



togetherforbetter

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

December 3, 2025 – 10:00 AM

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 people 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, agenforcement@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-notice

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair
Daniel Bartlett (arrived at 10:12 AM)
Donald Bordelove (Joined via MS Teams)
Troy Hildreth
Amy Lahav

Hearing Board Counsel

Nichole Kazimirovicz

Air Quality Staff

Marci Henson, Director
Shibi Paul, Deputy Director
Anna Sutowska, Air Quality Supervisor

Department Counsel

Timothy J. Allen

Administrative Secretary

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

1. **CALL TO ORDER** 10:00 AM

2. **PUBLIC COMMENT**
NONE

3. **APPROVAL OF MINUTES**
Approval of August 6, 2025 meeting minutes.
(For possible action)

ACTION: **APPROVED MINUTES OF AUGUST 6, 2025, MEETING AS
RECOMMENDED**

BY: **Board Member Dennett**

SECOND: **Board Member Lahav**

VOTE: **5-1**

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

VOTING NOE: **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)

**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.**

ACTION: **CONTINUED NOVS #10150 AND #10163 TO FEBRUARY 4,
2026.**

BY: **Board Member Sanders**

SECOND: **Board Member Hildreth**

VOTE: **5-1**

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

VOTING NOE: **None**

ABSENT: **Daniel Bartlett**

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)

SEE ACTION TAKEN IN ITEM A.

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 conflict of interest and left the meeting at 10:05 a.m.

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

The Board accepted the September 18, 2025, Air Pollution Control Hearing Officer meeting transcript and exhibits be used for the record in lieu of testimony already provided. Both sides presented their cases.

Appellants submitted Exhibit 44 as additional evidence.

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10161 AS IT RELATES TO THE FINDINGS OF VIOLATION.

BY: Board Member Lahav

SECOND: Board Member Bartlett

VOTE: 5-0

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

VOTING NOE: None

ABSENT: Ryan Dennett

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10161 FOR THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$15,000.00.

BY: Board Member Lahav

SECOND: Board Member Bartlett

VOTE: 5-0

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

VOTING NOE: None

ABSENT: Ryan Dennett

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

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
NONE

7. ADJOURNMENT 11:19 a.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://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/hearings-notices 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)