



APPROVED APC HEARING BOARD
DATE: October 5, 2022
BY: Marc Henson
Board Secretary

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.

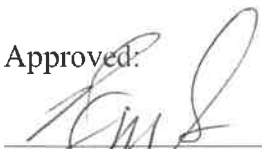
9. PUBLIC COMMENT

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

10/5/2022
