



Clark County Air Pollution Control Hearing Board

Annotated Agenda

June 8, 2006 – 1:30 P.M.

**Clark County Commission Chambers
500 South Grand Central Parkway
Las Vegas, Nevada 89155**

Hearing Board Members

**James Lavelle, Esq., Chairman
Dan Sanders, Vice-Chairman
Mark S. Ireland
Bruce Johnson, P.E.
Lorraine M. Marshall
Charles R. Parrish**

Hearing Board Counsel

William Levy, Esq.

Deputy District Attorney

Catherine Jorgenson, Esq.

Air Quality Staff

**Christine Robinson, Director
Robert Folle, Compliance Manager**

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the Clark County Air Pollution Control Hearing Board be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting. BUT, a request for notice lapses six months after it is made. The Clark County Air Pollution Control Hearing Board informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM	ACTION REQUESTED
I. CALL TO ORDER	1:35 P.M.
II. OATH OF OFFICE <ol style="list-style-type: none"> 1. James V. Lavelle (Attorney member) (Term of Office for the above - 7/24/06-7/24/09) 2. Daniel M. Sanders (Contractor member) (Term of Office for the above - 7/24/06-7/24/09) 3. Charles R. Parrish (Citizen member) (Term of Office for the above - 7/24/06-7/24/09) 	<ol style="list-style-type: none"> 1. James V. Lavelle took Oath of Office. 2. Daniel M. Sanders took Oath of Office. 3. Charles R. Parrish took Oath of Office.
III. RESIGNATION OF BRET BIRDSONG, CITIZEN MEMBER	Duly noted.
IV. APPROVE MINUTES OF APRIL 13, 2006	APPROVED
V. REPORT BY DAQEM STAFF <ol style="list-style-type: none"> 1. Air Quality Report 2. Regulatory Developments 3. Monthly Activity Report 4. Executive Summary Report 5. Status Report on Active Appeals <ol style="list-style-type: none"> a. Chemical Lime Company - ATC/OP #A00003- Apex, NV b. Granite Construction Incorporated - ATC/OP #A00003- Apex, NV c. J. R. Simplot Company dba Simplot Silica Products, Inc. - CAO #3963- Overton, NV d. City of Las Vegas - CAO #CMC-314 e. Clark County School District - CAO #CMC-315 6. Updates on Pending Appeals <ol style="list-style-type: none"> a. J. R. Simplot - Title V, Final Action b. Frehner Construction Company - ATC/OP #A15355 c. Casino Ready Mix - ATC/OP #A15355 Permit Conditions 	<ol style="list-style-type: none"> 1. No exceedances of PM₁₀ or 8-hr CO since last board meeting. One possible exceedance of 8-hr ozone standard on 5/12/06. 2. Continuing regulation improvement process (RIP). Currently working on §12- Pre-construction Review for New or Modified Stationary Sources. Final workshop scheduled for 6/21/06. 3. Duly noted. 4. Report was not completed. Will be mailed. 5. No change in status. 6. No change in status.

ITEM	ACTION REQUESTED
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VI. REPORT BY HEARING BOARD COUNSEL	NONE
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VII. MATTERS REQUIRING BOARD ACTION DISCUSSION/POSSIBLE ACTION	
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<p>Certificate of Exemption</p> <p>SWAN HILL NURSERIES, LLC – Renewal of Certificate of Exemption for distributing and marketing a low pollinating olive tree for the next three (3) years. (Expiration: July 10, 2006)</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>Board granted a three-year extension of Certificate of Exemption.</p>
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<u>APPEALS:</u>	
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<p>1. MEDIA OWL, INC. – NOV #5561 – Appealing Hearing Officer decision. Hearing Officer found Media Owl, Inc. in violation of Subsection 12.1.1.1 for failure to obtain an Authority to Construct/Operating Permit (ATC/OP) prior to commencing operation on April 10 and May 16, 2005; and Subsection 4.7.2.4 for failure to comply with a final Corrective Action Order on April 27 and May 16, 2005 at its Polycarbonate CD/DVD Manufacturing Process facility, located at 6231 McLeod Drive, Suites #G & H, in Clark County, Nevada. Parties have reached an agreement. Staff will present Stipulation/Order for Board’s Approval.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>Board approved Stipulation & Order to Resolve Appeal, which included a \$1,000 penalty.</p>
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<p>2. WYNN LAS VEGAS, LLC – Appeal of Corrective Action Order #SJ-152, dated September 15, 2005. Wynn Las Vegas was directed to submit an application to consolidate all emission units located at 3131 Las Vegas Boulevard South on or before November 1, 2005; install a non-resettable fuel meter emission unit A15 and A16 no later than November 14, 2005; immediately begin recording and monitoring the natural gas consumed daily, daily and annual fuel usage, daily and annual product usage; immediately perform inspections of the spray booths and ancillary equipment; and submit a performance testing protocol for approval to DAQEM for approval no later than November 14, 2005, at the Wynn Las Vegas Hotel Casino and Wynn Park, located at 3131 Las Vegas Boulevard South, Las Vegas, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>Continued from April 13, 2006 meeting</p> <p>Parties are working to resolve matter. Continued to next available board meeting.</p>
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ITEM	ACTION REQUESTED
<p>3. PACE CONTRACTING COMPANY – Appeal of Corrective Action Order #WP-1246, dated January 3, 2006. Pace Contracting Company was directed to: immediately cease all construction activities and stabilize all areas disturbed until a Dust Control Permit has been obtained and is in possession; and submit a complete application for a Dust Control Permit by January 6, 2006, at the Don E. Hayden Elementary School CCSD#1491, located at 150 Rome Boulevard in Clark County, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>DAQEM presented letter from Thomas Fallon, president of Pace Contracting Company, withdrawing appeal. Matter taken off calendar.</p>
<p>4. PACE CONTRACTING COMPANY – Appeal of Corrective Action Order #WP-1247, dated January 5, 2006. Pace Contracting Company was directed to: immediately cease all construction activities and stabilize all areas disturbed until a Dust Control Permit has been obtained and is in possession; submit a complete application for a Dust Control Permit by January 5, 2006; immediately employ Best Management Practices for dust control to comply AQR; and remove all trackout and soil debris on Rome Boulevard from Commerce Street to Goldfield Street, and on Goldfield Street from Rome Boulevard to Centennial, including curbs, gutters, and sidewalks at the Don E. Hayden Elementary School CCSD#1491, located at 150 Rome Boulevard in Clark County, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>DAQEM presented letter from Thomas Fallon, president of Pace Contracting Company, withdrawing appeal. Matter taken off calendar.</p>
<p>5. CITATION HOMES, INC. – NOV # 5368 – Appealing Hearing Officer decision. Hearing Officer found Citation Homes, Inc. in violation of Subsection 94.4.1 for failure to obtain a Dust Control Permit for all areas subject to construction activities on October 31, and November 1 and 5, 2004; Subsection 94.9.1 for failure to employ Best Available Control Measures for the purpose of dust control on October 31, and November 1 and 5, 2004; and Subsection 94.7.4.2 for failure to comply with a Corrective Action Order on November 1 and 5, 2004, at the Van Buren 4 Plex residential construction project, located at the southeast corner of Lamb Boulevard and Van Buren Avenue in Clark County, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>DAQEM withdrew alleged violation of 94.7.4.2 on November 1, 2004. Board denied appeal. Board found Citation Homes, Inc. in violation. \$6,500 penalty assessed.</p>

ITEM	ACTION REQUESTED
<p>6. CITATION HOMES, INC. – NOV # 5451 – Appealing Hearing Officer decision. Hearing Officer found Citation Homes, Inc. in violation of Subsection 94.9.1 for failure to employ Best Available Control Measures for the purpose of dust control on January 23, 24 and 25, 2005; Subsection 94.4.1 for failure to obtain a Dust Control Permit for all areas subject to Construction Activities on January 24 and 25, 2005; and Subsection 94.7.4.2 for failure to comply with a Corrective Action Order on January 24 and 25, 2005, at the Van Buren 4 Plex residential construction project, located at the southeast corner of Lamb Boulevard and Van Buren Avenue, and the Sunrise Vistas II residential construction project, located at the northwest corner of Van Buren Avenue and Blushing Bride Street in Clark County, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>Board denied appeal. Board found Citation Homes, Inc. in violation. \$8,000 penalty assessed.</p>
<p>7. CITATION HOMES, INC. – NOV # 5516 – Appealing Hearing Officer decision. Hearing Officer found Citation Homes, Inc. in violation of Subsection 94.9.1 for failure to employ Best Available Control Measures for the purpose of dust control on March 7, 10, and 13, 2005; Subsection 94.4.1 for failure to renew or obtain a new Dust Control Permit prior to the expiration of a Dust Control Permit on March 7, 2005; and Subsection 94.7.4.2 for failure to comply with a Corrective Action Order on March 13, 2005, at the Van Buren 4 Plex residential construction project, located at the southeast corner of Lamb Boulevard and Van Buren Avenue, and the Sunrise Vistas II residential construction project, located at the northwest corner of Van Buren Avenue and Blushing Bride Street in Clark County, Nevada.</p>	<p>GRANT/DENY/TAKE OTHER APPROPRIATE ACTION</p> <p>Board denied appeal. Board found Citation Homes, Inc. in violation. \$9,000 penalty assessed.</p>

VIII. CITIZEN PARTICIPATION – PUBLIC APPEARANCES

Items raised under this portion of the Agenda cannot be acted upon by the Board until the Notice provisions of the Nevada's Open Meeting Law have been complied with. However, public response may be considered on specific Agenda items. Speaking time will be limited to five (5) minutes per person.

IX. ADJOURNMENT

5:55 P.M.

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be made available; phone 455-3530, TDD 385-7486, or Relay Nevada toll-free (800) 326-6868 TT/TDD. Assistive listening devices are available upon request at the Clerk's table.

COPIES OF THIS AGENDA HAVE BEEN POSTED IN THE LOBBY AT THE FOLLOWING LOCATIONS: 1) LAS VEGAS CITY HALL; 400 E. Stewart Avenue, Las Vegas, NV; 2) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) BOULDER CITY, CITY HALL; 400 California Avenue, Boulder City, NV; 5) CITY OF MESQUITE, 10 E. Mesquite, Mesquite, NV; 6) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV; and 7) CLARK COUNTY HEALTH DISTRICT (MAIN CENTER), 625 Shadow Lane, Las Vegas, NV.