



Annotated Agenda

Clark County Air Pollution Control Hearing Board

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV 89118

December 4, 2024 – 1:30 P.M.

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair
Daniel Bartlett - Absent
Donald Bordelove
Troy Hildreth
Amy Lahav

Hearing Board Counsel

Nichole Kazimirovicz
Tyler T. Smith

Air Quality Staff

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

Department Counsel

Catherine Jorgenson

Administrative Secretary

Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov
Business Address: Clark County Department of Environment & Sustainability,
4701 W. Russell Road, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 1:31 p.m.

2. **PUBLIC COMMENT**
NONE

3. **APPROVAL OF MINUTES**
Approval of September 16, 2024 and October 2, 2024 meeting minutes.
(For possible action)

ACTION: APPROVED MINUTES OF SEPTEMBER 16, 2024 AND OCTOBER 2, 2024 MEETINGS AS RECOMMENDED
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav
VOTING NAY: None
ABSTAINING: None
ABSENT: Daniel Bartlett

THE BOARD TOOK ITEM 7B OUT OF ORDER AND HEARD IT AFTER ITEM 3.

RECESS AT 3:29 p.m.
RESUMED AT 3:51 p.m.

4. **STATUS CHECK REGARDING NOVs #9907, #9946, #9979, #9981, AND #10081 #10008**

Correction made in the title of Item 4: #10081 to #10008.

- A. Update on Appellants' representation.
- B. Schedule hearing on appeal of hearing officer orders in the matter of Notices of Violation: #9907 issued to Assured Development, Inc. and Joseph Yakubik; #9946, #9979, and #10008 issued to Atlas Holdings International LLC and Joseph Yakubik; and #9981 issued to Joseph Yakubik and Darcie Yakubik for January 16, 2025, at 10:00 a.m. or January 21, 2025, at 10:00 a.m.
(For possible action)
- C. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)
- D. Update on additional records requests.

ACTION: CONTINUED NOVs #9907, #9946, #9979, #9981, AND #10008 TO 9:00 A.M. ON JANUARY 28, 2025 AT WHICH TIME THE HEARINGS ON ALL APPEALS WILL BE CONDUCTED. EACH SIDE WILL BE GIVEN AN EQUAL AMOUNT OF TIME TO PRESENT THEIR CASE. PRIOR TO JANUARY 28, 2025, VICE-CHAIR DENNETT, DEPARTMENT COUNSEL, AND MR. YAKUBIK WILL DETERMINE THE SPECIFIC TIME FOR EACH NOV.
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0

VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav

VOTING NAY: None

ABSTAINING: None

ABSENT: Daniel Bartlett

ACTION: APPROVED DEADLINE FOR PARTIES TO SUBMIT PRE-HEARING BRIEFS, WITNESS LISTS, AND EXHIBITS TO BOARD SECRETARY NO LATER THAN CLOSE OF BUSINESS JANUARY 17, 2025.

BY: Board Member Dennett

SECOND: Board Member Lahav

VOTE: 5-0

VOTING AYE: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav

VOTING NAY: None

ABSTAINING: None

ABSENT: Daniel Bartlett

5. **ETON TRANSPORTATION CORP. (DCOP #57148)**

NOV #9994 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp. in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Canduella Rowsell, Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine inspection on January 8, 2024, and follow-up inspections on January 9 and 17, 2024 at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$3,500.00. Respondent appealed.

A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.

(For possible action)

B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

Board Member Hildreth disclosed that ETON Transportation Corp. is currently renting land from Las Vegas Paving for whom he works. Board Member Hildreth does not have any communications with Mr. Moe Truman, and there is no financial agreement between himself and appellants.

Vice-Chair Dennett recused himself due to a conflict of interest and did not participate in this item.

ACTION: APPROVED THE FOLLOWING SCHEDULE: HEARINGS ON APPEALS FOR NOVS #9994 AND #10078 TO BE CONDUCTED ON FEBRUARY 5, 2025 AT 10 A.M.; PRE-HEARING BRIEFS, EXHIBITS, AND WITNESS LISTS TO BE PRESENTED AT THE FEBRUARY 5, 2025 HEARING BOARD MEETING TO BE SUBMITTED TO BOARD SECRETARY NO LATER THAN JANUARY 22, 2025.

BY: Board Member Sanders

SECOND: Board Member Lahav

VOTE: 4-0

VOTING AYE: Daniel Sanders, Donald Bordelove, Troy Hildreth, Amy Lahav
VOTING NAY: None
ABSTAINING: Ryan Dennett
ABSENT: Daniel Bartlett

6. **ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN, INDIVIDUALLY (DCOP #57148)**

NOV #10078 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON, and Moe Truman, individually, in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and Section 4.1(d)(1) for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialists Canduella Rowsell and Noel Crandall, and Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 17, 2024, and follow-up inspections on July 25 and 31, 2024, and August 7 and 14, 2024, at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$17,250.00. Respondents appealed.

- A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.
(For possible action)
- B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)

SEE ACTIONS TAKEN IN ITEM 5.

7. **APPEAL OF HEARING OFFICER DECISION**

A. **GYP SUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

NOV #10036 – On September 19, 2024, the Hearing Officer found Gypsum Resources, LLC in violation of their 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and III.D.5 for installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 horsepower (hp) engine during the period from November 22, 2023, through January 29, 2024, an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, and for operating the unpaved haul road to the R07 mine at a length of 4.8 miles round trip exceeding the permitted length of 1.2 miles round trip, without first obtaining an Authority to Construct (ATC) permit from the Control Officer; for failing to report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road (Emission Unit: B04) length was modified in October 2023; and for failing to have a certified opacity reader on-site at all times the Facility was operating for a total of 134 days during the period of October 1, 2023, through March 31, 2024, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on March 27, 2024 at the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada. Prior to the Hearing, Air Quality amended NOV #10036 to correct a miscalculation in the recommended penalty amount for the two unpermitted engines in Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins, diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV and Exhibit A, the Penalty Calculation Table. The Hearing Officer assessed a penalty amount of \$34,915.54 with \$1,855.54 of that penalty to be held in abeyance

with the stipulation that Gypsum Resources LLC does not have new violations of AQRs in the same or similar category as 2022 Permit condition II.B.1 before September 19, 2025, takes steps to mitigate/correct existing violation #1 by submitting an ATC application to Air Quality within 30 days of the date of the Hearing Officer Order, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

Chair Sanders, Vice-Chair Dennett, and Board Member Hildreth recused themselves due to conflicts of interest and did not participate in this appeal.

ACTION: APPROVED THE SETTLEMENT AGREEMENT FOR NOV #10036, WHICH INCLUDES A TOTAL SUM OF \$30,415.54 TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED BOARD ORDER.
BY: Board Member Lahav
SECOND: Board Member Bordelove
VOTE: 2-0
VOTING AYE: Donald Bordelove, Amy Lahav
VOTING NAY: None
ABSTAINING: Danny Sanders, Ryan Dennett, Troy Hildreth
ABSENT: Daniel Bartlett

B. HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 372)

NOV #10048 – On September 19, 2024, the Hearing Officer found Holcim-SWR, Inc., in violation of the 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, and 2022 Permit condition III.D.12 for allowing fugitive dust to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialist Michael Newell while performing an inspection during routine surveillance on June 22, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim – SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada. The Hearing Officer assessed a penalty of \$1,875.00 with \$375.00 of that penalty to be held in abeyance with the stipulation that Holcim-SWR, Inc., does not violate AQRs before September 19, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

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

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10048 FINDING THE VIOLATION DID OCCUR.
BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Donald Bordelove, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None

ABSTAINING: Daniel Sanders
ABSENT: Daniel Bartlett

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10048 ASSESSING A PENALTY IN THE AMOUNT OF \$1,875.00, OF WHICH \$375.00 IS TO BE HELD IN ABEYANCE UNTIL SEPTEMBER 19, 2025. IF HOLCIM – SWR, INC. DOES NOT VIOLATE THE AQRs BEFORE SEPTEMBER 19, 2025 AND PAYS THE REDUCED PENALTY WITHIN 30 DAYS OF THE DATE OF THE HEARING BOARD ORDER, THEN THE SUSPENDED AMOUNT OF \$375.00 WILL BE WAIVED.

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

ACTION: ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW: THE BOARD HEARD AN APPEAL OF THE HEARING OFFICER’S DECISION WITH REGARD TO NOTICE OF VIOLATION (NOV) #10048 FOR A FUGITIVE DUST INCIDENT WHILE HOLCIM WAS OPERATING UNDER STATIONARY SOURCE OPERATING PERMIT, SOURCE ID: 372, ISSUED ON NOVEMBER 6, 2019. THE OFFICER OBSERVED THAT ON JUNE 22, 2024, HAUL TRUCKS WERE OPERATING AT THE SUBJECT SITE, AND THERE WERE INADEQUATE DUST CONTROL MEASURES TAKEN ON THE HAUL ROADS CAUSING SIGNIFICANT INCIDENTS OF UNCONTROLLED FUGITIVE DUST IN VIOLATION OF THE SUBJECT PERMIT SPECIFICALLY CONDITIONS III.B.31 AND III.D.12. THE PERMIT CONDITIONS STIPULATED THAT THE PERMITTEE SHOULD HAVE BOTH PRECLUDED FUGITIVE DUST AND TAKEN REASONABLE MEASURES TO ENSURE THAT FUGITIVE DUST WAS NOT DISCHARGED FROM THESE HAUL ROADS. AS PART OF THE DE NOVO APPEAL OF THE NOV, THE BOARD HAS FOUND THAT THE NOV IS APPROPRIATELY ENTERED FOR VIOLATION OF PERMIT CONDITIONS III.B.31 AND III.D.12 AND A FINE FOR THE VIOLATION OF THOSE PERMIT REQUIREMENTS HAS BEEN ENTERED IN THE AMOUNT OF \$1,875.00 WITH \$375.00 OF THAT BEING HELD IN ABEYANCE, PENDING NO FURTHER VIOLATIONS BY HOLCIM-SWR, INC., SOURCE ID: 372, PRIOR TO SEPTEMBER 19, 2025.

BY: Board Member Lahav
SECOND: Board Member Hildreth
VOTE: 4-0
VOTING AYE: Donald Bordelove, Troy Hildreth, Amy Lahav, Ryan Dennett
VOTING NAY: None

ABSTAINING: None
ABSENT: Daniel Bartlett, Daniel Sanders

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

NONE

9. **PUBLIC COMMENT**

NONE

10. **ADJOURNMENT** 4:43 p.m.

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

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