



APPROVED APC HEARING BOARD
DATE: ~~February 4, 2026~~
BY: ~~Sherrie Rogge~~
Board Secretary

togetherforbetter

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

December 3, 2025

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 10:00 a.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*
Daniel Bartlett (arrived at 10:12 a.m.)
Donald Bordelove
Troy Hildreth
Amy Lahav

ABSENT: *Ryan L. Dennett, Vice Chair, left the meeting at 10:05 a.m.

HEARING BOARD
COUNSEL: Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Marci Henson, Director
Shibi Paul, Deputy Director
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

DEPARTMENT
COUNSEL: Timothy J. Allen, Deputy District Attorney

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. APPROVAL OF MINUTES OF THE AUGUST 6, 2025, MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the August 6, 2025 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Lahav, that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav

Voting Nay: None

Abstaining: None

Absent: Daniel Bartlett

4. APPEAL OF HEARING OFFICER DECISION

A. PALM PROPERTIES, LLC AND ROBERT LAUER (APNs: 161-08-810-082 and 161-08-810-083)

NOV #10150 – On July 17, 2025, the Hearing Officer found Palm Properties, LLC and Robert Lauer, individually, in violation of Section 92.3.1 for operating an unpaved parking lot/storage yard on the property from January 9, 2025, through February 7, 2025, as identified by Air Quality Specialist Allan Gutierrez while performing a routine inspection on September 18, 2024, and follow-up inspections on November 19, 2024, December 5, 2024, and January 9, February 24, and March 18, 2025, at the unpaved parcels of land (Assessor's Parcel Numbers 161-08-810-082 and 161-08-810-083) located at 3125 South Nellis Boulevard, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$7,500.00. Respondents appealed.

Conduct Hearing and Render Decision
(For possible action)

B. PALM PROPERTIES, LLC AND ROBERT LAUER (APNs: 161-08-810-082 and 161-08-810-083)

NOV #10163 – On July 17, 2025, the Hearing Officer found Palm Properties, LLC and Robert Lauer, individually, in violation of Section 92.3.1 for operating an unpaved parking lot/storage yard on the property from February 8, 2025, through March 9, 2025, as identified by Air Quality Specialist Allan Gutierrez while performing follow-up inspections on January 9, February 24, March 18, April 2, and May 6, and May 27, 2025, and a complaint investigation on April 15, 2025, at the unpaved parcels of land (Assessor's Parcel Numbers 161-08-810-082 and 161-08-810-083) located at 3125 South Nellis Boulevard, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$7,500.00. Respondents appealed.

Conduct Hearing and Render Decision
(For possible action)

Palm Properties, LLC and Robert Lauer submitted a request to the APC Hearing Board for continuance of NOVs #10150 and #10163. Representatives were not in attendance.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Hildreth to continue NOVs #10150 and #10163 to the February 4, 2026, Hearing Board meeting.

Voting Aye: Daniel Sanders, Ryan Dennett, Donald Bordelove, Troy Hildreth, Amy Lahav
Voting Noe: None
Abstaining: None
Absent: Daniel Bartlett

C. TONOPAH & TIDEWATER RAILROAD CO., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MITCHELL TRUMAN (Assessor's Parcel Numbers 161-07-103-014, 161-07-103-015, and 161-07-103-016)

NOV #10161 – On September 18, 2025, the Hearing Officer found Tonopah & Tidewater Railroad Co., Environmental Transportation of Nevada, LLC d/b/a ETON, and Mitchell Truman, individually, in violation of Section 92.3.1 for constructing and operating an unpaved parking lot/storage yard on the property from January 4, 2025, through and including February 2, 2025, as identified by Senior Air Quality Specialist Andrew Kirk during an inspection on December 5, 2024, and follow-up inspections on January 9, 16, 23, and 30, February 11, 19, and 26, March 6, and 13, and May 28, 2025 of unpaved parcels of land (Assessor's Parcel Numbers 161-07-103-014, 161-07-103-015, and 161-07-103-016) located at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$15,000.00. Respondents appealed.

Conduct Hearing and Render Decision
(For possible action)

Vice-Chair Dennett recused himself due to a potential conflict of interest and left the meeting at 10:05 a.m.

Russell G. Gubler, State Bar No. 10889, 8831 West Sahara Avenue, Las Vegas NV 89117, Attorney for the Respondents, Tonopah & Tidewater Railroad Co., Environmental Transportation of Nevada, LLC d/b/a ETON, and Mitchell Truman.

Timothy Allen, Deputy District Attorney, State Bar No. 14818, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Department of Environment and Sustainability, Division of Air Quality (Air Quality).

Chair Sanders swore the following person in for questioning:

Mitchell Wade Truman, ETON Transportation Corp., 2596 Stratford Ave., Las Vegas

Mr. Gubler requested that Exhibits 30 through 32 which were the transcriptions of hearings on prior NOVs #9994 and #10078 and Exhibit 38 – Transcription of the September 18, 2025 Air Pollution Control Hearing Officer meeting be used in lieu of testimony already provided. Mr. Gubler later clarified that he was requesting all submitted exhibits be admitted into the record.

Mr. Allen stated that he didn't have an objection to having the transcription from prior hearings submitted; but he would still like the right to call witnesses and present evidence to the Hearing Board, so they have the opportunity to ask any questions and judge the credibility of witnesses.

The Board accepted the exhibits for the record.

Board Member Daniel Bartlett arrived at the meeting at 10:12 a.m.

Mr. Gubler presented his client's case.

Mr. Gubler requested Exhibit 44 - Binder of Properties Achieving Long Term Stabilization Without 3/4" Clean Gravel be entered as an exhibit.

Mr. Allen presented Air Quality's case for NOV #10161.

Chair Sanders swore the following people in for questioning by Mr. Allen and Mr. Gubler:

Andrew Kirk, Senior Air Quality Specialist, Dust Section
David Dean, Air Quality Supervisor, Dust Section
Anna Sutowska, Air Quality Supervisor, Enforcement Section

Mr. Allen and Mr. Gubler questioned all three witnesses.

General discussion ensued amongst the Board.

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Bartlett, to deny the appeal and affirm the Hearing Officer Order in the matter of NOV #10161 as it relates to the findings of violation.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Donald Bordelove, Troy Hildreth, Daniel Bartlett, Amy Lahav
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Bartlett, to affirm the Hearing Officer Order in the matter of NOV #10161 for the assessment of an administrative penalty in the amount of \$15,000.00.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Donald Bordelove, Troy Hildreth, Daniel Bartlett, Amy Lahav
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett

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

Chair Sanders requested staff to provide more details on how exemptions for paving, as they relate to AQR 92.3.3 – Paving Exemptions for New Parking Lot(s) or Storage Area(s), and approvals for alternate control measures can be requested by customers and the process Air Quality uses to approve them.

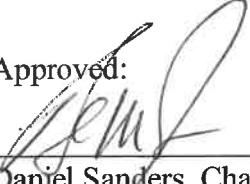
6. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

7. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 11:19 a.m.

Approved:



Daniel Sanders, Chair

02/04/2026
Date