cars so they can pass emissions tests.
- **11 Sept 22: Never Forget 9/11 Memorial Celebration & Classic Car Show.** Hosted by Comm. Kirkpatrick and Comm. Gibson, this event provided another opportunity to share with the public our vehicle repair program.

▪ Presentations to Nevada Legislators

- **12 May 22: Nevada Silver Haired Legislative Forum Meeting.** Presented information about the impacts of climate change in Southern Nevada.
- **16 June 22: Joint Meeting of the Nevada Legislative Interim Standing Committees on Natural Resources and Health and Human Resources.** Presented information about the impacts of climate change in Southern Nevada.



- **Partnerships**
 - **Game Day Express.** The Regional Transportation Committee of Southern Nevada’s Game Day Express shuttle service to Golden Knights and Raiders games promotes better air quality by reducing the number of vehicles on our roads, thus lowering the amount of vehicle emissions produced.

- **Audience Engagement**
 - DES has adopted the PublicInput engagement platform to better reach our respective audiences. Already, we have implemented this tool for internal and external communications for our All-In Clark County initiative as well as Division of Air Quality operations. PublicInput allows for more precise communications and metrics gathering.



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

October 5, 2022 – 1:30 P.M.

Agenda

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
Elspeth Cordua
Troy Hildreth
William Kremer
Lauren Rosenblatt

Deputy District Attorney

Catherine Jorgenson

Air Quality Staff

Marci Henson, Director 
Shibi Paul, Compliance & Enforcement Manager 
Anna Sutowska, Air Quality Supervisor

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, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

3. **OATHS OF OFFICE**

A. Elspeth Cordua (Lay Member)

Term of Office: 9/21/2021 through 9/20/2024

4. **APPROVAL OF MINUTES**

Approval of April 6, 2022 meeting minutes.

(For possible action)

5. **APPEAL OF HEARING OFFICER DECISION**

A. **ACAK IRREVOCABLE TRUST (DCOP #55113) – NOV #9683** – On July 21, 2022, the Hearing Officer found ACAK Irrevocable Trust in violation of Sections 94.14(a)(4), 94.14(d), and 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for allowing soil to be tracked out greater than 50 feet in length onto a paved roadway; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk and Air Quality Specialist Damon Lindsay while performing complaint investigations on March 7 and 8, 2022 at the Lone Mtn. and Allen construction project, located at the northwest corner of Lone Mountain Road and Allen Lane, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$6,750.00. ACAK Irrevocable Trust did not appear for the hearing and appealed the Air Pollution Control Hearing Officer's Order.

(For possible action.)

B. LVBD65, LLC (DCOP #54715) – NOV #9701 – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(a)(4), 94.14(a)(3), and 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to fully implement BACM resulting in a fugitive dust plume to extend more than 100 feet; and for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Allan Gutierrez, Senior Air Quality Specialist Katrinka Byers, and Air Quality Supervisor David Dean while performing a complaint investigation during a Dust Advisory period on April 11, 2022, a complaint investigation during a Construction Notice period on April 12, 2022, follow-up inspections on April 13, 14 and 15, 2022, a follow-up inspection during a Dust Advisory on April 16, 2022, and a follow-up inspection during a Construction Notice period on April 18, 2022 at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$17,000.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer’s Order.
(For possible action.)

C. LVBD65, LLC (DCOP #54715) – NOV #9704 – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(a)(4), 94.13(a) and (b), and 94.14(d) of the AQRs for failure to fully implement Best Available Control Measures (BACM) resulting in a fugitive dust plume to cross a property line; for failing to employ BACM and comply with soil stabilization standards 24 hours a day, seven days a week; and for allowing trackout more than 50 feet on a paved surface, as identified by Air Quality Specialist Allan Gutierrez and Senior Air Quality Specialist Katrinka Byers while performing a complaint investigation during a Construction Notice period on April 19, 2022, a complaint investigation during a Construction Notice period on April 21, 2022, a follow-up inspection during a Construction Notice period on April 22, 2022, and follow-up inspections on April 20, 25 and 26, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$13,750.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer’s Order.
(For possible action.)

D. LVBD65, LLC (DCOP #54715) – NOV #9709 – On July 21, 2022, the Hearing Officer found LVBD65, LLC in violation of Sections 94.14(d) and 94.13(a) and (b) of the AQRs for allowing trackout more than 50 feet on a paved surface; and for failing to employ Best Available Control Measures (BACM) and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialists Allan Gutierrez and Mike Englehart, and Senior Air Quality Specialist Katrinka Byers while performing follow-up inspections on April 27, 29, 30, 2022 and May 2 and 4, 2022, and an inspection during a Construction Notice period on April 28, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$10,750.00. LVBD65, LLC did not appear for the hearing and appealed the Air Pollution Control Hearing Officer’s Order.
(For possible action.)

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

7. **PUBLIC COMMENT**

A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

8. **ADJOURNMENT**

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)



Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

April 6, 2022

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 1:31 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
Troy Hildreth
William Kremer

ABSENT: Elspeth Cordua
Lauren Rosenblatt

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. Elspeth Cordua (Lay Member) (Absent)
Term of Office: 9/21/2021 through 9/20/2024

- B. Daniel Sanders (Contractor Member)
Term of Office: 9/21/2021 through 9/20/2024

FINAL ACTION: Air Quality Supervisor Sutowska administered the oath of office to Daniel Sanders. The oath of office for Elspeth Cordua will be administered at the next Hearing Board meeting.

4. ELECTION OF CHAIR

New Term – 4/6/2022 through end of term (For possible action)

FINAL ACTION: It was moved by Board Member Kremer, seconded by Board Member Dennett to elect Board Member Sanders to serve as Chair for the period of April 6, 2022 through September 20, 2024.

Motion carried by the following vote:

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

5. APPROVAL OF MINUTES OF THE AUGUST 4, 2021 MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the August 4, 2021 minutes. Being none, he called for a motion.

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

Motion carried by the following vote:

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

6. APPEAL OF HEARING OFFICER DECISION (For possible action)

TAND, INC. (DCOP #52878) – NOV #9630 – On January 20, 2022, the Hearing Officer found Tand, Inc. in violation of Section 94.14(g) of the AQRs for constructing soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings as identified by Air Quality Specialist Carlton Monroe while performing routine and follow up inspections on October 7, 13, 14 and 15, 2021 at the

Ann Road Improvements CC-215 to Durango Drive construction project located on Ann Road between CC-215 and Durango Drive, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,500. Tand, Inc., appealed the Air Pollution Control Hearing Officer's Order. (For possible action.)

Chair Sanders asked the representatives for Tand, Inc., and Air Quality to approach the testimony table. Kevin Titsworth, Responsible Official/Project Manager, and Adam Quinlan, Project Manager, representing Tand, Inc., were present. Deputy District Attorney Catherine Jorgenson was also present. Mr. Titsworth, Mr. Quinlan, and Ms. Jorgenson were sworn in.

DISCUSSION: Ms. Jorgenson called on Carlton Monroe for questioning.

Carlton Monroe, Air Quality Program Manager for Nellis Air Force Base (former Air Quality Specialist II), was sworn in by Chair Sanders.

Ms. Jorgenson presented Air Quality's case pertaining to the appeal of NOV #9630.

Following staff's presentation of the case, Chair Sanders inquired of the appellant if they wished to make any statements or counter arguments about their case. Mr. Titsworth and Mr. Quinlan presented their case in regards to NOV #9630 and questioned Mr. Monroe. Mr. Titsworth and Mr. Quinlan responded to questions by the board.

Ms. Jorgenson requested that Exhibits B through L and Dust Control Operating Permit (DCOP) #52878 Version 5 effective September 3, 2021, authenticated by Carlton Monroe be entered into the record.

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 Kremer, seconded by Board Member Hildreth, to affirm the Hearing Officer Order in the matter of NOV #9630 finding the violations did occur.

Motion carried by the following vote:

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

Ms. Jorgenson called on Anna Sutowska to provide testimony on how the penalties were calculated for this case.

Anna Sutowska, Air Quality Supervisor, was sworn in by Chair Sanders.

Ms. Sutowska responded to questions by Ms. Jorgenson and by the board in regards to the penalty calculation table.

FINAL ACTION: It was moved by Board Member Kremer, seconded by Chair Sanders to affirm the Hearing Officer Order in the matter of NOV #9630 assessing a penalty in the amount of \$5,500.

Motion carried by the following vote:

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

7. APPEAL OF CONTROL OFFICER'S PERMIT DETERMINATION (For possible action)

LHOIST NORTH AMERICA OF ARIZONA, APEX PLANT – PART 70 OPERATING PERMIT, SOURCE ID: 00003 – On February 14, 2022, the Clark County Department of Environment and Sustainability, Division of Air Quality issued revised Part 70 Operating Permit (Permit), Source ID: 00003, for the Lhoist North America of Arizona Apex Plant (Lhoist). Lhoist appealed the Control Officer's decision to include Permit conditions associated with the applicable requirements in Section 94 of the AQRs. The applicable Permit conditions subject to this appeal are III.C.1.m and III.C.3.h through m, and III.C.3.gg. (For possible action.)

DISCUSSION: Deputy District Attorney Jorgenson stated that a joint request for continuance had been signed by the Division of Air Quality and Lhoist North America of Arizona. She was presenting the request on behalf of both parties. Ms. Jorgenson also stated that the appeal may be withdrawn by Lhoist if the matter can 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.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Kremer to continue the appeal of the control officer’s permit determination for Lhoist North America of Arizona, Apex Plant – Part 70 Operating Permit, Source ID: 00003.

Motion carried by the following vote:

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

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

There were no items 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 3:18 p.m.

Approved:

Daniel Sanders, Chair

Date

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ACAK Irrevocable Trust (DCOP #55113)

Appeal of NOV #9683

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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DAQ
2022 JUL 26 PM4:05

Handwritten initials

Appeal of Hearing Officer's Order

1. Date of Appeal: 7/26/2022
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9683 Hearing Date: 7/21/2022

Hearing Officer: Christine T. Smith

2. Name, address, telephone number of Appellant:

Name: ACAK Irrevocable Trust
(Please print)

Address: 3635 S Fort Apache Rd, Unit 200-437, Las Vegas NV 89147

Telephone: 702-355-9972 Fax:

Email: NAITSRK@GMAIL.COM

3. Other person or persons authorized to receive service of notice:

Name: Christian Lampman
(Please print)

Address: 5649 Dawn Falls St, Las Vegas NV 89147

Telephone: 7023559972 Fax:

Email: naitstrk@gmail.com

4. Type of business or activity and location of activity involved in the request:

Clearing Debris

5. Reason for appeal: [] Facts alleged [x] Penalty assessed [] Both

Provide a detailed explanation of the reason for your appeal:

Jones valve broke off of the fire hydrant, we called for a backup water truck but it took time

This caused track out to accrue off-site, unstable soils and dust.

We remedied this as fast as possible.

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. Please include any supporting documentation with this form for distribution to the respective board members.

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: Christian Lampman Date: 7-26-22
Printed Name: Christian Lampman
Title: Manager

FOR OFFICE USE ONLY

Application Received on 7/26/2022

Application Fee \$140.00 - Check Credit Card -
Visa

Received Date: 7/26/2022



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

CHRISTIAN LAMPMAN, ACAK IRREVOCABLE TRUST
 7466 RAINFORD STREET
 LAS VEGAS, NV 89148

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
055980	7/26/2022	GREEN	DUST CONTROL ENFORCEMENT	7/26/2022

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	07/26/2022 VISA CREDIT CARD (3055 / 049804)	PAYMENT		(\$140.00)

Notes: NOV #9683, Appeal 7/21/2022 H/O's Decision.

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

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From: [AQ Enforcement](#)
To: [Christian Lampman](#)
Cc: [Andrew Kirk](#); [Damon Lindsay](#); [Allan Gutierrez](#); [Camon Liddell](#); [Katrinka Byers](#); [David Dean](#); [Mike Englehart](#); [Anna Sutowska](#); [Shibi Paul](#); [David Dean](#)
Subject: 7/21/2022 Hearing Officer Meeting – NOVs #9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715)
Date: Thursday, July 21, 2022 4:46:00 PM

Good afternoon Mr. Lampman,

Case numbers 9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715) have already been heard at today's scheduled hearing, and the Hearing Officer made a ruling on all five cases. ACAK Irrevocable Trust and LVBD65, LLC will receive the signed orders and invoices for these cases on Thursday, July 28, 2022.

At that time, ACAK Irrevocable Trust and LVBD65, LLC can either pay all five invoices within 30 days from date of signed orders to resolve these NOV's., or you have the right to appeal these orders to the Clark County Air Pollution Control Hearing Board. Any appeal of these orders shall be: (1) in writing specifying the reasons for the appeal (for each case individually), (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00) (for each case individually), and (3) received by Air Quality within ten (10) days of ACAK Irrevocable Trust and LVBD65, LLC's receipt of these orders.

Here is a link to DES – Division of Air Quality's website to obtain the appeal form and instructions:

[Appeal](#) of Hearing Officer's Decision (Order)

Any questions please let me know.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: Christian Lampman [mailto:christianlampman@gmail.com]

Sent: Thursday, July 21, 2022 3:38 PM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Re: Reminder: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Hey guys, I'm so sorry to get back to you so late I am sick again and haven't been able to get much done. I hate to ask for another continuance so late but is it possible for one more continuance?

On Jul 19, 2022, at 7:44 AM, AQ Enforcement <AQEnforcement@clarkcountynv.gov> wrote:

Good morning Mr. Lampman,
This is a friendly reminder of the above hearing. Also, I left you a detailed voicemail message this morning at 7:19 a.m. at 702.355.9972.
Please confirm receipt of this email.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement
Sent: Wednesday, July 13, 2022 4:43 PM
To: christianlampman@gmail.com
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Response Required: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Also, please see email below sent on 7/12/2022.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement

Sent: Tuesday, July 12, 2022 12:27 PM

To: christianlampman@gmail.com

Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>

Subject: Response Require, NRFs Needed: NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Good afternoon Mr. Lampman,

The attached Notices of Violation Response Forms (NRFs), including written explanation(s) if contesting violation(s), are past due and needed for this upcoming hearing scheduled on 7/21/2022.

Please confirm receipt of this email, and complete the attached NRFs/written explanations and email or fax it back to my attention by the close of business tomorrow, July 13, 2022.

Any questions please let me know.

NRF(s) and/or written explanation needed:

NOV #9698, provide a written explanation, including supporting documentation, as to why you are contesting the penalty in the NOV

NOV #9701, on the NRF please indicate if you are contesting the facts, penalty or both, and provide a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9704, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9709, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

2 CLARK COUNTY, NEVADA

3
4 In the Matter of the Notice of Violation #9683) ORDER
5 Issued to)
6 ACAK IRREVOCABLE TRUST, Respondent.)
7 _____)

8 The above-entitled matter was heard on July 21, 2022, before Hearing Officer
9 Christine T. Smith on the Contested Docket. ACAK IRREVOCABLE TRUST (ACAK) did
10 not appear. The Hearing Officer hereby finds and orders as follows:

11 1. Notice of Violation (NOV) #9683 was issued by the Department of Environment
12 and Sustainability, Division of Air Quality (Air Quality) to Respondent ACAK on
13 April 27, 2022 for alleged violation(s) of Dust Control Operating Permit #55113 (Permit) and
14 the Clark County Air Quality Regulations (AQRs) at the Lone Mtn and Allen construction
15 site located at the northwest corner of Lone Mountain Road and Allen Lane. The violation(s)
16 alleged in the NOV include:

17 (a) Violation of AQR Section 94.14(a)(4) for failing to fully implement Best
18 Available Control Measures resulting in a fugitive dust plume to cross a property line;

19 (b) Violation of AQR Section 94.14(d) for allowing soil to be tracked out
20 greater than 50 feet in length onto a paved roadway; and

21 (c) Violation of AQR Sections 94.13(a) and (b) for failing to employ Best
22 Available Control Measures and comply with soil stabilization standards 24 hours a
23 day, seven days a week.

24 2. The penalty recommended by Air Quality in NOV #9683 was \$6,750.00.

25 3. The Hearing Officer finds that the violation(s) alleged in NOV #9683 occurred
26 in that ACAK violated AQR Section 94.14(a)(4) on March 7, 2022, AQR Section 94.14(d) on
27 March 7 and 8, 2022, and AQR Sections 94.13(a) and (b) on March 8, 2022.

28 ///

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4. **IT IS HEREBY ORDERED** that ACAK pay a penalty of Six Thousand Seven Hundred Fifty and no/100 Dollars (\$6,750.00) within 30 days of the date of this ORDER.

5. ACAK has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of ACAK's receipt of this ORDER.

DATED this 28th day of July, 2022.

Christine T. Smith
Christine T. Smith
Hearing Officer



Notice of Violation Response Form

Issued to: ACAk Irrevocable Trust

NOV #: 9683 Return form by: 5/5/2022

Items below are to be completed by the Respondent

Responsible Official: Christian Lampman

Title: Authorized Official

Phone Number: 702-355-9972

Email Address: Naitrsk@gmail.com

Mailing Address: 3635 S Fort Apache Rd, Unit 200-437 Las Vegas NV 89147

Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Facts
- Penalty
- Both

Signature of Authorized Person

Date: 5-12-22

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at pamela.thompson@clarkcountynv.gov.

Christian Lampman

Ann Road Farms, LLC

05/12/2022

To whom it may concern,

We are not contesting the facts of the violation but we ask for a little leniency in the fine amount because we were diligent in solving the issue and very clear with the drivers involved on how to dump so they didn't create any dust / track out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christian Lampman', with a long, sweeping flourish extending to the right.

Christian Lampman



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

April 27, 2022

CERTIFIED MAIL #9489 0090 0027 6287 8499 01

Christian Lampman, Owner/Trustee and Responsible Official

E-mail: naitrsk@gmail.com

ACAK Irrevocable Trust

7466 Rainford Street

Las Vegas, NV 89148

CERTIFIED MAIL #9489 0090 0027 6287 8499 18

Christian Lampman, Owner/Trustee and Responsible Official

ACAK Irrevocable Trust

3635 South Fort Apache Road, #200-437

Las Vegas, NV 89147

NOTICE OF VIOLATION #9683

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to ACAK Irrevocable Trust (**ACAK**), for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Six Thousand Seven Hundred Fifty and no/100 Dollars (\$6,750.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

- A. On March 3, 2022, Air Quality issued Dust Control Operating Permit (**DCOP**) #55113 to ACAK, for the 9.5-acre construction project named Lone Mtn and Allen. A Dust Mitigation Plan was submitted with the DCOP application and was incorporated into DCOP #55113 whereby ACAK agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**).
- B. Senior Air Quality Specialist Andrew Kirk (**Kirk**) and Air Quality Specialist Damon Lindsay (**Lindsay**) discovered the alleged violations while performing complaint investigations on March 7 and 8, 2022 at the Lone Mtn and Allen construction project, located at the northwest corner of Lone Mountain Road and Allen Lane, in Clark County, Nevada.

- C. On March 7, 2022, at approximately 10:41 a.m., Air Quality received a complaint (#71546) alleging that dumping activities at the project site were creating a lot of dust. The complaint report (#71546) is attached hereto as **Exhibit B** and incorporated herein. At approximately 12:05 p.m., on the same day, Kirk arrived at the Lone Mtn and Allen construction site to conduct a complaint investigation. The inspection report is attached hereto as **Exhibit C** and incorporated herein. During his investigation, Kirk observed a haul truck driving through dry, loose, and powdery site soils causing fugitive dust plumes greater than 100 feet in length and fugitive dust plumes to cross the property line, and tracked out soil debris approximately 897 feet in length on Willis Street and Lone Mountain Road, as shown in Photographs 1 through 6 attached hereto as **Exhibit D** and incorporated herein. In addition, Kirk observed no DCOP sign posted. While onsite, Kirk spoke by telephone with Christian Lampman (**Lampman**), Responsible Official for ACAK, concerning his observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was emailed to Lampman and Ray Tyler (**Tyler**), Designated Onsite Representative for ACAK, and is attached hereto as **Exhibit E** and incorporated herein. Kirk also observed the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area as shown in Map 1 attached hereto as **Exhibit F** and incorporated herein. Kirk concluded his inspection at approximately 1:25 p.m.
- D. On March 8, 2022, at approximately 9:10 a.m., Air Quality received a complaint (#71547) alleging that truck hauling activities were creating dust. The complaint report (#71547) is attached hereto as **Exhibit G** and incorporated herein. At approximately 10:40 a.m., on the same day, Lindsay arrived at the Lone Mtn and Allen construction site to conduct a complaint investigation and follow-up inspection. The inspection report is attached hereto as **Exhibit H** and incorporated herein. During his investigation, Lindsay observed approximately 0.32 acres of dry, loose, and powdery soils and tracked out soil debris approximately 268 feet in length on Willis Street and Lone Mountain Road (**Exh. D, Photographs 7 through 10**). While onsite, Lindsay spoke by telephone with Lampman concerning his observations of continued noncompliance. Lindsay also observed the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area as shown in Map 2 attached hereto as **Exhibit I** and incorporated herein. Lindsay concluded his inspection at approximately 11:30 a.m.
- E. On March 9, 2022, at approximately 2:00 p.m., Lindsay arrived at the Lone Mtn and Allen construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Lindsay observed the site was in compliance with AQRs. Lindsay concluded his inspection at approximately 2:15 p.m.

II. VIOLATIONS

Violation 1:

By failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, ACAK violated AQR Section 94.14(a)(4).

AQR Section 94.14(a)(4) states:

“(a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:

- (1) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
- (2) Exceed 50% Opacity using the Instantaneous Method.
- (3) Allow a Dust plume to extend more than 100 feet.
- (4) Allow a Dust plume to cross a property line.”

Violation 2:

By allowing soil to be tracked out greater than 50 feet in length onto a paved roadway, ACAK violated AQR Section 94.14(d).

AQR Section 94.14(d) states:

“(d) Mud or dirt shall not be allowed to accumulate on a Paved surface where Trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches.”

Violation 3:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, ACAK violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

“(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2).”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation occurred within 1,000 feet of the outer boundary of a residential area as described above in Paragraphs I.C and I.D (**Exh. F and I**); and
- Consecutive days of violation as described above in Paragraphs I.C and I.D for March 7 and 8, 2022.

Air Quality recommends a civil penalty in the amount of \$6,750.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, May 19, 2022, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by May 5, 2022. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



Shibi Paul
Compliance and Enforcement Manager

Exhibits:

- A. Penalty Calculation Table, NOV #9683
- B. Air Quality Complaint Report #71546, dated March 7, 2022
- C. Air Quality Construction Site Inspection Form #101287, dated March 7, 2022
- D. Digital Photographs 1 through 10
- E. Air Quality Notice of Noncompliance for March 7, 2022
- F. Map 1: Showing violations within 1,000 feet of residential area on March 7, 2022
- G. Air Quality Complaint Report #71547, dated March 8, 2022
- H. Air Quality Construction Site Inspection Form #101307, dated March 8, 2022
- I. Map 2: Showing violation within 1,000 feet of residential area on March 8, 2022
- J. Air Quality Construction Site Inspection Form #101361, dated March 9, 2022

rag

Exhibit A

NOV # 9683
Penalty Calculation Table
ACAK Irrevocable Trust



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	3/7/2022	Failed to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line.	94.14(a)(4)	Exh. D, Photos 1 thru 4, Exh. F, Map 1	\$ 2,000	1	Occurred within 1,000 feet of a residential area (+25% per day)	25%	\$ 500	\$ 2,500
2	3/7/2022	Allowed tracked out soil debris to extend greater than 50 feet in length onto a paved surface.	94.14(d)	Exh. D, Photos 5 and 6, Exh. F, Map 1	\$ 1,000	1	Occurred within 1,000 feet of a residential area (+25% per day)	25%	\$ 250	\$ 1,250
	Exh. D, Photos 7 and 10, Exh. I, Map 2			1) Occurred within 1,000 feet of a residential area (+25% per day); 2) Second consecutive day of violation ¹ (+25% per day)			50%	\$ 500	\$ 1,500	
3	3/8/2022	Failed to fully implement Best Available Control Measures and comply with soil stabilization standards at their site 24/7.	94.13(a) and 94.13(b)	Exh. D, Photos 8 and 9, Exh. I, Map 2	\$ 1,000	1	1) Occurred within 1,000 feet of a residential area (+25% per day); 2) Second consecutive day of violation ¹ (+25% per day)	50%	\$ 500	\$ 1,500

Total Penalty: \$ 6,750

¹ Consecutive Day aggravation begins with the 2nd day of noncompliance.

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.470]

Exhibit B

Complaint No. 71546

OBSERVED ON

Mar 7, 2022 10:41 AM

REPORTED ON

Mar 7, 2022 10:41 AM

COMPLAINT DESCRIPTION

They're dumping dirt creating lots of dust.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Semi trucks

CATEGORY

Dust Control Program

ASSIGNED TO

Andrew Kirk

Response

RESPONDED ON

Mar 7, 2022 12:05 PM

CLOSED ON

Mar 7, 2022 1:25 PM

Location

CONSTRUCTION PROJECT

Lone Mtn And Allen (55113)

The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen

Lone Mountain Rd/Allen Ln, W

PROJECT ATTRIBUTES

Miscellaneous, Staging/Stockpiling

REGION

NNW - North/Northwest

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

124-31-802-011

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

NWC of Lone Mountain Rd & Allen Ln

Complainant

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

MAY RELEASE NAME DURING INVESTIGATION?

No



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit C

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 101287

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Andrew Kirk	Mar 7, 2022	12:05 PM	1:25 PM	Complaint	71546	55113
Permittee:		Project Name:		Project Location:		
ACAK Irrevocable Trust		Lone Mtn And Allen		The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	53 degrees	05-09 mph	15 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:		Title:	Comm. Method:	
No	Yes	Christian Lampman		Responsible Official	Phone	
		Spoke With:		Title:	Comm. Method:	
Is the project in compliance with all air quality requirements?						No
Action Taken:	Issued Notice of Noncompliance, Possible NOV		Violation in 1000 feet of:	Residential		
Emission Compliance:						No
Fugitive Dust Source:	Haul Truck		Plume Length:	300 Feet		
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Unstable		Size of Instability:	3 acres		
Trackout Device:	Yes - Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Fail		
Admin Compliance:						No
Acreage Permitted:	9.5 acres	Observed Acreage:	9.5 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:		
Inspector Notes:			Approved By:	Andrew Kirk		
<p>I conducted a complaint investigation at this project and observed approximately 3.0 acres of dry, loose, powdery soils, multiple fugitive dust plumes greater than 100 feet in length that crossed the property line, no dust sign posted, and trackout on Willis Street and Lone Mountain Road approximately 897 feet in length. I spoke with Mr. Lampman on the phone and sent him a detailed e-mail to let him know about the complaint and to discuss the results of my investigation. I reminded him that all soils had to be stabilized immediately and maintained in a moist or crusted condition, the dust sign needed to be posted by close of business of March 9, 2022, all trackout greater than 50 feet in length had to be cleaned up immediately and all trackout, regardless of length, had to be cleaned by the end of every shift. I also recommended that due to the amount of importing activities I had observed it would be a good idea to add additional water trucks to help maintain the soils, add additional shaker plates to help limit the amount of trackout, and have street sweepers cleaning all paved surfaces during all importing activities. I issued a notice of Non-Compliance (NON) with possible Notice of Violation (NOV) for no dust sign, unstable soils, fugitive dust greater than 100 feet in length, and trackout greater than 50 feet in length. Mr. Lampman understood Air Quality Regulations and what was required to get his project back into compliance.</p>						

Exhibit D

Digital Photographs

Dust Control Permit #: **55113** Permittee: **ACAK Irrevocable Trust**

Project Name: **Lone Mtn and Allen**

Photos taken by: **See photo description**



Photograph # 1

Alleged Violation # 1

View of haul truck driving through unstable soils causing fugitive dust plumes to cross the Property line on the southeastern end of the property. Photo taken by Andrew Kirk.



Photograph # 2

Alleged Violation # 1

View of haul truck driving through unstable soils causing fugitive dust plumes greater than 100 feet in length on the northern end of the property. Photo taken by Andrew Kirk.



Photograph # 3

Alleged Violation # 1

View of haul truck driving through unstable soils causing fugitive dust plumes greater than 100 feet in length on the western end of the property. Photo taken by Andrew Kirk.



Photograph # 4

Alleged Violation # 1

View of dry, loose, and powdery soils that the haul trucks in Photo #2 and Photo #3 drove through. Photo taken by Andrew Kirk.



Photograph # 5

Alleged Violation # 2

View of tracked out soil greater than 50 feet in length observed on Lone Mountain Road. Photo taken by Andrew Kirk.



Photograph # 6

Alleged Violation # 2

View of tracked out soil greater than 50 feet in length observed on Willis Street. Photo taken by Andrew Kirk.



Photograph # 7

Alleged Violation # 2

Photograph illustrating the 268' of trackout from the project onto Willis Street.
Photograph taken by Damon Lindsay.



Photograph # 8

Alleged Violation # 3

Close up view of unstable site soils without BACM. Photograph taken by Damon Lindsay.



Photograph # 9

Alleged Violation # 3

Close up view of unstable site soils without BACM. Photograph taken by Damon Lindsay.



Photograph # 10

Alleged Violation # 2

Photograph of the trackout from the project onto Willis Street headed toward Lone Mountain Road. Photograph taken by Damon Lindsay.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit E

NOTICE OF NONCOMPLIANCE

Issued To: ACAK Irrevocable Trust Project Name: Lone Mtn And Allen
 Location: The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen
 Dust Control Permit No: 55113 Date: Mar 7, 2022 Time: 1:25 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Trackout

Remove all trackout and soil debris on Willis St. & Lone Mountain Rd. immediately.

Fugitive Dust – Employ Best Management Practices for dust control to comply with AQR Section 94.14.

No / Improper Signage – Install and maintain a Dust Control Permit Sign in compliance with AQR Section 94.11. Comply by close of business on Mar 9, 2022. See Appendix 3 of AQR Section 94 for specifications.

Additional Instructions / Other Noncompliance Items

- Immediately stabilize all site soils and keep them in a moist or crusted condition 24/7.
- Immediately clean all trackout from Willis Street and Lone Mountain Road and maintain within Air Quality Standards moving forward.
- Install a dust sign by close of business of March 9, 2022.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:
 Christian Lampman Responsible Official ACAK Irrevocable Trust
 (Printed Name) (Title) (Company)
 naitrsk@gmail.com
 (Email Address)

Person Notified:
 Ray Tyler Designated Onsite Representative Ann Road Farms LLC
 (Printed Name) (Title) (Company)
 Tylerray1056@gmail.com
 (Email Address)

DAQ Representative:
 Andrew Kirk 702-306-0257
 (Printed Name) (Phone Number)

From: Andrew Kirk
Sent: Monday, March 7, 2022 4:25 PM
To: naitrsk@gmail.com; Tylerray1056@gmail.com
Cc: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: Notice of Non-Compliance at DCOP #55113 - Lone Mountain and Allen

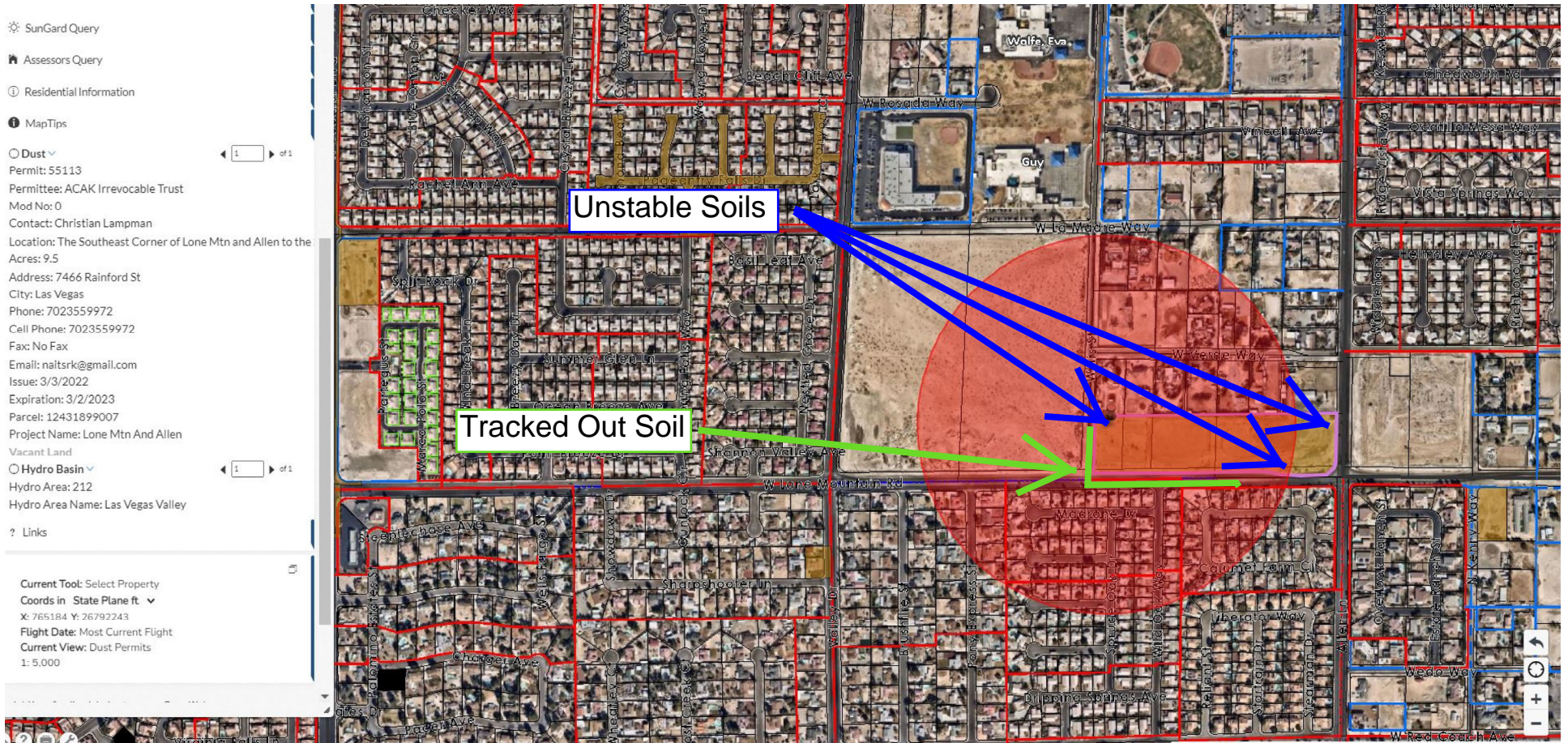
Good afternoon Christian and Ray,

Please see attached Notice of Non-Compliance (NON) and follow directions within. Basically, I observed very unstable soils in multiple areas of the project that caused major fugitive dust when driven through by your import trucks. It took about 40 minutes for a water truck to arrive on-site (I know we discussed this on the phone today and you told me that the jones valve that was close to the project had broken so it was going to take longer for the truck to fill up somewhere else). There was also no dust sign posted anywhere on the project and needs to be fixed by close of business of March 9, 2022. Trackout approximately 897 feet in length was also observed on Willis Street and Lone Mountain Road. All site soils need to be stabilized immediately and maintained in a moist or crusted condition 24/7. All trackout greater than 50 feet in length needs to be cleaned up immediately and all trackout, regardless of length, needs to be cleaned up by the end of every shift. With all of the import activities that I observed and the water source to fill up located so far away, I recommend additional water trucks to be used to keep the soils stable, additional shaker plates be added to help maintain the trackout, and a street sweeper be utilized during all import activities. The unstable site soils that your import trucks were driving through on the western end of the project were approximately 8 inches in depth causing multiple fugitive dust plumes approximately 650 feet in length that crossed the property boundary to the south. Thank you,

Andrew M. Kirk
Senior Air Quality Specialist
Clark County Division of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-3529 Office
(702) 306-0257 Cell
Andrew.Kirk@ClarkCountyNV.Gov

Exhibit F

March 7, 2022



Map 1 - Showing approximate location of unstable soils and trackout within 1,000 feet of a residential area

Exhibit G

Complaint No. 71547

OBSERVED ON

Mar 8, 2022 9:10 AM

REPORTED ON

Mar 8, 2022 9:10 AM

COMPLAINT DESCRIPTION

Trucks going in and out of the lot hauling dirt creating dust.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Trucks

CATEGORY

Dust Control Program

ASSIGNED TO

Damon Lindsay

Response

RESPONDED ON

Mar 8, 2022 10:40 AM

CLOSED ON

Mar 8, 2022 11:30 PM

Location

CONSTRUCTION PROJECT

Lone Mtn And Allen (55113)

The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen

Lone Mountain Rd/Allen Ln, W

PROJECT ATTRIBUTES

Miscellaneous, Staging/Stockpiling

REGION

NNW - North/Northwest

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

124-31-802-011

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

124-31-801-002

MAJOR CROSS STREETS

Lone Mountain Rd & Willis St

Complainant

NAME

██████████

EMAIL

—

HOME PHONE

██████████ 8

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

████████████████████

CITY

Las Vegas

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

MAY RELEASE NAME DURING INVESTIGATION?

No



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

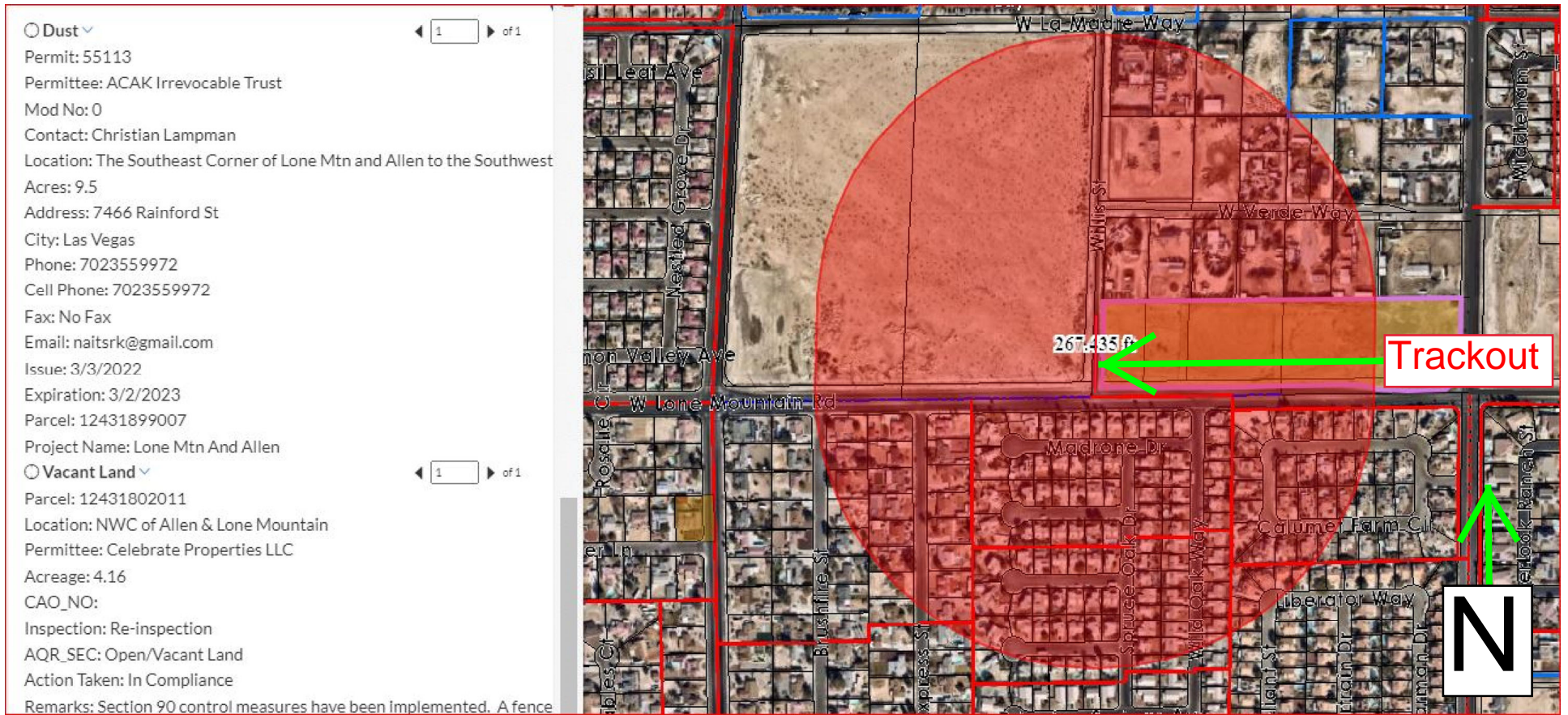
Exhibit H

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 101307

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Damon Lindsay	Mar 8, 2022	10:40 AM	11:30 AM	Complaint	71547	55113
Permittee:	Project Name:		Project Location:			
ACAK Irrevocable Trust	Lone Mtn And Allen		The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	56 degrees	05-09 mph	10 mph	E	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Issued Notice of Noncompliance, Possible NOV		Violation in 1000 feet of:	Residential		
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Unstable		Size of Instability:	0.32 acres		
Trackout Device:	Yes - Not Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Fail		
Admin Compliance:						Yes
Acreage Permitted:	9.5 acres	Observed Acreage:	9.5 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:		
Inspector Notes:			Approved By:			
<p>I conducted a complaint/follow-up investigation and observed over .32 acres of dry, loose, powdery, unstable soils and 268 ft. of trackout from Willis Street to West Lone Mountain Road. I spoke with Christian Lampman, Responsible Official, and informed him a Notice of Non-Compliance (NON) was issued yesterday, today is another day of violations. This NON may result in a possible Notice of Violation. I directed him to stabilize all site soils immediately, and keep all soils in a damp or encrusted condition 24/7. I also directed him to clean all trackout immediately on Willis Street and Lone Mountain Road.</p>						

March 08, 2022

Exhibit I



035

Map 2 Showing location of trackout within 1,000 feet of a residential area.

035



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 101361

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Damon Lindsay	Mar 9, 2022	2:00 PM	2:15 PM	Follow-up	71547	55113
Permittee:	Project Name:		Project Location:			
ACAK Irrevocable Trust	Lone Mtn And Allen		The Southeast Corner of Lone Mtn and Allen to the Southwest Corner of Lone Mtn and Allen			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	70 degrees	05-09 mph	10 mph	S	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	No	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						Yes
Action Taken:	No Action Taken		Violation in 1000 feet of:	Residential		
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						Yes
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Effective		Has Trackout:	No		
Mitigation Equipment:	Adequate		Soil Crust Determination:	Pass		
Admin Compliance:						Yes
Acreage Permitted:	9.5 acres	Observed Acreage:	9.5 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:			Approved By:			
<p>I conducted a pre-Construction Notice/Follow-up investigation and observed the site is in compliance with AQRs at this time. I spoke with Mr. Lampman, Responsible Official, and verified that he received the Construction Notice for tomorrow (03/10/2022). There is no dust sign on-site, however on the initial discussion with Mr. Lampman we gave him until end of business today (03/09/2022), to post a dust sign on the property. He verified that the sign will be up by close of business today.</p>						

September 12, 2022

Dear Christian Lampman NOV 9683 Rainford Street Address:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6287 8499 01.

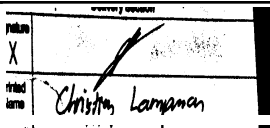
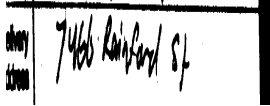
Item Details

Status:	Delivered
Status Date / Time:	May 5, 2022, 2:43 pm
Location:	LAS VEGAS, NV 89113
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
----------------	-------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

September 13, 2022

Dear Christian Lampman NOV9683 Fort Apache Address:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6287 8499 18.

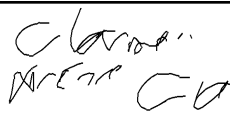
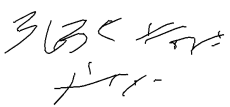
Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	April 30, 2022, 1:33 pm
Location:	LAS VEGAS, NV 89147
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
----------------	-------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

LVBD65, LLC (DCOP #54715)

Appeal of NOV #9701

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RECEIVED CC DAO
2022 JUL 26 PM4:06

gr

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Appeal of Hearing Officer's Order

1. **Date of Appeal:** 7/26/2022
 (Must be within 10 days of receipt of Hearing Officer Order)
Notice of Violation # 9701 **Hearing Date:** 7/21/2022
Hearing Officer: Christine T. Smith

2. **Name, address, telephone number of Appellant:**
Name: LVBD65 LLC
 (Please print)
Address: 3635 S Fort Apache Rd, Unit 200-437, Las Vegas NV 89147
Telephone: 702-355-9972 **Fax:** _____
Email: NAITSRK@GMAIL.COM

3. **Other person or persons authorized to receive service of notice:**
Name: Christian Lampman
 (Please print)
Address: 5649 Dawn Falls St, Las Vegas NV 89147
Telephone: 7023559972 **Fax:** _____
Email: naitstrk@gmail.com

4. **Type of business or activity and location of activity involved in the request:**
Grubbing/Brushing

5. **Reason for appeal:** **Facts alleged** **Penalty assessed** **Both**
 Provide a detailed explanation of the reason for your appeal:
Video of property north/south of us as well as the entire valley covered in thick dust.
No way to quantify what dust originated from which property

during storms like these. It was category 1 hurricane.

Penalty should be reduced considering unusually extreme wind speeds.

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. Please include any supporting documentation with this form for distribution to the respective board members.

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: Christian Lampman Date: 7-26-22
Printed Name: Christian Lampman
Title: Manager

FOR OFFICE USE ONLY

Application Received on 7/26/2022

Application Fee \$140.00 - Check Credit card - Visa Received Date: 7/26/2022 JP



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

CHRISTIAN LAMPMAN, LVBD65, LLC
 3635 SOUTH FORT APACHE ROAD, UNIT 200-437
 LAS VEGAS, NV 89148

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
055981	7/26/2022	GREEN	DUST CONTROL ENFORCEMENT	7/26/2022

Quantity	Description	Fee Code	Fee	Total
3.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$420.00
	07/26/2022 VISA CREDIT CARD (2505 / 074384)	PAYMENT		(\$420.00)

Notes: NOVs #9701, 9704, & 9709, Appeal 7/21/2022 H/O Decision.

Subtotal:	\$420.00
Paid:	(\$420.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

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From: [AQ Enforcement](#)
To: [Christian Lampman](#)
Cc: [Andrew Kirk](#); [Damon Lindsay](#); [Allan Gutierrez](#); [Camon Liddell](#); [Katrinka Byers](#); [David Dean](#); [Mike Englehart](#); [Anna Sutowska](#); [Shibi Paul](#); [David Dean](#)
Subject: 7/21/2022 Hearing Officer Meeting – NOVs #9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715)
Date: Thursday, July 21, 2022 4:46:00 PM

Good afternoon Mr. Lampman,

Case numbers 9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715) have already been heard at today's scheduled hearing, and the Hearing Officer made a ruling on all five cases. ACAK Irrevocable Trust and LVBD65, LLC will receive the signed orders and invoices for these cases on Thursday, July 28, 2022.

At that time, ACAK Irrevocable Trust and LVBD65, LLC can either pay all five invoices within 30 days from date of signed orders to resolve these NOV's., or you have the right to appeal these orders to the Clark County Air Pollution Control Hearing Board. Any appeal of these orders shall be: (1) in writing specifying the reasons for the appeal (for each case individually), (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00) (for each case individually), and (3) received by Air Quality within ten (10) days of ACAK Irrevocable Trust and LVBD65, LLC's receipt of these orders.

Here is a link to DES – Division of Air Quality's website to obtain the appeal form and instructions:

[Appeal](#) of Hearing Officer's Decision (Order)

Any questions please let me know.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: Christian Lampman [mailto:christianlampman@gmail.com]

Sent: Thursday, July 21, 2022 3:38 PM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Re: Reminder: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Hey guys, I'm so sorry to get back to you so late I am sick again and haven't been able to get much done. I hate to ask for another continuance so late but is it possible for one more continuance?

On Jul 19, 2022, at 7:44 AM, AQ Enforcement <AQEnforcement@clarkcountynv.gov> wrote:

Good morning Mr. Lampman,
This is a friendly reminder of the above hearing. Also, I left you a detailed voicemail message this morning at 7:19 a.m. at 702.355.9972.
Please confirm receipt of this email.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement
Sent: Wednesday, July 13, 2022 4:43 PM
To: christianlampman@gmail.com
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Response Required: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Also, please see email below sent on 7/12/2022.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement

Sent: Tuesday, July 12, 2022 12:27 PM

To: christianlampman@gmail.com

Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>

Subject: Response Require, NRFs Needed: NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Good afternoon Mr. Lampman,

The attached Notices of Violation Response Forms (NRFs), including written explanation(s) if contesting violation(s), are past due and needed for this upcoming hearing scheduled on 7/21/2022.

Please confirm receipt of this email, and complete the attached NRFs/written explanations and email or fax it back to my attention by the close of business tomorrow, July 13, 2022.

Any questions please let me know.

NRF(s) and/or written explanation needed:

NOV #9698, provide a written explanation, including supporting documentation, as to why you are contesting the penalty in the NOV

NOV #9701, on the NRF please indicate if you are contesting the facts, penalty or both, and provide a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9704, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9709, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
2 CLARK COUNTY, NEVADA

3
4 In the Matter of the Notice of Violation #9701) ORDER
5 Issued to)
6 LVBD65, LLC, Respondent.)
_____)

7
8 The above-entitled matter was heard on July 21, 2022, before Hearing Officer
9 Christine T. Smith on the Contested Docket. LVBD65, LLC (**LVBD65**) did not appear. The
10 Hearing Officer hereby finds and orders as follows:

11 1. Notice of Violation (**NOV**) #9701 was issued by the Department of Environment
12 and Sustainability, Division of Air Quality (**Air Quality**) to Respondent LVBD65 on
13 May 5, 2022 for alleged violation(s) of Dust Control Operating Permit #54715 (**Permit**) and
14 the Clark County Air Quality Regulations (**AQRs**) at the LVBD65 LLC-1 construction site
15 located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark
16 County, NV. The violation(s) alleged in the NOV include:

17 (a) Violation of AQR Section 94.14(a)(4) for failing to fully implement Best
18 Available Control Measures (**BACM**) resulting in a fugitive dust plume to cross the
19 property line;

20 (b) Violation of AQR Section 94.14(a)(3) for failing to fully implement
21 BACM resulting in a fugitive dust plume to extend more than 100 feet; and

22 (c) Violation of AQR Sections 94.13(a) and (b) for failing to employ BACM
23 and comply with soil stabilization standards 24 hours a day, seven days a week.

24 2. The penalty recommended by Air Quality in NOV #9701 was \$17,000.00.


25 3. The Hearing Officer finds that the violation(s) alleged in NOV #9701 occurred
26 in that LVBD65 violated AQR Section 94.14(a)(4) on April 11, 14, 15, and 16, 2022;
27 AQR Section 94.14(a)(3) on April 12, 2022; and AQR Sections 94.13(a) and (b) on
28 April 13 and 18, 2022.

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4. **IT IS HEREBY ORDERED** that LVBD65 pay a penalty of Seventeen Thousand and no/100 Dollars (\$17,000.00) within 30 days of the date of this ORDER.

5. LVBD65 has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of LVBD65's receipt of this ORDER.

DATED this 28th day of July, 2022.



Christine T. Smith
Hearing Officer



pt

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Notice of Violation Response Form

Issued to: LVBD65 LLC

NOV #: 9701 Return form by: 5/5/2022

Items below are to be completed by the Respondent

Responsible Official: Christian Lampman

Title: Authorized Official

Phone Number: 702-355-9972

Email Address: Naitrsk@gmail.com

Mailing Address: 3635 S Fort Apache Rd, Unit 200-437 Las Vegas NV 89147

Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)

Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Facts
- Penalty
- Both

Signature of Authorized Person

Date: 5-19-22

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at pamela.thompson@clarkcountynv.gov.

From: [AQ Enforcement](#)
To: [C L](#)
Cc: [Allan Gutierrez](#); [Katrinka Byers](#); [David Dean](#)
Subject: Response – NOV #9701, LVBD65, LLC - LVBD65 LLC-1 (DCOP #54715)
Date: Monday, May 23, 2022 8:47:00 AM
Attachments: [NOV 9701.pdf](#)

Good morning Mr. Lampman,

You forgot to indicate what you are contesting in NOV 9701. Also, I still need written explanations for NOVs 9698 and 9701. Please make sure I have everything before the hearing on 7/21/2022, thanks.

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

From: C L [mailto:naitrsk@gmail.com]
Sent: Thursday, May 19, 2022 8:25 AM
To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>
Subject: Re: Response Required: 5/19/2022 Hearing Officer Docket " NOV #9701, LVBD65, LLC - LVBD65 LLC-1 (DCOP #54715)

Hi all, Shawn and I are very sick today and will be unable to attend the hearing. Is it possible to have the ACAK violation and the 2 LVBD 65 violations pushed to the next hearing?

On Thu, May 12, 2022 at 11:05 AM AQ Enforcement <AQEnforcement@clarkcountynv.gov> wrote:

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Also, please complete the attached NRF and forward it to my attention. If you have already done so please disregard my request for the NRF.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

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4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

May 5, 2022

FEDERAL EXPRESS TRK #7767 8489 7630
Christian Lampman, Responsible Official
Email: christianlampman@gmail.com
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRK #7767 8494 2165
Guy Inzalaco, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

FEDERAL EXPRESS TRK #7767 8497 9092
ACAK Irrevocable Trust, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRK #7767 8511 1480
Key G. Reid, Manager of
Kirby Road 2 LLC, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRK #7767 8517 0034
Brandon Moreno and James Pickett, Managers of
Ladera LV, LLC, Manager of
LVBD65, LLC
3700 Barron Way, Suite 2
Reno, NV 89511

FEDERAL EXPRESS TRK #7767 8521 0969
SDA65, LLC, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

NOTICE OF VIOLATION #9701

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to LVBD65, LLC (**LVBD65**), for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Seventeen Thousand and no/100 Dollars (\$17,000.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

- A. On March 31, 2022, Air Quality issued revised Dust Control Operating Permit (**DCOP**) #54715 to LVBD65, for the 25.3-acre construction project named LVBD65 LLC-1. A Dust Mitigation Plan was submitted with the initial DCOP application and was incorporated into DCOP #54715 whereby LVBD65 agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**). The dust mitigation plan remained in effect with this revision.
- B. Air Quality Specialist Allan Gutierrez (**Gutierrez**), Senior Air Quality Specialist Katrinka Byers (**Byers**), and Air Quality Supervisor David Dean (**Dean**) discovered the alleged violations while performing a complaint investigation during a Dust Advisory period on April 11, 2022, a complaint investigation during a Construction Notice period on April 12, 2022, follow-up inspections on April 13, 14, and 15, 2022, a follow-up inspection during a Dust Advisory on April 16, 2022, and a follow-up inspection during a Construction Notice period on April 18, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.
- C. On Monday, April 11, 2022, at approximately 7:43 a.m., Air Quality issued a Dust Advisory to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality predicted sustained winds of 25-35 mph, with gusts of 40-50 mph, for Monday afternoon, April 11, 2022, lasting into the evening. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. The Dust Advisory is attached hereto as **Exhibit B** and incorporated herein.
- D. On Monday, April 11, 2022, between approximately 12:13 p.m. and 1:08 p.m., Air Quality received three complaints (#71695, #71696, and #71697) alleging that fugitive dust

emissions were blowing from an empty lot that was disturbed at the southwest corner of Warm Springs Road and Las Vegas Boulevard. The complaint reports (#71695, #71696, and #71697) are attached hereto as **Exhibit C** and incorporated herein. At approximately 1:40 p.m., on the same day, Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a complaint investigation during a Dust Advisory period. The inspection report is attached hereto as **Exhibit D** and incorporated herein. During his investigation, Gutierrez observed approximately 15.0 acres of unstable soil conditions that caused fugitive dust plumes approximately 400 yards in length to cross the property line, as shown in Photographs 1 through 5 and Map 1, attached hereto as **Exhibits E and F**, respectively, and incorporated herein. While onsite, Gutierrez spoke by telephone with Christian Lampman (**Lampman**), Responsible Official for LVBD65, concerning his observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was emailed to Lampman and Ray Tyler (**Tyler**), Designated Onsite Representative for LVBD65, and is attached hereto as **Exhibit G** and incorporated herein. Gutierrez concluded his inspection at approximately 2:05 p.m. At approximately 3:25 p.m., Air Quality received a complaint (#71702) alleging that fugitive dust emissions were blowing from the vacant lot and construction project causing zero visibility. The complaint report (#71702) is attached hereto as **Exhibit H** and incorporated herein.

- E. On Monday, April 11, 2022, at approximately 3:42 p.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 20-25 mph, with gusts over 30 mph, for the morning of Tuesday, April 12, 2022, lasting into the afternoon. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit I** and incorporated herein.
- F. On Tuesday, April 12, 2022, at approximately 12:00 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a complaint investigation during a Construction Notice period. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Gutierrez observed approximately 15.0 acres of unstable soil conditions that caused fugitive dust plumes approximately 440 feet in length, as shown in Photographs 6 through 8 (**Exh. E**) and Map 2 attached hereto as **Exhibit K** and incorporated herein. While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 1:15 p.m.
- G. On Wednesday, April 13, 2022, at approximately 1:10 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit L** and incorporated herein. During his inspection, Gutierrez observed approximately 15.0 acres of unstable soil conditions, as shown in Photographs 6 through 8 (**Exh. E**). While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 1:45 p.m.
- H. On Thursday, April 14, 2022, at approximately 1:30 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is

attached hereto as **Exhibit M** and incorporated herein. During his inspection, Gutierrez observed approximately 1.0 acre of unstable soil conditions that caused fugitive dust plumes approximately 592 feet in length to cross the property line onto Warm Springs Road, as shown in Photographs 11 through 13 (**Exh. E**) and Map 3 attached hereto as **Exhibit N** and incorporated herein. While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 2:40 p.m.

- I. On Friday, April 15, 2022, at approximately 9:47 a.m., Air Quality issued a Dust Advisory to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality predicted sustained winds of 25-30 mph, with gusts of 40-45 mph, for Saturday afternoon, April 16, 2022, and lasting into the evening. Air Quality directs all permittees to immediately inspect their site(s) and reduce blowing dust. The Dust Advisory is attached hereto as **Exhibit O** and incorporated herein.
- J. On Friday, April 15, 2022, at approximately 2:45 p.m., Byers arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit P** and incorporated herein. During her inspection, Byers observed approximately 9.5 acres of dry, loose, and powdery soils that caused fugitive dust plumes approximately 562 feet in length to cross the property line, as shown in Photographs 14 through 16 (**Exh. E**), and Video 1 and Map 4, attached hereto as **Exhibits Q** and **R**, respectively, and incorporated herein. While onsite, Byers spoke in person with Matt Gamoke (**Gamoke**), Superintendent for LVBD65, and by telephone with Lampman, concerning her observations of continued noncompliance. Byers concluded her inspection at approximately 3:30 p.m. At approximately 4:21 p.m., Byers emailed Lampman the observations from her inspection. The email correspondence is attached hereto as **Exhibit S** and incorporated herein.
- K. On Saturday, April 16, 2022, at approximately 7:30 a.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit T** and incorporated herein. During his inspection, Gutierrez observed approximately 15.0 acres of unstable soil conditions, as shown in Photographs 17 and 18 (**Exh. E**). While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 8:15 a.m. At approximately 12:50 p.m., Dean arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection during a Dust Advisory period. The inspection report is attached hereto as **Exhibit U** and incorporated herein. During his inspection, Dean observed fugitive dust plumes approximately 658 feet in length crossing the property line, as shown in Photographs 19 and 20 (**Exh. E**), and Video 2 and Map 5, attached hereto as **Exhibits V** and **W**, respectively, and incorporated herein. Dean concluded his inspection at approximately 1:00 p.m.
- L. On Monday, April 18, 2022, at approximately 9:23 a.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 20-25 mph, with gusts over 30 mph, for Monday afternoon,

April 18, 2022, lasting into Tuesday evening, April 19, 2022. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit X** and incorporated herein.

M. On Monday, April 18, 2022, at approximately 11:50 a.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit Y** and incorporated herein. During his inspection, Gutierrez observed approximately 15.0 acres of unstable soil conditions, as shown in Photographs 21 and 22 (**Exh. E**). While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 12:40 p.m.

II. VIOLATIONS

Violation 1:

By failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, LVBD65 violated AQR Section 94.14(a)(4).

AQR Section 94.14(a)(4) states:

“(a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:

- (1) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
- (2) Exceed 50% Opacity using the Instantaneous Method.
- (3) Allow a Dust plume to extend more than 100 feet.
- (4) Allow a Dust plume to cross a property line.”

Violation 2:

By failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet, LVBD65 violated AQR Section 94.14(a)(3).

AQR Section 94.14(a)(3) states:

“(a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:

- (3) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
- (4) Exceed 50% Opacity using the Instantaneous Method.
- (3) Allow a Dust plume to extend more than 100 feet.
- (4) Allow a Dust plume to cross a property line.”

Violation 3:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, LVBD65 violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

- “(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).
- (b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2). ”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violations on April 11 and 16, 2022 occurred during a Dust Advisory period (**Exh. B and O**);
- Violations on April 12 and 18, 2022 occurred during a Construction Notice period (**Exh. I and X**);
- Consecutive days of violation as described above in Paragraphs I.D, I.F, I.G, I.H, I.J, I.K, and I.M for April 11 through 16, 2022; and
- Dust plume on April 11, and 16, 2022 observed to extend more than 200 yards, as described in Paragraphs I.D and I.K.

Air Quality recommends a civil penalty in the amount of \$17,000.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, May 19, 2022, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by May 11, 2022. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



Shibi Paul
Compliance and Enforcement Manager

Exhibits:

- A. Penalty Calculation Table, NOV #9701
- B. Dust Advisory for April 11, 2022
- C. Air Quality Complaint Report #71695, dated April 11, 2022
- D. Air Quality Construction Site Inspection Form #102074, dated April 11, 2022
- E. Digital Photographs 1 through 22
- F. Map 1: Showing size and location of fugitive dust plume crossing the property line on April 11, 2022
- G. Air Quality Notice of Noncompliance for April 11, 2022
- H. Air Quality Complaint Report #71702, dated April 11, 2022
- I. Construction Notice for April 12, 2022
- J. Air Quality Construction Site Inspection Form #102090, dated April 12, 2022
- K. Map 2: Showing size and location of fugitive dust plume on April 12, 2022
- L. Air Quality Construction Site Inspection Form #102141, dated April 13, 2022
- M. Air Quality Construction Site Inspection Form #102170, dated April 14, 2022
- N. Map 3: Showing size and location of fugitive dust plume crossing the property line on April 14, 2022
- O. Dust Advisory for April 16, 2022
- P. Air Quality Construction Site Inspection Form #102289, dated April 15, 2022
- Q. Video 1: Fugitive dust plume crossing the property line, taken April 15, 2022

- R. Map 4: Showing size and location of fugitive dust plume crossing the property line on April 15, 2022
- S. Email Correspondence, dated April 15, 2022 (ROC)
- T. Air Quality Construction Site Inspection Form #102204, dated April 16, 2022
- U. Air Quality Construction Site Inspection Form #102769, dated April 16, 2022
- V. Video 2: Fugitive dust plume crossing the property line, taken April 16, 2022
- W. Map 5: Showing size and location of fugitive dust plume crossing the property line on April 16, 2022
- X. Construction Notice for April 18 and 19, 2022
- Y. Air Quality Construction Site Inspection Form #102230, dated April 18, 2022

rag

Exhibit A

NOV # 9701 Penalty Calculation Table LVBD65, LLC



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	4/11/2022	Failed to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line.	94.14(a)(4)	Exh. B, Dust Advisory, Exh. E, Photos 1 thru 5, and Exh. F, Map 1	\$ 2,000	4	1) Occurred during a Dust Advisory period (+25%) 2) Dust plume extended more than 200 yards (25%)	50%	\$ 1,000	\$ 3,000
	4/14/2022			Exh. E, Photos 11 thru 13, and Exh. N, Map 3			Fourth consecutive day of violation ¹ (+25% per day)	25%	\$ 500	\$ 2,500
	4/15/2022			Exh. E, Photos 14 thru 16, Exh. Q, Video 1, and Exh. R, Map 4			Fifth consecutive day of violation ¹ (+25% per day)	25%	\$ 500	\$ 2,500
	4/16/2022			Exh. E, Photos 17 thru 20, Exh. O, Dust Advisory, Exh. V, Video 2, and Exh. W, Map 5			1) Occurred during a Dust Advisory period (+25%) 2) Dust plume extended more than 200 yards (25%) 3) Sixth consecutive day of violation ¹ (+25% per day)	75%	\$ 1,500	\$ 3,500
2	4/12/2022	Failed to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet in length	94.14(a)(3)	Exh. E, Photos 6 thru 8, Exh. I, Construction Notice, and Exh. K, Map 2	\$ 2,000	1	1) Occurred during a Construction Notice period (+25%) 2) Second consecutive day of violation ¹ (+25% per day)	50%	\$ 1,000	\$ 3,000
3	4/13/2022	Failed to employ Best Available Control Measures and comply with soil stabilization standards at their site 24/7.	94.13(a) and 94.13(b)	Exh. E, Photos 9 and 10	\$ 1,000	2	Third consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
	4/18/2022			Exh. E, Photos 21 and 22, and Exh. X, Construction Notice			Occurred during a Construction Notice period (+25%)	25%	\$ 250	\$ 1,250

Total Penalty: \$ 17,000

¹ Consecutive Day aggravation begins with the 2nd day of noncompliance

Regulatory maximum: \$10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.470]

Exhibit B

AQDCP

From: aqdc@clarkcountynv.gov
Sent: Monday, April 11, 2022 7:43 AM
To: AQDCP
Subject: Clark County Air Quality is Issuing a Dust Advisory

Follow Up Flag: Follow up
Flag Status: Completed



Clark County Department of Environment and Sustainability

Division of Air Quality

DUST ADVISORY

for Monday, April 11, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service reports and the weather models used by the Division of Air Quality (DAQ) predict **sustained winds of 25-35 mph**, with **gusts of 40-50 mph**, from Monday afternoon into the night.

DAQ directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. Permittees with multiple sites should contact each site superintendent to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts 40-50 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

Compliance officers will inspect construction and stationary source sites during this episode to ensure Best Available Control Measures are being implemented. Any observed violation may receive a Notice of Violation.

It is important this Dust Advisory be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Dust Advisory to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/11/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: naitrsk@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Dust Advisory
Date: Monday, April 11, 2022 8:02:58 AM
Attachments: [Clark County Air Quality is Issuing a Dust Advisory.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
naitrsk@gmail.com <<mailto:naitrsk@gmail.com>>
Subject: Clark County Air Quality is Issuing a Dust Advisory

Exhibit C

Complaint No. 71695

OBSERVED ON

Apr 11, 2022 12:13 PM

REPORTED ON

Apr 11, 2022 12:13 PM

COMPLAINT DESCRIPTION

SWC Warm Springs & Las Vegas Blvd., lots of dust blowing from this empty lot. Looks like they disturbed the land and the dirt is blowing.

INTAKE METHOD

Voice Mail

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 11, 2022 1:43 PM

CLOSED ON

Apr 11, 2022 2:05 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

SWC of Las Vegas Blvd & Warm Springs

Complainant

NAME

N/G

EMAIL

—

HOME PHONE

██████████

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

MAY RELEASE NAME DURING INVESTIGATION?

No

Complaint No. 71696

OBSERVED ON

Apr 11, 2022 12:26 PM

REPORTED ON

Apr 11, 2022 12:26 PM

COMPLAINT DESCRIPTION

Dust blowing from this vacant lot across from the Boot Barn.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Vacant Land

IS FUGITIVE DUST OCCURRING ON THE LOT NOW?

Yes

IS DUMPING OF DEBRIS OR DIRT OCCURRING?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 11, 2022 1:43 PM

CLOSED ON

Apr 11, 2022 2:05 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

Warm Springs Rd & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71697

OBSERVED ON

Apr 11, 2022 1:08 PM

REPORTED ON

Apr 11, 2022 1:08 PM

COMPLAINT DESCRIPTION

Wind is blowing the dust from the vacant lot and also the project on that lot is not doing very well.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 11, 2022 1:43 PM

CLOSED ON

Apr 11, 2022 2:05 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

Warm Springs & Las Vegas Blvd

Complainant

NAME

██████████

EMAIL

—

HOME PHONE

██████████

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

Yes

MAY RELEASE NAME DURING INVESTIGATION?



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Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit D

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102074

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 11, 2022	1:43 PM	2:05 PM	Complaint	71695, 71696, 71697	54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	No	75 degrees	25-29 mph	30 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Issued Notice of Noncompliance, Possible NOV		Violation in 1000 feet of:	Hospital	
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:	400 Yards	
Opacity:		95%		Opacity Test Method:	Instantaneous	
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:	15 acres	
Trackout Device:		Yes - Effective		Has Trackout:	No	
Mitigation Equipment:		Inadequate		Soil Crust Determination:	Fail	
Admin Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:				Approved By:	Katrinka Byers	



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Complaint investigation during a Dust Advisory and observed approximately 15 acres of unstable soils and over 400 yards of fugitive dust crossing the property line into Warm Springs Rd. I contacted the Responsible Official, Christian Lampman requiring him to stabilize the site soils immediately and confirmed he received the Dust Advisory issued for today. I informed him I was issuing LVBD65, LLC. a Notice of Non-Compliance, which may lead to a Notice of Violation, with penalties attached. Mr. Lampman stated he understood the possible Notice of Violation and would comply with the NON.

Exhibit E

Digital Photographs

Dust Control Permit #: **54715** Permittee: **LVBD65, LLC**

Project Name: **LVBD65 LLC-1**

Photos taken by: **See photo description**



Photograph # 1

Alleged Violation # 1

View looking west at fugitive dust blowing across the LVBD65 LLC-1 project into oncoming traffic on W. Warm Springs Road during a Dust Advisory. Photo taken by Allan Gutierrez



Photograph # 2

Alleged Violation # 1

View looking west at fugitive dust crossing the property line into oncoming traffic on W. Warm Springs Road from the LVBD65 LLC-1 project during a Dust Advisory. Photo taken by Allan Gutierrez



Photograph # 3

Alleged Violation # 1

View looking east at pedestrian crossing Windy Street with fugitive dust blowing from the LVBD65 LLC-1 Project across W. Warm Springs Road. Photo taken by Allan Gutierrez



Photograph # 4

Alleged Violation # 1

View looking North showing fugitive dust from LVBD65 LLC-1 crossing into W. Warm Springs Road during a Dust Advisory with no available BACM available. Photo taken by Allan Gutierrez



Photograph # 5

Alleged Violation # 1

View looking at dry, loose, powdery site soils within the LVBD65 LLC-1 project during a Dust Advisory with no BACM available. Photo taken by Allan Gutierrez



Photograph # 6

Alleged Violation # 2

View looking east at dry, loose and powdery site soils during a Construction Notice with no BACM available. Photo taken by Allan Gutierrez



Photograph # 7

Alleged Violation # 2

View looking east at fugitive dust blowing across the project site during a Construction Notice. Photo taken by Allan Gutierrez



Photograph # 8

Alleged Violation # 2

View looking west at fugitive dust blowing across the LVBD65 LLC-1 project during a Construction Notice with no BACM available. Photo taken by Allan Gutierrez



Photograph # 9

Alleged Violation # 3

View looking west at dry, loose and powdery site soils with no BACM available.
Photo taken by Allan Gutierrez



Photograph # 10

Alleged Violation # 3

View looking east at dry, loose and powdery site soils with no BACM available.
Photo taken by Allan Gutierrez

Digital Photographs

Dust Control Permit #: 54715 Permittee: LVBD65, LLC

Project Name: LVBD65 LLC-1

Photos taken by: See photo description



Photograph # 11

Alleged Violation # 1

View looking at dry, loose, powdery site soils with no BACM available. Photo taken by Allan Gutierrez



Photograph # 12

Alleged Violation # 1

View looking west at fugitive dust blowing across the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 13

Alleged Violation # 1

View looking west at fugitive dust crossing the property line into oncoming traffic on W. Warm Springs Road from the LVBD65 LLC-1 project. Photo taken by Allan Gutierrez



Photograph # 14

Alleged Violation # 1

View looking northwest at fugitive dust blowing from LVBD65 LLC-1 crossing into W. Warm Springs Road with no BACM available. Photo taken by Katrinka Byers



Photograph # 15

Alleged Violation # 1

View looking west at dry, loose, powdery site soils with no BACM available. Photo taken by Katrinka Byers



Photograph # 16

Alleged Violation # 1

View looking southwest at dry, loose, powdery site soils with no BACM available. Photo taken by Katrinka Byers



Photograph # 17

Alleged Violation # 1

View looking southwest at dry, loose, powdery site soils with no BACM available. Photo taken by Allan Gutierrez



Photograph # 18

Alleged Violation # 1

View looking west at dry, loose, powdery site soils with no BACM available. Photo taken by Allan Gutierrez



Photograph # 19

Alleged Violation # 1

View looking southwest at fugitive dust blowing from LVBD65 LLC-1 crossing into W. Warm Springs Road with no BACM available during a dust advisory. Photo taken by David Dean



Photograph # 20

Alleged Violation # 1

View looking west at fugitive dust blowing from LVBD65 LLC-1 crossing into W. Warm Springs Road with no BACM available during a dust advisory. Photo taken by David Dean



Photograph # 21

Alleged Violation # 3

View looking west at dry, loose, powdery site soils during a Construction Notice.
Photo taken by Allan Gutierrez

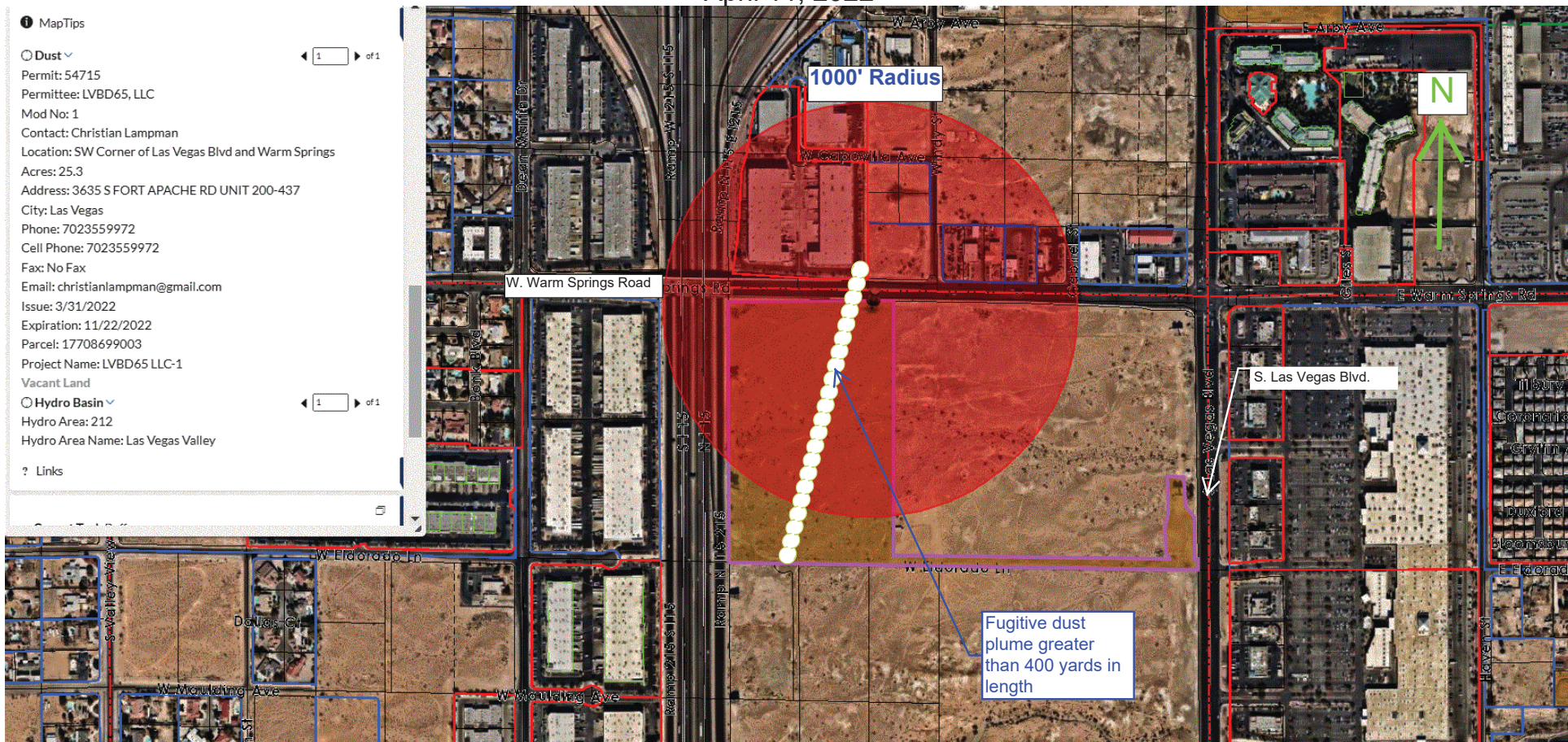


Photograph # 22

Alleged Violation # 3

View looking east at dry, loose, powdery site soils during a Construction Notice.
Photo taken by Allan Gutierrez

April 11, 2022 **Exhibit F**



MAP 1: Showing size and location of fugitive dust plume.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit G

NOTICE OF NONCOMPLIANCE

Issued To: LVBD65, LLC

Project Name: LVBD65 LLC-1

Location: SW Corner of Las Vegas Blvd and Warm Springs

Dust Control Permit No: 54715

Date: Apr 11, 2022

Time: 2:05 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Fugitive Dust – Employ Best Management Practices for dust control to comply with AQR Section 94.14.

Additional Instructions / Other Noncompliance Items

- Immediately stabilize all soils and maintain stable 24/7

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Christian Lampman

Responsible Official

LVBD65, LLC

(Printed Name)

(Title)

(Company)

christianlampman@gmail.com

(Email Address)

Person Notified:

Ray Tyler

Designated Onsite Representative

Ann Road Farms LLC

(Printed Name)

(Title)

(Company)

Tylerray1056@gmail.com

(Email Address)

DAQ Representative:

Allan Gutierrez

702-370-2199

(Printed Name)

(Phone Number)

From: [Allan Gutierrez](#)
To: christianlampman@gmail.com; tylerray1056@gmail.com
Subject: DCOP 54715: Notice of Non-Compliance
Date: Monday, April 11, 2022 3:52:00 PM
Attachments: [54715_20220411_NON-Rvd.pdf](#)

Hello Christian.

Please acknowledge receipt of the attached Notice of Non-Compliance and comply with the directions within.

Please contact me if you have any questions.

Thank you.

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199

From: [Microsoft Outlook](#)
To: christianlampman@gmail.com; tylerray1056@gmail.com
Subject: Relayed: DCOP 54715: Notice of Non-Compliance
Date: Monday, April 11, 2022 3:52:14 PM
Attachments: [DCOP 54715 Notice of Non-Compliance.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
christianlampman@gmail.com (christianlampman@gmail.com) <<mailto:christianlampman@gmail.com>>
tylerray1056@gmail.com (tylerray1056@gmail.com) <<mailto:tylerray1056@gmail.com>>
Subject: DCOP 54715: Notice of Non-Compliance

Exhibit H

Complaint No. 71702

OBSERVED ON

Apr 11, 2022 3:25 PM

REPORTED ON

Apr 11, 2022 3:25 PM

COMPLAINT DESCRIPTION

Dust blowing from both the project and the vacant lot, zero visibility.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 11, 2022 1:43 PM

CLOSED ON

Apr 11, 2022 2:05 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

Las Vegas Blvd & Warm Springs

Complainant

Complainant asked to remain anonymous

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Exhibit I

AQDCP

From: aqdcp@clarkcountynv.gov
Sent: Monday, April 11, 2022 3:42 PM
To: AQDCP
Subject: Clark County Air Quality is Issuing a Construction Notice

Follow Up Flag: Follow up
Flag Status: Completed



Clark County Department of Environment and Sustainability

Division of Air Quality

CONSTRUCTION NOTICE

for Tuesday, April 12, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds beginning early Tuesday morning and lasting into the afternoon. The forecast is for **sustained winds of 20-25 mph**, with gusts **over 30 mph**.

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts over 30 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/11/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: naitrsk@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Construction Notice
Date: Monday, April 11, 2022 4:04:14 PM
Attachments: [Clark County Air Quality is Issuing a Construction Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
naitrsk@gmail.com <<mailto:naitrsk@gmail.com>>
Subject: Clark County Air Quality is Issuing a Construction Notice



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102090

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 12, 2022	12:00 PM	1:15 PM	Follow-up	71702	54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	58 degrees	20-24 mph	25 mph	S	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		440 Feet
Opacity:				Opacity Test Method:		
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		15 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:			Approved By:			Katrinka Byers



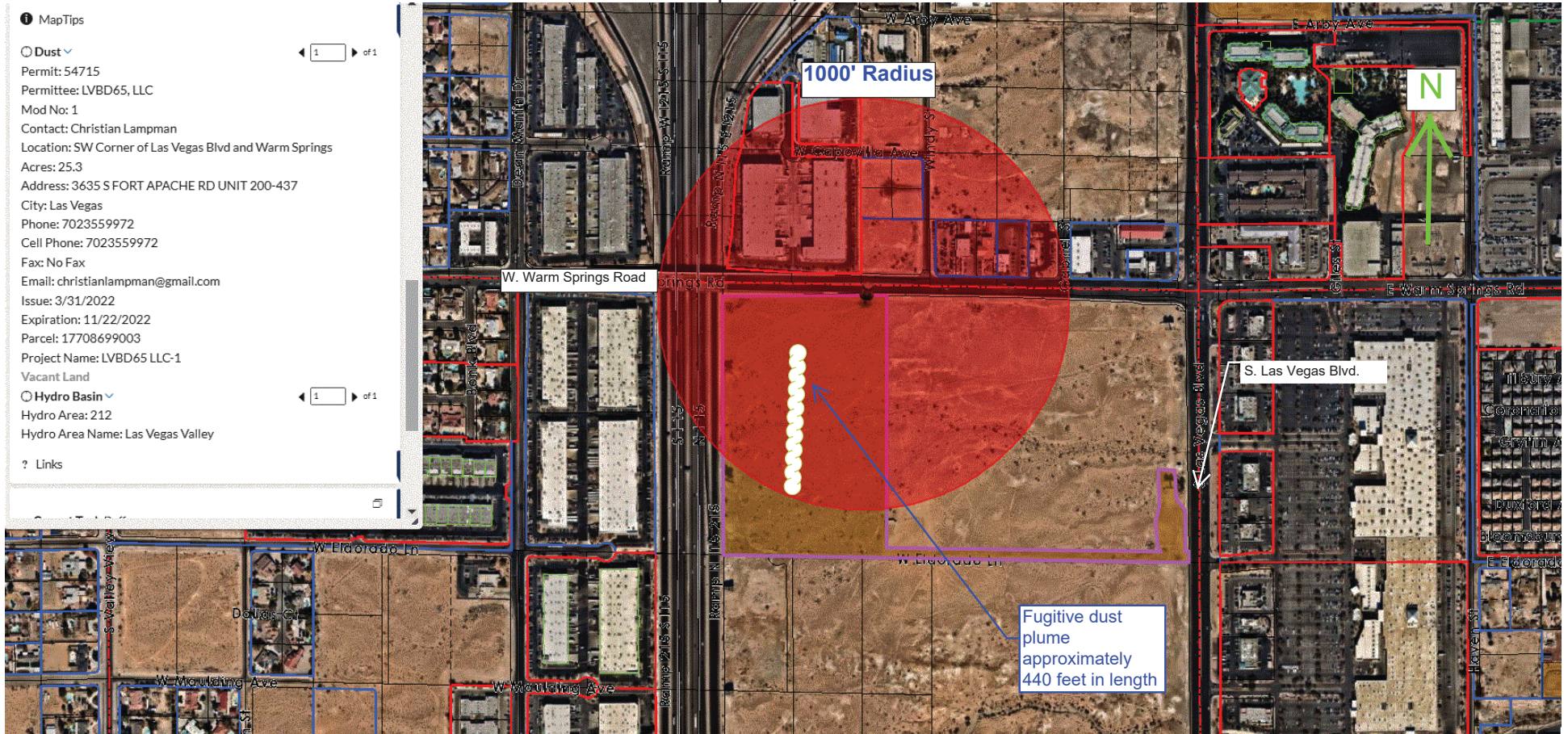
DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation during a Construction Notice and observed both unstable soils and approximately 440' feet of fugitive dust emissions measured with a GPS measuring tool. I took photos of the site and documented my findings. I called and spoke with Responsible Official Christian Lampman, who confirmed receipt of the Construction Notice issued for today. I required Mr. Lampman to stabilize the site soils immediately and informed him today may result in a second day of a Notice of Violations. Mr. Lampman stated he understood this would be another possible NOV and would comply.

April 12, 2022 **Exhibit K**



MAP 2: Showing size and location of fugitive dust plume.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit L

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102141

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 13, 2022	1:10 PM	1:45 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	64 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		15 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:				Approved By:		Katrinka Byers



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up inspection to Complaint 71695 and observed approximately 15 acres of unstable soils. I called and spoke with Christian Lampman, the Responsible Official, and required him to stabilize the site soils immediately and I informed him today would constitute Day Three of a possible Notice of Violation. Mr. Lampman stated he understood another day of possible Notice of Violation and would comply.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit M

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102170

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 14, 2022	1:30 PM	2:40 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	71 degrees	10-14 mph	15 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		592 Feet
Opacity:				Opacity Test Method:		
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		1 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:			Approved By:			Katrinka Byers

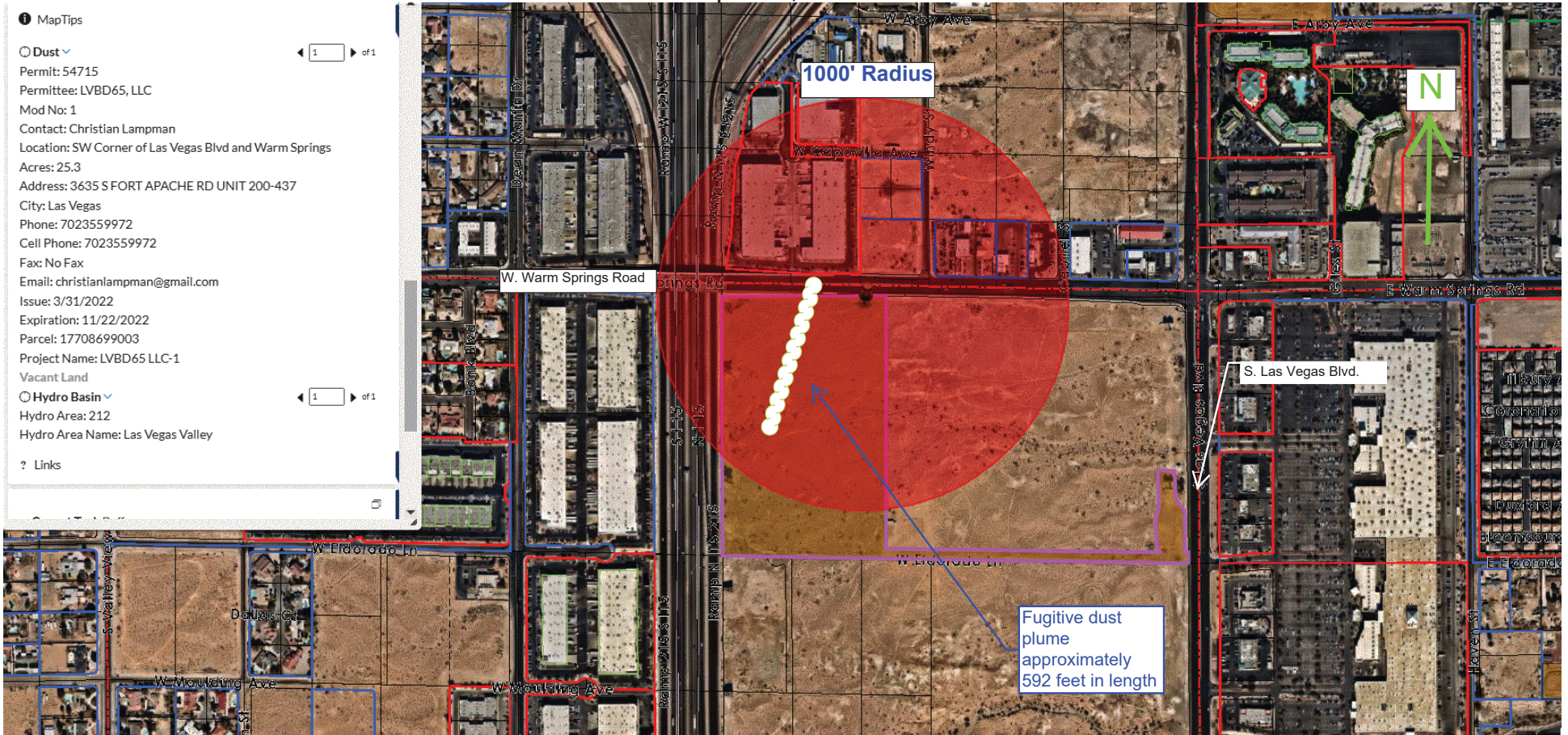


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DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation and observed over 1 acre of unstable soils and approximately 592' of fugitive dust emissions crossing the property line onto W. Warm Springs Road measured with a GPS tool. I took photos of the site and documented my findings. I spoke with Responsible Official, Christian Lampman and required him to stabilize the site soils immediately and that today is Day 4 of a possible Notice of Violation. Mr. Lampman said he understood the possible NOV and would comply with Air Quality Regulations.



MAP 3: Showing size and location of fugitive dust plume.

From: aqdc@clarkcountynv.gov
Sent: Friday, April 15, 2022 9:27 AM
To: AQDCP
Subject: Clark County Air Quality is Issuing a Dust Advisory



Clark County Department of Environment and Sustainability

Division of Air Quality

DUST ADVISORY

for Saturday, April 16, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service reports and the weather models used by the Division of Air Quality (DAQ) predict **sustained winds 25-30 mph**, with **gusts of 40-45 mph**, beginning Saturday afternoon and lasting throughout the evening.

DAQ directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. Permittees with multiple sites should contact each site superintendent to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts 40-45 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

Compliance officers will inspect construction and stationary source sites during this episode to ensure Best Available Control Measures are being implemented. Any observed violation may receive a Notice of Violation.

It is important this Dust Advisory be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Dust Advisory to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/15/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: naitrsk@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Dust Advisory
Date: Friday, April 15, 2022 9:47:02 AM
Attachments: [Clark County Air Quality is Issuing a Dust Advisory.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
naitrsk@gmail.com <mailto:naitrsk@gmail.com>
Subject: Clark County Air Quality is Issuing a Dust Advisory



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit P

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102289

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Apr 15, 2022	2:45 PM	3:30 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	65 degrees	05-09 mph	20 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Matt Gamoke	Superintendent	In Person		
		Spoke With:	Title:	Comm. Method:		
		Shawn Lampman	Owner	Phone		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		562 Feet
Opacity:				Opacity Test Method:		
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		9.5 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:				Approved By:		Katrinka Byers



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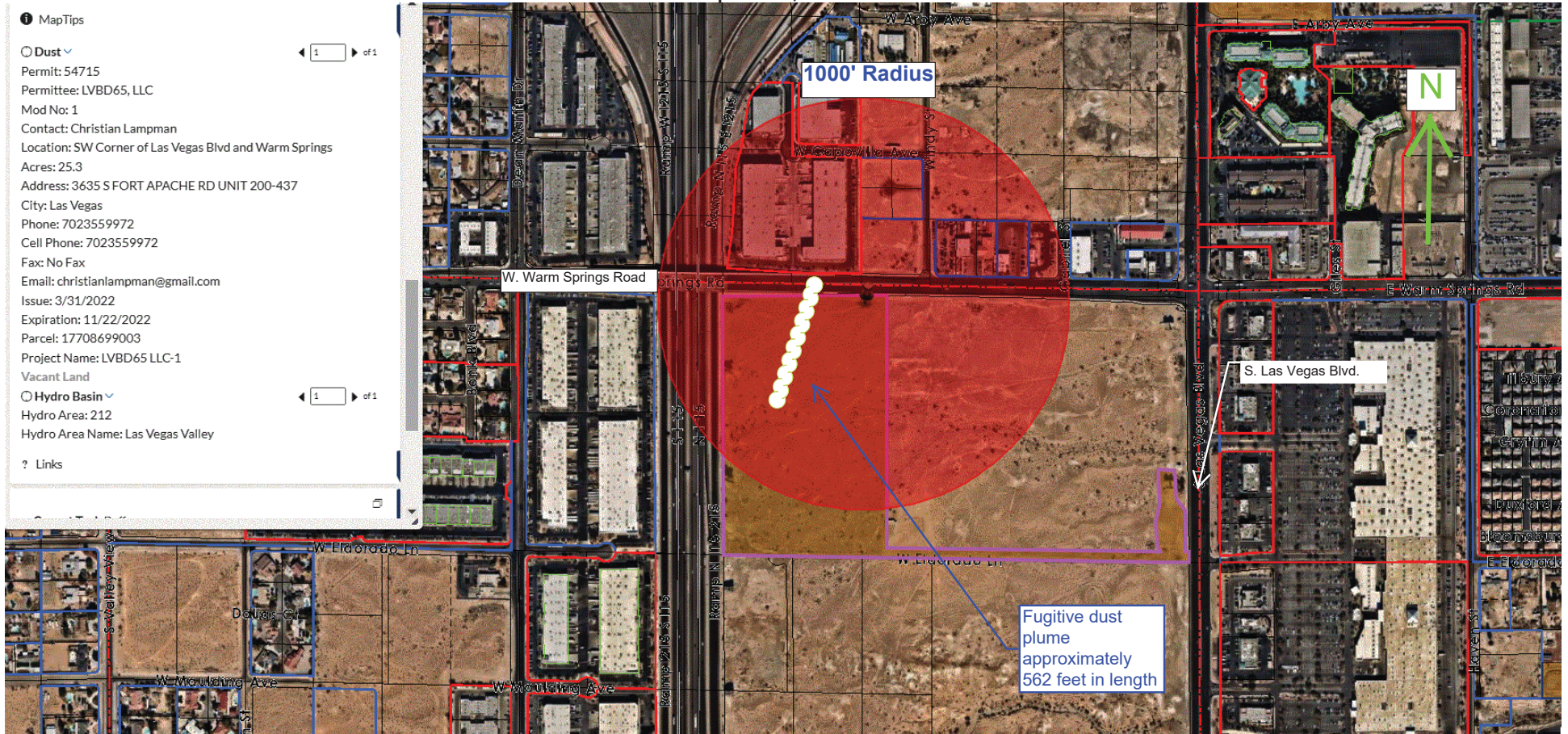


Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a follow-up inspection during a pre-dust advisory and observed approximately 9.5 acres of dry, loose and powdery site soils and fugitive dust extending approximately 562' into the traffic along W. Warm Springs Road (measured with a GPS measuring tool). I conducted a Drop Ball Test to and took photographs of the site to document my findings. I met with Mr. Matt Gamoke (Grading Supervisor) onsite and also spoke with Shawn Lampman (Owner) on the phone issuing another day of Violation with civil penalties to stabilize the site soils immediately. I discussed the requirement to add additional control measures to the water truck (surfactants) and or a (dust palliative) to the areas that are not actively being worked on. Both Mr. Lampan and Mr. Gamoke said they received the pre-dust advisory and understood that they were receiving another continued day of violation and would reach out to a vendor to assist with adding additional control measures. I also sent a follow-up e-mail to Mr. Lampman and Mr. Gamoke outlining our conversation and attached several vendors they could contact to assist with bringing their site into compliance.

EXHIBIT Q - Video 1

April 15, 2022 **Exhibit R**



MAP 4: Showing size and location of fugitive dust plume.

Exhibit S

From: [Katrinka Byers](mailto:katrinka_byers@clarkcountynv.gov)
To: slampman11@gmail.com
Cc: [Allan Guerra](mailto:Allan.Guerra@clarkcountynv.gov); [Sabrina George](mailto:Sabrina.George@clarkcountynv.gov); matt.gamoke@gmail.com; [Christian Lampman](mailto:Christian.Lampman@clarkcountynv.gov); [David Dean](mailto:David.Dean@clarkcountynv.gov); [Andrew Kirk](mailto:Andrew.Kirk@clarkcountynv.gov); [Damon Lindsay](mailto:Damon.Lindsay@clarkcountynv.gov)
Subject: Possible Notice of Violation continued for DCOP#54715
Date: Friday, April 15, 2022 4:21:00 PM
Attachments: [SOIL TECH CONTACT INFORMATION.DOCX](#)
[image001.png](#)
[image002.png](#)
[TOPNOTCH SERVICES, INC. CONTACT INFORMATION.DOCX](#)
[EROS-ENVIRONMENTAL CONTACT INFORMATION.DOCX](#)
[NWTEC ENVIRONMENTAL CONTACT INFORMATION.DOCX](#)
[image003.png](#)
Importance: High

Good afternoon Shawn,

As we discussed on the phone, the site soils at your project for DCOP#54715 (LVBD65 LLC-1) are still out of compliance per Air Quality Regulations. During my inspection I observed a dust plume extending over 200 yards into the traffic along Warm Springs with very dry, loose and powdery site soils located in the white area on the map shown below.

You confirmed on the phone that you received the Air Quality Dust Advisory issued for high winds with gusts of 40-45 mph beginning Saturday, April 16th in the afternoon lasting throughout the evening. It is extremely important your site is stabilized prior to the high winds hitting tomorrow as the small amount of wind I observed today created a lot of dust from your site.

I met with your onsite grading supervisor (Matt Gamoke) and yard manager Mike and walked them around the site to explain what site soils are out of compliance and that the area is to be stabilized immediately.

Due to the sandy soils at your project, the surfactant you are currently using is not penetrating the sand to form a crust; and the crust that is forming appears to be easily broken when walked on or when acted upon by strong winds. In addition, your stand tank and jones valve are located far away for your grading work making it very difficult for your workers to do their best job. I recommend locating an additional water source off Warm Springs as you proceed with this project in order to mitigate the dust.

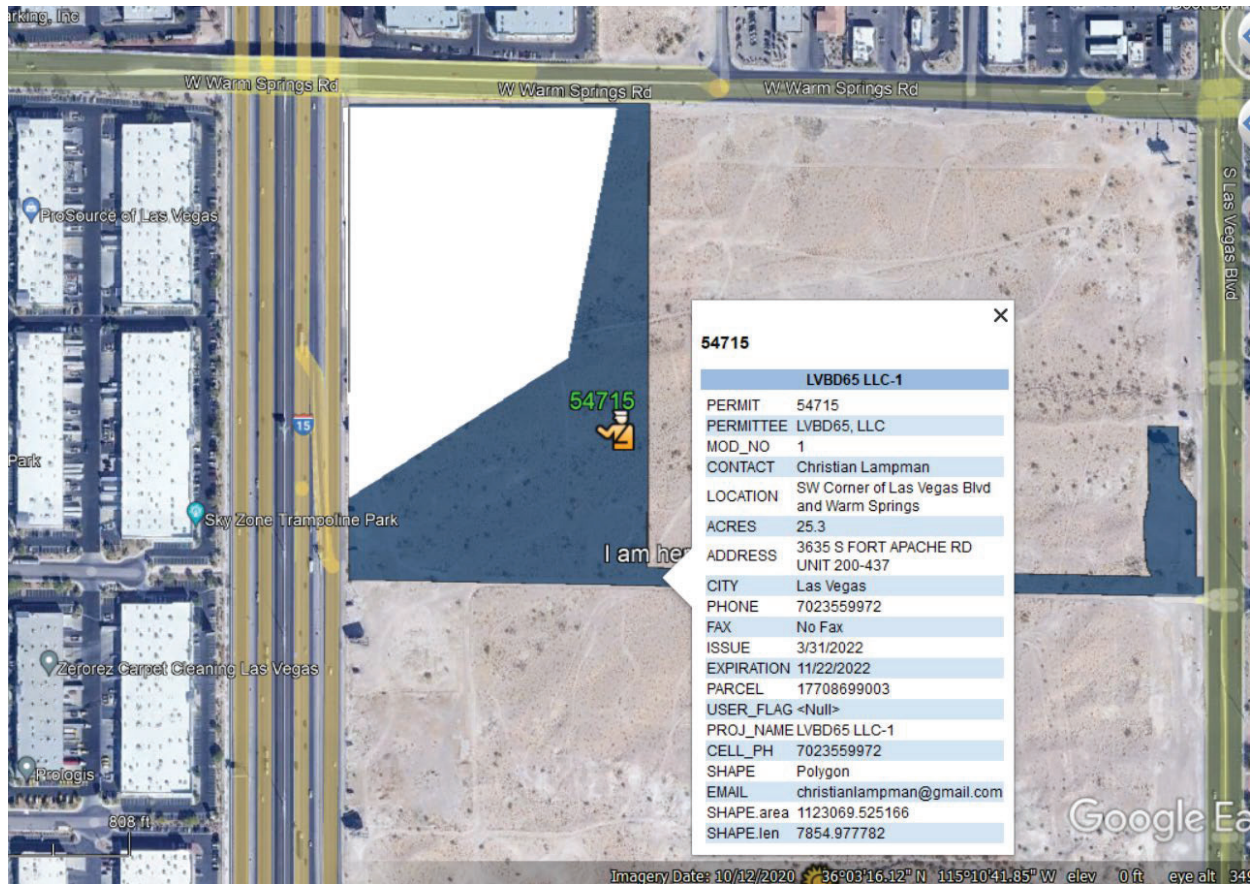
Although I cannot recommend one certain product or vendor to use at your jobsite, I can steer you in the direction of where to acquire assistance.

I've attached a few vendors that are familiar with this type of soil and can assist with the proper palliative or surfactant you can use to bring your site into compliance. I strongly recommend contacting one of the vendors to assist with bringing your site into compliance and also with aiding in preventing future Notice of Violations as you continue to move forward with this project.

Please let me know you've received this email and understand what is required to comply with Air Quality Regulations.

Sincerely,

Kat



Katrinka Byers

Clark County Senior Air Quality Specialist

REHS

4701 W. Russell Rd, #200

Las Vegas NV 89118

Office 702-455-1642

Fax 702-383-9994

Tuesday - Friday, 6:00 a.m. - 4:30 p.m.

For Dust Control Applications and Forms, click on this link: [DUST FORMS](#)



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sustainability

From: [Microsoft Outlook](#)
To: slampman11@gmail.com; matt.gamoke@gmail.com; [Christian Lampman](mailto:Christian.Lampman)
Subject: Relayed: Possible Notice of Violation continued for DCOP#54715
Date: Friday, April 15, 2022 4:22:23 PM
Attachments: [Possible Notice of Violation continued for DCOP#54715 .msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
slampman11@gmail.com (slampman11@gmail.com) <mailto:slampman11@gmail.com>
matt.gamoke@gmail.com (matt.gamoke@gmail.com) <mailto:matt.gamoke@gmail.com>
Christian Lampman (naitrsk@gmail.com) <mailto:naitrsk@gmail.com>
Subject: Possible Notice of Violation continued for DCOP#54715



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit T

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102204

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 16, 2022	7:30 AM	8:15 AM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	64 degrees	10-14 mph	15 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		658 Feet
Opacity:				Opacity Test Method:		
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		15 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:			Approved By:			Katrinka Byers



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit U

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102769

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
David Dean	Apr 16, 2022	12:45 PM	1:00 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	65 degrees	20-24 mph	30 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:		Comm. Method:	
No	No					
		Spoke With:	Title:		Comm. Method:	
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						No
Fugitive Dust Source:	Wind	Plume Length:	658 Feet			
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	15 acres			
Trackout Device:	Yes - Effective	Has Trackout:	No			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:		
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:		Katrinka Byers	
<p>I conducted a follow-up inspection during a Dust Advisory at approximately 12: 45 pm and observed 658' of fugitive dust (measured with a GPS tool) blowing from the project site crossing the property line into W. Warm Springs Road. I took photos and documented my findings. AQS II, Allan Gutierrez also inspected the site at approximately 7:30 am and spoke with Mr. Christian Lampman (Responsible Official) confirming he received the Dust Advisory and is aware this may be another day of a possible Notice of Violation with civil penalties.</p>						



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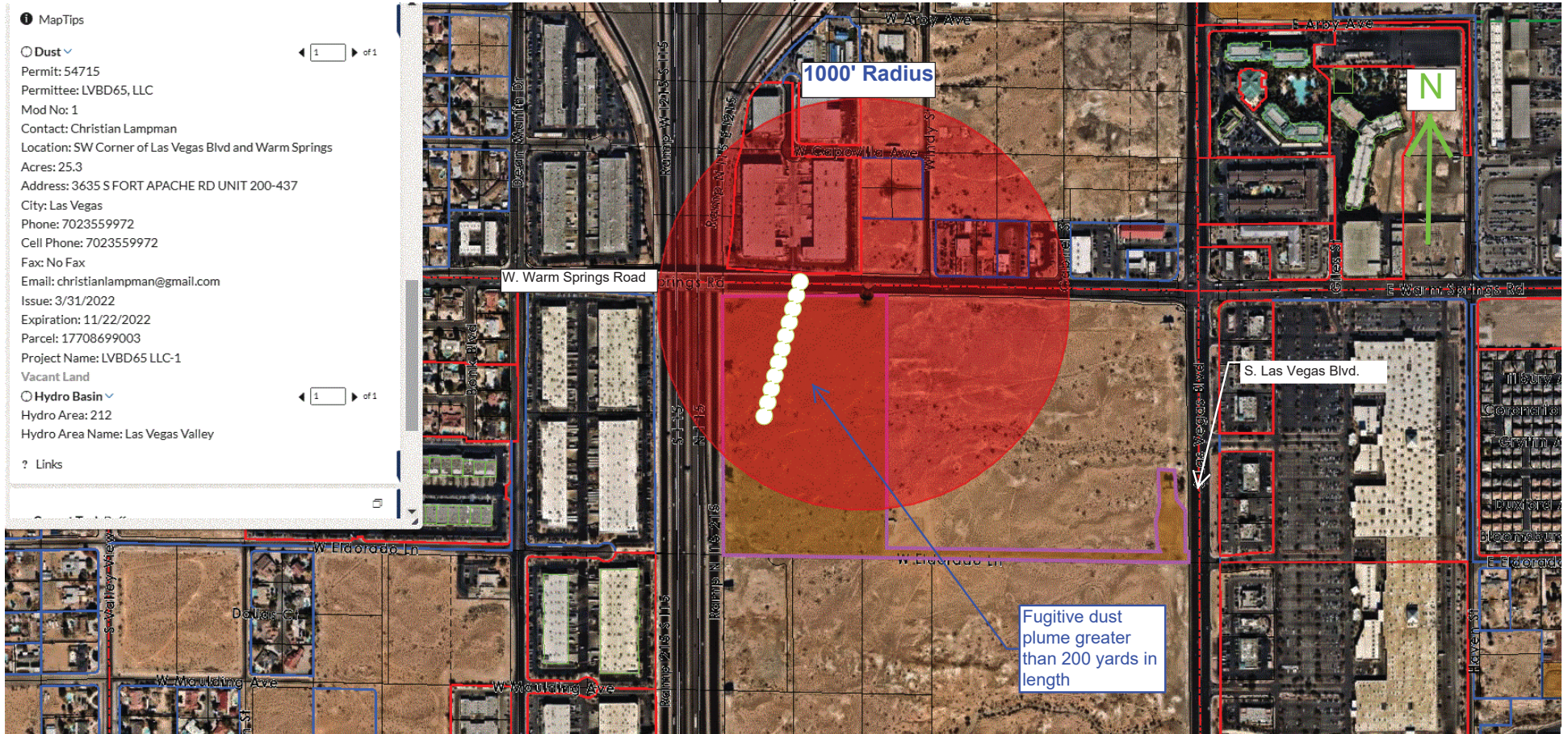


Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation during a Dust Advisory at approximately 7:30 am and observed over 15 acres of unstable soils. At approximately 12:50 pm, My supervisor (David Dean) also inspected the site and observed fugitive dust blowing approximately 658' crossing the property line into W. Warm Springs Road. I spoke with Responsible Official Christian Lampman who confirmed receipt of the Dust Advisory DAQ issued for today. I informed Mr. Lampman today is Day 6 of a possible Notice of Violation. Mr. Lampman said he understood the possible NOV and would comply with Air Quality Regulations.

EXHIBIT V - Video

April 16, 2022 **Exhibit W**



MAP 5: Showing size and location of fugitive dust plume.

Exhibit X

AQDCP

From: aqdcpc@clarkcountynv.gov
Sent: Monday, April 18, 2022 9:23 AM
To: AQDCP
Subject: Clark County Air Quality is Issuing a Construction Notice



Clark County Department of Environment and Sustainability Division of Air Quality CONSTRUCTION NOTICE

for Monday, April 18 and Tuesday, April 19, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds beginning Monday afternoon and lasting into Tuesday evening. The forecast is for **sustained winds of 20 to 25 mph, with gusts over 30 mph.**

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts over 30 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/18/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: naitrsk@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Construction Notice
Date: Monday, April 18, 2022 9:49:11 AM
Attachments: [Clark County Air Quality is Issuing a Construction Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
naitrsk@gmail.com <<mailto:naitrsk@gmail.com>>
Subject: Clark County Air Quality is Issuing a Construction Notice

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Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit Y

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102230

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 18, 2022	11:49 AM	12:39 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	81 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		15 acres
Trackout Device:		Yes - Effective		Has Trackout:		No
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:				Approved By:		Katrinka Byers



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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation during a Construction Notice and observed over 15 acres of unstable soils and no dust emissions. I spoke with Responsible Official Christian Lampman who confirmed receipt of the Construction Notice DAQ issued for today. I informed Mr. Lampman today is Day 7 of a possible Notice of Violation. Mr. Lampman said he understood the possible NOV and would comply with Air Quality Regulations.

From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776784897630: Your package has been delivered
Date: Monday, May 9, 2022 11:23:10 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
11:21am.




Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by M.GALINDA

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	776784897630
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Christian Lampman, Responsible Offi 3635 South Fort Apache Road Unit 200-437 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight




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FOLLOW FEDEX



From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776784942165: Your package has been delivered
Date: Monday, May 9, 2022 9:14:48 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
9:13am.

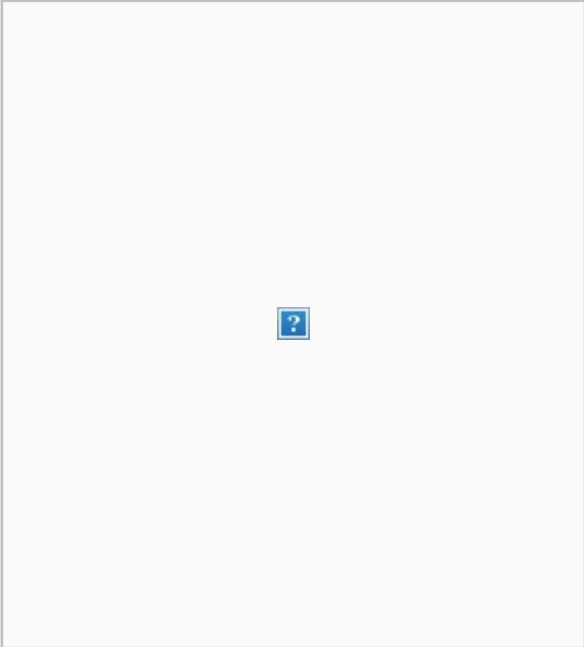


Delivered to 11411 SOUTHERN HIGHLANDS, LAS VEGAS, NV 89141
Received by D.DEJA

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	776784942165
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Guy Inzalaco, Manager of 11411 Southern Highlands Parkway Suite 300 LAS VEGAS, NV, US, 89141


REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89141
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight




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FOLLOW FEDEX



From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776784979092: Your package has been delivered
Date: Monday, May 9, 2022 11:23:08 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
11:21am.




Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by M.GALINDA

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	776784979092
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	E.N. Family, LLC, Manager of ACAK Irrevocable Trust, Manager of LVBD65, LLC 3635 South Fort Apache Road, Unit 2 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight




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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776785111480: Your package has been delivered
Date: Monday, May 9, 2022 11:23:49 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
11:21am.



Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by M.GALINDA

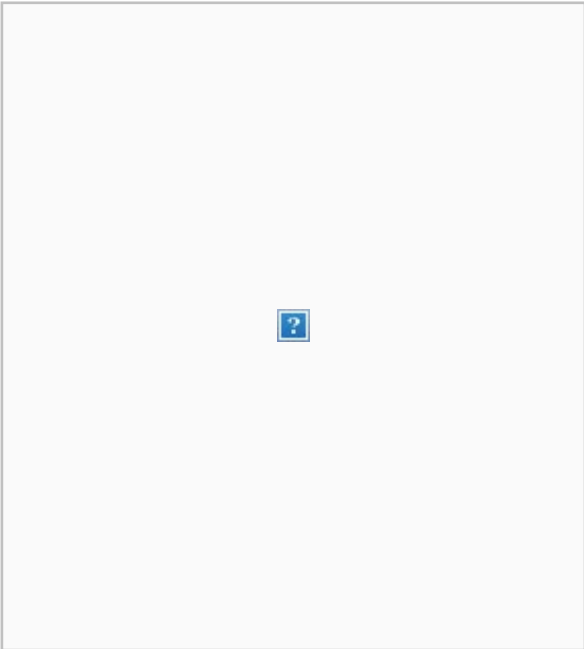
OBTAIN PROOF OF DELIVERY

TRACKING NUMBER [776785111480](#)

FROM Clark County - DAQ
4701 WEST RUSSELL ROAD
SUITE 200
LAS VEGAS, NV, US, 89118

TO Kirby Road 2 LLC, Manager of
Key G. Reid, Manager of
E.N. Family, LLC/LVBD65, Manager of
3635 South Fort Apache Road, Unit 2
LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight




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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776785170034: Your package has been delivered
Date: Monday, May 9, 2022 10:38:27 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
10:37am.



Delivered to 3700 BARRON WAY, RENO, NV 89511
Received by J.PICKETT

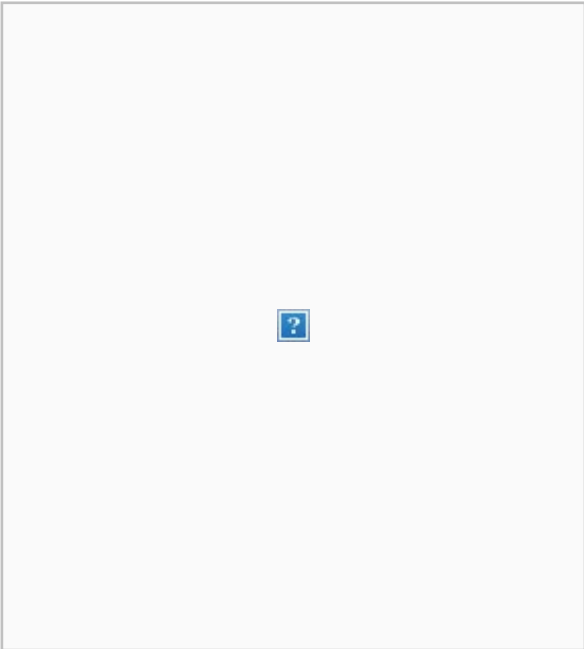
OBTAIN PROOF OF DELIVERY

TRACKING NUMBER [776785170034](#)

FROM Clark County - DAQ
4701 WEST RUSSELL ROAD
SUITE 200
LAS VEGAS, NV, US, 89118



TO Ladera LV, LLC, Manager of
Brandon Moreno/James Pickett, Mgrs
LVBD65, LLC
3700 Barron Way, Suite 2
RENO, NV, US, 89511

REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	RENO, NV, US, 89511
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	1.00 LB
SERVICE TYPE	FedEx Standard Overnight



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FOLLOW FEDEX



From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 776785210969: Your package has been delivered
Date: Monday, May 9, 2022 9:14:43 AM

FedEx



Hi. Your package was
delivered Mon, 05/09/2022 at
9:13am.

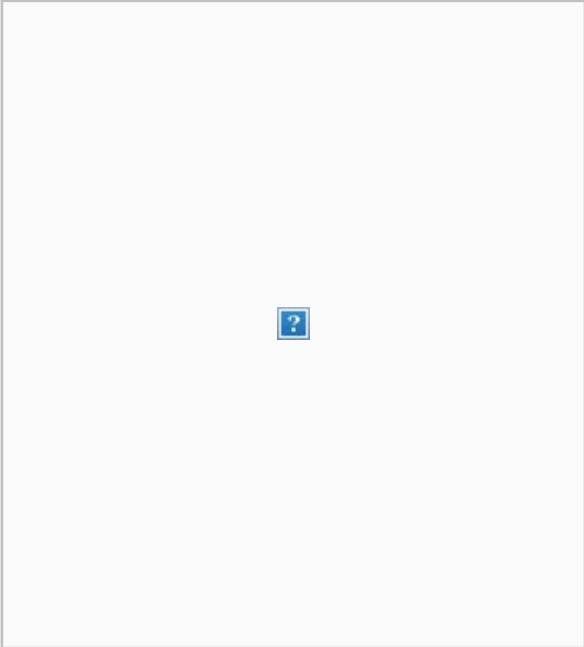


Delivered to 11411 SOUTHERN HIGHLANDS, LAS VEGAS, NV 89141
Received by D.DEJA

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	776785210969
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC SDA65, LLC, Manager of 11411 Southern Highlands Parkway Suite 300 LAS VEGAS, NV, US, 89141


REFERENCE	NOV 9701
SHIPPER REFERENCE	NOV 9701
SHIP DATE	Fri 5/06/2022 04:36 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89141
SPECIAL HANDLING	Deliver Weekday ASR
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight




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FOLLOW FEDEX



LVBD65, LLC (DCOP #54715)

Appeal of NOV #9704

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ga



REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Appeal of Hearing Officer's Order

1. **Date of Appeal:** 7/26/2022
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9704 Hearing Date: 7/21/2022

Hearing Officer: Christine T. Smith

2. **Name, address, telephone number of Appellant:**

Name: LVBD65 LLC
(Please print)

Address: 3635 S Fort Apache Rd, Unit 200-437, Las Vegas NV 89147

Telephone: 702-355-9972 Fax: _____

Email: NAITSRK@GMAIL.COM

3. **Other person or persons authorized to receive service of notice:**

Name: Christian Lampman
(Please print)

Address: 5649 Dawn Falls St, Las Vegas NV 89147

Telephone: 7023559972 Fax: _____

Email: naitstrk@gmail.com

4. **Type of business or activity and location of activity involved in the request:**

Grubbing/Brushing

5. **Reason for appeal:** Facts alleged Penalty assessed Both

Provide a detailed explanation of the reason for your appeal:

Extreme high winds. The entire valley was dusty and it was not possible to know

which dust originated from which property.

which dust came from other properties onto ours vs which originated from our property

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: Christian Lampman Date: 7-26-22
Printed Name: Christian Lampman
Title: Manager

FOR OFFICE USE ONLY

Application Received on 7/26/2022
Application Fee \$140.00 - Check credit card - VISA Received Date: 7/26/2022 *SR*



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

CHRISTIAN LAMPMAN, LVBD65, LLC
 3635 SOUTH FORT APACHE ROAD, UNIT 200-437
 LAS VEGAS, NV 89148

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
055981	7/26/2022	GREEN	DUST CONTROL ENFORCEMENT	7/26/2022

Quantity	Description	Fee Code	Fee	Total
3.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$420.00
	07/26/2022 VISA CREDIT CARD (2505 / 074384)	PAYMENT		(\$420.00)

Notes: NOVs #9701, 9704, & 9709, Appeal 7/21/2022 H/O Decision.

Subtotal:	\$420.00
Paid:	(\$420.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

THIS PAGE INTENTIONALLY LEFT BLANK

From: [AQ Enforcement](#)
To: [Christian Lampman](#)
Cc: [Andrew Kirk](#); [Damon Lindsay](#); [Allan Gutierrez](#); [Camon Liddell](#); [Katrinka Byers](#); [David Dean](#); [Mike Englehart](#); [Anna Sutowska](#); [Shibi Paul](#); [David Dean](#)
Subject: 7/21/2022 Hearing Officer Meeting – NOVs #9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715)
Date: Thursday, July 21, 2022 4:46:00 PM

Good afternoon Mr. Lampman,

Case numbers 9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715) have already been heard at today's scheduled hearing, and the Hearing Officer made a ruling on all five cases. ACAK Irrevocable Trust and LVBD65, LLC will receive the signed orders and invoices for these cases on Thursday, July 28, 2022.

At that time, ACAK Irrevocable Trust and LVBD65, LLC can either pay all five invoices within 30 days from date of signed orders to resolve these NOV's., or you have the right to appeal these orders to the Clark County Air Pollution Control Hearing Board. Any appeal of these orders shall be: (1) in writing specifying the reasons for the appeal (for each case individually), (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00) (for each case individually), and (3) received by Air Quality within ten (10) days of ACAK Irrevocable Trust and LVBD65, LLC's receipt of these orders.

Here is a link to DES – Division of Air Quality's website to obtain the appeal form and instructions:

[Appeal](#) of Hearing Officer's Decision (Order)

Any questions please let me know.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: Christian Lampman [mailto:christianlampman@gmail.com]

Sent: Thursday, July 21, 2022 3:38 PM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Re: Reminder: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Hey guys, I'm so sorry to get back to you so late I am sick again and haven't been able to get much done. I hate to ask for another continuance so late but is it possible for one more continuance?

On Jul 19, 2022, at 7:44 AM, AQ Enforcement <AQEnforcement@clarkcountynv.gov> wrote:

Good morning Mr. Lampman,
This is a friendly reminder of the above hearing. Also, I left you a detailed voicemail message this morning at 7:19 a.m. at 702.355.9972.
Please confirm receipt of this email.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement
Sent: Wednesday, July 13, 2022 4:43 PM
To: christianlampman@gmail.com
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Response Required: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Also, please see email below sent on 7/12/2022.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement

Sent: Tuesday, July 12, 2022 12:27 PM

To: christianlampman@gmail.com

Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>

Subject: Response Require, NRFs Needed: NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Good afternoon Mr. Lampman,

The attached Notices of Violation Response Forms (NRFs), including written explanation(s) if contesting violation(s), are past due and needed for this upcoming hearing scheduled on 7/21/2022.

Please confirm receipt of this email, and complete the attached NRFs/written explanations and email or fax it back to my attention by the close of business tomorrow, July 13, 2022.

Any questions please let me know.

NRF(s) and/or written explanation needed:

NOV #9698, provide a written explanation, including supporting documentation, as to why you are contesting the penalty in the NOV

NOV #9701, on the NRF please indicate if you are contesting the facts, penalty or both, and provide a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9704, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9709, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994


E-mail: Pamela.Thompson@clarkcountynv.gov

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4. **IT IS HEREBY ORDERED** that LVBD65 pay a penalty of Thirteen Thousand Seven Hundred Fifty and no/100 Dollars (\$13,750.00) within 30 days of the date of this ORDER.

5. LVBD65 has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of LVBD65's receipt of this ORDER.

DATED this 28th day of July, 2022.



Christine T. Smith
Hearing Officer



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

June 30, 2022

FEDERAL EXPRESS TRACKING #7772 7826 6697
Christian Lampman, Responsible Official
Email: christianlampman@gmail.com
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7833 1949
Guy Inzalaco, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

FEDERAL EXPRESS TRACKING #7772 7837 7642
ACAK Irrevocable Trust, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7842 7835
Key G. Reid, Manager of
Kirby Road 2 LLC, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7846 8905
Brandon Moreno and James Pickett, Managers of
Ladera LV, LLC, Manager of
LVBD65, LLC
3700 Barron Way, Suite 2
Reno, NV 89511

FEDERAL EXPRESS TRACKING #7772 7851 6716
SDA65, LLC, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

NOTICE OF VIOLATION #9704

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to LVBD65, LLC (**LVBD65**), for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Thirteen Thousand Seven Hundred Fifty and no/100 Dollars (\$13,750.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

- A. On March 31, 2022, Air Quality issued revised Dust Control Operating Permit (**DCOP**) #54715 to LVBD65, for the 25.3-acre construction project named LVBD65 LLC-1. A Dust Mitigation Plan was submitted with the initial DCOP application and was incorporated into DCOP #54715 whereby LVBD65 agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**). The dust mitigation plan remained in effect with this revision.
- B. Air Quality Specialist Allan Gutierrez (**Gutierrez**) and Senior Air Quality Specialist Katrinka Byers (**Byers**), discovered the alleged violations while performing a complaint investigation during a Dust Advisory period on April 19, 2022, a complaint investigation during a Construction Notice period on April 21, 2022, a follow-up inspection during a Construction Notice period on April 22, 2022, and follow-up inspections on April 20, 25 and 26, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.
- C. On Tuesday, April 19, 2022, at approximately 7:26 a.m., Air Quality issued a Dust Advisory to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality predicted sustained winds over 25 mph, with gusts over 40 mph, for Tuesday, April 19, 2022 beginning in the late morning and lasting through the day. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. The Dust Advisory is attached hereto as **Exhibit B** and incorporated herein.
- D. On Tuesday, April 19, 2022, between approximately 12:16 p.m. and 2:00 p.m., Air Quality received three complaints (#71741, #71742, and #71745) alleging that fugitive dust emissions were blowing from a lot at the southwest corner of Warm Springs Road and Las

Vegas Boulevard. The complaint reports (#71741, #71742, and #71745) are attached hereto as **Exhibit C** and incorporated herein. At approximately 12:40 p.m., on the same day, Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a complaint investigation during a Dust Advisory period. The inspection report is attached hereto as **Exhibit D** and incorporated herein. During his investigation, Gutierrez observed approximately 15.0 acres of unstable soil conditions, fugitive dust plumes crossing the property line, and trackout soil in the curb and gutter on Warm Springs Road north of the project site, as shown in Photographs 1 through 3 and Map 1, attached hereto as **Exhibits E** and **F**, respectively, and incorporated herein. While onsite, Gutierrez spoke by telephone with Christian Lampman (**Lampman**), Responsible Official for LVBD65, and spoke in person with Shawn Lampman (**SLampman**), owner of LVBD65, concerning his observations of continued noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was emailed to Lampman and Ray Tyler (**Tyler**), Designated Onsite Representative for LVBD65, and is attached hereto as **Exhibit G** and incorporated herein. Gutierrez concluded his inspection at approximately 2:35 p.m. At approximately 2:42 p.m. and 4:46 p.m., Air Quality received two complaints (#71749 and #71750) alleging that fugitive dust emissions were blowing from the construction site at the southwest corner of Warm Springs Road and Las Vegas Boulevard. The complaint reports (#71749 and #71750) are attached hereto as **Exhibit H** and incorporated herein.

- E. On Wednesday, April 20, 2022, at approximately 11:30 a.m., Gutierrez emailed Lampman and Tyler regarding the continued noncompliance observed onsite. The email correspondence is attached hereto as **Exhibit I** and incorporated herein. At approximately 12:45 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Gutierrez observed approximately 15.0 acres of unstable soil conditions and trackout soil along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Boulevard as shown in Photographs 4 and 5 (**Exh. E**). While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 2:15 p.m.
- F. On Wednesday, April 20, 2022, at approximately 2:30 p.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 20 mph, with gusts over 30 mph, beginning the morning of Thursday, April 21, 2022, and lasting throughout the evening. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit K** and incorporated herein.
- G. On Thursday, April 21, 2022, between approximately 11:25 a.m. and 12:25 p.m., Air Quality received three complaints (#71765, #71766, and #71769) alleging that fugitive dust emissions were coming from the project location. The complaint reports (#71765, #71766, and #71769) are attached hereto as **Exhibit L** and incorporated herein. At approximately 11:30 a.m., on the same day, Byers and Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a complaint investigation during a Construction Notice period. The inspection

report is attached hereto as **Exhibit M** and incorporated herein. During their investigation, they observed approximately 12.0 acres of unstable soil conditions, heavy equipment that caused fugitive dust plumes 400 yards in length to cross the property line, and soil debris accumulated in the curb and gutter along the south and north portion of Warm Springs Road, as shown in Photographs 6 through 8 (**Exh. E**), Videos 1 through 5, and Map 2, attached hereto as **Exhibits N, O, P, Q, R, and S**, respectively, and incorporated herein. While onsite, Byers spoke by telephone with Lampman, and left a telephone message with SLampman, concerning her observations of continued noncompliance. Byers and Gutierrez concluded their inspection at approximately 12:30 p.m. Between approximately 12:53 p.m. and 3:21 p.m., Air Quality received four complaints (#71770, #71772, #71773, and #71774) alleging that fugitive dust emissions were blowing from the construction site at the southwest corner of Warm Springs Road and Las Vegas Boulevard. The complaint reports (#71770, #71772, #71773, and #71774) are attached hereto as **Exhibit T** and incorporated herein.

- H. On Friday, April 22, 2022, at approximately 8:33 a.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 20 mph, with gusts of 35 mph, beginning in the early morning of Friday, April 22, 2022, and lasting throughout the afternoon. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit U** and incorporated herein.
- I. On Friday, April 22, 2022, at approximately 12:00 p.m., Byers arrived at the LVBD65 LLC-1 construction site to conduct a follow-up complaint investigation during a Construction Notice period. The inspection report is attached hereto as **Exhibit V** and incorporated herein. During her inspection, Byers observed approximately 1,000 feet in length of trackout soil debris in the curb, gutter, and median along the south and north portion of Warm Springs Road extending from Las Vegas Boulevard west to the I-15 overpass bridge, as shown in Photographs 9 and 10 (**Exh. E**), and Map 3 attached hereto as **Exhibit W** and incorporated herein. While onsite, Byers spoke in person with SLampman, concerning her observations of continued noncompliance. Byers concluded her inspection at approximately 12:30 p.m.
- J. On Monday, April 25, 2022, at approximately 12:00 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit X** and incorporated herein. During his inspection, Gutierrez observed approximately 1.0 acre of unstable soil conditions and trackout soil debris in the curb and gutter on both sides of Warm Springs Road, as shown in Photographs 11 through 13 (**Exh. E**), and Map 4, attached hereto as **Exhibit Y** and incorporated herein. Gutierrez also observed approximately 6.0 acres of construction activities outside the permitted boundary. While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance and the issuance of a NON. Gutierrez concluded his inspection at approximately 1:45 p.m.
- K. On Tuesday, April 26, 2022, at approximately 6:34 a.m., Gutierrez emailed SLampman and Lampman the observations from his inspection on Monday, April 25, 2022. The email

correspondence is attached hereto as **Exhibit Z** and incorporated herein. At approximately 11:23 a.m., Gutierrez emailed the NON issued for the previous day to Lampman and SLampman. The NON is attached hereto as **Exhibit AA** and incorporated herein. At approximately 1:45 p.m., Byers and Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit BB** and incorporated herein. During their inspection, they observed approximately 1.0 acre of unstable soil conditions and approximately 1,000 feet in length of trackout soil debris in the curb and gutter on the south and north portion of Warm Springs Road, as shown in Photographs 14 through 17 (**Exh. E**), and Map 5, attached hereto as **Exhibit CC** and incorporated herein. While onsite, Gutierrez spoke by telephone with Lampman and SLampman, concerning his observations of continued noncompliance. Byers and Gutierrez concluded their inspection at approximately 2:30 p.m.

- L. On Monday, May 2, 2022, at 4:04 p.m., LVBD65 submitted an application to Air Quality adding the unpermitted area to their existing DCOP.

II. VIOLATIONS

Violation 1:

By failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, LVBD65 violated AQR Section 94.14(a)(4).

AQR Section 94.14(a)(4) states:

“(a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:

- (1) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.
- (2) Exceed 50% Opacity using the Instantaneous Method.
- (3) Allow a Dust plume to extend more than 100 feet.
- (4) Allow a Dust plume to cross a property line.”

Violation 2:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, LVBD65 violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

“(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2).”

Violation 3:

By allowing trackout more than 50 feet on a paved surface, LVBD65 violated AQR Section 94.14(d).

AQR Section 94.14(d) states:

“(d) Mud or dirt shall not be allowed to accumulate on a Paved surface where Trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches.”

AQR Section 94.2 states:

“Trackout” means soil, mud, or dirt on Paved surfaces, including curbs, gutters, and sidewalks, that has come from a Construction site or an unpaved access route onto the Paved surface.”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation on April 19, 2022 occurred during a Dust Advisory period (**Exh. B**);
- Violations on April 21 and 22, 2022 occurred during a Construction Notice period (**Exh. K and U**);
- Consecutive days of violation as described above in Paragraphs I.D, I.E, I.G, and I.I, for April 19 through 22, 2022, and Paragraphs I.J, and I.K, for April 25 and 26, 2022; and
- Dust plumes on April 19 and 21, 2022 observed to extend more than 200 yards, as described in Paragraphs I.D and I.G.

Air Quality recommends a civil penalty in the amount of \$13,750.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, July 21, 2022, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **“Notice of Violation Response Form”** and return it to Air Quality by July 7, 2022. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer’s order to you along with instructions on remittance of the penalty.



Shibi Paul
Compliance and Enforcement Manager

Exhibits:

- A. Penalty Calculation Table, NOV #9704
- B. Dust Advisory for April 19, 2022
- C. Air Quality Complaint Reports (#71741, #71742, and #71745) , dated April 19, 2022
- D. Air Quality Construction Site Inspection Form #102297, dated April 19, 2022
- E. Digital Photographs 1 through 17
- F. Map 1: Showing size and location of fugitive dust plume crossing the property line and trackout on April 19, 2022
- G. Air Quality Notice of Noncompliance for April 19, 2022
- H. Air Quality Complaint Reports (#71749 and #71750), dated April 19, 2022
- I. Email Correspondence, dated April 20, 2022 (ROC)
- J. Air Quality Construction Site Inspection Form #102472, dated April 20, 2022
- K. Construction Notice for April 21, 2022
- L. Air Quality Complaint Reports (#71765, #71766, and #71769) , dated April 21, 2022
- M. Air Quality Construction Site Inspection Form #102502, dated April 21, 2022
- N. Video 1: Fugitive dust plume crossing the property line, taken April 21, 2022
- O. Video 2: Fugitive dust plume crossing the property line, taken April 21, 2022
- P. Video 3: Fugitive dust plume crossing the property line, taken April 21, 2022
- Q. Video 4: Fugitive dust plume crossing the property line, taken April 21, 2022
- R. Video 5: Fugitive dust plume crossing the property line, taken April 21, 2022
- S. Map 2: Showing size and location of fugitive dust plume crossing the property line on April 21, 2022

- T. Air Quality Complaint Reports (#71770, #71772, #71773, and #71774), dated April 21, 2022
- U. Construction Notice for April 22, 2022
- V. Air Quality Construction Site Inspection Form #102504, dated April 22, 2022
- W. Map 3: Showing location of trackout soil debris on April 22, 2022
- X. Air Quality Construction Site Inspection Form #102476, dated April 25, 2022
- Y. Map 4: Showing location of trackout soil debris on April 25, 2022
- Z. Email Correspondence, dated April 26, 2022 (ROC)
- AA. Air Quality Notice of Noncompliance for April 25, 2022
- BB. Air Quality Construction Site Inspection Form #102671, dated April 26, 2022
- CC. Map 5: Showing location of trackout soil debris on April 26, 2022

rag

Exhibit A

NOV # 9704 Penalty Calculation Table LVBD65, LLC



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	4/19/2022	Failed to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line.	94.14(a)(4)	Exh. B, Dust Advisory Exh. E, Photos 1 thru 3 Exh. F, Map 1	\$ 2,000	2	1) Occurred during a Dust Advisory period (+25%) 2) Dust plume extended more than 200 yards (+25%)	50%	\$ 1,000	\$ 3,000
	Exh. K, Construction Notice Exh. E, Photos 6 thru 8 Exh. N thru R, Videos 1 thru 5 Exh. S, Map 2			1) Occurred during a Construction Notice period (+25%) 2) Third consecutive day of violation ¹ (+25% per day) 3) Dust plume extended more than 200 yards (+25%)			75%	\$ 1,500	\$ 3,500	
2	4/20/2022	Failed to employ Best Available Control Measures and comply with soil stabilization standards at their site 24/7.	94.13(a) and 94.13(b)	Exh. E, Photos 4 and 5	\$ 1,000	3	Second consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
	4/25/2022			Exh. E, Photo 13			N/A	0%	\$ -	\$ 1,000
	4/26/2022			Exh. E, Photos 16 and 17			Second consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
3	4/22/2022	Allowed trackout soil debris greater than 50 feet on a paved surface.	94.14(d)	Exh. U, Construction Notice, Exh. E, Photos 9 and 10, and Exh. W, Map 3	\$ 1,000	3	1) Occurred during a Construction Notice period (+25%) 2) Fourth consecutive day of violation ¹ (+25% per day)	50%	\$ 500	\$ 1,500
	4/25/2022			Exh. E, Photos 11 and 12, and Exh. Y, Map 4			N/A	0%	\$ -	\$ 1,000
	4/26/2022			Exh. E, Photos 14 and 15, and Exh. CC, Map 5			Second consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250

Total Penalty: \$ 13,750

¹ Consecutive Day aggravation begins with the 2nd day of noncompliance

Regulatory maximum: \$10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.470]

From: aqdcpc@clarkcountynv.gov [mailto:aqdcpc@clarkcountynv.gov]
Sent: Tuesday, April 19, 2022 7:26 AM
To: AQDCP <AQDCP@ClarkCountyNV.gov>
Subject: Clark County Air Quality is Issuing a Dust Advisory

Exhibit B



Clark County Department of Environment and Sustainability

Division of Air Quality

DUST ADVISORY

for Tuesday, April 19, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service reports and the weather models used by the Division of Air Quality (DAQ) predict **sustained winds over 25 mph**, with **gusts of over 40 mph**, beginning late morning and lasting through the day.

DAQ directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils and reduce blowing dust. Permittees with multiple sites should contact each site superintendent to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts over 40 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue

charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

Compliance officers will inspect construction and stationary source sites during this episode to ensure Best Available Control Measures are being implemented. Any observed violation may receive a Notice of Violation.

It is important this Dust Advisory be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Dust Advisory to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/19/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: christianlampman@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Dust Advisory
Date: Tuesday, April 19, 2022 7:28:48 AM
Attachments: [Clark County Air Quality is Issuing a Dust Advisory.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
christianlampman@gmail.com <mailto:christianlampman@gmail.com>
Subject: Clark County Air Quality is Issuing a Dust Advisory

Exhibit C

Complaint No. 71741

OBSERVED ON

Apr 19, 2022 12:16 PM

REPORTED ON

Apr 19, 2022 12:16 PM

COMPLAINT DESCRIPTION

They're grading and the dust is blowing from the project.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 19, 2022 12:40 PM

CLOSED ON

Apr 19, 2022 3:20 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

SWC of Warm Springs & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71742

OBSERVED ON

Apr 19, 2022 12:13 PM

REPORTED ON

Apr 19, 2022 12:18 PM

COMPLAINT DESCRIPTION

The big dirt lot area on Warm Springs across from 2500 West Warm Springs is causing severe dirt/dust to fly around. They are doing construction but no using water trucks. Its been going on for a few weeks.

PROBLEM LOCATION

Across from 2500 West Warm Springs Las Vegas NV 89119.
Warm Springs/ Las Vegas BLVD. Its a big dirt lot.

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

yes. construction but they are not using a water truck.

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 19, 2022 12:40 PM

CLOSED ON

Apr 19, 2022 3:20 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

—

Complainant

NAME

██████████

EMAIL

████████████████████

HOME PHONE

██████████

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

██

COMPLAINANT WANTS INVESTIGATION FINDINGS?

Yes

MAY RELEASE NAME DURING INVESTIGATION?

No

Complaint No. 71745

OBSERVED ON

Apr 19, 2022 1:56 PM

REPORTED ON

Apr 19, 2022 2:00 PM

COMPLAINT DESCRIPTION

Excessive dust from clearing land.
Water truck has been broken down.
They need some major water.

PROBLEM LOCATION

Las Vegas BLVD and Warm Springs.
Construction project between I15 and LVB south of Warm Springs

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Land Clearing inadequate water truck supply. Cleared too much land.

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 19, 2022 12:40 PM

CLOSED ON

Apr 19, 2022 3:20 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

—

Complainant

Complainant asked to remain anonymous

NAME

██████████

EMAIL

██████████████████

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

██████████

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

Yes

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Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit D

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102297

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 19, 2022	12:40 PM	2:33 PM	Follow-up	71741, 71742, 71745	54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	84 degrees	30-34 mph	35 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
		Shawn Lampman	Responsible Official	In Person		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Issued Notice of Noncompliance, Possible NOV		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		1400 Feet
Opacity:		80%		Opacity Test Method:		Instantaneous
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		15 acres
Trackout Device:		Yes - Effective		Has Trackout:		Yes
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:			Approved By:			Katrinka Byers



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation during a Dust Advisory and observed fugitive dust emissions crossing the property boundary, approximately 15 acres of unstable soils, and soil/dirt debris along the curb and gutter on Warm Springs Road north of the jobsite. I called and spoke with Christian Lampman (Responsible Official) who confirmed receipt of the Dust Advisory DAQ issued for today, 4/19/22. I informed Mr. Lampman that today's inspection was the eighth day of a Notice of Violation. I told Mr. Lampman I would be issuing LVBD65, LLC a Notice of Non-Compliance (NON) to clear the soil/debris along Warm Springs Rd. by 4 pm on 4/20/22. Mr. Lampman stated he understood and would comply with the NON.

Exhibit E

Digital Photographs

Dust Control Permit #: **54715** Permittee: **LVBD65, LLC**

Project Name: **LVBD65 LLC-1**

Photos taken by: **See photo description**



Photograph # 1

Alleged Violation # 1

View looking east at sand/dirt crossing the property line from the jobsite along the north gutter of W. Warm Springs Road and fugitive dust emissions from the LVBD65 LLC-1 jobsite with no BACM available during a Dust Advisory. Photo taken by Allan Gutierrez



Photograph # 2

Alleged Violation # 1

View looking east at fugitive dust emissions crossing the property line blowing across Warm Spring Road from the LVBD65 LLC-1 project with no BACM available during a Dust Advisory. Photo taken by Allan Gutierrez



Photograph # 3

Alleged Violation # 1

View looking east at fugitive dust emissions created by dry, loose and powdery soils blowing across the LVBD65 LLC-1 project with no BACM available during a Dust Advisory. Photo taken by Allan Gutierrez



Photograph # 4

Alleged Violation # 2

View looking west on Warm Springs Road at soil accumulations in the gutter and street along north Warm Springs Road. Photo taken by Allan Gutierrez



Photograph # 5

Alleged Violation # 2

View looking southeast at dry, loose and powdery site soils with no BACM available.
Photo taken by Allan Gutierrez



Photograph # 6

Alleged Violation # 1

View looking west at fugitive dust emissions blowing across Warm Springs Road from the jobsite crossing the property line with no BACM available during a Construction Notice. Note the trackout along both sides of the center median. Photos taken by Allan Gutierrez.



Photograph # 7

Alleged Violation # 1

View looking east on Warm Springs Road at a pedestrian engulfed by fugitive dust emissions coming from the jobsite with no BACM available during a Construction Notice. Photo taken by Allan Gutierrez



Photograph # 8

Alleged Violation # 1

View looking east at fugitive dust emissions blowing across Warm Springs Road created by dry, loose and powdery soils crossing the property line from the jobsite with no BACM available during a Construction Notice. Photo taken by Allan Gutierrez.



Photograph # 9

Alleged Violation # 3

View looking west on south Warm Springs Road at trackout soil/debris in the gutter from the jobsite greater than 50' in length with no BACM available during a Construction Notice. Photo taken by Katrinka Byers.



Photograph # 10

Alleged Violation # 3

View looking east on Warm Springs Road at trackout soil/debris in the gutter from the jobsite greater than 50' in length with no BACM available during a Construction Notice. Photo taken by Katrinka Byers.

Digital Photographs

Dust Control Permit #: **54715** Permittee: **LVBD65, LLC**

Project Name: **LVBD65 LLC-1**

Photos taken by: **See photo description**



Photograph # 11

Alleged Violation # 3

View looking west along the gutter on north Warm Springs Road west of Las Vegas Blvd. at trackout soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 12

Alleged Violation # 3

View looking east along the gutter on north Warm Springs Road west of Las Vegas Blvd. at soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 13

Alleged Violation # 2

View looking on-site at dry, loose and powdery site soils with no BACM available. Photo taken by Allan Gutierrez



Photograph # 14

Alleged Violation # 3

View looking west along the gutter on Warm Springs Road west of Las Vegas Blvd. at trackout soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 15

Alleged Violation # 3

View looking east along the gutter on Warm Springs Road west of Las Vegas Blvd. at soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 16

Alleged Violation # 2

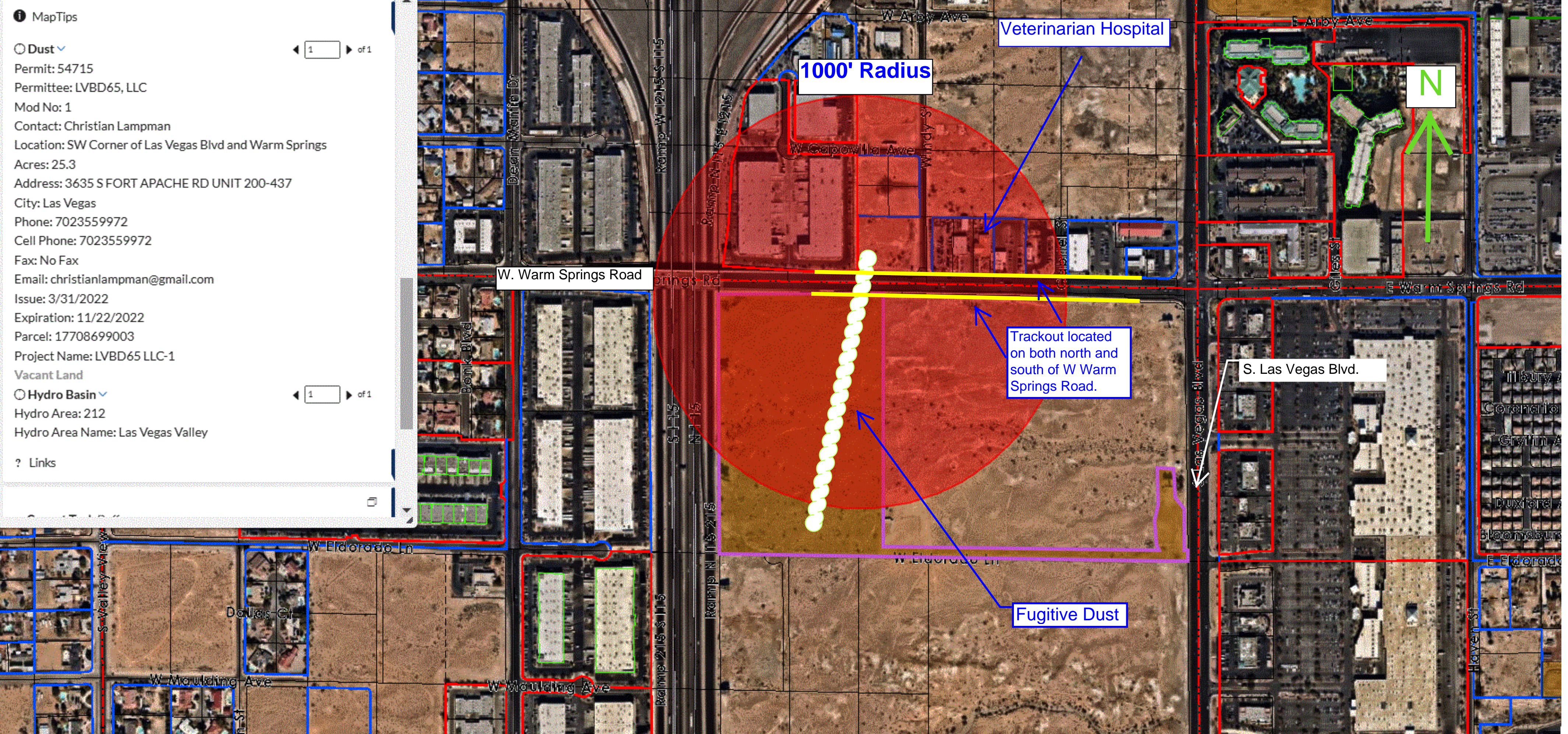
View looking on-site at dry, loose and powdery site soils with no BACM available. Photo taken by Allan Gutierrez



Photograph # 17

Alleged Violation # 2

View looking southeast at dry, loose and powdery site soils on the jobsite with no BACM available. Photos taken by Allan Gutierrez.



MAP 1: Showing location of fugitive dust and trackout.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit G

NOTICE OF NONCOMPLIANCE

Issued To: LVBD65, LLC

Project Name: LVBD65 LLC-1

Location: SW Corner of Las Vegas Blvd and Warm Springs

Dust Control Permit No: 54715

Date: Apr 19, 2022

Time: 2:33 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Fugitive Dust – Employ Best Management Practices for dust control to comply with AQR Section 94.14.

Additional Instructions / Other Noncompliance Items

- Immediately stabilize all site soils and maintain stabilized 24 hrs a day/7 days a week
- Remove all soil and debris from the curb/gutters along both sides of Warm Springs Road, west of Las Vegas Blvd. by 4 pm on 4/20/22

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.
- Please contact DAQ representative below regarding questions related to this notice.

Person Notified:

Christian Lampman

Responsible Official

LVBD65, LLC

(Printed Name)

(Title)

(Company)

christianlampman@gmail.com

(Email Address)

Person Notified:

Ray Tyler

Designated Onsite Representative

Ann Road Farms LLC

(Printed Name)

(Title)

(Company)

Tylerray1056@gmail.com

(Email Address)

DAQ Representative:

Allan Gutierrez

702-370-2199

KLB

(Printed Name)

(Phone Number)

Allan Gutierrez

From: Allan Gutierrez
Sent: Tuesday, April 19, 2022 3:10 PM
To: christianlampman@gmail.com; tylerray1056@gmail.com
Subject: 54715_20220419_NON-Rvd.pdf
Attachments: 54715_20220419_NON-Rvd.pdf

Hello Christian and Shawn.

Please acknowledge receipt of the attached Notice of Non-Compliance and comply with the directions within.

Please contact me if you have any questions.

Thank you.

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199

From: [Microsoft Outlook](#)
To: christianlampman@gmail.com; tylerray1056@gmail.com
Subject: Relayed: 54715_20220419_NON-Rvd.pdf
Date: Tuesday, April 19, 2022 3:10:27 PM
Attachments: [54715_20220419_NON-Rvd.pdf.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
christianlampman@gmail.com (christianlampman@gmail.com) <<mailto:christianlampman@gmail.com>>
tylerray1056@gmail.com (tylerray1056@gmail.com) <<mailto:tylerray1056@gmail.com>>
Subject: 54715_20220419_NON-Rvd.pdf

Exhibit H

Complaint No. 71749

OBSERVED ON

Apr 19, 2022 2:42 PM

REPORTED ON

Apr 19, 2022 2:42 PM

COMPLAINT DESCRIPTION

Dust is horrendous coming from the jobsite.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Wind

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 19, 2022 12:40 PM

CLOSED ON

Apr 19, 2022 3:20 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

Warm Springs & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71750

OBSERVED ON

Apr 19, 2022 2:43 PM

REPORTED ON

Apr 19, 2022 4:46 PM

COMPLAINT DESCRIPTION

Excessive blowing dust from the construction site.

PROBLEM LOCATION

Warm springs between Las Vegas boulevard and interstate 15

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

—

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

—

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 19, 2022 12:40 PM

CLOSED ON

Apr 19, 2022 3:20 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

—

Complainant

NAME

████████████████████

EMAIL

██

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—
ZIP CODE
—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

MAY RELEASE NAME DURING INVESTIGATION?

No

Exhibit I

From: [Allan Gutierrez](#)
To: christianlampman@gmail.com; tylerray1056@gmail.com
Cc: [Katrinka Byers](#); [David Dean](#); [Andrew Kirk](#)
Subject: DCOP 54715: Notice of Non-Compliance
Date: Wednesday, April 20, 2022 11:15:00 AM
Importance: High

Christian & Shawn Lampman,

This is a follow-up to our phone conversation earlier this morning regarding DCOP#54715 for the LVBD65 project located at Las Vegas Blvd & W. Warm Springs Road.

Since 3/20/22, Mr. David Dean (Supervisor), Ms. Katrinka Byers, (Senior Air Quality Specialist), Mr. Andrew Kirk, (Senior Air Quality Specialist) and myself, have reached out to you through telephone calls and email messages regarding unstable soil conditions that have caused major fugitive dust emissions that may have jeopardized the safety and health of the neighboring residents and businesses. Several recommendations were made in the emails and phone conversations to help bring the site back into compliance that were not followed.

This morning, Mr. Shawn Lampman stated that he reached out to Mr. Tyler Mayfield with Soil Tech to discuss adding additional control measures to stabilize the site soils on DCOP 54715 in order to comply with the Notice of Non-Compliance Air Quality issued on 4/11/22.

Please email me of your discussion and efforts with Soil Tech.

Thank You,

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102472

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 20, 2022	12:47 PM	2:15 PM	Follow-up	71749, 71750	54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	74 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Enforcement Action Recommended		Violation in 1000 feet of:	Hospital		
Emission Compliance:						No
Fugitive Dust Source:	Vehicle driving through Trackout		Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Unstable		Size of Instability:	15 acres		
Trackout Device:	Yes - Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Fail		
Admin Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:	Equipment Onsite:			
Inspector Notes:			Approved By:	Katrinka Byers		



DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation and observed unstable soils, dust emissions and soil/sand along the curb/gutter on both sides of Warm Springs, west of Las Vegas Blvd. I called and spoke with the Responsible Official, Mr. Christian Lampman, and informed him of my observations and let him know that today would be the ninth day of non-compliance since 4/11/22 and a possible Notice of Violations for unstable soils and fugitive dust emissions. I also informed Mr. Lampman he had dust emissions from vehicles driving through the trackout on Warm Springs. Mr. Lampman stated he understood the possible Notice of Violation and would comply with AQRs.

Exhibit K

From: aqdcpc@clarkcountynv.gov [mailto:aqdcpc@clarkcountynv.gov]
Sent: Wednesday, April 20, 2022 2:30 PM
To: AQDCP <AQDCP@ClarkCountyNV.gov>
Subject: Clark County Air Quality is Issuing a Construction Notice



Clark County Department of Environment and Sustainability

Division of Air Quality

CONSTRUCTION NOTICE

for Thursday, April 21, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds beginning Thursday morning and lasting throughout the evening. The forecast is for **sustained winds 20 mph**, with gusts **over 30 mph**.

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts over 30 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue

charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/20/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: christianlampman@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Construction Notice
Date: Wednesday, April 20, 2022 2:02:39 PM
Attachments: [Clark County Air Quality is Issuing a Construction Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
christianlampman@gmail.com <<mailto:christianlampman@gmail.com>>
Subject: Clark County Air Quality is Issuing a Construction Notice

Exhibit L

Complaint No. 71765

OBSERVED ON

Apr 21, 2022 11:25 AM

REPORTED ON

Apr 21, 2022 11:25 AM

COMPLAINT DESCRIPTION

Dust is out of control, trucks moving dirt creating dust.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Ericka Perez

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Trucks

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 PM

CLOSED ON

Apr 21, 2022 1:00 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

Warm Springs Rd & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71766

OBSERVED ON

Apr 21, 2022 11:36 AM

REPORTED ON

Apr 21, 2022 11:39 AM

COMPLAINT DESCRIPTION

Excessive dust causing driving hazard no visibility

PROBLEM LOCATION

Warm springs and las vegas blvd

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

—

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

—

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 PM

CLOSED ON

Apr 21, 2022 12:50 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

W. Warm Springs Rd & S. Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

██████

EMAIL

██

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71769

OBSERVED ON

Apr 21, 2022 12:25 PM

REPORTED ON

Apr 21, 2022 12:25 PM

COMPLAINT DESCRIPTION

SW corner of Warm Springs Road and S. Las Vegas Blvd., dust is blowing so bad that you can't see across Las Vegas Blvd. It is a graded lot but there are no water trucks in sight.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Sherrie Rogge

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Graded lot that hasn't been watered down.

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 PM

CLOSED ON

Apr 21, 2022 12:51 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

SW Corner Las Vegas Blvd. & Warm Springs

CITY

Las Vegas

ZIP CODE

—

PARCEL NUMBER

177-08-699-003

MAJOR CROSS STREETS

S. Las Vegas Blvd. and W. Warm Springs Rd.

Complainant

Complainant asked to remain anonymous

NAME

Not given

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit M

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102502

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Apr 21, 2022	11:30 AM	12:30 PM	Follow-up	71765, 71766, 71769,	54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	63 degrees	15-19 mph	30 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
		Shawn Lampman	Owner	Phone Message		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						No
Fugitive Dust Source:		Wind		Plume Length:		400 Yards
Opacity:				Opacity Test Method:		
BMP Compliance:						No
Project Soils:		Unstable		Size of Instability:		12 acres
Trackout Device:		Yes - Effective		Has Trackout:		Yes
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Fail
Admin Compliance:						Yes
Acreage Permitted:		Observed Acreage:		Project Size:		Less than or equal to permitted
25.3 acres		25.3 acres				
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
On-Site		Yes				
SS Permit(s):		SS Permit No.		Equipment Onsite:		
No Equipment						
Inspector Notes:				Approved By:		Katrinka Byers



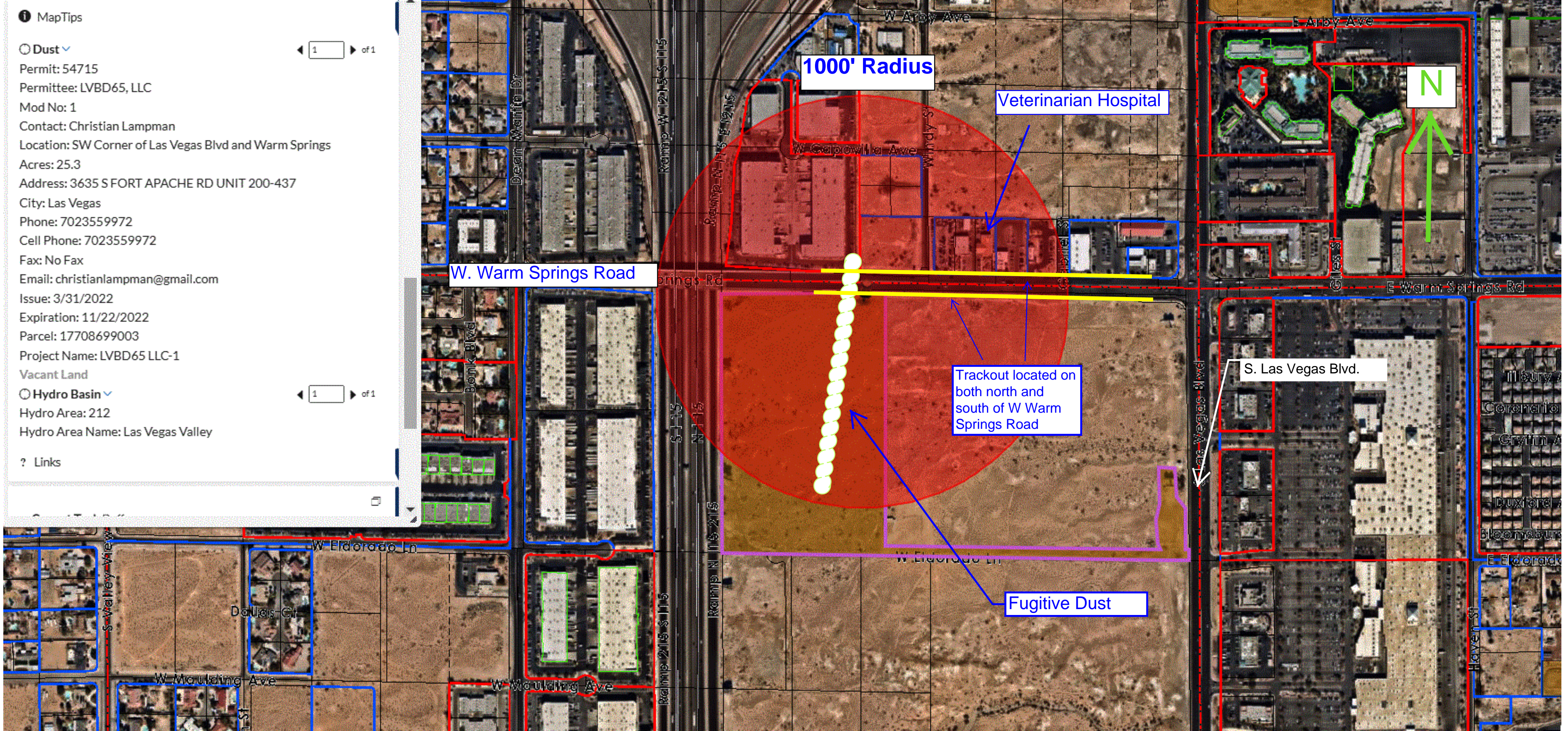
DES
**DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY**



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

AQS II, Allan Gutierrez and I conducted a follow-up inspection during a Construction Notice and observed workers onsite operating a scraper creating fugitive dust over 400 yards crossing the property line into W. Warm Springs Road creating a safety hazard for vehicles and pedestrians. Mr. Gutierrez and I also observed trackout along the south and north portion of W. Warm Springs Road within the gutter, median and along the corner of the auto sales lot extending from the Las Vegas Blvd west to the overpass bridge. We took photos and videos of the site and documented our findings. I left a message for both Mr. Christian Lampman (Responsible Official) & Mr. Shawn Lampman (owner) requiring the site soils to be stabilized immediately (requiring additional control measures other than water to be applied) and to clean up all trackout on the sidewalk, gutters and median on both sides of W. Warm Springs Road immediately. Mr. Christian Lampman returned my phone call and stated he received the Construction Notice and that they were looking into installing water sprinklers onsite and adding a water pull within the next couple days. We told Mr. Lampman this was not an acceptable control method to handle the fugitive dust at the site and required that they contact a vendor to discuss applying a dust palliative or suppressant to be added to the water to assist with controlling the dust. Mr. Lampman said he understood this was another possible day of violation with civil penalties. A follow-up inspection to occur.

EXHIBITS N-R, Videos 1-5



MapTips

Dust ▾

Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com

Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land

Hydro Basin ▾

Hydro Area: 212
 Hydro Area Name: Las Vegas Valley

? Links

MAP 2: Showing location of fugitive dust.

Exhibit T

Complaint No. 71770

OBSERVED ON

Apr 21, 2022 12:47 PM

REPORTED ON

Apr 21, 2022 12:53 PM

COMPLAINT DESCRIPTION

Construction site has clouds of dust blowing from the site for multiple days now and it doesn't appear they are doing anything to reduce the dust. Visibility driving is reduced. Cannot be in the area without sand in your eyes and mouth.

PROBLEM LOCATION

Southwest corner of Las Vegas boulevard and Warm Springs. Closer to the I-15 than Las Vegas boulevard.

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

—

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

—

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 AM

CLOSED ON

Apr 21, 2022 1:10 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

W. Warm Springs & S. Las Vegas Blvd

Complainant

Complainant asked to remain anonymous

NAME

██████

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

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MAILING ADDRESS

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CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71772

OBSERVED ON

Apr 21, 2022 1:57 PM

REPORTED ON

Apr 21, 2022 1:57 PM

COMPLAINT DESCRIPTION

Citizen advised that at her place of employment 2895 W. Capovilla Avenue, LV 89119 the employees cars have dirt and dust on them and employees are coughing and sneezing and cannot see when they are leaving to drive the visibility is terrible.

INTAKE METHOD

Telephone

REFERRED FROM

—

TAKEN BY

Darlene Kretunski

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Construction

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 AM

CLOSED ON

Apr 21, 2022 2:30 PM

Location

**CONSTRUCTION PROJECT
LVBD65 LLC-1 (54715)**

SW Corner of Las Vegas Blvd and Warm Springs
Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES
Miscellaneous

REGION
SSE - South/Southeast

HYDROGRAPHIC AREA
212 Las Vegas Valley

PARCEL NUMBER
177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS
W. Warm Springs & S. Las Vegas Blvd

Complainant

Complainant asked to remain anonymous

NAME
Anonymous

EMAIL

—

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

—

MAILING ADDRESS

—

CITY

—

STATE

—

ZIP CODE

—

COMPLAINANT WANTS INVESTIGATION FINDINGS?

No

Complaint No. 71773

OBSERVED ON

Apr 21, 2022 2:44 PM

REPORTED ON

Apr 21, 2022 2:46 PM

COMPLAINT DESCRIPTION

I work at VCA Warm springs. I got see other breath when i step outside the hospital. I cant drive to or from work.

PROBLEM LOCATION

Warm springs and las vegas blvd.

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes for over week now!

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Construction and not wetting ALL OF THE LAND

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 AM

CLOSED ON

Apr 21, 2022 3:53 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

W. Warm Springs & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

[REDACTED]

EMAIL

[REDACTED]

HOME PHONE

—

WORK PHONE

—

MOBILE PHONE

[REDACTED]

MAILING ADDRESS

[REDACTED]

COMPLAINANT WANTS INVESTIGATION FINDINGS?
Yes

Complaint No. 71774

OBSERVED ON

Apr 21, 2022 3:18 PM

REPORTED ON

Apr 21, 2022 3:21 PM

COMPLAINT DESCRIPTION

Server dust after the desert crusty has been disturbed

PROBLEM LOCATION

Southwest corner of Las Vegas Bkvd. and Warm Springs Rd.

INTAKE METHOD

Online

TYPE

Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?

Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?

Poor management of construction site

CATEGORY

Dust Control Program

ASSIGNED TO

Allan Gutierrez

Response

RESPONDED ON

Apr 21, 2022 11:30 AM

CLOSED ON

Apr 21, 2022 4:00 PM

Location

CONSTRUCTION PROJECT

LVBD65 LLC-1 (54715)

SW Corner of Las Vegas Blvd and Warm Springs

Warm Springs/S Las Vegas Blvd, SW

PROJECT ATTRIBUTES

Miscellaneous

REGION

SSE - South/Southeast

HYDROGRAPHIC AREA

212 Las Vegas Valley

PARCEL NUMBER

177-08-501-001

STREET

—

CITY

—

ZIP CODE

—

PARCEL NUMBER

—

MAJOR CROSS STREETS

W. Warm Springs & Las Vegas Blvd.

Complainant

Complainant asked to remain anonymous

NAME

[REDACTED]

EMAIL

[REDACTED]

HOME PHONE

—

WORK PHONE

[REDACTED]

MOBILE PHONE

—

MAILING ADDRESS

[REDACTED]

COMPLAINANT WANTS INVESTIGATION FINDINGS?

Yes

Exhibit U

From: aqdcpc@clarkcountynv.gov [mailto:aqdcpc@clarkcountynv.gov]
Sent: Friday, April 22, 2022 8:33 AM
To: AQDCP <AQDCP@ClarkCountyNV.gov>
Subject: Clark County Air Quality is Issuing a Construction Notice



Clark County Department of Environment and Sustainability

Division of Air Quality

CONSTRUCTION NOTICE

for Friday, April 22, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds beginning early in the morning and lasting throughout the afternoon. The forecast is for **sustained winds 20 mph**, with gusts **35 mph**.

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts 35 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue

charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/22/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: [Microsoft Outlook](#)
To: christianlampman@gmail.com
Subject: Relayed: Clark County Air Quality is Issuing a Construction Notice
Date: Friday, April 22, 2022 8:35:59 AM
Attachments: [Clark County Air Quality is Issuing a Construction Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
christianlampman@gmail.com <mailto:christianlampman@gmail.com>
Subject: Clark County Air Quality is Issuing a Construction Notice



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit V

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102504

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Apr 22, 2022	12:00 PM	12:30 PM	Follow-up	71770, 71772, 71773, 71774	54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	Yes	60 degrees	10-14 mph	20 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Shawn Lampman	Owner	In Person		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:		Stable		Size of Instability:		
Trackout Device:		Yes - Effective		Has Trackout:		Yes
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Not Necessary/Not Performed
Admin Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:				Approved By:		Katrinka Byers

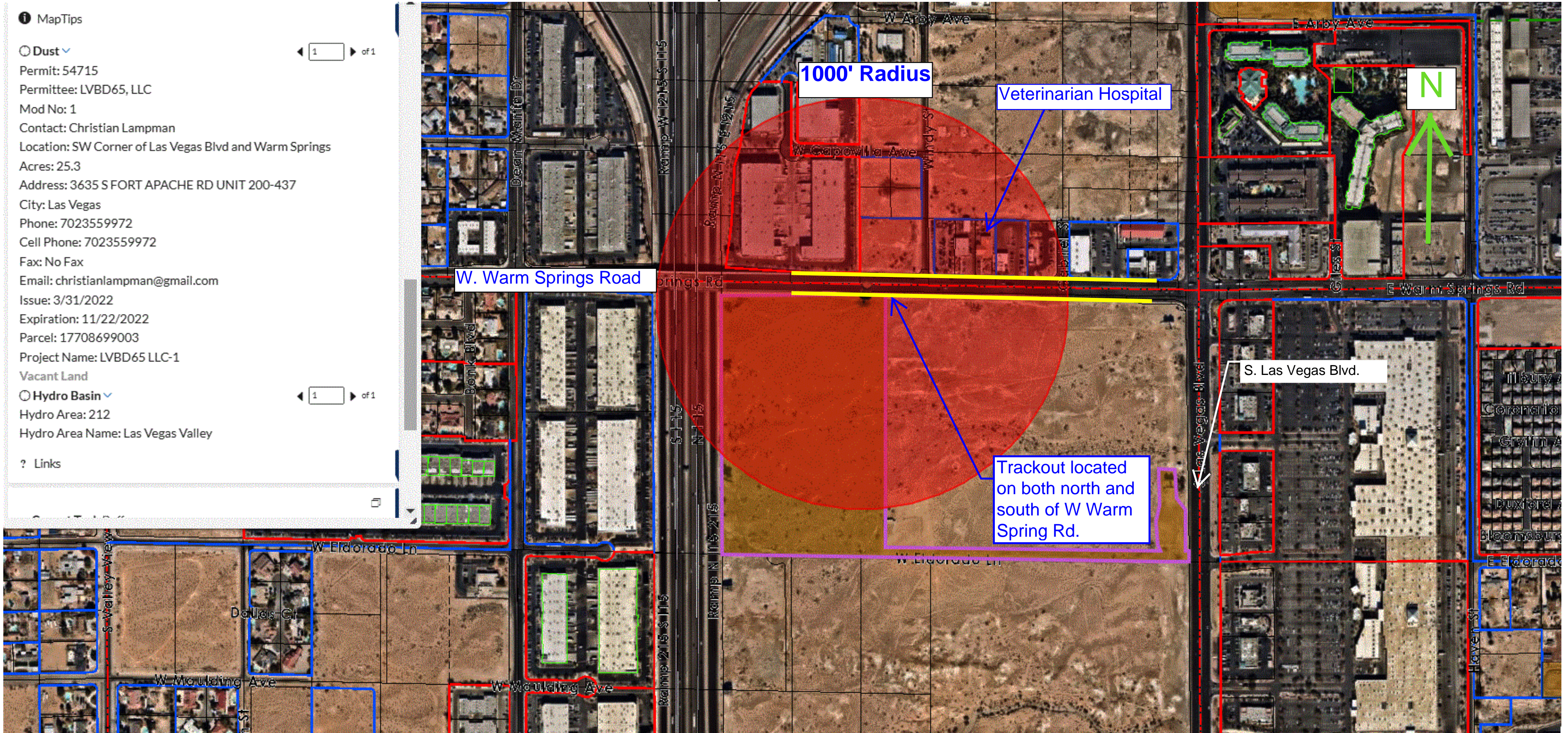


DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a follow-up inspection during a Construction Notice and observed over 1000' of trackout along the south and north portion of W. Warm Springs Road within the gutter, median and along the corner of the auto sales lot extending from the Las Vegas Blvd. west to the overpass bridge. I took photos and documented my findings. I spoke with Mr. Shawn Lampman (owner) onsite and he confirmed he received the Construction Notice for today. I issued another day of violation requiring all trackout to be cleaned up immediately. Mr. Lampman said he understood this was another possible day of violation with civil penalties and would comply with Air Quality Regulations. A follow-up inspection to occur.



MAP 3: Showing location of trackout.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit X

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102476

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 25, 2022	12:00 PM	1:45 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	72 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Issued Notice of Noncompliance, Possible NOV		Violation in 1000 feet of:	Hospital		
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Unstable		Size of Instability:	1 acres		
Trackout Device:	Yes - Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Fail		
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:	Equipment Onsite:			
Inspector Notes:			Approved By:	Katrinka Byers		

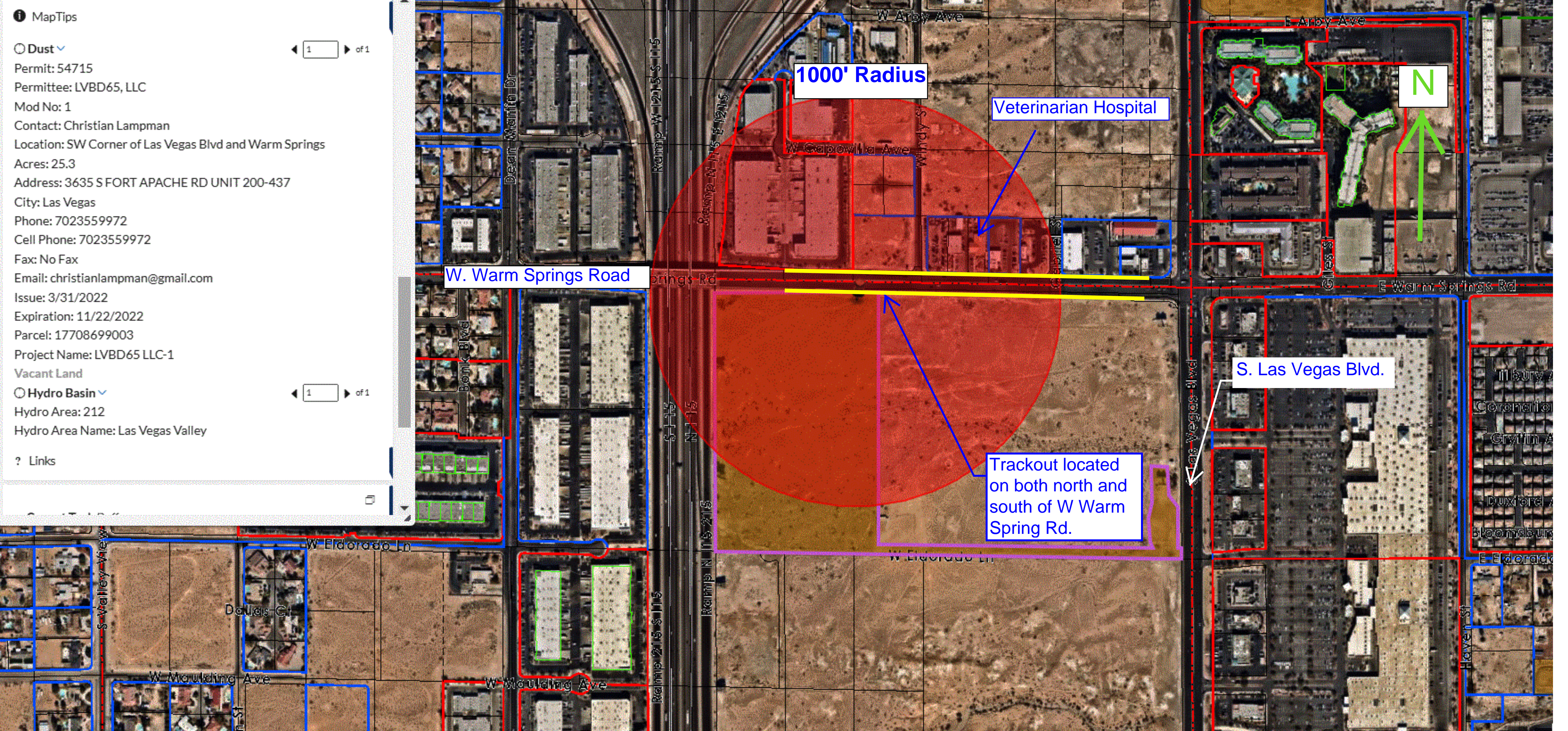


DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a Follow-up investigation and observed approximately 1 acre of unstable soils and soil/dirt debris along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Blvd. I also observed approximately 6 acres of overacreage. I called to inform Mr. Lampman I was issuing another Notice of Non-compliance to (1) modify the dust control permit by 4 pm on 4/28/22, (2) stabilize all site soils immediately, and (3) remove all trackout along Warm Springs Rd. immediately. I emailed Mr. Lampman documenting my findings and to let him know this was another possible day of violations. Mr. Lampman stated he understood and would comply with the NON.



MapTips
 Dust 1 of 1
 Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com
 Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land
 Hydro Basin 1 of 1
 Hydro Area: 212
 Hydro Area Name: Las Vegas Valley
 ? Links

MAP 4: Showing location of trackout.

Exhibit Z

From: [Allan Gutierrez](#)
To: [Christian Lampman](#)
Cc: slampman11@gmail.com
Subject: DCOP 54715 - Notice of Non-Compliance
Date: Tuesday, April 26, 2022 6:34:00 AM

Hello Christian.

I inspected the jobsite today (4/25/22) and observed approximately one acre of the site was unstable, particularly an area near the staging yard and vehicle tire tracks.

In addition, I observed a large amount of trackout along both sides of Warm Springs Rd. west of Las Vegas Blvd. resulting in another day of violations. A Notice of Non-Compliance was issued on 4/19/22 to remove this trackout by the end of the day.

These areas can be sources of fugitive dust emissions if acted upon by Construction Notice and/or Dust Advisory level wind speeds.

Please let me know you received this email and will comply with Air Quality Regulations.

Thank you.

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199

From: [Microsoft Outlook](#)
To: [Christian Lampman](#); slampman11@gmail.com
Subject: Relayed: DCOP 54715 - Notice of Non-Compliance
Date: Tuesday, April 26, 2022 6:34:42 AM
Attachments: [DCOP 54715 - Notice of Non-Compliance.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Christian Lampman (naitrsk@gmail.com) <<mailto:naitrsk@gmail.com>>
slampman11@gmail.com (slampman11@gmail.com) <<mailto:slampman11@gmail.com>>
Subject: DCOP 54715 - Notice of Non-Compliance



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit AA

NOTICE OF NONCOMPLIANCE

Issued To: LVBD65, LLC

Project Name: LVBD65 LLC-1

Location: SW Corner of Las Vegas Blvd and Warm Springs

Dust Control Permit No: 54715

Date: Apr 25, 2022

Time: 1:45 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Trackout

Remove all trackout and soil debris on Warm Springs. immediately.

Soil Disturbing / Construction Activities Outside the Permitted Area – Stabilize all areas you have disturbed, and Submit a permit modification to the Division of Air Quality by Apr 28, 2022 to add all disturbed acreage to your permitted area.

Additional Instructions / Other Noncompliance Items

- Immediately stabilize all site soils
- Immediately remove trackout along Warm Springs Rd. west of Las Vegas Blvd.
- Submit permit Modification by 4 pm on 4/28/22 to add approximately 6 acres

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Christian Lampman

Responsible Official

LVBD65, LLC

(Printed Name)

(Title)

(Company)

christianlampman@gmail.com

(Email Address)

Person Notified:

Shawn Lampman

Responsible Official

LVBD65, LLC

(Printed Name)

(Title)

(Company)

slampman11@gmail.com

(Email Address)

DAQ Representative:

Allan Gutierrez

702-370-2199

KLB

(Printed Name)

(Phone Number)

From: [Allan Gutierrez](#)
To: [Christian Lampman](#); slampman11@gmail.com
Subject: DCOP 54715 - Notice of Non-Compliance
Date: Tuesday, April 26, 2022 11:23:00 AM
Attachments: [54715_20220426_NON-Rvd.pdf](#)

Hello Christian and Shawn.

Please acknowledge receipt of the attached Notice of Non-Compliance and comply with the directions within.

Please contact me if you have any questions.

Thank you.

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199

From: [Microsoft Outlook](#)
To: [Christian Lampman](#); slampman11@gmail.com
Subject: Relayed: DCOP 54715 - Notice of Non-Compliance
Date: Tuesday, April 26, 2022 11:23:38 AM
Attachments: [DCOP 54715 - Notice of Non-Compliance.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Christian Lampman (naitrsk@gmail.com) <<mailto:naitrsk@gmail.com>>
slampman11@gmail.com (slampman11@gmail.com) <<mailto:slampman11@gmail.com>>
Subject: DCOP 54715 - Notice of Non-Compliance

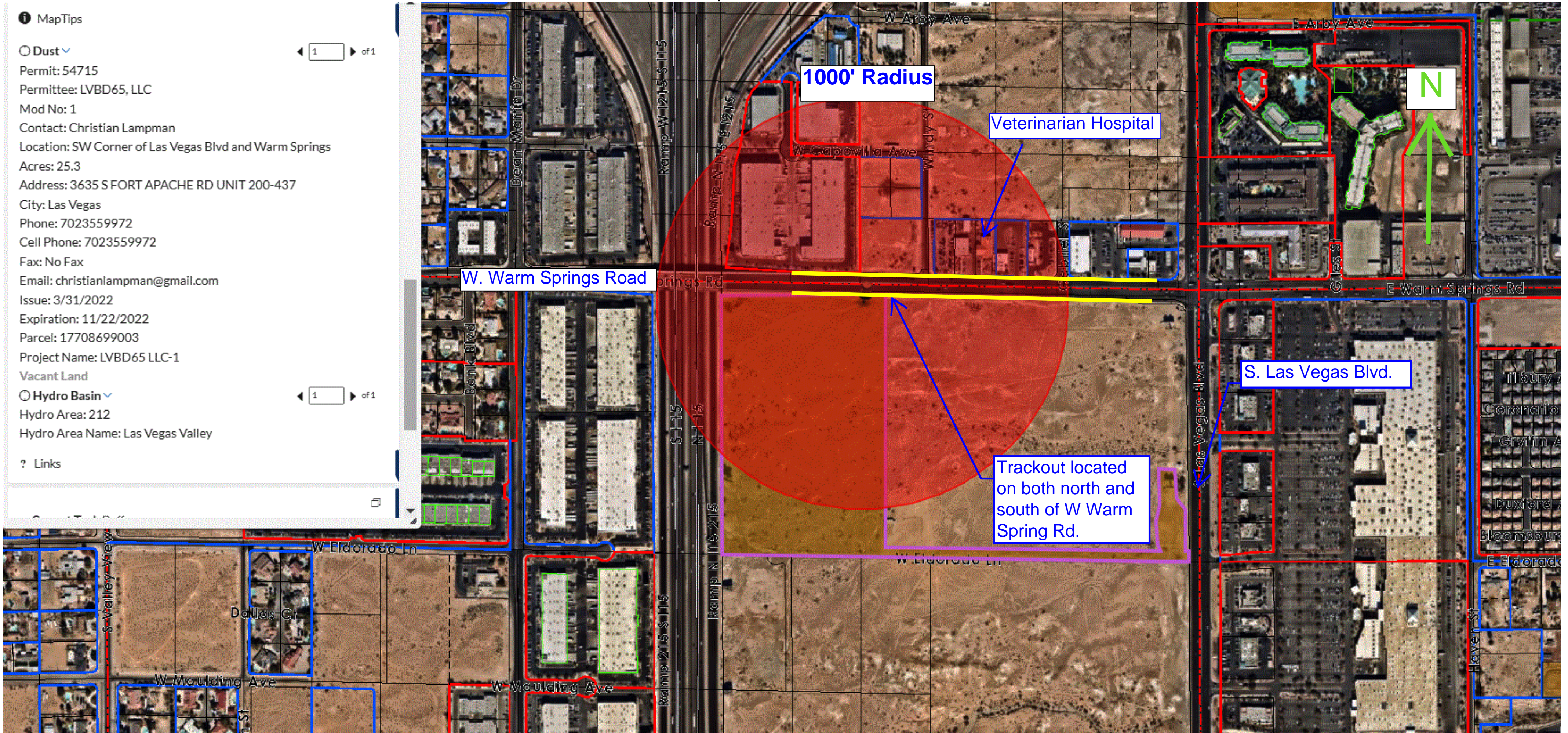


Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit BB

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102671

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 26, 2022	1:45 PM	2:30 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	84 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
		Shawn Lampman	Responsible Official	Phone		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						Yes
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	1 acres			
Trackout Device:	Yes - Effective	Has Trackout:	Yes			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:	Anna Sutowska		
<p>AQS Senior Katrinka Byers and I conducted a Site inspection and observed approximately 1 acre of unstable soils and soil/dirt debris (trackout) along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Blvd. (approximately 1,000 feet). We also observed approximately 6 acres of over acreage that Mr. Lampman has until 4 pm on 4/28/2022 to add to his permit as stated within the Notice of Non-Compliance (NON) issued on 4/25/2022. We called Mr. Christian Lampman and Mr. Shawn Lampman to remind them about the NON and to (1) stabilize all site soils immediately and (2) remove all trackout along Warm Springs Rd. immediately. Mr. Lampman stated he understood another day of violation may be applied and would comply with the NON and AQRs.</p>						



MapTips

Dust 1 of 1

Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com

Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land

Hydro Basin 1 of 1

Hydro Area: 212
 Hydro Area Name: Las Vegas Valley

? Links

MAP 5: Showing location of trackout.

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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278266697: Your package has been delivered
Date: Tuesday, July 5, 2022 2:08:17 PM

FedEx



Hi. Your package was
delivered Tue, 07/05/2022 at
2:06pm.




Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by E.EDDY

OBTAIN PROOF OF DELIVERY


TRACKING NUMBER	777278266697
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Christian Lampman, Responsible Offi 3635 South Fort Apache Road Unit 200-437 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278331949: Your package has been delivered
Date: Tuesday, July 5, 2022 10:01:34 AM

FedEx



Hi. Your package was
delivered Tue, 07/05/2022 at
9:59am.

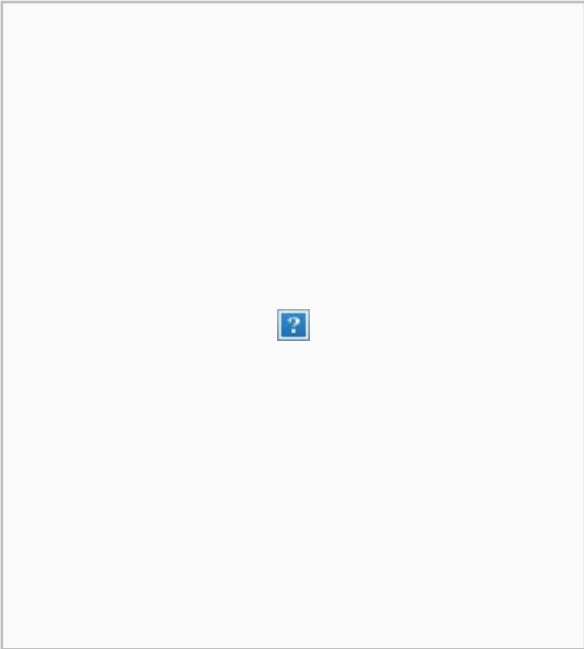


Delivered to 11411 SOUTHERN HIGHLANDS, LAS VEGAS, NV 89141
Received by D.COOPER

OBTAIN PROOF OF DELIVERY


TRACKING NUMBER	777278331949
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Guy Inzalaco, Manager of 11411 Southern Highlands Parkway Suite 300 LAS VEGAS, NV, US, 89141


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89141
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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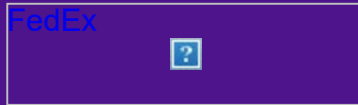




FOLLOW FEDEX



From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278377642: Your package has been delivered
Date: Tuesday, July 5, 2022 3:28:27 PM



Hi. Your package was delivered Tue, 07/05/2022 at 3:25pm.

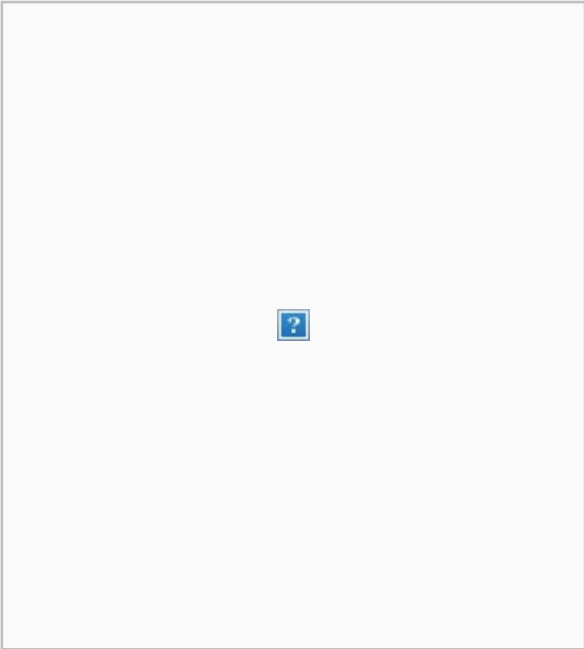


Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by E.EDDY

OBTAIN PROOF OF DELIVERY


TRACKING NUMBER	777278377642
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	E.N. Family, LLC, Manager of ACAK Irrevocable Trust, Manager of LVBD65, LLC 3635 South Fort Apache Road, Unit 2 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278427835: Your package has been delivered
Date: Tuesday, July 5, 2022 3:28:10 PM

FedEx



Hi. Your package was
delivered Tue, 07/05/2022 at
3:25pm.



Delivered to 3635 S FORT APACHE RD, LAS VEGAS, NV 89148
Received by E.EDDY

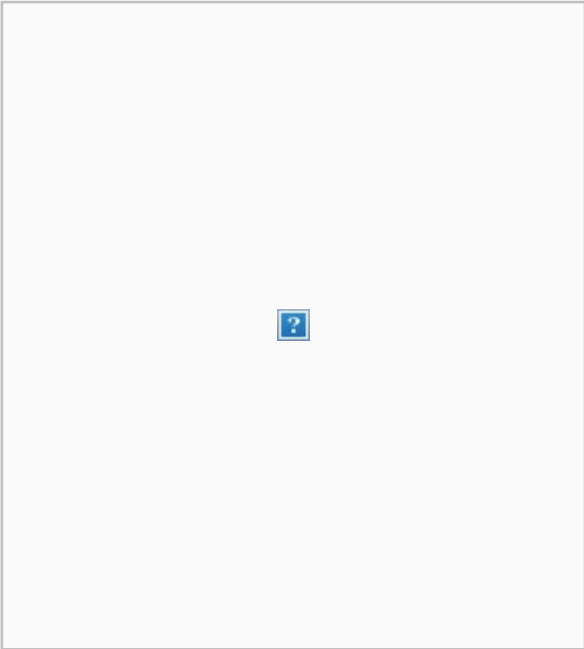
OBTAIN PROOF OF DELIVERY

TRACKING NUMBER [777278427835](#)

FROM Clark County - DAQ
4701 WEST RUSSELL ROAD
SUITE 200
LAS VEGAS, NV, US, 89118


TO Kirby Road 2 LLC, Manager of
Key G. Reid, Manager of
E.N. Family, LLC/LVBD65, Manager of
3635 South Fort Apache Road, Unit 2
LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89148
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278468905: Your package has been delivered
Date: Tuesday, July 5, 2022 11:47:43 AM



Hi. Your package was delivered Tue, 07/05/2022 at 11:46am.

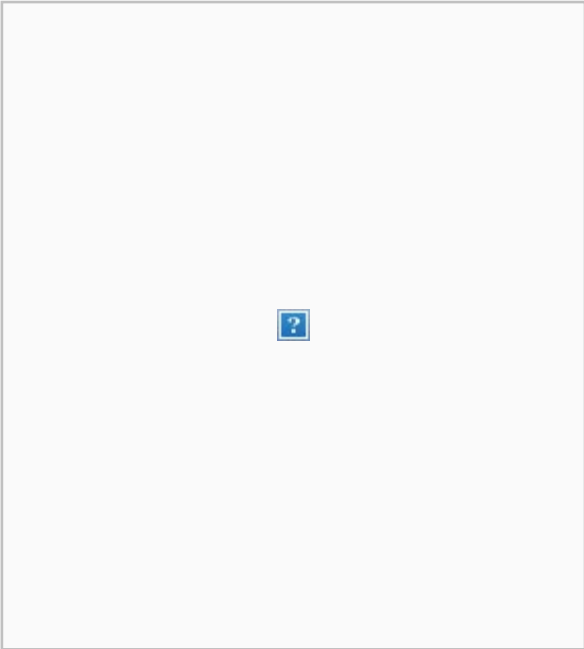


Delivered to 3700 BARRON WAY, RENO, NV 89511
Received by B.MORENO

OBTAIN PROOF OF DELIVERY


TRACKING NUMBER	777278468905
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	Ladera LV, LLC, Manager of Brandon MorenoJames Pickett, Mgrs LVBD65, LLC 3700 Barron Way, Suite 2 RENO, NV, US, 89511


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	RENO, NV, US, 89511
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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- **Download now.**





FOLLOW FEDEX



From: TrackingUpdates@fedex.com
To: [Pamela Thompson](#)
Subject: FedEx Shipment 777278516716: Your package has been delivered
Date: Tuesday, July 5, 2022 10:01:43 AM

FedEx



Hi. Your package was
delivered Tue, 07/05/2022 at
9:59am.

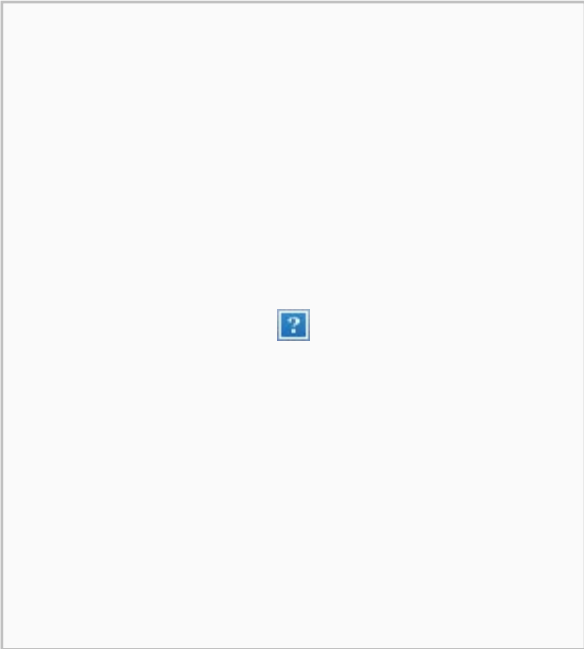


Delivered to 11411 SOUTHERN HIGHLANDS, LAS VEGAS, NV 89141
Received by D.COOPER

OBTAIN PROOF OF DELIVERY


TRACKING NUMBER	777278516716
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC SDA65, LLC, Manager of 11411 Southern Highlands Parkway Suite 300 LAS VEGAS, NV, US, 89141


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	LAS VEGAS, NV, US, 89118
DESTINATION	LAS VEGAS, NV, US, 89141
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Standard Overnight



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LVBD65, LLC (DCOP #54715)

Appeal of NOV #9709

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gr



**REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD**

Appeal of Hearing Officer's Order

1. **Date of Appeal:** 7/26/2022
(Must be within 10 days of receipt of Hearing Officer Order)
Notice of Violation # 9709 Hearing Date: 7/21/2022
Hearing Officer: Christine T. Smith

2. **Name, address, telephone number of Appellant:**
Name: LVBD65 LLC
(Please print)
Address: 3635 S Fort Apache Rd, Unit 200-437, Las Vegas NV 89147
Telephone: 702-355-9972 Fax: _____
Email: NAITSRK@GMAIL.COM

3. **Other person or persons authorized to receive service of notice:**
Name: Christian Lampman
(Please print)
Address: 5649 Dawn Falls St, Las Vegas NV 89147
Telephone: 7023559972 Fax: _____
Email: naitrsk@gmail.com

4. **Type of business or activity and location of activity involved in the request:**
Grubbing/Brushing

5. **Reason for appeal:** Facts alleged Penalty assessed Both

Provide a detailed explanation of the reason for your appeal:
Extreme high winds. The entire valley was dusty and it was not possible to know which dust came
from our properties vs which dust came from other properties onto ours.

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: Christian Lampman Date: 7-26-22
Printed Name: Christian Lampman
Title: Manager

FOR OFFICE USE ONLY

Application Received on 7/26/2022
Application Fee \$140.00 - Check credit card - VISA Received Date: 7/26/2022 *sk*



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

CHRISTIAN LAMPMAN, LVBD65, LLC
 3635 SOUTH FORT APACHE ROAD, UNIT 200-437
 LAS VEGAS, NV 89148

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
055981	7/26/2022	GREEN	DUST CONTROL ENFORCEMENT	7/26/2022

Quantity	Description	Fee Code	Fee	Total
3.00	HEARING BOARD REQUEST	AGHB01	\$140.00	\$420.00
	07/26/2022 VISA CREDIT CARD (2505 / 074384)	PAYMENT		(\$420.00)

Notes: NOVs #9701, 9704, & 9709, Appeal 7/21/2022 H/O Decision.

Subtotal:	\$420.00
Paid:	(\$420.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

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From: [AQ Enforcement](#)
To: [Christian Lampman](#)
Cc: [Andrew Kirk](#); [Damon Lindsay](#); [Allan Gutierrez](#); [Camon Liddell](#); [Katrinka Byers](#); [David Dean](#); [Mike Englehart](#); [Anna Sutowska](#); [Shibi Paul](#); [David Dean](#)
Subject: 7/21/2022 Hearing Officer Meeting – NOVs #9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715)
Date: Thursday, July 21, 2022 4:46:00 PM

Good afternoon Mr. Lampman,

Case numbers 9683 (DCOP #55113), and 9698, 9701, 9704 & 9709 (DCOP #54715) have already been heard at today's scheduled hearing, and the Hearing Officer made a ruling on all five cases. ACAK Irrevocable Trust and LVBD65, LLC will receive the signed orders and invoices for these cases on Thursday, July 28, 2022.

At that time, ACAK Irrevocable Trust and LVBD65, LLC can either pay all five invoices within 30 days from date of signed orders to resolve these NOV's., or you have the right to appeal these orders to the Clark County Air Pollution Control Hearing Board. Any appeal of these orders shall be: (1) in writing specifying the reasons for the appeal (for each case individually), (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars (\$140.00) (for each case individually), and (3) received by Air Quality within ten (10) days of ACAK Irrevocable Trust and LVBD65, LLC's receipt of these orders.

Here is a link to DES – Division of Air Quality's website to obtain the appeal form and instructions:

[Appeal](#) of Hearing Officer's Decision (Order)

Any questions please let me know.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: Christian Lampman [mailto:christianlampman@gmail.com]

Sent: Thursday, July 21, 2022 3:38 PM

To: AQ Enforcement <AQEnforcement@ClarkCountyNV.gov>
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Re: Reminder: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Hey guys, I'm so sorry to get back to you so late I am sick again and haven't been able to get much done. I hate to ask for another continuance so late but is it possible for one more continuance?

On Jul 19, 2022, at 7:44 AM, AQ Enforcement <AQEnforcement@clarkcountynv.gov> wrote:

Good morning Mr. Lampman,
This is a friendly reminder of the above hearing. Also, I left you a detailed voicemail message this morning at 7:19 a.m. at 702.355.9972.
Please confirm receipt of this email.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement
Sent: Wednesday, July 13, 2022 4:43 PM
To: christianlampman@gmail.com
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>
Subject: Response Required: 7/21/2022 Hearing Officer Docket – NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Also, please see email below sent on 7/12/2022.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

From: AQ Enforcement

Sent: Tuesday, July 12, 2022 12:27 PM

To: christianlampman@gmail.com

Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>; Allan Gutierrez <Gutierre@ClarkCountyNV.gov>; Camon Liddell <Camon.Liddell@clarkcountynv.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>

Subject: Response Require, NRFs Needed: NOVs #9698, 9701, 9704 & 9709 (DCOP #54715)

Importance: High

Good afternoon Mr. Lampman,

The attached Notices of Violation Response Forms (NRFs), including written explanation(s) if contesting violation(s), are past due and needed for this upcoming hearing scheduled on 7/21/2022.

Please confirm receipt of this email, and complete the attached NRFs/written explanations and email or fax it back to my attention by the close of business tomorrow, July 13, 2022.

Any questions please let me know.

NRF(s) and/or written explanation needed:

NOV #9698, provide a written explanation, including supporting documentation, as to why you are contesting the penalty in the NOV

NOV #9701, on the NRF please indicate if you are contesting the facts, penalty or both, and provide a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9704, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

NOV #9709, provide a completed NRF, and a written explanation, including supporting documentation, as to why you are contesting the NOV

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
2 CLARK COUNTY, NEVADA
3

4 In the Matter of the Notice of Violation #9709) ORDER
5 Issued to)
6 LVBD65, LLC, Respondent.)
_____)

7
8 The above-entitled matter was heard on July 21, 2022, before Hearing Officer
9 Christine T. Smith on the Contested Docket. LVBD65, LLC (**LVBD65**) did not appear. The
10 Hearing Officer hereby finds and orders as follows:

11 1. Notice of Violation (**NOV**) #9709 was issued by the Department of Environment
12 and Sustainability, Division of Air Quality (**Air Quality**) to Respondent LVBD65 on
13 June 30, 2022 for alleged violation(s) of Dust Control Operating Permit #54715 (**Permit**) and
14 the Clark County Air Quality Regulations (**AQRs**) at the LVBD65 LLC-1 construction site
15 located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark
16 County, NV. The violation(s) alleged in the NOV include:

17 (a) Violation of AQR Section 94.14(d) for allowing trackout more than
18 50 feet on a paved surface; and

19 (b) Violation of AQR Sections 94.13(a) and (b) for failing to employ Best
20 Available Control Measures and comply with soil stabilization standards 24 hours a
21 day, seven days a week.

22 2. The penalty recommended by Air Quality in NOV #9709 was \$10,750.00.

23 3. The Hearing Officer finds that the violation(s) alleged in NOV #9709 occurred
24 in that LVBD65 violated AQR Section 94.14(d) on April 27, 28, 29, 30, 2022, and May 2, 3
25 and 4, 2022; and AQR Sections 94.13(a) and (b) on April 27, 2022 and May 3, 2022.

26 ///

27 ///

28 ///



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

FEDERAL EXPRESS TRACKING #7772 7826 6697
Christian Lampman, Responsible Official
Email: christianlampman@gmail.com
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7833 1949
Guy Inzalaco, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

FEDERAL EXPRESS TRACKING #7772 7837 7642
ACAK Irrevocable Trust, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7842 7835
Key G. Reid, Manager of
Kirby Road 2 LLC, Manager of
E.N. Family, LLC, Manager of
LVBD65, LLC
3635 South Fort Apache Road, Unit 200-437
Las Vegas, Nevada 89148

FEDERAL EXPRESS TRACKING #7772 7846 8905
Brandon Moreno and James Pickett, Managers of
Ladera LV, LLC, Manager of
LVBD65, LLC
3700 Barron Way, Suite 2
Reno, NV 89511

FEDERAL EXPRESS TRACKING #7772 7851 6716
SDA65, LLC, Manager of
LVBD65, LLC
11411 Southern Highlands Parkway, Suite 300
Las Vegas, Nevada 89141

NOTICE OF VIOLATION #9709

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to LVBD65, LLC (**LVBD65**), for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Ten Thousand Seven Hundred Fifty and no/100 Dollars (\$10,750.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

- A. On March 31, 2022, Air Quality issued revised Dust Control Operating Permit (**DCOP**) #54715 to LVBD65, for the 25.3 acre construction project named LVBD65 LLC-1. A Dust Mitigation Plan was submitted with the initial DCOP application and was incorporated into DCOP #54715 whereby LVBD65 agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**). The dust mitigation plan remained in effect with this revision.
- B. Air Quality Specialists Allan Gutierrez (**Gutierrez**) and Mike Englehart (**Englehart**), and Senior Air Quality Specialist Katrinka Byers (**Byers**), discovered the alleged violations while performing follow-up inspections on April 27, 29, 30, 2022, and May 2 through 4, 2022, and an inspection during a Construction Notice period on April 28, 2022, at the LVBD65 LLC-1 construction project, located at the southwest corner of Las Vegas Boulevard and Warm Springs Road, in Clark County, Nevada.
- C. On Wednesday, April 27, 2022, at approximately 2:10 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit B** and incorporated herein. During his investigation, Gutierrez observed approximately 1.0 acre of unstable soil conditions and trackout soil debris along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Boulevard, as shown in Photographs 1 through 3 and Map 1, attached hereto as **Exhibits C** and **D**, respectively, and incorporated herein. While onsite, Gutierrez spoke in person with Matt Gamoke (**Gamoke**), water truck operator for LVBD65, and by telephone with Christian Lampman (**Lampman**), Responsible Official for LVBD65, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 3:05 p.m.
- D. On Wednesday, April 28, 2022, at approximately 8:29 a.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and

Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 20 mph, with gusts of 30 mph, for the morning of Thursday, April 28, 2022, and lasting throughout the day. Air Quality directs all permittees to immediately inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit E** and incorporated herein.

- E. On Thursday, April 28, 2022, at approximately 10:49 a.m., Gutierrez emailed Lampman and Shawn Lampman (**SLampman**), owner of LVBD65, the observations from his inspection, conducted on April 27, 2022. The email correspondence is attached hereto as **Exhibit F** and incorporated herein. At approximately 12:00 p.m., Byers arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection during a Construction Notice period. The inspection report is attached hereto as **Exhibit G** and incorporated herein. During her inspection, Byers observed approximately 1,000 feet in length of trackout soil debris along the north and south curb and gutter of Warm Springs Road, as shown in Photographs 4 through 6 (**Exh. C**), and Video 1 and Map 2 attached hereto as **Exhibits H** and **I**, respectively, and incorporated herein. While onsite, Byers spoke by telephone with Lampman and SLampman, concerning her observations of continued noncompliance. Byers concluded her inspection at approximately 12:30 p.m.
- F. On Friday, April 29, 2022, at approximately 3:15 p.m., Byers arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During her inspection, Byers observed approximately 438 feet in length of trackout soil debris along the north curb and gutter and 710 feet of trackout soil debris along the south curb and gutter of Warm Springs Road, as shown in Photographs 7 through 10 (**Exh. C**), and Map 3 attached hereto as **Exhibit K** and incorporated herein. While onsite, Byers spoke by telephone with Lampman, concerning her observations of continued noncompliance. Byers concluded her inspection at approximately 4:00 p.m.
- G. On Saturday, April 30, 2022, at approximately 7:50 a.m., Englehart arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit L** and incorporated herein. During his inspection, Englehart observed approximately 300 feet in length of trackout soil debris along the north curb of Warm Springs Road, as shown in Photographs 11 through 13 (**Exh. C**), and Map 4 attached hereto as **Exhibit M** and incorporated herein. Englehart concluded his inspection at approximately 8:20 a.m.
- H. On Monday, May 2, 2022, at approximately 12:55 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit N** and incorporated herein. During his inspection, Gutierrez observed approximately 1,000 feet in length of trackout soil debris along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Boulevard, as shown in Photographs 14 and 15 (**Exh. C**), and Map 5 attached hereto as **Exhibit O** and incorporated herein. Gutierrez also observed approximately 0.5 acres of unstable soil conditions. While onsite, Gutierrez

spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 1:45 p.m.

- I. On Tuesday, May 3, 2022, at approximately 1:05 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit P** and incorporated herein. During his inspection, Gutierrez observed approximately 0.5 acres of unstable soil conditions and approximately 1,000 feet in length of trackout soil debris accumulated along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Boulevard, as shown in Photographs 16 through 18 (**Exh. C**), and Map 6, attached hereto as **Exhibit Q**, and incorporated herein. While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 2:05 p.m.
- J. On Wednesday, May 4, 2022, at approximately 2:40 p.m., Gutierrez arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit R** and incorporated herein. During his inspection, Gutierrez observed approximately 0.5 acre of unstable soil conditions and approximately 1,000 feet in length of trackout soil debris along the curb and gutter on both sides of Warm Springs Road, west of Las Vegas Boulevard, as shown in Photographs 19 through 21 (**Exh. C**), and Map 7 attached hereto as **Exhibit S** and incorporated herein. While onsite, Gutierrez spoke by telephone with Lampman, concerning his observations of continued noncompliance. Gutierrez concluded his inspection at approximately 3:20 p.m.
- K. On Thursday, May 5, 2022, at approximately 3:00 p.m., Byers arrived at the LVBD65 LLC-1 construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit T** and incorporated herein. During her inspection, Byers observed the site was in compliance with AQRs. Byers concluded her inspection at approximately 3:40 p.m.

II. VIOLATIONS

Violation 1:

By allowing trackout more than 50 feet on a paved surface, LVBD65 violated AQR Section 94.14(d).

AQR Section 94.14(d) states:

“(d) Mud or dirt shall not be allowed to accumulate on a Paved surface where Trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches.”

AQR Section 94.2 states:

“...
Trackout” means soil, mud, or dirt on Paved surfaces, including curbs, gutters, and sidewalks, that has come from a Construction site or an unpaved access route onto the Paved surface.
...”

Violation 2:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, LVBD65 violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

- “(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).
- (b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2). ”

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation on April 28, 2022 occurred during a Construction Notice period (**Exh. E**); and
- Consecutive days of violation as described above in Paragraphs I.C, I.E, I.F, and I.G, for April 27 through 30, 2022, and Paragraphs I.H, I.I, and I.J, for May 2 through 4, 2022.

Air Quality recommends a civil penalty in the amount of \$10,750.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, July 21, 2022, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by July 7, 2022. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark

County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



Shibi Paul
Compliance and Enforcement Manager

Exhibits:

- A. Penalty Calculation Table, NOV #9709
- B. Air Quality Construction Site Inspection Form #102673, dated April 27, 2022
- C. Digital Photographs 1 through 21
- D. Map 1: Showing the location of trackout soil debris and unstable soil on April 27, 2022
- E. Construction Notice for April 28, 2022
- F. Email Correspondence, dated April 28, 2022 (ROC)
- G. Air Quality Construction Site Inspection Form #102651, dated April 28, 2022
- H. Map 2: Showing the location of trackout soil debris on April 28, 2022
- I. Video 1: Showing the trackout on April 28, 2022
- J. Air Quality Construction Site Inspection Form #102665, dated April 29, 2022
- K. Map 3: Showing the location of trackout soil debris on April 29, 2022
- L. Air Quality Construction Site Inspection Form #102676, dated April 30, 2022
- M. Map 4: Showing the location of trackout soil debris on April 30, 2022
- N. Air Quality Construction Site Inspection Form #102872, dated May 2, 2022
- O. Map 5: Showing the location of trackout soil debris on May 2, 2022
- P. Air Quality Construction Site Inspection Form #102687, dated May 3, 2022
- Q. Map 6: Showing the location of trackout soil debris and unstable soil on May 3, 2022
- R. Air Quality Construction Site Inspection Form #102873, dated May 4, 2022
- S. Map 7: Showing the location of trackout soil debris on May 4, 2022
- T. Air Quality Construction Site Inspection Form #102805, dated May 5, 2022

rag

Exhibit A

NOV # 9709
Penalty Calculation Table
LVBD65, LLC



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	4/27/2022	Allowed trackout soil debris greater than 50 feet on a paved surface.	94.14(d)	Exh. C, Photos 1 and 3 Exh. D, Map 1	\$ 1,000	7	N/A	0%	\$ -	\$ 1,000
	4/28/2022			Exh. E, Construction Notice Exh. C, Photos 4 thru 6 Exh. H, Map 2 Exh. I, Video 1			1) Occurred during a Construction Notice period (+25%) 2) Second consecutive day of violation ¹ (+25% per day)	50%	\$ 500	\$ 1,500
	4/29/2022			Exh. C, Photos 7 thru 10 Exh. K, Map 3			Third consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
	4/30/2022			Exh. C, Photos 11 thru 13 Exh. M, Map 4			Fourth consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
	5/2/2022			Exh. C, Photos 14 and 15 Exh. O, Map 5			N/A	0%	\$ -	\$ 1,000
	5/3/2022			Exh. C, Photos 16 and 17 Exh. Q, Map 6			Second consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
	5/4/2022			Exh. C, Photos 19 thru 21 Exh. S, Map 7			Third consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250
2	4/27/2022	Failed to employ Best Available Control Measures and comply with soil stabilization standards at their site 24/7.	94.13(a) and 94.13(b)	Exh. C, Photo 2 Exh. D, Map 1	\$ 1,000	2	N/A	0%	\$ -	\$ 1,000
	5/3/2022			Exh. C, Photo 18 Exh. Q, Map 6			Second consecutive day of violation ¹ (+25% per day)	25%	\$ 250	\$ 1,250

Total Penalty: \$ 10,750

¹ Consecutive Day aggravation begins with the 2nd day of noncompliance

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.470]



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit B

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102673

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	Apr 27, 2022	2:10 PM	3:05 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	84 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Matt Gamoke	Water Truck Operator	In Person		
		Spoke With:	Title:	Comm. Method:		
		Christian Lampman	Responsible Official	Phone		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						Yes
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	1 acres			
Trackout Device:	Yes - Effective	Has Trackout:	Yes			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:			
<p>I conducted a Follow-up inspection and observed approximately 1 acre of unstable soils and soil/debris along the gutter on both sides of Warm Springs Rd. west of Las Vegas Blvd. I called and spoke with Mr. Matt Gamoke onsite and Mr. Christian Lampman on the telephone to discuss my observations. Mr. Lampman stated he understood and would comply with AQRs.</p>						

Exhibit C

Digital Photographs

Dust Control Permit #: **54715** Permittee: **LVBD65, LLC**

Project Name: **LVBD65 LLC-1**

Photos taken by: **See photo description**



Photograph # 1

Alleged Violation # 1

View looking west along the gutter on north Warm Springs Road west of Las Vegas Blvd. at trackout soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 2

Alleged Violation # 2

View looking west at unstable soils on the LVBD65 LLC-1 jobsite with no BACM available. Photo taken by Allan Gutierrez.



Photograph # 3

Alleged Violation # 1

View looking east along the gutter on south Warm Springs Road west of Las Vegas Blvd. at trackout soil/sand from the LVBD65 LLC-1 project with no BACM available. Photo taken by Allan Gutierrez



Photograph # 4

Alleged Violation # 1

View looking west at trackout along the north gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 5

Alleged Violation # 1

View looking southeast at trackout along the gutter, sidewalk and curb of W. Warm Springs Road & Windy Street. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 6

Alleged Violation # 1

View looking east at trackout along the north gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 7

Alleged Violation # 1

View looking east at trackout along the south gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 8

Alleged Violation # 1

View looking west at trackout along the north gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 9

Alleged Violation # 1

View looking west at trackout along the north gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 10

Alleged Violation # 1

View looking east at trackout along the north gutter and sidewalk of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 11

Alleged Violation # 1

View looking west at trackout along the north gutter of W. Warm Springs Road. Photo taken by Senior Air Quality Specialist, Katrinka Byers.



Photograph # 12

Alleged Violation # 1

View looking west at trackout along median of W. Warm Springs Road. Photo taken by Air Quality Specialist II, Mike Englehart.



Photograph # 13

Alleged Violation # 1

View looking east at trackout along the south gutter of W. Warm Springs Road with no BACM available. Photo taken by Air Quality Specialist II, Mike Englehart.



Photograph # 14

Alleged Violation # 1

View looking west at trackout along the gutter of north Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez



Photograph # 15

Alleged Violation # 1

View looking east at trackout along the gutter of south Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez



Photograph # 16

Alleged Violation # 1

View looking west at trackout along the gutter of north Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez



Photograph # 17

Alleged Violation # 1

View looking east at trackout along the gutter of south Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez.



Photograph # 18

Alleged Violation # 2

View looking west at unstable soils on the jobsite. Photo taken by Air Quality Specialist II, Allan Gutierrez.



Photograph # 19

Alleged Violation # 1

View looking east at trackout along the gutter of north Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez.



Photograph # 20

Alleged Violation # 1

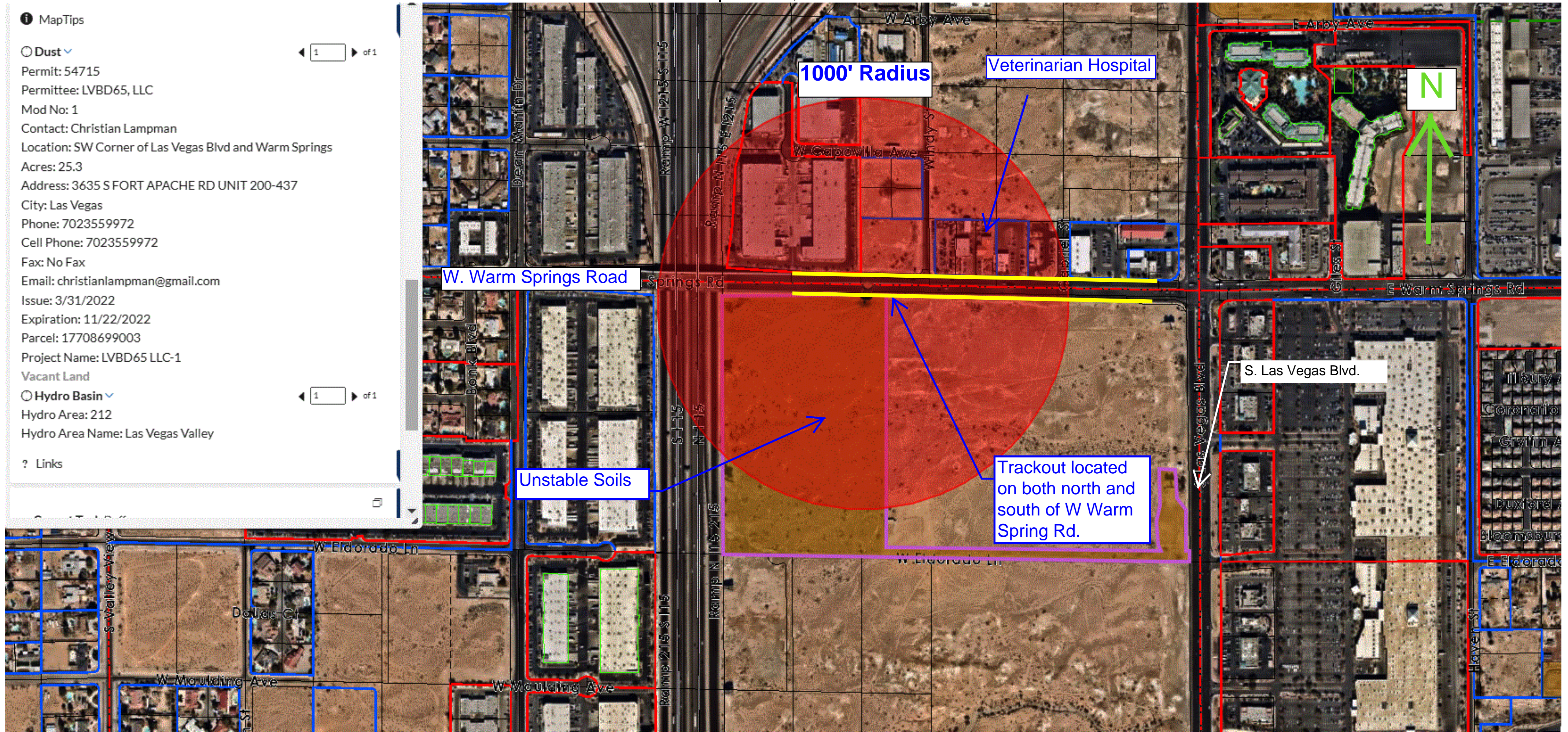
Detailed view of trackout along south gutter W. Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II, Allan Gutierrez



Photograph # 21

Alleged Violation # 1

View looking east at trackout along the gutter of north Warm Springs Road west of Las Vegas Blvd. Photo taken by Air Quality Specialist II Allan Gutierrez.



MAP 1: Showing location of trackout and unstable soils.

From: aqdcpc@clarkcountynv.gov [mailto:aqdcpc@clarkcountynv.gov]
Sent: Thursday, April 28, 2022 8:29 AM
To: AQDCP <AQDCP@ClarkCountyNV.gov>
Subject: Clark County Air Quality is Issuing a Construction Notice

Exhibit E



Clark County Department of Environment and Sustainability

Division of Air Quality

CONSTRUCTION NOTICE

for Thursday, April 28, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds beginning in the morning and lasting throughout the day. The forecast is for **sustained winds 20 mph**, with gusts **30 mph**.

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts 30 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue

charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM₁₀ stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 4/28/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From: Microsoft Outlook

Sent: Thursday, April 28, 2022 8:32 AM

To: AQDCP

Subject: Relayed: Clark County Air Quality is Issuing a Construction Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

christianlampman@gmail.com

Subject: Clark County Air Quality is Issuing a Construction Notice

Exhibit F

From: [Allan Gutierrez](#)
To: [Christian Lampman](#); slampman11@gmail.com
Subject: DCOP 54715: Continued Non-Compliance
Date: Thursday, April 28, 2022 10:49:00 AM

Hello Shawn and Christian.

I conducted a follow-up inspection yesterday on 4/27/22 and observed another day of non-compliance for unstable soils.

I observed Matt Gamoke operating a water truck spraying the soil/sand trackout along the Warm Springs Rd. curb/gutter.

I have told both of you before not to use this method of cleaning the trackout soil/sand debris along Warm Springs Rd.: this is a possible SWPPP violation.

Both Christian and Shawn Lampman are directed to register within the next five days for the next available Dust card Class see attached link below:

To register for a Dust Class, complete the dust class registration form and fax to DAQ at 702-383-9994 or e-mail to aqdcpc@clarkcountynv.gov.

The Dust Class dates and Registration Form can be found at the following link:

https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/dust_classes.php

Please confirm receipt of this email and receipt of the Construction Notice DAQ has issued for today, 4/28/22.

An inspector on will be on-site today during the Construction Notice to perform a site inspection.

Thank you.

Be careful and wash your hands!

Allan F. Gutierrez, Jr.
Air Quality Specialist II
Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Road, Ste. 200
Las Vegas, NV 89118
gutierre@clarkcountynv.gov
Office: 702.455.1679
Cellular: 702.370.2199

From: [Microsoft Outlook](#)
To: [Christian Lampman](#); slampman11@gmail.com
Subject: Relayed: DCOP 54715: Continued Non-Compliance
Date: Thursday, April 28, 2022 10:49:06 AM
Attachments: [DCOP 54715 Continued Non-Compliance .msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Christian Lampman (naitrsk@gmail.com) <<mailto:naitrsk@gmail.com>>
slampman11@gmail.com (slampman11@gmail.com) <<mailto:slampman11@gmail.com>>
Subject: DCOP 54715: Continued Non-Compliance



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit G

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102651

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Apr 28, 2022	12:00 PM	12:30 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	62 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	No	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
		Shawn Lampman	Owner	Phone		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:		Stable		Size of Instability:		
Trackout Device:		Yes - Effective		Has Trackout:		Yes
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Not Necessary/Not Performed
Admin Compliance:						No
Acreage Permitted:		Observed Acreage:		Project Size:		Greater than permitted
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
SS Permit(s):		SS Permit No.		Equipment Onsite:		
Inspector Notes:				Approved By:		Katrinka Byers

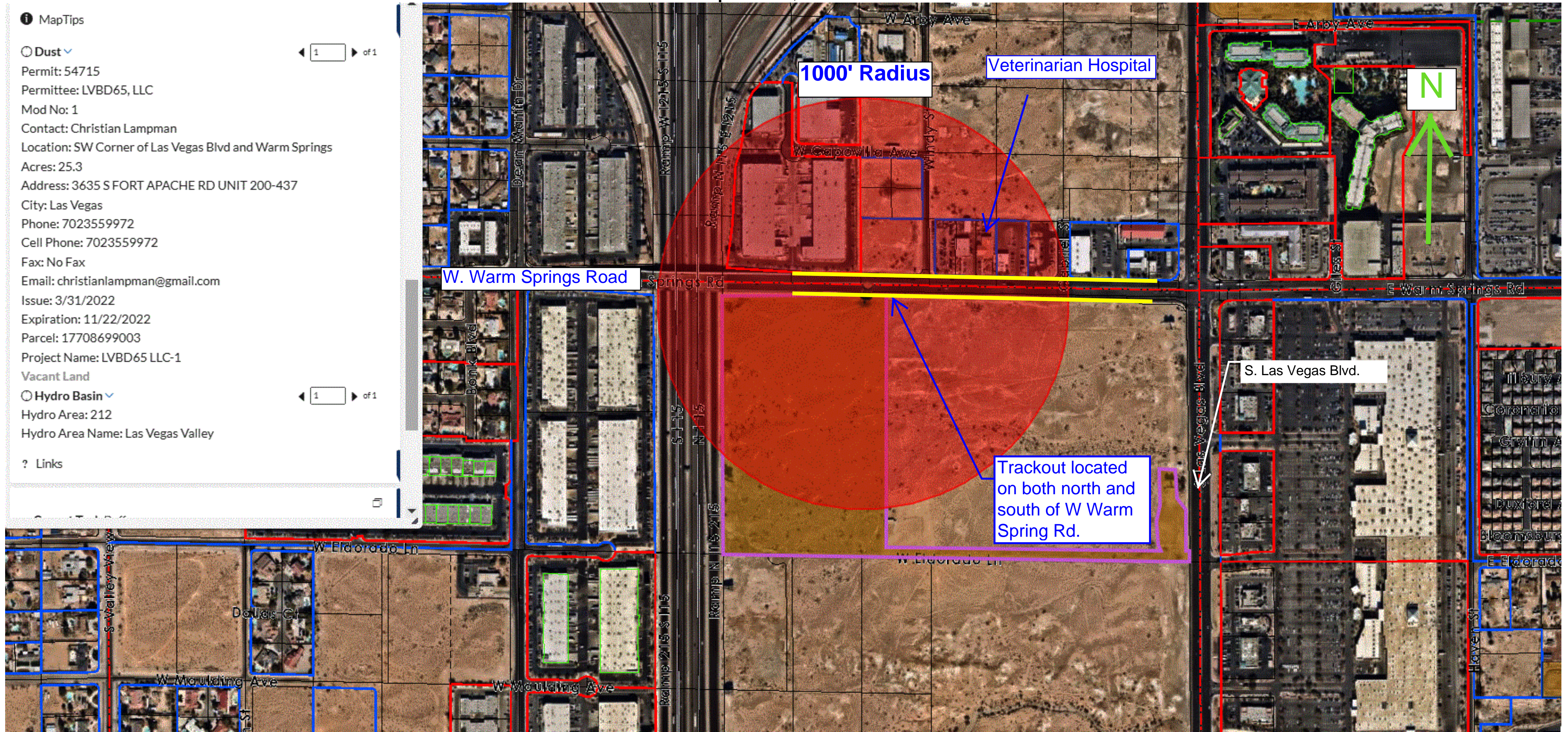


DES
DEPARTMENT OF ENVIRONMENT
AND SUSTAINABILITY



Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a follow-up inspection during a Construction Notice and observed over 1000' of trackout along the northern gutter and sidewalk of W. Warm Springs Road. I also observed trackout that appeared to be sprayed down with water along the southern gutter of W. Warm Springs Road. In addition, I do not see the permit was modified to include the additional 6 acres located outside the permit boundary per the NON issued by AQS II, Allan Gutierrez on 4/25/22. I spoke with Mr. Christian Lampman (Responsible Official) and Mr. Shawn Lampman (Owner) and confirmed they received the Construction Notice and explained this was another day of violation and that the trackout must be cleaned up immediately and the permit modified by the close of business Friday, 4/29/22. Both Mr. Shawn Lampman and Mr. Christian Lampman said they understood the continued Notice of Violation and would comply with AQRs.



MAP 2: Showing location of trackout.

EXHIBIT I, Video 1



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102665

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Apr 29, 2022	3:15 PM	4:00 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	75 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	No	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Enforcement Action Recommended		Violation in 1000 feet of:	Hospital		
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Effective		Has Trackout:	Yes		
Mitigation Equipment:	Inadequate		Soil Crust Determination:	Not Necessary/Not Performed		
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:		DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:			Approved By:	Katrinka Byers		

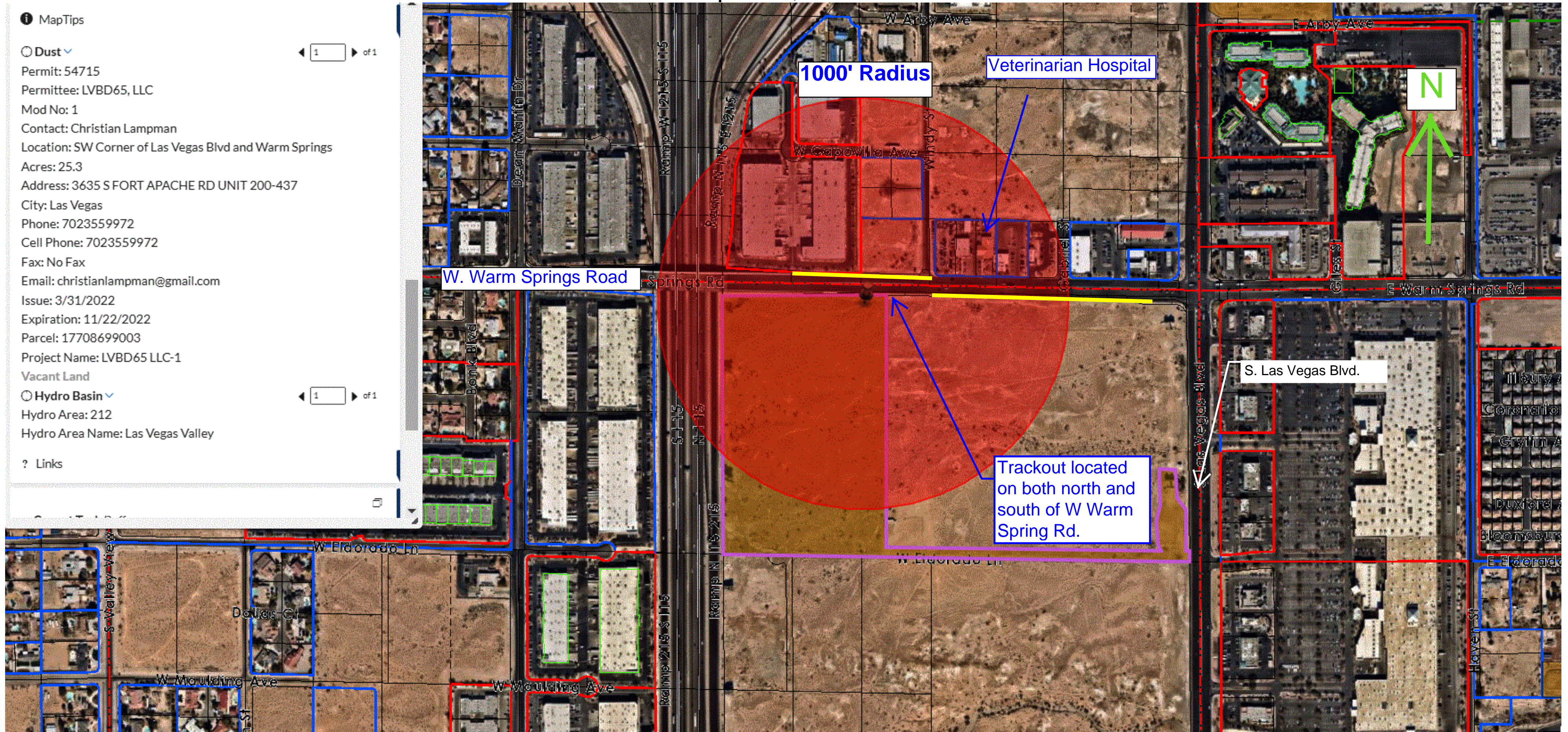


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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a follow-up inspection during a pre-construction advisory and observed 438' of trackout along the north gutter and sidewalk of W. Warm Springs Road between Windy Street & the bridge and 710' of trackout along the southern gutter and sidewalk of W. Warm Springs Road across the street from the Home Plate Grill & Bar east to Las Vegas Blvd. In addition, I do not see that the permit was modified to include the additional 6 acres located outside the permit boundary per the NON issued on 4/25/22. I spoke with Mr. Christian Lampman (Responsible Official) and explained this was another day of violation and that the trackout must be cleaned up immediately and the permit modified by the close of business Monday, 05/02/2022. Mr. Lampman said he received the construction notice issued for 4/30/22 and understood the continued Notice of Violation and would comply with AQRs.



MapTips
 Dust of 1
 Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com
 Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land
 Hydro Basin of 1
 Hydro Area: 212
 Hydro Area Name: Las Vegas Valley
 ? Links

MAP 3: Showing location of trackout.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit L

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102676

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Mike Englehart	Apr 30, 2022	7:50 AM	8:20 AM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	69 degrees	00-04 mph	0 mph	SE	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	No					
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:		Enforcement Action Recommended		Violation in 1000 feet of:		Hospital
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						No
Project Soils:		Stable		Size of Instability:		
Trackout Device:		Yes - Effective		Has Trackout:		Yes
Mitigation Equipment:		Inadequate		Soil Crust Determination:		Not Necessary/Not Performed
Admin Compliance:						No
Acreage Permitted:		Observed Acreage:		Project Size:		Greater than permitted
Staging/Parking Area:		DCOP Sign:		DCOP Onsite:		Not Verified
SS Permit(s):		SS Permit No.		Equipment Onsite:		
Inspector Notes:				Approved By:		Katrinka Byers



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air quality



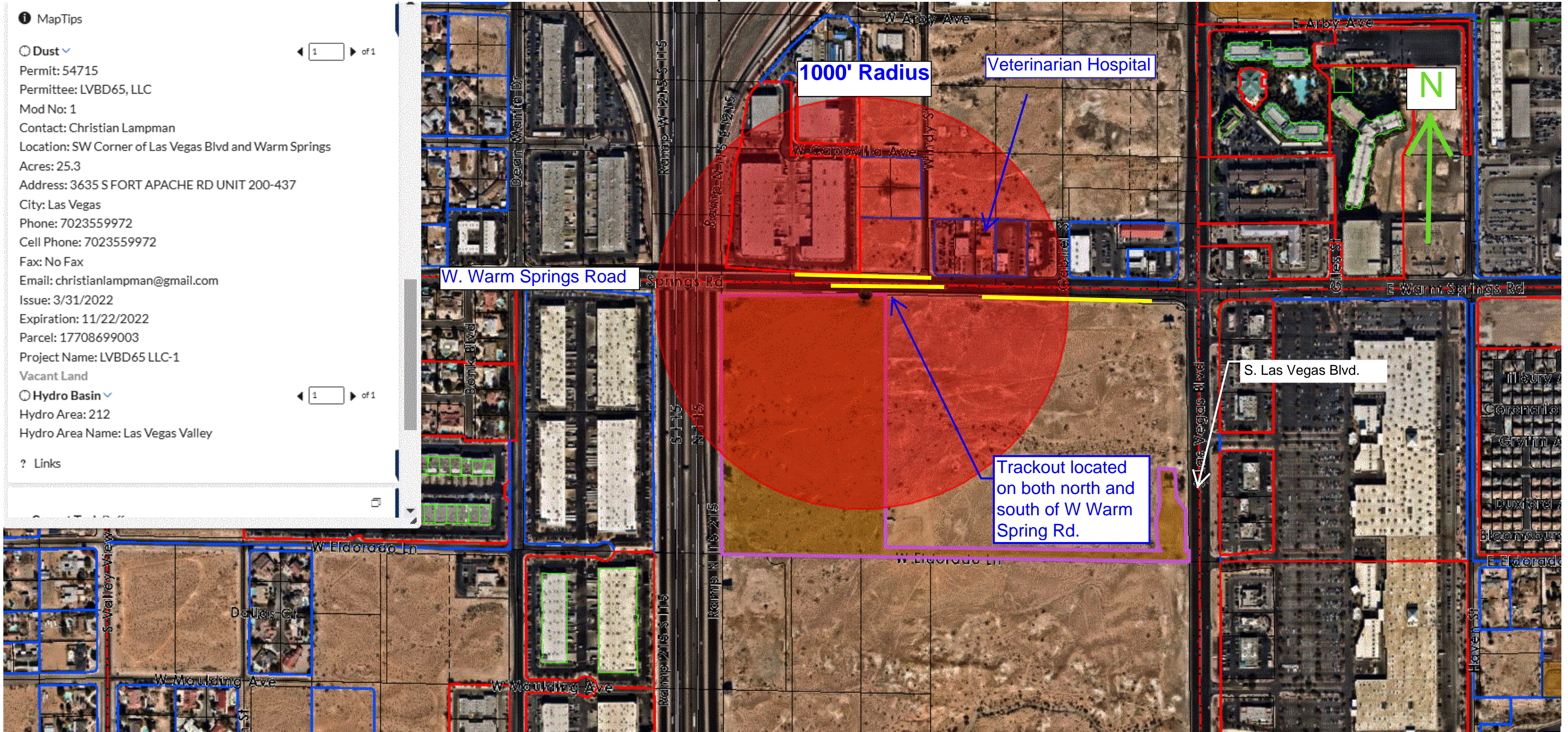
desert conservation



sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

I conducted a follow up inspection during a pre-construction notice and continued to observe trackout along the curb of the North side Warm Springs Road, for approximately 300 feet, from the base of the bridge to Windy Street.



MapTips

Dust 1 of 1

Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com

Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land

Hydro Basin 1 of 1

Hydro Area: 212
 Hydro Area Name: Las Vegas Valley

? Links

MAP 4: Showing location of trackout.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit N

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102872

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	May 2, 2022	12:55 PM	1:45 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	75 degrees	05-09 mph	10 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						Yes
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	0.5 acres			
Trackout Device:	Yes - Effective	Has Trackout:	Yes			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:	Katrinka Byers		
<p>I conducted a Site inspection and observed over 1,000 feet of trackout soil/sand along the gutters on both sides of Warm Springs Rd. west of Las Vegas Blvd. and approximately 0.5 acre of unstable site soils. I called and spoke with Responsible Official Christian Lampman and informed him to clean up all trackout and stabilize the site soils immediately. I reminded Mr. Lampman the site is still non-compliant for trackout and unstable soils. Mr. Lampman stated he understood and would comply with AQRs.</p>						

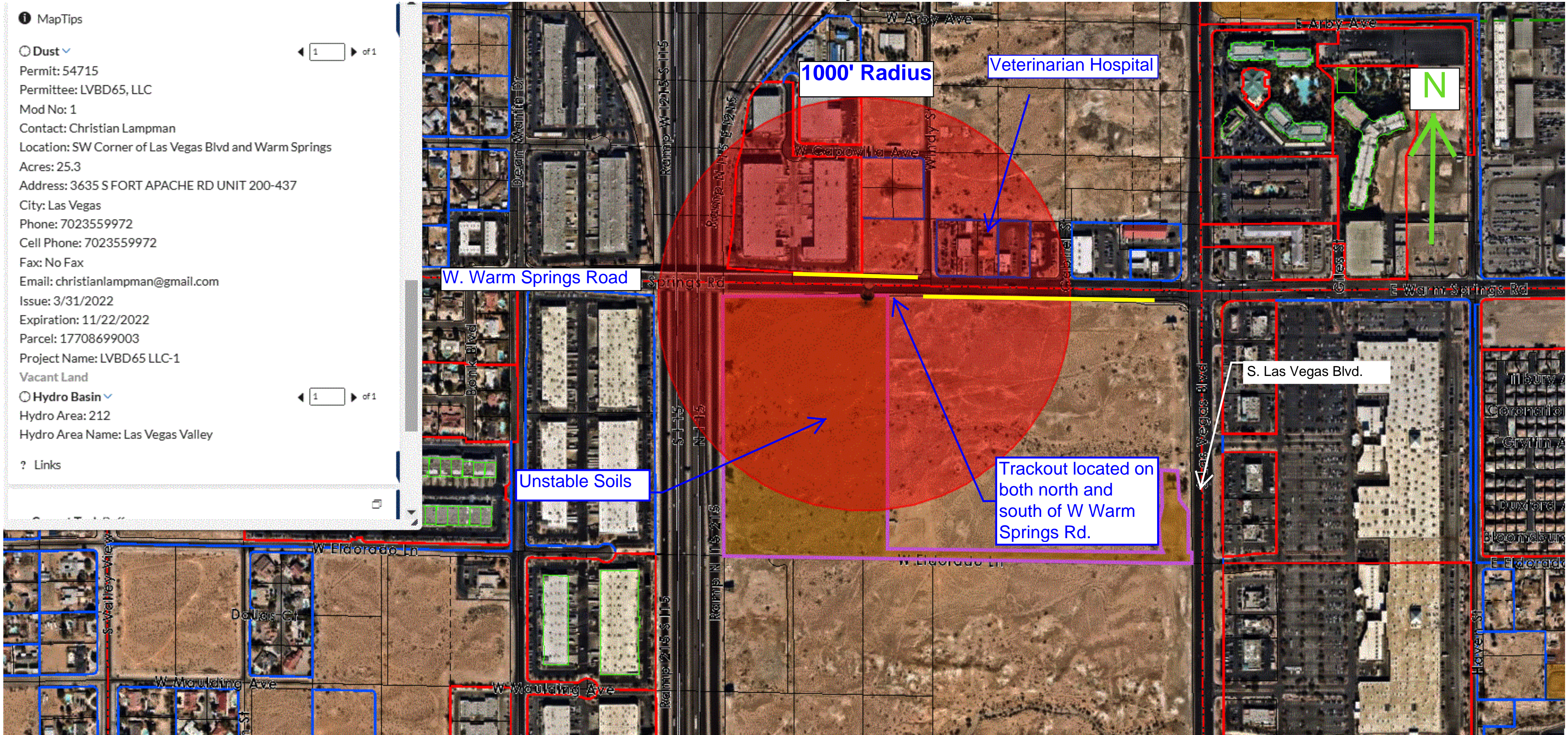


Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit P

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102687

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	May 3, 2022	1:05 PM	2:04 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	75 degrees	10-14 mph	15 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						Yes
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	0.5 acres			
Trackout Device:	Yes - Effective	Has Trackout:	Yes			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:	Katrinka Byers		
<p>I conducted a Site inspection and observed over 1,000 feet of trackout soil/sand along the gutters on both sides of Warm Springs Rd. west of Las Vegas Blvd. and approximately 0.5 acre of unstable site soils. I called and spoke with Responsible Official Christian Lampman and informed him to clean up all trackout and stabilize site soils immediately. I reminded Mr. Lampman the site is still non-compliant for trackout and unstable soils. Mr. Lampman stated he understood and would comply with AQRs.</p>						



MAP 6: Showing location of trackout and unstable soil.



Division of Air Quality
 4701 W. Russell Rd. Suite 200 2nd Floor
 Las Vegas, NV 89118
 Main Number: (702)455-5942
 Fax Number: (702)383-9994

Exhibit R

CONSTRUCTION SITE INSPECTION REPORT
Inspection No. 102873

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Allan Gutierrez	May 4, 2022	2:40 PM	3:20 PM	Follow-up		54715
Permittee:	Project Name:		Project Location:			
LVBD65, LLC	LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs			
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	78 degrees	00-04 mph	5 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	No	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						No
Action Taken:	Possible NOV	Violation in 1000 feet of:	Hospital			
Emission Compliance:						Yes
Fugitive Dust Source:	Plume Length:					
Opacity:	Opacity Test Method:					
BMP Compliance:						No
Project Soils:	Unstable	Size of Instability:	0.5 acres			
Trackout Device:	Yes - Effective	Has Trackout:	Yes			
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail			
Admin Compliance:						No
Acreage Permitted:	25.3 acres	Observed Acreage:	31.3 acres	Project Size:	Greater than permitted	
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.	Equipment Onsite:			
Inspector Notes:			Approved By:	Katrinka Byers		
<p>I conducted a Site inspection and observed over 1,000 feet of trackout soil/sand along the gutters on both sides of Warm Springs Rd. west of Las Vegas Blvd. and approximately 0.5 acre of unstable site soils. I called and spoke with Responsible Official Christian Lampman and informed him to clean up all trackout and stabilize the site soils immediately. I reminded Mr. Lampman the site is still non-compliant for trackout and unstable soils. Mr. Lampman stated he understood and would comply with AQRs.</p>						

MapTips

Dust of 1

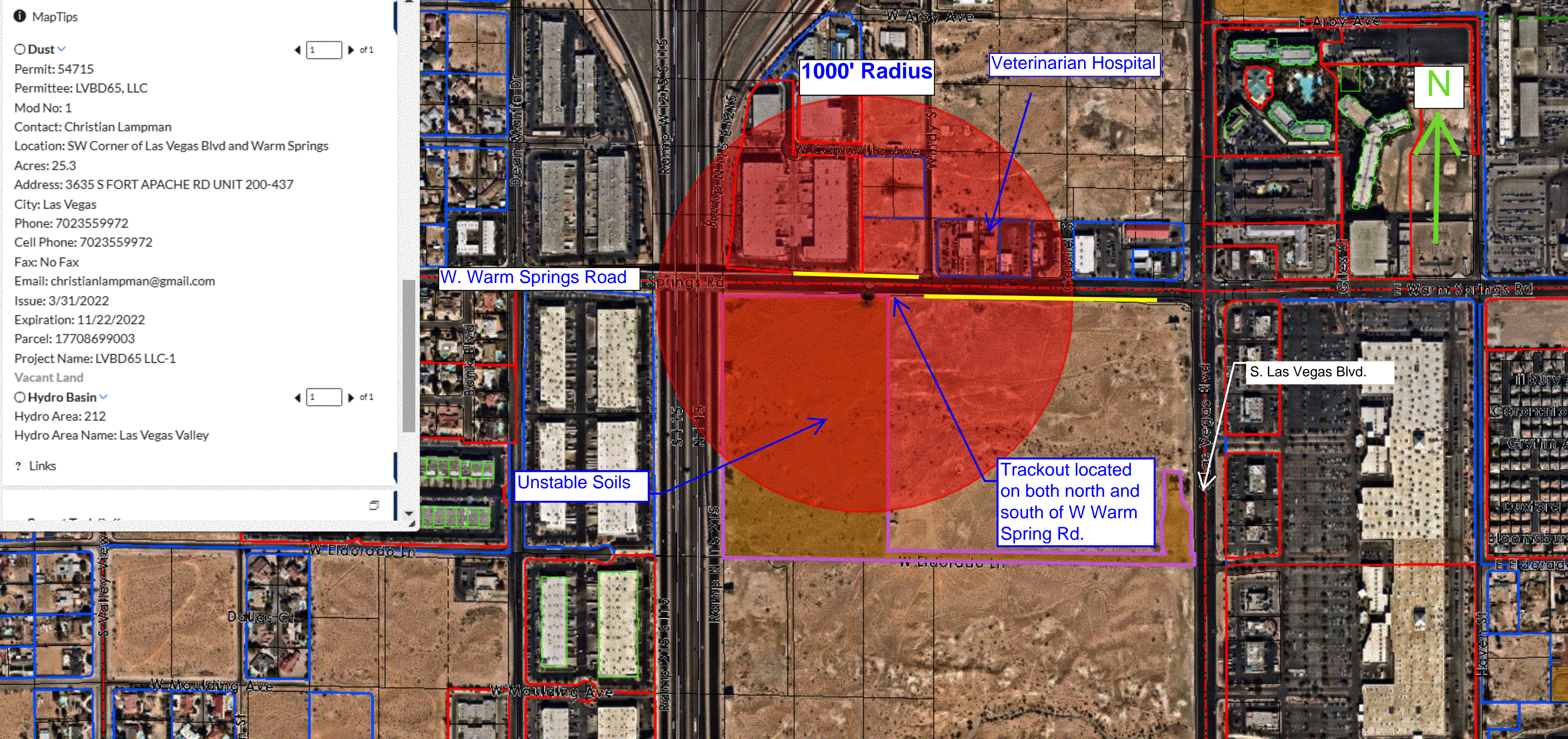
Permit: 54715
 Permittee: LVBD65, LLC
 Mod No: 1
 Contact: Christian Lampman
 Location: SW Corner of Las Vegas Blvd and Warm Springs
 Acres: 25.3
 Address: 3635 S FORT APACHE RD UNIT 200-437
 City: Las Vegas
 Phone: 7023559972
 Cell Phone: 7023559972
 Fax: No Fax
 Email: christianlampman@gmail.com

Issue: 3/31/2022
 Expiration: 11/22/2022
 Parcel: 17708699003
 Project Name: LVBD65 LLC-1
 Vacant Land

Hydro Basin of 1

Hydro Area: 212
 Hydro Area Name: Las Vegas Valley

? Links



MAP 7: Showing location of trackout.



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Exhibit T

CONSTRUCTION SITE INSPECTION REPORT Inspection No. 102805

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	May 5, 2022	3:00 PM	3:40 PM	Follow-up		54715
Permittee:		Project Name:		Project Location:		
LVBD65, LLC		LVBD65 LLC-1		SW Corner of Las Vegas Blvd and Warm Springs		
Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	86 degrees	00-04 mph	5 mph	Variable	Active
PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:		
No	Yes	Christian Lampman	Responsible Official	Phone		
		Spoke With:	Title:	Comm. Method:		
Is the project in compliance with all air quality requirements?						Yes
Action Taken:	No Action Taken		Violation in 1000 feet of:	Not Applicable		
Emission Compliance:						Yes
Fugitive Dust Source:			Plume Length:			
Opacity:			Opacity Test Method:			
BMP Compliance:						Yes
Project Soils:	Stable		Size of Instability:			
Trackout Device:	Yes - Effective		Has Trackout:	No		
Mitigation Equipment:	Adequate		Soil Crust Determination:	Not Necessary/Not Performed		
Admin Compliance:						Yes
Acreage Permitted:	25.3 acres	Observed Acreage:	25.3 acres	Project Size:	Less than or equal to permitted	
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified	
SS Permit(s):	No Equipment	SS Permit No.:		Equipment Onsite:		
Inspector Notes:			Approved By:		Katrinka Byers	
I conducted a follow-up inspection and observed LVBD65, LLC to be operating in compliance with Air Quality Regulations at this time.						

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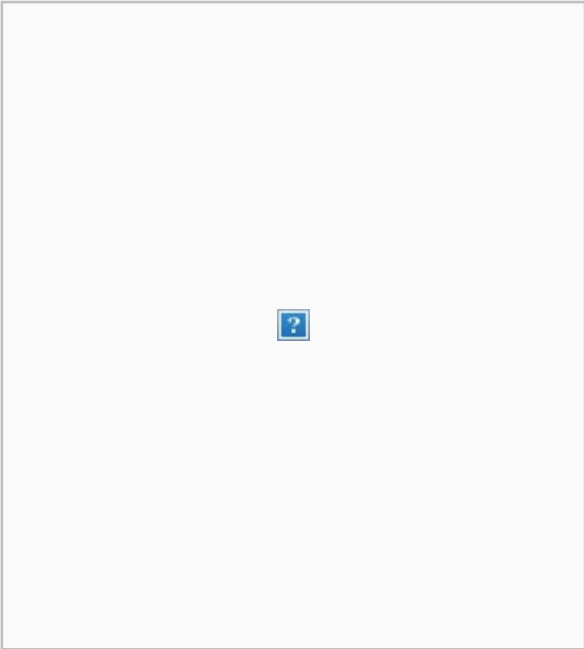


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TRACKING NUMBER	777278266697
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Christian Lampman, Responsible Offi 3635 South Fort Apache Road Unit 200-437 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9704 & 9709
SHIPPER REFERENCE	NOV 9704 & 9709
SHIP DATE	Fri 7/01/2022 04:19 PM
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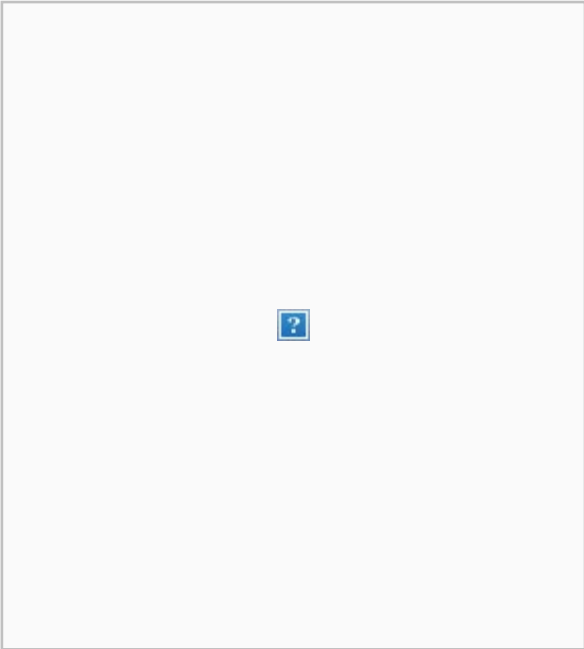


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TRACKING NUMBER	777278331949
FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	LVBD65, LLC Guy Inzalaco, Manager of 11411 Southern Highlands Parkway Suite 300 LAS VEGAS, NV, US, 89141

REFERENCE	NOV 9704 & 9709
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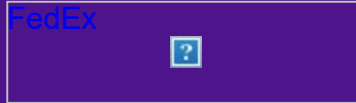
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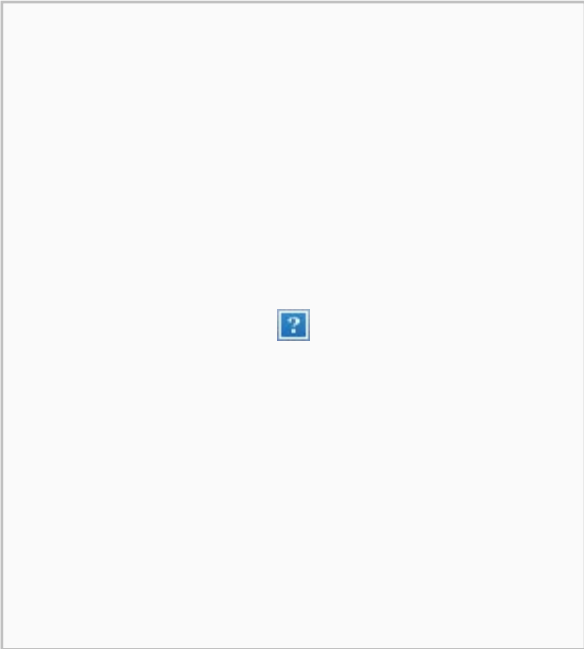


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FROM	Clark County - DAQ 4701 WEST RUSSELL ROAD SUITE 200 LAS VEGAS, NV, US, 89118
TO	E.N. Family, LLC, Manager of ACAK Irrevocable Trust, Manager of LVBD65, LLC 3635 South Fort Apache Road, Unit 2 LAS VEGAS, NV, US, 89148


REFERENCE	NOV 9704 & 9709
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DESTINATION	LAS VEGAS, NV, US, 89148
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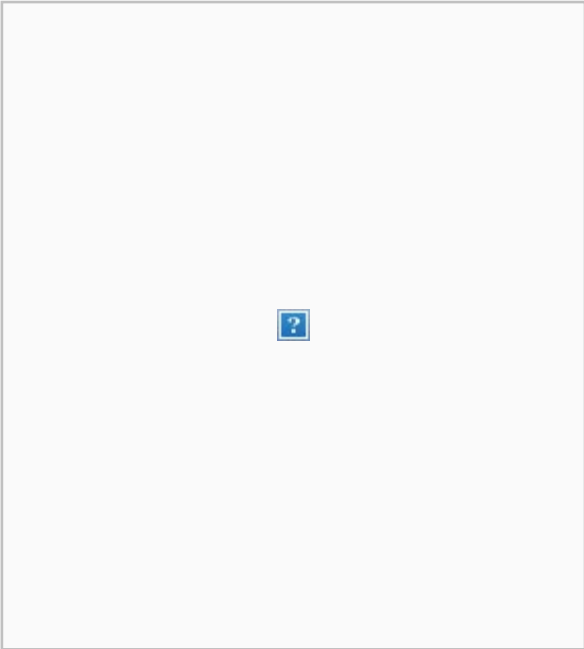
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TRACKING NUMBER [777278427835](#)

FROM Clark County - DAQ
4701 WEST RUSSELL ROAD
SUITE 200
LAS VEGAS, NV, US, 89118


TO Kirby Road 2 LLC, Manager of
Key G. Reid, Manager of
E.N. Family, LLC/LVBD65, Manager of
3635 South Fort Apache Road, Unit 2
LAS VEGAS, NV, US, 89148


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Received by B.MORENO

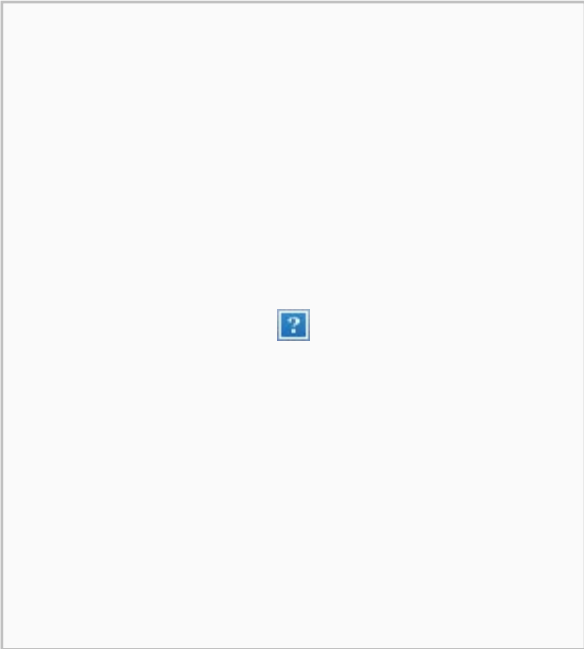
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TRACKING NUMBER [777278468905](#)

FROM Clark County - DAQ
4701 WEST RUSSELL ROAD
SUITE 200
LAS VEGAS, NV, US, 89118



TO Ladera LV, LLC, Manager of
Brandon MorenoJames Pickett, Mgrs
LVBD65, LLC
3700 Barron Way, Suite 2
RENO, NV, US, 89511

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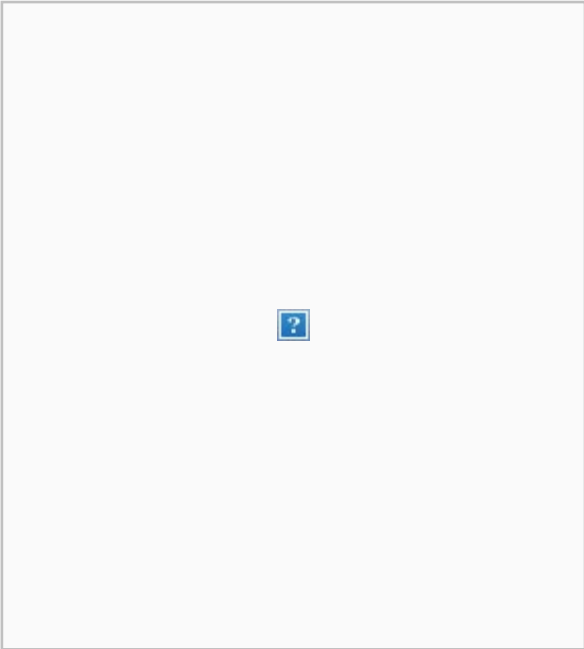


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